



PLANNING CONTROL COMMITTEE
14 April 2016

ITEM 7

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Applications to be Considered

SUMMARY

- 1.1 Attached at Appendix 1 are the applications requiring consideration by the Committee.

RECOMMENDATION

- 2.1 To determine the applications as set out in Appendix 1.

REASONS FOR RECOMMENDATION

- 3.1 The applications detailed in Appendix 1 require determination by the Committee under Part D of the Scheme of Delegations within the Council Constitution.

SUPPORTING INFORMATION

- 4.1 As detailed in Appendix 1, including the implications of the proposals, representations, consultations, summary of policies most relevant and officers recommendations.

OTHER OPTIONS CONSIDERED

- 5.1 To not consider the applications. This would mean that the Council is unable to determine these applications, which is not a viable option.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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Planning Control Committee**

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 20	06/15/00809	Oaklands, 103 Duffield Road, Derby.	Demolition of former coach house and outbuilding. Alterations and change of use of building from clinic (Use Class D1) to dwelling house (Use Class C3) and erection of nine dwelling houses with associated access	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	20 - 34	11/15/01348	Land at the side and rear of The Hill, 402 Duffield Road, Derby.	Residential development (4 dwellings)	To grant planning permission with conditions
3	35 - 48	10/15/01277	19 Cornhill, Allestree.	Erection of dwelling house	To grant planning permission with conditions
4	49 - 78	10/15/01278	19 Cornhill, Allestree.	Part demolition of front boundary wall and erection of detached dwelling house	To grant consent conditionally
		09/15/01172	Land off North Avenue, Darley Abbey.	Outline for residential development of up to 49 dwellings and areas of open space.	To recommend the Committee would be minded to refuse permission

1. Application Details

Address: Land at the Oaklands, 103 Duffield Road, Derby.

Ward: Darley

Proposal:

Demolition of former stable building and outbuilding, alterations and change of use of building from clinic (Use Class D1) to dwelling house (Use Class C3) and erection of nine dwelling houses with associated vehicular access.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98442>

This application was deferred at the previous committee meeting for a site visit to be undertaken by the committee members. The site visit to the site and Queen Mary Court was undertaken on the morning of 23 March.

The application seeks full permission for residential development and change of use at the Oaklands site, 103 Duffield Road. The site lies within the Strutts Park Conservation Area and relates to a mid- 19th Century former residential villa and its grounds, which is a non-designated heritage asset. The two storey building has a rendered façade, with stone detailing and hipped roof. There are understood to be original features of interest within the interior of the building. The building has been in use most recently as offices operated by the NHS. There is a two storey former stable building, on the northern boundary of the site, which is associated with the main building, which has been disused for a considerable period of time. It is of brick construction with a slate roof and is in a poor state of repair. There is an access to the site from Duffield Road, with a substantial stone wall boundary wall along the road frontage. There is evidence of the gardens to the south of the Oaklands building with the land to the west laid out as a car park. There are groups of mature trees within the site along the south and east boundaries and a group overhanging the western boundary from Highfield Road.

The surrounding area is characterised by 19th Century villas and houses, in Strutts Park Conservation Area and to the west on Highfield Road. There is a modern housing development abutting the southern boundary of the site, at Queen Mary Court, which lies on the former Queen Mary Hospital site. To the north of the site is a medical centre and associated offices.

The proposed development on the site, can be subdivided into three elements: change of use of the Oaklands building into a single dwelling, demolition of the former stable building and ancillary building and the erection of a terrace of nine two storey dwellings.

The Oaklands would be converted from the current office use, into a single dwelling with six bedrooms. It was originally built as a dwelling and is proposed to be converted to residential use with minimal alterations to the fabric of the building. A

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Application No: DER/06/15/00809

Type: Full

detached double garage is to be sited to the rear of the building, accessed from the driveway from Duffield Road. It would be a brick and slate construction, with a hipped roofline and timber doors and measures approx. 6.8 x 6.3 metres in area.

The stable building and ancillary storage building would be demolished to accommodate the residential development of nine dwellings on the site. The application has been accompanied by a structural survey, costs report and valuation appraisal to demonstrate that conversion of the stable building is not economically viable.

A development of nine terraced dwellings would be formed on the western part of the site. It would take the form of a single row of three bedroom, two storey properties, fronting towards the retained Oaklands building and curtilage. There would also be accommodation in the roof space with roof lights on the rear elevation. The terrace would be of brick construction with a pitched tiled roof, tall narrow window openings and stone detailing to eaves and window surrounds. Each dwelling would have a private rear garden and a single parking space to frontage. A private parking area for residents and visitors would be provided with 10 spaces to the front of the development with access served off Queen Mary Court. The external areas are to be landscaped with additional planting and boundary treatment between the retained Oaklands and the housing development. The development would be accessed via a new private drive formed from the turning head on Queen Mary Court, to the south of the site. The driveway would be a shared surface, serving the new dwellings and the additional parking spaces.

The proposed development would require the removal of eight of the trees within the site, which are located in the central part of the site, where the proposed access road is to be located.

The application is accompanied by various supporting documents including a Design and Access Statement incorporating heritage assessment, Bat Survey and Revised Bat Survey, Arboricultural Survey Report & Method Statement and Structural Survey and Report.

Following the previous committee meeting the agent has made amendments to the side elevation of Plot 1 of the development, to remove the proposed first floor window opening. A ground floor bathroom window has been retained on this elevation.

2. Relevant Planning History:

Application No:	12/14/01747	Type:	Full Planning Permission
Status:	Withdrawn Application	Date:	11/03/2015
Description:	Demolition of lodge building and 2 no. small ancillary buildings. The removal of 10 no. trees. Erection of 11 no. two storey dwellings with access to site provided off Queen Mary Court.		
Application No:	03/07/00436	Type:	Conservation Area Consent
Status:	Refused	Date:	03/05/2007
Description:	Demolition of stable block and store		

3. Publicity:

Neighbour Notification Letter – 83 households

Site Notice - Yes

Statutory Press Advert - Yes

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

Twenty five objections have been received to the application, including objections from Ward Councillors Repton and Stanton and the Derby Civic Society:

- Demolition of the former stable building would have adverse impact on the setting of the Oaklands
- The building of dwellings on the former garden of the Oaklands would detract from the character and appearance of the Conservation Area
- Overdevelopment of the site out of keeping with the character of the surrounding area
- The loss of the adjacent villa to form Queen Mary Court should not be a precedent for this development.
- Welcome the retention of the Oaklands building and conversion to a dwelling.
- The construction access to the site must be from Duffield Road.
- Proposed tree species to front of the new dwellings is not acceptable since they will block daylight.
- Side elevation window to Plot 1 would result in overlooking to adjacent dwellings on Queen Mary Court.
- Density of housing for the new development is too high.
- Detrimental impact on the Conservation Area and World Heritage Buffer zone.
- Building materials should be in keeping with the local area.
- Queen Mary Court is too narrow to form a suitable vehicular access into the development and there would be an increase in on-street parking.
- The increase in traffic movements in Queen Mary Court would cause harm to highway safety for local residents.
- Access should be formed off Duffield Road.
- The loss of trees is unacceptable and there would be damage to trees along the boundary.

5. Consultations:

CAAC:

No objections.

Highways Development Control:

The development proposes to build a terrace of nine dwellings, which will be served by a private road. Consequently, the development has been assessed on the basis that it should be 'fit for purpose' rather than to an adoptable standard. A 'fit for purpose' standard means that it is considered that the layout will serve the residents adequately in terms of parking, servicing etc. It does not meet full adoptable design standards will therefore never be maintained by the Council. The cost of maintenance of the roads will need to be met by the residents using a private contractor.

The developer is proposing to provide 200% parking provision which should be more than adequate to serve the proposed development.

The development also includes the refurbishment of 'Oaklands' to be used as a single private dwelling with access direct to Duffield Road. The developer has proven that a large car can enter and leave Duffield road in a forward gear.

It is proposed that the 9 dwellings will take access from Queen Mary Court, which is adopted public highway. Queen Mary Court is a cul-de-sac serving 20 detached dwellings. The initial length of Queen Mary Court from Duffield Road is a standard 5.5m wide road with footways. The carriageway between 25 and 29 Queen Mary Court is an unusual design which has a 15m length of narrow carriageway at only 3.85m linking the spine road to a square turning area. This does not conform to modern design standards for adoptable roads.

The City Council uses the 7Cs Design Guide as design guidance for new residential streets. In respect of a non-adoptable road serving between 6 to 25 dwellings the guide suggests that the minimum road width should be 4.8m. In terms of the proposed road, the developer is proposing a 6m wide road which more than meets the requirement of the design standard. It is Queen Mary Court that is a substandard width. The short section of 3.85m wide road mentioned above is not wide enough for two cars to pass each other.

The planning guidance against which this application should be judged is given in the Nation Planning Policy Framework (NPPF), which in respect of highways says;

"Plans and decisions should take account of whether:

- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Therefore it has to be determined if the proposed access is considered safe and suitable and if the impact will be severe? Given that it is not considered that overspill

parking is likely to be an issue, the two elements to be considered are congestion and safety.

In terms of congestion the level of traffic likely to be generated by the 9 dwellings is determined by multiplying the number of dwellings with the peak hour traffic generation derived from the industry standard TRICS database. The empirical evidence from the database says that the peak hour 2-way traffic generation will be approximately 0.77 trips per dwelling. Therefore the likely peak hour traffic generation from 9 dwellings will be in the region of 7 trips in the peak hours (for clarity this means 7 two-way trips in the period of say 8am to 9am clearly the development will generate other trips either side of this period i.e. before 8am and after 9am, this is similar in the pm peak). Clearly this is a very low level of traffic generation which is unlikely to cause severe congestion.

In terms of road safety, the fact that a vehicle has to turn right through 90 degrees at the end of Queen Mary Court means the vehicle will be travelling slowly. Although as mentioned above the narrow section of Queen Mary Court can only accommodate a single vehicle this will result either in drivers waiting for each other to pass through the narrow section or drivers using the footway to pass each other. On my recent visits to the site I saw vehicles parked on the footways in this section of Queen Mary Court. There is a possible solution to overcome footway parking would be for the developer to be required to pay to convert Queen Mary Court between 25 and 29 into a shared surface road i.e. to convert the existing carriageway and footways into a single level block paved surface. This would however cause considerable disruption for residents.

The only issue which the proposed access raises is the suitability of the narrow section of Queen Mary Court to accommodate the traffic generated by the proposed dwellings. It would be possible to make a case both ways. I think however that due to the need for new housing in the city and the fact it is a brown field site, it would be very difficult to demonstrate the proposed access is unsafe, due to the low traffic speeds on the existing road and small number of additional car trips which would be generated.

Any permission should be subject to conditions to secure provision of the parking and turning areas, the proposed access onto Queen Mary Court, provide surface water drainage and visibility splays.

Highways Land Drainage:

The application is for a development of 9 new dwellings and an alteration of 1 existing dwelling mainly on land that is greenfield as far as drainage is concern. The application form indicates that the surface water drainage is to be to SuDS without any reference to the existing dwelling and with no other details of drainage. Drainage of the existing dwelling may continue to be disposed as is with a reduction for the expected rainfall intensity increase of 20% due to climate change. I can support the application provided that the surface water drainage of the 9 proposed properties are disposed to Sustainable Features and to ensure this I consider that any grant of planning permission should be conditioned to secure a suitable sustainable drainage scheme.

Natural Environment:

In relation to the retention of trees on site, the submitted application provides a marked improvement over the previous application DER/12/14/01747.

All the trees fronting Duffield Road are now retained and the proposed housing to the rear of the site has been pulled far enough forward to eliminate potential pressure on the owners of trees on Highfield Road to keep their trees constantly pruned back.

The only trees now proposed for removal are situated towards the centre of the site; trees 8, 9, 10, 14, 15, 16 and groups 2 and 3, as identified in the submitted Arboricultural Survey Report and Method Statement. Of these, trees 14, 15 and 16 are outside the site, being on land off Queen Mary Court to the south.

All of these trees, except number 10, we had previously raised no objections to their removal because we considered that they didn't have significant public visual amenity to warrant a TPO being made.

For information, trees 14, 15 and 16 are not protected by TPO 64, an area order, the trees being planted as part of the landscaping scheme for Queen Mary Court after the TPO was confirmed.

Previously, tree 10 (cherry) was to be retained, but as it also doesn't have significant public visual amenity, plus tree 11 (yew) nearby is now to be retained, I'm happy for the cherry to be removed.

Therefore, as long as the developer submits an arboricultural impact assessment, as recommended in the submitted Arboricultural Survey Report and Method Statement, to demonstrate that the trees being retained are not at risk from the implementation of the proposed development, then I have no further comment to make other than having the usual standard conditions to ensure tree protection measures, such as protective fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in the root protection area of trees to be retained.

Derbyshire Wildlife Trust:

On the basis of the submitted Bat Survey and the Revised Bat Survey the following comments have been received

We are now in receipt of a Revised Bat Survey report prepared by FPCR dated July 2015 which presents the results of a further inspection of the interior and exterior of the buildings carried out on 22nd July 2015 prior to the undertaking of a nocturnal survey.

We would advise that the survey was carried out during the optimal survey period in good weather conditions.

No evidence of bats was recorded during the building inspection and no bats were observed emerging from or entering the buildings during the survey.

We would therefore advise that it likely that the assessment that has been undertaken for bats meets Government guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has now been supplied

to enable the Council to make an informed decision in accordance with the guidelines and determine the application. In addition, the submission of the revised report now gives the Council confidence that a planning decision can be made having fully taken European Protected Species into account and that the Council has given regard to their obligations as set out within the Habitats Regulations 2010. In summary, no evidence of bats was found and we therefore advise the Council that no impacts on bats are anticipated as a result of the proposed development.

A number of bats were recorded foraging and commuting across the site during the nocturnal survey.

The National Planning Policy Framework (NPPF) seeks to encourage opportunities to incorporate biodiversity in and around development and the proposal provides an opportunity to incorporate bat roost features in the new dwellings to enhance the local bat population.

We therefore advise that in the interests of biodiversity and to accord with the National Planning Policy Framework a condition to secure biodiversity enhancement features should be attached to any permission.

Police Liaison Officer:

As with the withdrawn application DER/12/14/01747 we would ask that approval is conditional upon secure enclosure for the development from the neighbouring Medical Centre.

As the proposed new portion of the application now consists of a single linear terraced row, private boundaries are now simpler and defined, but we would ask, again likely to be part of a condition regarding boundaries, that the two communal rear garden access routes are securely gated from the front building elevation and key lockable from both sides by residents of all plots using these undercroft accesses.

Historic England:

Historic England welcomes the retention of Oaklands as part of the current scheme. However, in our view the proposal to demolish the associated former stable building and the proposed new development within the grounds would have a harmful impact in the character and appearance of the conservation area.

Your authority will therefore need to be satisfied that there is clear and convincing justification for the harm to significance arising from the loss of the former stable and proposed development within the grounds of Oaklands (Paragraph 132 NPPF) and that if justified the harm is outweighed by any public benefits arising from the scheme. (Paragraph 131-134)

We recommend this application is assessed and determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 131, 132, 134 and 137 of the NPPF and the Planning Practice Guidance.

Oaklands is an imposing red brick villa with a rendered façade dating from the mid 19th Century and is built in an Italianate style. The building sits in substantial landscaped grounds which include the former stables to the north-west and is located

in a prominent position on the Duffield Road. In our view both the Villa and associated former stable buildings are of architectural and historic interest in the local context and both the associated grounds and ancillary buildings contribute to the overall significance Oaklands derives from its setting.

The Villa is located within the Strutts Park Conservation Area, the character of which in this area mainly derives from large villas set in landscaped grounds set back from the street and are typically enclosed by stone boundary walls. Many are fronted by trees. Oaklands is one of these villas, which have collective group value and the villa along with its former stables and associated landscaped grounds all make a significant positive contribution to both the streetscene and Strutts Park Conservation Area.

Impact

The proposed scheme includes the conversion of Oaklands to a single dwelling and we note that the previous scheme sought the demolition of this building. We therefore welcome its retention within the current scheme.

The current proposals include the demolition of the associated former stable block and the erection of nine dwellings within the grounds of Oaklands. As outlined above, in our view the former stable block makes a positive contribution to the significance Oaklands derives from its setting, as well as the streetscene and character and appearance of the conservation area. Its loss would therefore have a harmful impact on the overall significance of Oaklands and the character and appearance of the Strutts Park Conservation Area. The supporting information provided within Survey and Report by Chartex states that there is significant movement to external walls and that conversion would be financially unviable. Your authority will therefore need to be satisfied that the supporting documentation provides clear and convincing justification for the loss of the stable block (Paragraph 132 NPPF) and that the building is not capable of repair and re-use.

Similarly in our view the associated grounds make a positive contribution to the significance Oaklands derives from its setting and the character and appearance of the conservation area. As set out above, the conservation area is characterised in general, by mainly large villas dating from the C19 and early C20 that are laid out formally, set in large landscaped grounds. Therefore the proposal to erect 9 dwellings within the associated historic grounds of Oaklands would in our view erode the character of the conservation area and be harmful to its character and appearance and the significance Oaklands derives from its setting. The proposals will therefore require clear and convincing justification.

Policy

As the proposal affects the setting of the conservation area, we draw your attention to the statutory requirements to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation area (s.72, Planning (Listed Building and Conservation Areas Act 1990), which must be taken into account by your authority when making its decision.

Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 132, NPPF). Your authority should aim to achieve the objective of sustainable development, which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously (paragraph 8, NPPF). In this case the potential impact on the setting of the conservation area, must be carefully considered.

In determining the application your authority will need to consider whether any public benefits associated with the scheme outweigh the harm which may be associated with the loss of the former stables and the impact of the associated proposed new development, as per the NPPF paragraphs 131, 132, and 134. The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. (paragraph 131, NPPF).

Your authority will therefore need to be satisfied that the harm to significance of the conservation area arising from the loss of the former stable block and the proposed development within the grounds of Oaklands is justified and that if justified the public benefits associated with the scheme outweigh this harm.

We recommend this application is assessed and determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 131, 132, 134 and 137 of the NPPF and the Planning Practice Guidance.

6. Relevant Policies: *Saved CDLPR policies*

GD2	Protection of the Environment
GD4	Design and the Urban Environment
GD3	Flood Risk
GD5	Amenity
H13	Residential development – general criteria
E7	Protection of habitats
E9	Trees
E17	Landscaping Schemes
E18	Conservation Areas
E20	Uses within buildings of architectural or historic importance
E23	Design
E29	Protection of the World Heritage Site and its surroundings
T4	Access, Parking and Servicing

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Policy context
- Heritage impacts
- Residential amenity
- Highways implications
- Trees and Ecology

Policy Context

This is a revised proposal for residential development on the site of a former Victorian villa in the Strutts Park Conservation Area. Full permission is sought for the conversion of the Oaklands, which was previously in use as offices (B1 use) to a single dwelling and development of part of the site for nine dwellings. The development of nine terraced dwellings relates to land, within the site, which is currently laid out as a car park and hard surfaced. The proposal also includes demolition of the former stables, a two storey building on the site, which has direct historical association with the Oaklands.

Oaklands is a non-designated heritage asset, but is a historic building which makes a positive contribution to the character of the conservation area. Under Policy E18 of the adopted Local Plan, development in the conservation area, must preserve or enhance the character and appearance of the Conservation Area, including views into and out of the area. This policy also discourages the demolition of buildings which make a positive contribution to the character and appearance of the Conservation Area. Where demolition of historic structures is permitted, provision will be made for an appropriate level of building recording before demolition.

Policy E20, which relates to the reuse of historic buildings, seeks to secure the retention, restoration, maintenance and continued use of such buildings to protect their special character and interest.

The site is also within the World Heritage Site Buffer Zone and under Policy E29 proposals should not have an adverse effect upon the World Heritage Site or its setting.

Policy H13 requires residential development to meet specific design objectives, including the creation of a satisfactory form of development, which respects the character of the surrounding townscape and a high quality living environment. The principle of housing development in this location is appropriate, in line with the provisions of H13, subject to compliance with the listed criteria and the design policies GD4 and E23, to demonstrate that a high standard of urban design and layout can be achieved.

A previous application (DER/12/14/01747), which was for demolition of the Oaklands and redevelopment of the whole site, with eleven detached dwellings and garages

was withdrawn in March 2015. This scheme was proposing the removal of all buildings and a large number of trees from the site, which was considered to be unacceptable in the context of the conservation area, the impact on the setting of the World Heritage Site and the visual amenities of the local area.

The National Planning Policy Framework (NPPF) is very relevant to this application. Paragraph 14 of the NPPF provides for a “presumption in favour of sustainable development” and provides that sustainable development should be granted where the development plan is absent or the relevant policies are out of date, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” or where “specific policies in this Framework indicate development should be restricted.” In this case, the restrictive policies include those related to designated heritage assets, including listed buildings and conservation areas.

A recent court judgement made last month, in *Forest of Dean District Council v Secretary of State for Communities & Local Government and Gladman Developments Ltd* has clarified the interpretation of paragraph 14 in regard to the presumption in favour of sustainable development. The judgement states that there are certain policies in the NPPF where this presumption does not apply, where instead development should be restricted. Paragraph 134 is one such policy, relating to designated heritage assets. It provides for a balancing exercise to be undertaken between less than substantial harm to the significance of a heritage asset and the public benefits of the proposal. This decision means that the presumption to approve sustainable development given in para. 14 is not relevant to the decision making on applications which may affect listed buildings and conservation areas.

In this case, paragraphs 128 – 141 of the NPPF are restrictive policies which seek to conserve and enhance the historic environment, through the decision making process. The impacts of development on designated heritage assets, including Conservation Areas and the World Heritage Site, must be considered and given weight, having regard for the degree of harm and the significance of the asset, according to paragraph 132. Any harm or loss of an asset “should require clear and convincing justification” (para 132).

It is considered that the saved policies of the adopted Local Plan (CDLPR), referred to above, have a high level of consistency with the NPPF, since they are not related to the supply of housing. The saved policies should therefore be given significant weight in the determination of the application.

Heritage impacts

This proposal is for residential development on an historic villa property, known as Oaklands which lies in the Strutts Park Conservation Area and World Heritage Site Buffer Zone. The site is classed as a designated heritage asset, by virtue of being in the Conservation Area, as defined in the NPPF.

Oaklands is a substantial two storey villa with a rendered façade, which dates from the mid-19th Century and is built in an Italianate style. The building sits in landscaped grounds, which comprises lawn and groups of mature trees and includes the former stables to the rear of the main building. The original grounds appear to have been

truncated by 20th Century development and the western half has been hard surfaced to form a car park. The site is located in a prominent position on Duffield Road, which is key part of the Conservation Area, although the principal façade of Oaklands faces into the site and is largely obscured from the street view, by the mature trees on the site. The former villa and its associated former stable buildings are of architectural and historic interest in the Conservation Area and are an important and distinctive element of the Duffield Road street scene. They have historical significance in the local context as a good example of a Victorian villa set within landscaped grounds, which characterise this area of Strutts Park. The buildings and the remaining landscaped garden, which is associated with the former villa make a positive contribution to the character of the Conservation Area.

This application must be determined, having regard for paragraphs 131 to 134 of the NPPF, which relate to impacts of development on designated heritage assets and consideration of any harm to those assets. Policies E18 and E20 of the CDLPR are consistent with the NPPF and seek to protect Conservation Areas and historic buildings from harm to their special character.

The retention and proposed change of use of the Oaklands building, to a single dwelling house is welcomed. It would restore the building to its original use, which was a villa, with extensive landscaped gardens. No material alterations are proposed to the building, except for the removal of some modern additions to the rear elevation. A double garage is to be sited to the rear of the building, for the use of the dwelling. It is of a traditional appearance, a modest scale and would utilise reclaimed materials from the existing stable building. The proposal is to enclose the dwelling with new boundary treatment and landscape planting. The retained grounds for the dwelling would be much reduced from its original scale, although the proposal would include provision of the immediate south facing grounds, to include the existing lawn and most of the trees, as private curtilage. The retained garden for the Oaklands would be sufficient in scale to safeguard the setting and significance of the building within its own grounds.

The remaining part of the Oakland's grounds is proposed to be developed to provide housing. Comments have been made about the loss of the associated landscaped grounds, which lie to the west of the main building and the detriment to the significance of the Oaklands. However, the development is to be formed on land which is currently hard surfaced and used as a car park. Any evidence of the former garden has been removed from this part of the site and in visual terms, the car parking area detracts significantly in my opinion, from the setting of the former villa. This area of the site has minimal landscape quality and its historical association with the main building has already been somewhat eroded.

This part of the site also contains ancillary buildings, including a former stable building, which is a substantial two storey brick building with close association to the original villa. This building is therefore of historical significance and makes a positive contribution to the character of the Conservation Area. It lies to the rear of the Oaklands, when viewed from Duffield Road and is partially obscured by the main building. It has clearly been disused for a long period of time and an application to

demolish the building was refused in 2007, due to insufficient supporting evidence to demonstrate that the building could not be reused.

The proposed development includes demolition of the stable building and the other single storey ancillary building, to accommodate the housing scheme. In regard to the stable building, a structural survey, a costs report for refurbishment and an estate agent's valuation appraisal for conversion of the building to one and two dwellings have been submitted to justify the demolition of the building. The findings of the structural survey are that there is significant movement in the external walls of the building. The costs information and valuations supplied suggest that refurbishment and conversion to residential use would not be economically viable. I note the comments of Historic England and the Council's Conservation Officer in respect to the condition of the building and the need to accord with para. 132 of the NPPF. This states that the supporting information should provide clear and convincing justification for the loss of the historic building. Having regard for the condition of the building and its significance as an ancillary building to the principal Oaklands building, I am satisfied that sufficient evidence has been provided to demonstrate that the stable building is not suitable for a viable residential conversion. Demolition of the building would amount to less than substantial harm to the character of the Conservation Area and there is convincing justification in this instance to justify the harm. The loss of the stable building would not in my opinion amount to a significant harm to the setting to the Oaklands or to the special character of the Conservation Area.

The proposed residential development is to be sited on the existing car park on the western part of the site. It would be in the form of a single terrace, two storey in height and of a traditional form. The elevational treatment is contemporary in appearance, with vertical emphasis to fenestration and detailing. The building design is considered to be of a high quality, which complements the setting of the Oaklands and preserves the character and appearance of the Conservation Area. Whilst the immediate area around the site is characterised by large period dwellings and modern detached properties, there is terraced housing elsewhere in the Strutts Park Conservation Area, to the opposite side of Duffield Road. The type of housing proposed is therefore in keeping with the general character of the Conservation Area. The layout of the residents parking area and external space has been revised during the application process, to provide more green space and landscape planting within the development. This would enhance the appearance of the development and the setting of the Oaklands and therefore protect the significance of the Conservation Area. The siting of the development to the rear of the Oaklands, would mean that it would not be prominent from the Duffield Road frontage. It would be largely hidden by the Oaklands building and the mature trees within its curtilage and views would be mainly seen from the north side of Duffield Road and from the access on Queen Mary Court. The impact of the development on the wider Conservation Area is therefore likely to be relatively limited. The form and appearance of the new building is considered to contribute to local distinctiveness and the character of the surrounding urban context.

In accordance with para.134 the proposed development and loss of the former stable building would result in less than substantial harm to the special character of Conservation Area and the setting of the World Heritage Site. The harm needs to be weighed against the public benefits of the development, including securing its optimum viable use. There are benefits arising from the proposals, in terms of provision of a new high quality housing scheme, which respects the setting of the Oaklands and the Conservation Area; contributions towards public open space, public realm and the A6 transport corridor secured through a Section 106 Agreement; provision of a landscaping and planting scheme to enhance the visual quality and character of the site and the removal of an unsightly car park and hard surfaced area which currently detracts from the significance of the Oaklands. The scheme would also include the formation of a defensible boundary for the retained Oaklands and its curtilage, which would provide for its residential re-use as a single dwelling. These are public benefits of the development proposal, which are material considerations in the determination of this scheme. A viable re-use of the principal building and its grounds would be delivered, allowing the site to be brought back into use. Overall, the harm to the character of the Conservation Area and setting of World Heritage Site would be satisfactorily outweighed by the specified benefits of the development. There are also substantial benefits of the scheme, in the proposed restoration of the residential use of Oaklands, with its retained landscaped grounds. The proposals are therefore considered to be in accordance with the policies of the NPPF and the saved Policies E18, E20 and E29.

Residential Amenity

The proposed terrace of nine dwellings would form a single row, which would back onto the shared boundary with residential properties on Highfield Road to the west of the site. Each dwelling would have an adequate private rear garden and off-street parking to the front curtilage. A high quality living environment would be provided for the future occupants of the development.

The new housing would not have any significant adverse effects on the amenities of the neighbouring residential properties on Queen Mary Court and Highfield Road. There are three dwellings at 23, 25 and 27 Highfield Road, which have rear gardens, approximately 30 metres in length, with groups of mature trees along their rear boundaries. These trees overhang the site and provide substantial screening for the residents of Highfield Road. The proposed dwellings would be some 40 metres (approx.) from the rear elevations of the Highfield Road properties and with the trees along the boundary they would not be unreasonably overlooked by the development.

To the south of the site, 10 and 29 Queen Mary Court are detached properties which face onto the turning head, which is adjacent to the proposed access to the housing development. The formation of the access would lead to some disturbance to the nearby residents on Queen Mary Court from the additional traffic entering and leaving the site. However, the level of traffic using the access to serve nine dwellings would be very low and unlikely to cause significant loss of amenity to the affected residents.

29 Queen Mary Court would be adjacent to Plot 1 of the terraced row, although it is the side elevation and garage of that property, which front onto the site. A revision

has been made to remove first and second floor windows on the side elevation of Plot 1 which would have faced towards No.29. A ground bathroom opening is retained, which is likely to be obscure glazed and would not lead to a loss of privacy to the neighbouring property. Obscure glazing could be secured by a suitable planning condition and would ensure a minimal loss of amenity to the residents on Queen Mary Court.

Overall, the development would not be significantly detrimental to the residential amenities of nearby properties in the surrounding area and the provisions of Policy GD5 and H13 are satisfactorily met.

Highways implications

The Oaklands site is currently served by a sole vehicular access from Duffield Road, which abuts the northern boundary with the adjacent medical centre and lies to the rear of the principal building. It is a narrow driveway and there is no space to widen it due to the position of the building and boundary wall. It is proposed to use the existing access for the retained Oaklands, which is to be brought into use as a single dwelling. A double garage which is to be provided for the dwelling, would give sufficient parking for the residential use and adequate turning and manoeuvring space exists within the driveway to meet the Highways Officer's requirements.

A new vehicle access for the proposed nine dwellings is to be formed from Queen Mary Court, which would be in the form of a private access, with parking spaces and turning area also provided. The access would be from a small turning head on the north side of Queen Mary Court, which is a cul-de-sac. It would cross a small area of open space which is currently landscaped, over which the applicant claims to have a legal right of access. The proposed access road would be 6 metres in width, which is more than adequate to meet the highway design standards. It has been subject to tracking assessments to ensure that a refuse vehicle can enter and turn within the development. It has also been demonstrated that the access would have a sufficient level of forward visibility from Queen Mary Court to safeguard highway safety for users of the site. The development would also achieve 200% parking provision, which is an appropriate amount for this type of residential scheme and should avoid additional on-street parking in nearby streets.

Concerns have been raised by local residents about the formation of an access onto Queen Mary Court, on the basis of the suitability of the existing road and the potential level of traffic using Queen Mary Court. The amount of traffic to be generated by the nine residential units, would be limited, even in peak hours. Whilst the existing road on Queen Mary Court is a residential street, the level of additional traffic would be very low and unlikely to create significant congestion in that part of the network.

There has been some discussion between the applicant's highways consultant and the Highways Officer in relation to a short narrow section of highway on Queen Mary Court, just before the proposed access, which is 3.85 metres wide. Since the width of this section does not allow two cars to pass each other, a widening of the carriageway, by introducing a shared surface on this section has been suggested by the Council's Highways Officer. The highways consultant has responded that such off-site works to the highway are not necessary due to the low level of traffic to be

generated by the development and because the narrow section of Queen Mary Court acts as a traffic calming measure. I note that the Highways Officer is not recommending that these works must be carried out in order to make the development acceptable in the interests of highway safety. The access provision off Queen Mary Court is considered acceptable in terms of traffic generation and highway safety, without any widening of the carriageway on Queen Mary Court being undertaken. The suggested highway improvements are optimal works, to bring this section of Queen Mary Court up to adopted standard, but they are not a requirement of a planning permission being given for the development.

Overall, the Highways Officer has not raised any concerns about the design and layout of the proposed access from Queen Mary Court and the parking arrangement, in regard to highway safety and the scheme is therefore considered to comply with the requirements of saved Policy T4.

Trees and Ecology

There are various trees and groups of trees within the Oaklands site, which are not covered by a Tree Preservation Order (TPO), but have protection by virtue of being in the Conservation Area. The groups of trees along the Duffield Road frontage and the southern boundary alongside Queen Mary Court are significant in the local streetscene and make a positive contribution to the character of the Conservation Area. Most of these trees have been identified as being Category B in the submitted Arboricultural Survey Report, which means that they are of a good quality. All the trees alongside Duffield Road and most of those on the southern side of the site are shown for retention as part of the development. Eight trees would be removed which is for the formation of the new access and parking area. The main group of trees would be maintained within the private garden of the converted Oaklands as part of its curtilage.

Three trees are to be removed on the open space on Queen Mary Court in order to form the access. These are all young trees planted as part of the development, which are not covered by the area TPO, which covers Queen Mary Court. Their removal is acceptable, due to their limited size and amenity value.

Groups of trees which overhang the western boundary of the site and are on properties on Highfield Road, would not be adversely affected by the development. The trees would overhang the rear gardens of the new dwellings, although there should not be undue pressure to prune the trees from future occupants. The trees of significance on and adjacent to the site, would be retained and protected in the development and their amenity value within the Conservation Area safeguarded in line with the provision of Policies GD2 and E9.

Two bat surveys of the buildings on the site, including an evening emergence survey for any bat activity within the buildings, have been carried out and reports submitted to accompany the application. These surveys found no evidence of bats roosting within the buildings and low potential for bats to occupy the buildings. Derbyshire Wildlife Trust (DWT) is satisfied with the findings of both reports and concludes that there is no requirement for further work to be undertaken in regard to bats, as part of the application. The submitted surveys have fulfilled the requirements of the Habitat

Regulations and the NPPF, in assessing the potential for protected species, which may be affected by the proposal. The objectives of Policies E5 and E7 would also be satisfactorily met by the proposal.

8. Recommended decision and summary of reasons:

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

The development of nine dwellings, conversion of Oaklands back into residential use would deliver housing to contribute towards the city's housing need, would form a high quality development and living environment, which preserves the character and appearance of the Strutts Park Conservation Area, protects the setting of the World Heritage Site and respects the character of the local street context. The provision of garage to Oaklands would also preserve the character of the Conservation Area and setting of World Heritage Site. The demolition of the ancillary buildings, would result in less than substantial harm to the character of the Conservation Area and the loss of the buildings would be outweighed by the public benefits provided by the delivery of high quality housing, retention of important groups of trees within the site and the proposed landscaping and planting associated with the development, which would enhance the setting of the Oaklands building and the Conservation Area. The proposed access arrangement via Queen Mary Court to serve the development would provide sufficient parking and turning provision for the scheme, with no significant detriment to highway safety.

Conditions:

- 1. Standard condition (three year time limit)
- 2. Standard condition (specified approved plans)
- 3. Standard condition (external materials to be agreed for the garage and new housing development)
- 4. Details of window and door joinery for the housing development to be submitted for approval.
- 5. Standard condition (boundary treatment, including details of retaining walls within the development)
- 6. Standard condition (landscaping scheme, including details of surfacing of shared driveway, native species planting and hedge planting along boundary between housing development and Oaklands)
- 7. Standard condition (implementation and maintenance of landscaping scheme, approved under condition 6)

8. Tree protection and Constraints plan for all trees and vegetation to be retained in line with BS5837:2012 to be submitted and approved and implemented before development commences and retained for the period of construction.
9. Before demolition of ancillary buildings, including stable building, a scheme of building recording of those buildings to be carried out and the recording report to be submitted for approval.
10. Surface water drainage scheme for the development, to include details of SUDs features, to be submitted to and approved before development commences.
11. Construction Management Plan to be submitted for approval
12. The side elevation bathroom window to Plot 1 to be obscure glazed and retained for life of development.
13. Construction details for the driveway and access onto Queen Mary Court to be submitted for approval.
14. No dwelling to be occupied until parking and turning areas for the nine dwellings have been laid out and made available for use and only to be used for parking, turning and unloading.
15. Parking and turning areas to be constructed with provision to prevent discharge of surface water from the driveway, parking and turning areas onto the highway.
16. No dwelling to be occupied until visibility splays are provided as shown on the approved plan and to be kept free of obstruction at all times.

Reasons:

1. As required by Sections 91-92 of the Town and Country Planning Act 1990
2. For the avoidance of doubt.
3. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
4. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
5. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
6. In the interests of visual amenity and to enhance the character and appearance of the surrounding townscape and the conservation area – Policies GD4, E17, E18 & E23
7. In the interests of visual amenity and to enhance the character and appearance of the surrounding townscape and the conservation area – Policies GD4, E17, E18 & E23
8. To protect trees and other vegetation on and adjoining the site during the course of construction to preserve the character and appearance of the conservation area – Policies GD2, E9 & E18

9. To safeguard historic and architectural interest of the ancillary buildings on the site, which are of significance to the character of the conservation area – Policy E18
10. To provide satisfactory drainage arrangements to minimise flood risk for users of the site and the wider area – Policy GD2 & GD5
11. To protect the amenities of nearby residential properties – Policy GD5
12. To protect the amenities of adjacent residential properties Queen Mary Court – Policy GD5
13. In the interest of highway safety – Policy T4
14. To ensure parking and turning provision is available for occupiers of development to prevent parking on the highway – Policy T4
15. To ensure surface water is not deposited on the highway in interest of highway safety – Policy T4
16. In the interest of highway safety – Policy T4

S106 requirements where appropriate:

Agreed Section 106 contributions are as follows:

- Incidental Open Space
- Improvements to Public Realm
- Improvements to transport corridor, to public transport, cycling and pedestrian facilities in A6 Duffield Road/ Kedleston Road corridor

Application timescale:

The target date for the determination of the application expired on the 1 October 2015. An extension of time has been agreed for the application to be determined by the 4 March 2016.

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/06/15/00809

Type: Full



Classification: OFFICIAL

1. Application Details

Address: Land at the side and rear of 402 Duffield Road, Allestree.

Ward: Darley

Proposal:

Residential development for 4 dwellings (outline with approval sought for access and layout).

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98826>

Brief Description

The application site covers an area of approximately 0.36Ha on the eastern side of Duffield Road. At its widest point the site measures approximately 55metres and depth of plot approximately 90metres. The site is located within an established residential area predominantly characterised by detached dwellings, set within generous garden plots. The site also lies within the limits of The World Heritage Site buffer zone.

The application site is flanked on three sides (the north, south and east) by residential properties. To the south is Thatch Close, a modern residential cul-de-sac, and to the east the site backs onto the mature garden areas of properties along Church Lane and Friars Close. To the west the site has a frontage to Duffield Road, along which is a tree lined embankment. Land levels slope from west to east with a drop of approximately 2.5m from the west to the east curtilage boundary. One very large detached dwelling currently occupies the site which benefits from a mature garden setting containing a substantial number of mature trees and extensive landscaped areas.

The application site contains trees protected by a Tree Preservation Order (Order Number 526). The Order covers a group of 8 limes (G4 & G5) situated either side of the access along Duffield Road. Another linear group occupy a central section along the northern boundary, adjacent to No.404. These are 2 Limes, 1 Larch, 1 Birch and 1 Horse Chestnut (G3). Along the eastern boundary toward the northern corner is a linear group of 8 Lime trees (G2). Beyond the southern boundary, occupied by no. 398, is a group wide Tree Preservation Order Number 212.

The site is accessed off Duffield Road and is served by a dropped kerb private driveway at Duffield Road, located near the southern end of the site frontage. The existing access measures approximately 3.8m wide and is bound by ornamental walling.

The application is accompanied by supporting documents including a Design and Access Statement, Highway Assessment Report; Arboricultural Survey Report and topographic survey.

Committee Report Item No: 2

Application No: DER/11/15/01348

Type: Outline (with access and layout)

Proposal

Members should note that amended plans have been received showing alterations to the layout and reduced density from 5 to 4 dwellings, as per revision c plan drawing 003.

The application seeks outline permission for the erection of up to 4 dwellings with all matters reserved except for access and layout, which forms part of the application. The proposed layout of dwellings would be arranged around a new private driveway of approximately 65metres in length and 5metres in width with a turning head.

The revised layout shows plot 1 re-positioned and plots 2, 3 and 4 moved further toward the interior of the site. The units would be orientated to face the interior of the site, with plots 1, 2 and 3 containing detached garages. The supporting design and access statement indicates plot 1 would be a bungalow and remaining units would be two storey dwellings. However, the 'scale' of built form is *not* being considered in this outline application, together with landscaping and appearance not forming part of the application.

2. Relevant Planning History:

Application No:	04/08/00696	Type:	Full Planning Permission
Status:	Withdrawn Application	Date:	29/07/2008
Description:	Demolition of 398 and 402 Duffield Road and erection of 14 dwelling houses and formation of vehicular access		

Application No:	03/03/00506	Type:	Full Planning Permission
Status:	Granted	Date:	30/04/2003
Description:	Extension to dwelling house (enlargement of sitting room)		

Application No:	07/92/00838	Type:	Full Planning Permission
Status:	Granted Conditionally	Date:	01/10/1992
Description:	Extension to domestic garage & resiting of vehicular access		

3. Publicity:

Neighbour Notification Letters sent to surrounding properties on Duffield Road, Friars Close and Church Lane.

Site Notice displayed on nearby street light column

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

A total of 32 letters of objection have been received. The main points raised include:

- If this development goes ahead there should be a full archaeological watching brief.
- Development would be out of keeping with other properties.

- Access onto Duffield Road would be dangerous.
- Increase levels of congestion.
- Threat to protected trees.
- Threat of inadequate drainage.
- Threat of surface water flooding in Church Lane/Friars Close.
- Increase pressure on school places in the locality.
- Harmful environmental impacts.
- A scheme was rejected in 2008.
- It will set a precedent, ruining the village of Darley Abbey.
- Loss of privacy and amenity.
- Character of neighbourhood.
- Dangerous to cyclist because of poor visibility of the road access.
- The small number of houses proposed would make an insignificant contribution to overcoming the shortfall of housing in Derby City. The harm arising from the proposal would outweigh the presumption in favour of sustainable development in NPPF.
- This plan needs major surgery.
- Impact on character and form of neighbourhood.
- Major surface water runoff to properties on Church Lane and Friar's Close.
- The plan damages protected trees.
- Increase potential for accidents.
- No detail is supplied as to which trees are going to be lost due to the development; or pruned; or which will be damaged.
- The applicant continues to ignore council advice and is planning to build a new house in the north east corner ("plot 3") next to tree numbered T27 in the applicant's submitted tree report
- These beautiful trees enhance and set the character of the area but as identified by the Council's tree officer are in danger due to their juxtaposition to "plot 3".
- The exact length of the roots of T27 (and thus the extent of the RPA needed to protect them) is unknown as the root length is only estimated in the applicant's tree report
- The amended application may still lead to damage to the tree roots as the corners of the proposed house and garage in the north east of the site are still too near to the line of protected lime trees

5. Consultations:

Highways Development Control:

The drawing shows two alternative visibility splays to the right (north) on egress, with a revised 2.4 metre 'x' distance. The alternative splays shown are (red splay) to the far edge of the cycle lane, and (green splay) one metre into the carriageway from the far edge of the cycle lane and (red splay) to the edge of the cycle lane. The highways consultant states that in either case the 55m visibility splay could be achieved without the necessity of alterations to the site frontage, as *".....this would pass over a very marginal section of the existing wall. However, on-site observations indicate that this section of the wall is also below 0.6 metres high, and so in practice does not impede visibility."*

The cycle lane itself is advisory and therefore it is possible that from time to time vehicles could encroach into it. Whilst accepting therefore that the cycle lane would usually be clear of motorised traffic, the Highway Authority considers that it would not necessarily be appropriate to extend the point at which visibility is taken to 1m into the "live" lane of the carriageway (the green splay); and therefore it would be most appropriate to measure the visibility splay to the edge of the cycle lane.

Therefore, the Highway Authority considers that appropriate visibility can be achieved from the access, albeit that it may be necessary to lift the canopy of the trees to give an appropriate clearance at certain times of the year. No level information is provided as part of the application; the applicant /developer is advised that should suitable plans be brought forward, the Highway Authority will require that the driveway be constructed at a gradient not steeper than 1:20 for the first 5m back from the highway edge. As the site falls towards the highway, it will be necessary to ensure that water does not wash off the site onto the adjacent highway; the applicant/developer will therefore be required to forward details of proposals for drainage at the submission of the detailed design.

It is unlikely that waste collection vehicles will enter the site. It would not generally be appropriate for such a vehicle to wait on the live carriageway for any significant duration (with operatives working at the rear) whilst bins are collected; therefore an appropriate bin collection point would need to be established within the site adjacent to the highway, but not within the required visibility splays. The revised application seeks consent for fewer dwellings than those which already have the support of the Highway Authority; with the access arrangements being the same as previously. No objections.

Natural Environment (Tree Officer):

A site visit was made on 24 February 2016 with colleagues from highways and our arboricultural team in relation to the:

- proposed visibility splay
- drive into the development
- proposed new house in the north east corner of the site

To discuss concerns raised by an objector about the effect these issues will have on the trees protected by TPO 526 at 402 Duffield Road. In relation to the proposed visibility splay, our highways officer measured out the 55 metre visibility splay and it was agreed on site that there will be no need to re-profile the embankment to the north and south of the existing drive and therefore no impact on the root protection area (RPA) of the protected lime trees fronting 402 Duffield Road. The only work that may need to be done relates to some trees/shrubs (not protected) to the north of the existing drive whose canopy may need to be lifted.

For the 2 metre pedestrian visibility splay and 5 metre wide shared surface carriageway into the site, there is a conflict with the RPA of the protected Lime tree nearest to the drive on the southern side. Our arboricultural officer though feels this lime tree is category C, not category B as identified in the submitted arboricultural report, as where it was pollarded at 4 metres in the past, there is a rot cavity forming on a previous wound which will eventually undermine one of the main stems. Therefore, it is recommended that we allow this tree to be felled, but that it be conditioned that a replacement is planted.

In relation to the proposed new house in the north east corner of the site and its possible effect on the protected trees, our arboricultural officer felt with the previous scheme for five dwellings that there wasn't really a suitable juxtaposition between the trees and proposed houses, which was leading to these conflicts. With the layout now being reduced to four dwellings, it is felt the juxtaposition between the trees and proposed houses is better, particularly in relation to plot 1 and the category A Beech tree.

It is recommended though that if we are minded to approve this outline planning application for four dwellings that beforehand the applicant be asked to submit a revised Tree Constraints Plan (TCP) overlaid on this four dwelling layout to demonstrate that the issues of shading have been considered by plotting the 'shadow arc' of the retained trees. Our arboricultural officer feels that afternoon shading may affect plot 1 and morning shading may affect plots 2 and 3 leading to pressures for works to reduce, or remove nearby trees. This revised TCP should also show trees to be kept, trees to be removed and the RPA of the trees. Where conflicts are identified on the TCP in relation to trees to be retained, then the measures to be used before and during construction should be outlined in an Arboricultural Method Statement.

Land Drainage:

The proposed development sits within Flood Zone 1 as identified on Environment Agency (EA) flood maps and the Council's Strategic Flood Risk Assessment (SFRA). As such, it can be described as of low flood risk from fluvial sources. In addition, the development is not identified as susceptible to surface water flooding according to the EA's updated flood maps for surface water (UFMfSW). However, the proposals would introduce a significant additional area of impermeable surface to the existing greenfield garden areas of the existing dwelling (i.e. from roofs, driveways and the access road). If not managed appropriately, the addition of impermeable area on the development will increase the risk of surface water and/or sewer flooding locally. Doing so would be in contravention of the principles described in Paragraph 103 of the National Planning Policy Framework (NPPF) which states

that "when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere?. This was stated in the Land Drainage and Flood Defence response to the pre-application consultation on this site in September 2015.

Therefore, I have no objection to the development at this location provided that it does not introduce increased surface water flood risk. For this reason, planning consent should only be granted subject to the following drainage condition: No development shall commence until details of foul and surface water sewerage schemes for the development have been submitted and approved in writing by the local planning authority. Unless otherwise agreed in writing by the Local Planning Authority, the surface water drainage shall include Sustainable Drainage features

Derbyshire Wildlife Trust:

No comments received.

Built Environment:

No comments received.

Development Control Archaeologist:

The proposals are for housing development within the garden areas to the south and east of 402 Duffield Road, an area of just under 0.4ha. The site lies comfortably (c500m) outside the Archaeological Alert Area associated with the likely site of the medieval monastic remains at Darley Abbey, and 250m to the west of the postulated alignment of the Roman road 'The Street' running north from the Strutts Park fort towards Buxton. We can therefore be confident that the proposed development will have no impacts in relation to these assets. The only other hint of archaeological significance in the vicinity of the proposal site is the record (HER 32831) of three carved stone heads reported in 2006 within the garden of 394 Duffield Road, about 100m south of the proposal boundary. Two heads were reported as lying on a low garden wall, and the other was built into the same wall. The architectural historian Dr Pamela Marshall was shown the heads by Joan Darcy of Derbyshire Archaeological Society, and identified one as Roman, one as Romanesque (10th-12th centuries) and one as 13th-14th century. The heads have no provenance, and the wall in question post-dates the building of the house, so it was postulated that a previous owner had an interest in collecting pieces of historic architecture, a view that was apparently supported by the presence of other pieces of carved stone within the garden, possibly acquired from a stately home.

Because there is no map, documentary or HER sources suggesting a building or other activity on the site prior to the building of the existing house, it seems clear that the architectural fragments on site were assembled from a variety of sources by a collector at some time during the 19th-20th centuries, and do not reflect an archaeological interest on the site. Because the current proposal site is at a remove again (c100m) from the site of the stone heads, and has been substantially landscaped, and because there are no other indicators for archaeological significance on the site or in its vicinity, I recommend that there is no requirement under the policies at NPPF chapter 12 for any archaeological work on the site.

6. Relevant Policies: *Saved CDLPR policies*

GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development - General Criteria
E7	Protection of Habitats
E9	Trees
E17	Landscaping Schemes
E21	Archaeology
E23	Design
E29	Protection of World Heritage Site and its Surroundings
T4	Access, Parking and Servicing

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Policy context
- Scheme layout
- Residential amenity
- Highway impacts
- Trees and Ecology

Policy Context

This is a greenfield site currently in residential use within an established residential area and, as such, it meets the general criteria of policy H13 of the City of Derby Local Plan Review. In principle, it is therefore a suitable location for residential development. This is a windfall site for which the CDLPR makes no land allocation preferences. The site is within the World Heritage Site Buffer Zone and under Policy E29 proposals should not have an adverse effect upon the World Heritage Site or its setting. Due to the secluded physical setting of the proposed development, it would not, in my opinion, affect the character or integrity of the nearby the World Heritage Site Buffer Zone. The main policy considerations are whether the site has the ability to create or accommodate a satisfactory form and design of development and provide a high quality living environment. It is noted that the housing density provided is below the minimum density of 35 dwellings per hectare required by Local Plan

Policy H13. However, given the character and layout of the surrounding area and the position of the protected trees on this site, it is considered reasonable to support this lower density of development proposed under this application. The site is well related to the surrounding built up area and offers the potential for sustainable residential development. Whilst it is clear that some local residents would prefer to see the land stay as an undeveloped space, it is not in any public use and is not protected for its openness and its use for residential purpose can be supported in policy terms.

The National Planning Policy Framework (NPPF) is relevant to this application, since it relates to the delivery of new housing, which is a key objective of the Framework. Paragraph 14 of the NPPF provides for a “presumption in favour of sustainable development” and paragraph 47 sets out the government’s objective to “boost significantly the supply of housing”. Sustainable development should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” or where policies in the NPPF “indicate development should be restricted.

It is also relevant that the NPPF requires local authorities to maintain enough deliverable housing sites, for five years. The Council cannot currently demonstrate a five year supply of deliverable housing sites and is seeking to identify its housing needs and meet them through the Core Strategy process. Where the local authority cannot show a five year housing supply then the NPPF requires that it should grant permission for development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the site constitutes a windfall site, which would deliver a small number of 4 residential units. It is arguably, a deliverable site, which would contribute towards the city’s housing need. This is a material consideration, which must be taken into account in the decision making on this proposal.

Scheme Layout

The outline proposal seeks to include layout within the permission, based on the revised site plan for 4 dwellings. Plot 1 (60metres by 16metres) would be situated adjacent to the southern boundary with the dwelling principal elevation facing the interior of the site and a detached garage alongside. The intention is for a bungalow here, which could be secured at Reserved Matters stage. The location of plot 1 dwelling is further from the protected trees along the western boundary and the Copper Beech tree (T65) in a generously sized plot. Plots 2 (28m by 22m) and 3 (32m by 23m) would be located to the far east of the site arranged with detached garages with differing orientations. Plot 2 would front toward the access road, where as plot 3 would be positioned with its main elevation facing southward. Both of these plots display reasonable and proportionate dwelling positions with good spacing between each other and minimum 8metres from the surrounding common boundaries. Plot 4 (28m by 15m) would be toward the centre of the application site and centrally positioned within its plot. The main elevation would be south facing toward the access road turning head. At its nearest point plot 4 would be at a distance of 13m from the rear aspect of No.402, which is an adequate distance.

Given the size, shape and orientation of the application site, it is clear that the site has the potential to accommodate a form of residential development for up to 4

dwelling in the layout arrangement. Matters relating to the incorporation of suitable sustainable drainage for the site would be secured through a separate application. While the proposed built infrastructure would undoubtedly alter the flows of surface water run-off and filtration capacities of the land, there is no reason why an appropriate drainage engineering solution could not be achieved here.

Highway Impacts

Saved Policy T4 of the Local Plan states that the City Council will only grant planning permission for development that make safe and appropriate provision for access to and egress to from the development by pedestrians, cyclists, public transport users and the private car. The width of the proposed vehicle access into the development site (5metres) is sufficient to allow for safe entry/exit of passing vehicles into and out of the site. It is considered that the proposed linear design of the private access road, including the geometry of the turning head is practicable, given the proposed layout.

The main access to the site would utilise the existing drive access which currently serves No.402. While the proposed scheme would intensify the use of the enlarged access with Duffield Road, the proposed access and splays are considered acceptable. Our Highways Team have assessed whether the required 55metres distance vehicular visibility splay could be achieved at the proposed access point, in both directions.

The Highways Officer concludes an appropriate visibility splay could be achieved from the access, although work may need to be done to partially lift the canopy of some trees/shrubs. The pedestrian visibility splay would be reduced to 1metre either side of the proposed access, which is acceptable. A scheme of this size would not generate significant increases in traffic movement and the access layout from Duffield Road into the site, including driveway and turning head configuration would be acceptable. A number of conditions are suggested in order to ensure a satisfactory form of development in highway terms.

Residential amenity

With regard to the impact of the scheme on the amenities of neighbouring residents, the immediate surrounding dwellings are most likely to be effected – No's 398, 404 Duffield Road, No's 18 and 18a Church Lane and 8 Friars Close. Firstly, No. 398 is a two storey property located directly adjacent to the southern boundary, set within with an extensive garden. While the rear aspect of plot 1 would be some 3-6m from the common boundary and garden area to No. 398 no overlooking or loss of privacy would ensue because restrictive conditions could prohibit high level rear windows, as well as the scale of the dwelling to be a bungalow – these design factors would largely be addressed through future reserved matters submissions. Plot 2 would display a flank side facing toward the garden area, yet once elevational details are confirmed through a reserved matters application, the side gable could be blank brick, thus mitigating any overlooking toward No.398. In terms of No.404 Duffield Road a number of mature trees screen much of the common boundary, so the interface between the rear aspects of proposed plots 3 and 4 and No.404 would not result in detrimental loss of privacy, because the retained trees would screen any high level views from the rear windows of plots 3 and 4.

The properties beyond the eastern boundary - 8 Friars Close, 18 and 18 Church Lane – are also in proximity of the application site. Importantly, the entire east boundary is consumed by mature trees and vegetation that screens the complete line of the east boundary. A group of poplar trees and TPO classified Lime trees with hedging amongst those trees act as the means of enclosure. Although deciduous in nature, the proliferation of them means their column like stature and lower level branches, even when not in leaf, would still provide a reasonable degree of screening between plots 2 and 3 and those properties beyond the east boundary. Moreover, at other times of the year a mass of foliage would create extensive green visual screening. The detail of elevation treatment and window positions would be part of a separate application(s) and careful consideration would be given to mitigate any amenity impacts. The layout plan shows a reasonable built relationship between the north east corner unit plot 3 and the rear aspect of No.18a Church Lane, with a building to building distance of approximately 29metres at their closest point. This is more than sufficient to prevent any unacceptable loss of light or privacy, or overbearing impacts.

Trees and Ecology

The application site is a mature setting with numerous trees along the curtilage boundaries and toward the site interior. Tree Preservation Order No.526 protects a number of trees on the site. The submission includes an Arboricultural Implications Assessment that identifies both the protected and non-protected trees. Group 4 and 5 include a group of 8 Lime trees along the frontage embankment adjacent to the public footpath along Duffield Road. In order to achieve the proposed 55metre visibility splay and 1metre pedestrian visibility splay there will be no need to re-profile the embankment to the north and south of the existing drive. Although, it may be required to lift the canopy of some trees/shrubs to the north which are not protected, there would be no impact on the Root Protection Area of the protected lime trees fronting 402 Duffield Road.

In relation to the 5metre wide shared access road into the site, the Root Protection Area of the protected Lime tree to the south of the existing drive would be affected. The Council arboricultural officer considers this is a lower quality tree than specified in the submitted tree report and its removal and replacement would be an acceptable solution, in this instance. Whilst it is protected, it does not necessarily mean it should be treated as an absolute constraint, rather as a relative constraint to the development of the site. The tree's low amenity value and limited health (extensive pollarding and rot cavity undermining on of the main stems) should be considered and on this basis its removal would be justified, subject to a suitable replacement tree.

The proposed dwelling in the north east corner of plot 3 would be positioned near to the linear group of protected Lime trees and close to the margins of the Root Protection Area, yet subject to suitable tree protection measures, such as protective fencing is in place before and during construction works, plot 3 should not adversely impact the nearby group of trees. The updated layout plan denotes the root protection area of the east boundary trees which indicates both plots 2 and 3 would not encroach within this zone of root protection. The protected trees, group 3, along

the northern boundary are at a good distance away from plots 3 and 4 so the root protection area and canopies would not be adversely affected. Nevertheless, there is likely to be some degree of shading created by the boundary trees upon plots 2 and 3, which may lead to post development pressure for tree works. However, any works to the protected trees would be subject to and controlled by any future separate tree application. Meanwhile the current layout shows a suitable juxtaposition between the north and east boundary trees and proposed houses.

The trees and vegetation along the southern boundary (not protected by a TPO) is shown for removal, but there is scope to retain some of the greenery along here, for amenity and environmental reasons – this could be secured through appropriate landscaping, which would be subject to reserved matters application(s). Derbyshire Wildlife Trust is yet to comment on the proposed application.

The issues raised in objection to this application by local residents are noted. However, it is considered that the site can accommodate some form of residential development and the principle of the use of the site for this purpose is acceptable. The detailed design of any development on the site would be considered as part of any future reserved matters application and there are not considered to be any overriding grounds on which to withhold a grant of outline planning permission. It should be noted that at this stage the precise scale and design of proposed dwellings is yet to be finalised. These matters, together with the landscaping of the site, are reserved for subsequent approval.

8. Recommended decision and summary of reasons:

To grant outline planning permission with conditions.

Summary of reasons:

The proposed outline application at the rear of 402 Duffield Road for four dwellings would be acceptable in terms of the principle of residential development, the scheme layout and access arrangement. The revised layout from five to four dwellings would achieve a satisfactory low density form of development that would integrate reasonably well in this mature residential setting. In terms of the implications for residential amenity, highways and trees as considered in section 7 of the report, the proposed development would not result in significant adverse effects.

Conditions:

1. Standard condition 01 (submission of reserved matters for scale, landscaping and appearance).
2. Standard condition 02 (reserved matters - 3 year time limit).
3. Standard condition 19 (Means of enclosure).
4. This permission relates solely to the application as amended by the amended site layout drawing and annotated root protection area details.
5. No part of the development hereby permitted shall be brought into use until the visibility splays with an 'x' distance of 2.4 metres and 'y' distances of 55 metres to the right on egress and 56 metres to the left on egress (as measured from the centre of the access, to the far edge of the cycle lane) shall be provided, in

accordance with the visibility splay shown in red on plan "F15084/01 Rev D)
The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

6. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 metres x 2.0 metres are provided on each side of the vehicle access (as shown on drawing " F15084/01 Rev D"), The area of land within these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times).
7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
8. The shared private driveway shall be laid out to a width of not less than 5.0 metres for at least 5.0 metres back from the nearside edge of carriageway and 4.25 metres thereafter and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.
9. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a minimum distance of 5.0m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
10. Waste/recycling facilities shall be located within 15m of the public highway.
11. No gates shall be erected at the access to the development from the public
12. An arboricultural method statement / tree constraints plan identifying the trees on site in relation to the layout of the development, to be retained, removed and the RPA of the trees shall be submitted to an approved in writing before any development commences.
13. SC24 vegetation - protection from construction
14. No development shall commence until details of foul and surface water sewerage schemes for the development have been submitted and approved in writing by the local planning authority. Unless otherwise agreed in writing by the Local Planning Authority, the surface water drainage shall include Sustainable Drainage features that shall be designed to accord with the following:
 - a) The one in thirty year rainfall event retained below normal ground level and the one in 100 year plus climate change rainfall event to be retained on the development itself. Calculations which demonstrate this shall be submitted to and agreed in writing by the Local Planning Authority. The

route flow route from a rainfall event that exceeds the sewer capacity shall be made known to the local planning authority.

- b) The scheme shall be designed to accord with the Non-statutory technical standards for SuDS (DEFRA 2015) and The SuDS Manual (CIRIA C753). The information submitted shall outline details of management and maintenance responsibilities for the sustainable drainage systems proposed

Reasons:

1. Standard reason E01 (In line with statutory provisions).
2. Standard reason E02 (In line with statutory provisions).
3. Standard reason E08 (Satisfactory form of development).
4. Standard reason E04 (Avoidance of doubt).
5. Standard reason E19 (Highway safety).
6. Standard reason E19 (Highway safety).
7. Standard reason E19 (Highway safety).
8. To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.
9. Standard reason E19 (Highway safety).
10. Standard reason E19 (Highway safety).
11. Standard reason E19 (Highway safety).
12. Standard reason E24 (trees – construction works).
13. Standard reason E25 (residential and environmental amenity).
14. Standard reason E21 (ensure satisfactory drainage)

Application timescale:

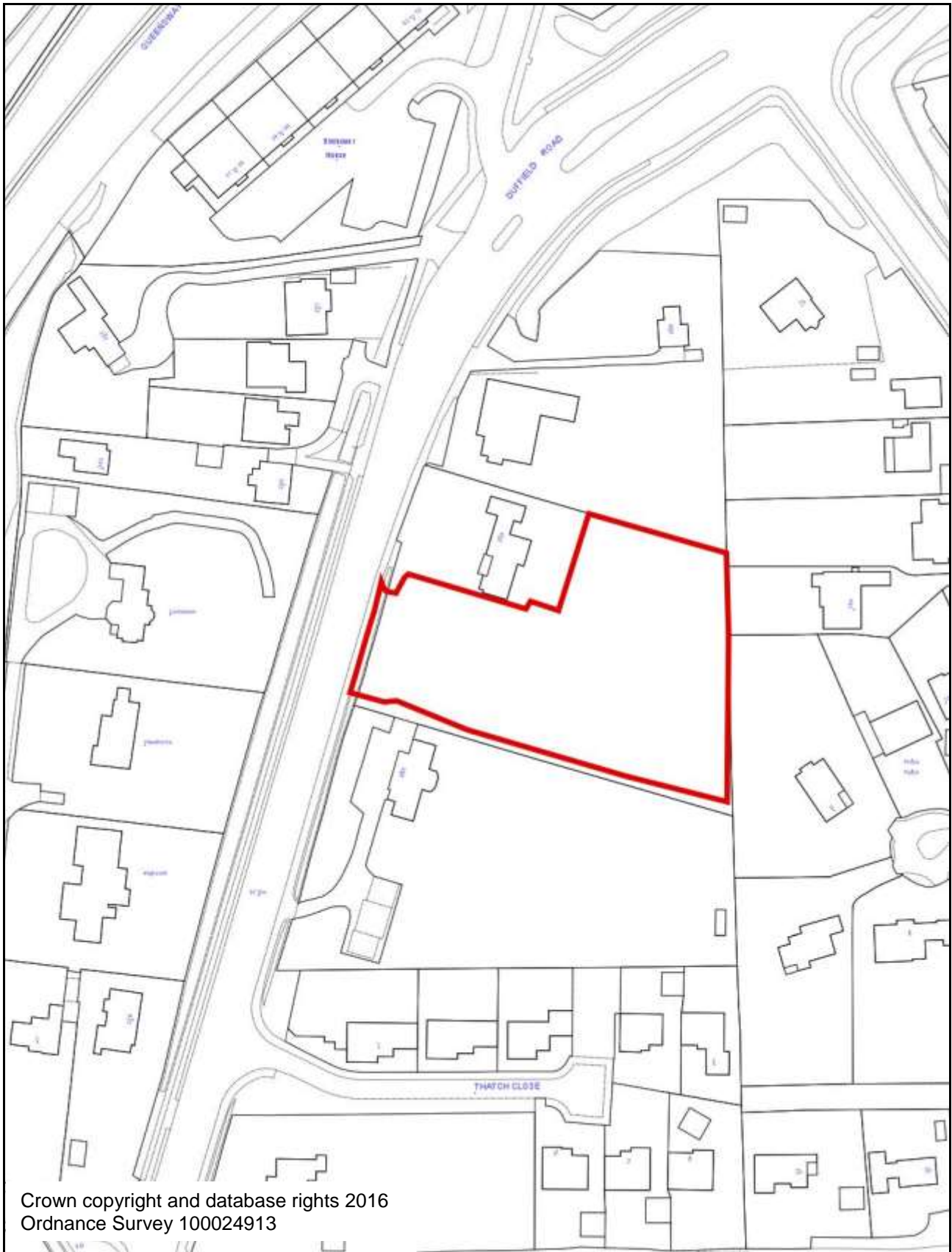
The application 8 week target date was 11 January 2016 and an extension of time has been agreed with the agent to accommodate this report to committee.

Classification: OFFICIAL

Committee Report Item No: 2

Application No: DER/11/15/01348

**Type: Outline (with
access and layout)**



Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/10/15/01277 & DER/10/15/01278

Type: Full & Listed Building

1. Application Details

Address: 19 Cornhill, Allestree.

Ward: Allestree

Proposal:

Erection of dwelling house, demolition of garage and part removal of boundary wall

Further Details:

Web-link to applications:

10/15/01277:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98935>

10/15/01278:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98936>

Full planning permission and Listed Building Consent are sought for development of a single dwelling and garage/car port on part of the rear curtilage of 19 Cornhill, Allestree. 19 Cornhill (Yew Tree Cottage) is a Grade II listed, thatched dwelling, which lies on the south side of Cornhill and lies within the Allestree Conservation Area. It is a two storey building, faced in white painted brick and with a timber frame, which probably dates from the 17th Century. It is a prominent building in the Conservation Area, which is one of a group of historic properties in the old part of Allestree village. To the west and south of the site, there are residential properties dating from the early 20th Century and Post-War period. The properties on Park View Close are at a lower level than the houses on Cornhill.

The site comprises the listed dwelling, a modern detached garage and a large rear garden, which includes various trees. There is an existing vehicle access onto Cornhill, which serves the existing dwelling. A historic stone wall, approximately 1.5 metres high runs along the highway boundary with Cornhill.

The proposed development would involve demolition of the modern garage and development of a four bedroom detached dwelling and detached garage and car port to the rear of the listed building, within the rear part of the garden. A driveway to the new dwelling would be formed from the existing entrance onto Cornhill. The access is to be widened to approximately 4.25 metres by removal of up to 1.2 metres of the stone boundary wall. Two small sections of the wall would be rebuilt on either side of access.

The proposed two storey dwelling would be of a traditional appearance, with an L-shaped layout. The principal block would be stepped to reflect the fall in land level across the site. It measures approx. 17 metres in length and 6.5 metres width. A single storey element would project to the rear of the dwelling by approx. 5.5 metres. The buildings would both be of a brick construction with a pitched tiled roofline and would have casement style fenestration. The proposed garage is of a simple design and would measure approx. 6.5 metres x 3.5 metres in area. A timber car port would

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/10/15/01277 & DER/10/15/01278

Type: Full & Listed Building

be positioned alongside the garage. They would be sited towards the southern boundary of the site. A parking and turning area is to be formed on the plot, whilst two parking spaces would be provided for the existing dwelling.

Five trees are to be removed from the site, to accommodate the development. These include two Cypresses which would be affected by the proposed driveway, a Yew tree and two fruit trees in the rear of the site. The rest of the trees on the site are to be retained as part of the development. The removal of these trees was the subject of a Conservation Area Notification, (DER/12/14/01660) and no objections were raised to their removal.

The applications are accompanied by a Heritage Appraisal and a Tree Survey & Tree Constraints Plan.

2. Relevant Planning History:

Application No: 03/15/00307

Type: L B C alterations and demolition

Status: Not Determined

Date:

Description: Part demolition of front boundary wall and detached garage.
Erection of two dwelling houses

Application No: 03/15/00306

Type: Full Planning Permission

Status: Not Determined

Date:

Description: Erection of two dwelling houses

Application No: 12/14/01634

Type: L B C alterations and demolition

Status: Withdrawn Application

Date: 27/01/2015

Description: Part demolition of front boundary wall and detached garage.
Erection of two dwelling houses

Application No: 12/14/01633

Type: Full Planning Permission

Status: Withdrawn Application

Date: 27/01/2015

Description: Erection of two dwelling houses

Application No: 12/14/01660

Type: Works to Trees in a Conservation Area

Status: Raise no objection

Date: 20/01/2015

Description: Felling of various trees within the Allestree Conservation Area

3. Publicity:

Neighbour Notification Letter - 44

Site Notice - Yes

Statutory Press Advert - Yes

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/10/15/01277 & DER/10/15/01278

Type: Full & Listed Building

4. Representations:

There have been 30 objections received to date, to both of the applications, including one from Pauline Latham MP. The main issues raised are as follows:

- The development would be detrimental to the setting of the listed building, Yew Tree Cottage.
- The development would lead to substantial harm to the character of the Conservation Area.
- Contrary to the new Core Strategy policies and Local Plan policies.
- The development would be out of character with the surrounding area.
- The listed building is part of group of buildings in the old village of Allestree and should be protected
- The loss of the Yew tree is unacceptable.
- The listed cottage has been neglected.
- Visibility splays at access are substandard.
- The front boundary wall of the site should not be destroyed.
- Footprint of the dwelling would be too large.
- Limited details of proposed external materials are provided.
- Adverse impact on residential amenity.

5. Consultations:

CAAC:

Objected and Recommend refusal for same reasons as on previous application.

The proposed development would be detrimental to the significance of the listed wall, would have a negative impact on the character and appearance of the Conservation Area and it adversely affects the setting of the listed buildings and the impact would remain negative on the street scene due to the scale and massing of the proposed new building and alterations to the access to it.

Highways Development Control:

The drive is at the existing vehicle entrance to Yew Tree Cottage.

The applicant has used a reduced pedestrian inter-visibility splay of 1m x 1m rather than 2m x 2m to reduce the impact on the boundary wall. In this particular instance this is acceptable. Also the reduction to the visibility distance of 2m rather than 2.4m is acceptable in this location as the drive will only serve 2 properties.

Conditions are recommended to control pedestrian visibility splays, layout of private driveway and surface water discharge onto the highway.

Committee Report Item No: 3

Application No: DER/10/15/01277 & DER/10/15/01278

Type: Full & Listed Building

Natural Environment:

Permission has been given for the removal of the five trees shown for removal as part of this application. No objections were raised to their removal under a Conservation Area works to trees application, in January 2015.

As long as the advice given / recommendations made in the submitted tree report are followed, there is no further comment to make other than the usual standard conditions, to ensure tree protection measures, such as protective fencing are in place before and during construction works and where necessary, no dig solutions are implemented in the root protection area of trees to be retained.

DCC Archaeologist:

The site is on the periphery of the 19th century village as shown on historic maps but does not fall within the likely medieval core of Allestree which lies further to the east around the church.

The site does contain a record for a 19th century post office building, now lost (HER 32479) but any archaeological remains of this would be of minimal significance. I therefore advise on the balance of probability that the site is very unlikely to be of archaeological significance, and that no archaeological requirement need be placed upon the applicant.

Historic England:

No comments. This application should be determined in accordance with national and local policy guidance and on basis of expert conservation advice.

6. Relevant Policies: *Saved CDLPR policies*

GD2	Protection of the Environment
GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – general criteria
E9	Trees
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
E23	Design
T4	Access and servicing

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Policy context
- Heritage impacts
- Residential amenity
- Highway implications
- Trees

Policy Context

These applications for full planning permission and Listed Building Consent relate to residential development of a small backland plot to the rear of a Grade II listed cottage. Listed Building Consent is also sought for the demolition of a garage and removal of part of a stone boundary wall, which are within the curtilage of the listed cottage. The site lies on the edge of the Allestree Conservation Area, which covers the old part of Allestree village. The surrounding area is of a mixed residential character, comprising post-war housing as well as historic dwellings. The site is part of the rear garden of the listed Yew Tree cottage, which is a thatched property fronting onto Cornhill. The proposed development would therefore be within the curtilage of the listed building. It would affect the setting of the listed cottage on the site as well as the setting of the adjacent listed buildings at 11 to 17 Cornhill, which are also Grade II listed.

The National Planning Policy Framework (NPPF) is relevant to this application. Paragraph 14 of the NPPF gives a “presumption in favour of sustainable development”. Under para 14, sustainable development should be granted, where the development plan is absent or the relevant policies are out of date, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” or where “specific policies in this Framework indicate development should be restricted.” In this case, the restrictive policies include those related to designated heritage assets, including listed buildings and conservation areas.

A recent court judgement made last month, in Forest of Dean District Council v Secretary of State for Communities & Local Government and Gladman Developments Ltd has clarified the interpretation of paragraph 14 in regard to the presumption in favour of sustainable development. The judgement states that there are certain policies in the NPPF where this presumption does not apply, where instead development should be restricted. Paragraph 134 is one such policy, relating to designated heritage assets. It provides for a balancing exercise to be undertaken between less than substantial harm to the significance of a heritage asset and the public benefits of the proposal. This decision means that the presumption to approve sustainable development given in para. 14 is not relevant to the decision making on applications which may affect listed buildings and conservation areas.

This recent case follows a judgement in 2014 for Banwell Manor Wind Energy Ltd v East Northamptonshire District Council, which concluded that decision makers should give considerable importance and weight, to the harm to a designated heritage asset, even if the harm is found to be less than substantial. In carrying out the balancing exercise, the desirability of preserving the setting of listed buildings should be given considerable weight as required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraphs 128 – 141 of the NPPF are all restrictive policies which seek to conserve and enhance the historic environment, through the decision making process. The impacts of development on designated heritage assets, including Conservation Areas and Listed buildings, must be considered and given weight, having regard for the degree of harm and the significance of the asset, according to paragraph 132. Any harm or loss of an asset “should require clear and convincing justification” (para 132). Paragraph 134 states that proposals which “will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

The saved Local Plan policies E18 and E19 are considered to be consistent with the NPPF and should be given due weight in the decision making process. Policy E18, seeks to ensure that new development preserves the special character and appearance of Conservation Areas. New buildings should enhance the Conservation Area in terms of their siting and alignment of buildings, materials used and the mass, scale and design. Under Policy E19, development proposals should not have a detrimental impact on the special architectural and historic interest of the character or setting of listed buildings. Proposals for alteration or demolition affected listed buildings, should also not result in a significant loss of historic fabric, unless it has been justified by means of an impact assessment.

The development of a single dwelling on this residential curtilage would in principle accord with the provisions of saved Policy H13 of the adopted Local Plan, subject to a satisfactory form of development and high quality living environment being created. Policies GD4 and E23 require a good standard of urban design, which complements the existing urban context and local distinctiveness.

Applications have been previously submitted for the erection of two detached dwellings on the same site, with a similar means of access onto Cornhill. The latter of these submissions for full permission and Listed Building Consent are still undetermined (DER/03/15/00306 & DER/03/15/00307) and have been held in abeyance pending a decision on the current applications for a single dwelling. The proposal for two dwellings involved a slightly larger site area, which would have resulted in a reduced curtilage for the listed cottage. The design and appearance of the two houses was more contemporary and the overall footprint of the development would be substantially larger than the proposal currently being considered. Significant objections were raised to the applications for the two dwellings, in regard to the adverse impacts on the setting of the adjacent listed buildings and on the character of the Conservation Area.

Heritage Impacts

The proposed residential development is to be sited in part of the rear curtilage of the Grade II listed Yew Tree Cottage, which is an historic timber framed dwelling that fronts onto Cornhill. The site also lies within the Allestree Conservation Area, which extends up to the western and southern boundary of the application site. The listed property has a large rear garden compared with other houses along this stretch of Cornhill. The garden is currently unmanaged and slopes down by approximately 2 metres from the cottage towards Parkview Close.

This application must be determined, having regard to paragraphs 131 to 134 of the NPPF, which relate to the impacts of development on designated heritage assets and consideration of any harm to those assets. Policies E18 and E19 of the Local Plan are consistent with the NPPF and seek to protect Conservation Areas and historic buildings from harm to their special character.

Yew Tree Cottage is part of a group of listed houses on Cornhill, including 11 to 17 which are all Grade II listed and are part of the old village centre. They are designated heritage assets with a high level of historical significance, which make a significant contribution to the character of the Conservation Area.

The proposed development includes the erection of a single dwelling and garage/car port, which is to be sited to the rear of the listed cottage and the adjacent 17 Cornhill, in part of the rear garden of No.19. This forms part of the rear curtilage of the listed building and the development would therefore impact on the setting of the listed cottage (19) and the group of listed dwellings (11 to 17) on Cornhill.

The development would take up a large section of the rear curtilage of the property and the retained garden area for 19 Cornhill would comprise a small area of garden to the rear and side of the principal building. The retained curtilage for the listed dwelling would be comparable with the size of gardens of the adjacent listed properties. The existing modern garage on the site is also proposed to be removed, which would be restored to garden space for the listed dwelling. The removal of the garage is welcomed and would, in my opinion, enhance the setting of the listed cottage. The garden which is to be developed is terraced and lawned with three trees and a conifer hedge. There are substantial hedges along the west, south and eastern boundaries of the site. The land levels across the curtilage fall from north to south, with the principal building being elevated relative to the levels of the garden. The proposed works within the curtilage of the listed building would also involve the demolition of a 1.2 metre high section of the front stone wall to the Cornhill frontage. The boundary wall attaches to the main building at its eastern boundary and is covered by the listing.

The proposed development would be formed within the curtilage of Yew Tree Cottage and be sited adjacent to the listed properties at 11 to 17 Cornhill and also includes the part demolition of the listed wall. In accordance with paragraph 134 of the NPPF, the proposals would result in less than substantial harm to the special character of the listed cottage and the setting of the nearby listed buildings. Where there is harm to the setting and significance of a listed building, considerable weight must therefore be given to that harm in determining the application. As required in

paragraph 134, this harm needs to be balanced against the public benefits of the proposal. This includes consideration of securing its optimum viable reuse.

The design and form of the new proposed dwelling would have the appearance of a traditional cottage, with a linear, rectangular form and two storeys in height. The built form is to be stepped, to reflect the fall in ground level across the site. There is a small rear projection which would be single storey and subordinate to the main building. It is proposed to use brick and tile for the construction and arched brick lintels for window and door openings. The garage and car port would be of a similar form and external materials to the main dwelling. They would be of simple appearance and sited at a lower level than the dwelling towards the rear boundary of the site.

The new dwelling would be positioned on a similar alignment to the listed cottage and the two together would have the appearance of a short row of traditional cottages, stretching back from Cornhill. The front elevation of the proposed dwelling is also to be stepped back about 2 metres from the principal elevation of the listed building, fronting onto the private access drive. The finished floor levels of the development are to be lower than that of the cottage at No.19 and the adjacent No.17, due to the falling land levels to the rear of the existing buildings. The proposed building would be at two levels, to reflect the gradient of the site. The garage/car port would be at a lower level again and a furthest distance from the listed cottage.

There are objections which have been have been raised to the development by the Council's Conservation Officer and Conservation Area Advisory Committee (CAAC) and I acknowledge the concerns made on the grounds of the adverse impact of the development on the setting of nearby listed buildings and on the character of the Conservation Area, due in particular to the scale and massing of the development and the part removal of the front boundary wall. Whilst there would be less than substantial harm to the setting of the listed buildings and the Conservation Area as a result of the development and the demolition of the listed wall, I do not agree that these adverse impacts outweigh the public benefits of the proposal.

In my opinion, the proposed development would be of a high quality design and form, which is akin to a traditional cottage and of a comparable overall scale to Yew Tree Cottage. Having regard for the lower floor level, stepped down into the rear curtilage, which would result in a reduced ridge height, relative to the listed cottage, the new dwelling would, in my opinion, have a subordinate scale and massing compared with the listed properties at 11 to 19 Cornhill. The development would be sited to the rear of the principal listed building, such that views from the Conservation Area would be obscured by retained trees and by the historic buildings on Cornhill. The new dwelling would not detract from the key views of Yew Tree Cottage from Cornhill, due to its siting and layout, floor levels and sensitive design and use of materials. The development is considered to preserve the setting of the adjacent listed buildings and protect their group value and historic significance in the Conservation Area.

The demolition of part of the listed boundary wall on Cornhill is proposed in order to widen the vehicular access to the site. The section of wall to be removed is on the eastern side of the existing access, which is located on the western side of the

property. The stone wall abuts the highway frontage and is covered by the listing of 19 Cornhill. It is prominent in the street scene and contributes to the character and appearance of the Conservation Area. The proposed part demolition and formation of visibility splays on either side of the access would result in less than substantial harm to the historic significance of the listed building and to its setting.

As required by paragraph 134 of the NPPF, the harm to the listed wall, alongside the proposed development of new dwelling and garage/car port must be weighed against the public benefits of the proposed development. There are benefits associated with the proposal, in regards to the provision of a single new dwelling of sympathetic design, form and facing materials, which is subordinate in scale, mass and height to the adjacent listed buildings fronting Cornhill and sensitively sited to the rear of those buildings, such that it would not be prominent from the streetscene. The wall to be demolished would affect a small section of the wall abutting the existing driveway to improve vehicular access to the property, where there is currently limited visibility onto the highway. This is a benefit to highway safety for visitors to the property, which is considered to outweigh the loss of a modest section of the listed wall. The removal of the modern garage would also enhance the setting of the listed cottage at 19 Cornhill.

A further benefit which can be considered under para 134 is to secure a viable reuse of the heritage asset. The listed cottage is currently vacant and the applicant in their supporting statement submitted in support of the application states that the development of the rear curtilage would provide funds to undertake restoration and improvements to the historic dwelling. The renovation of the cottage would be welcome and enable its residential reuse. In order to ensure that there is some public benefit, by way of restoration works to the listed building, it is, in my opinion, reasonable to attach a planning condition to secure a scheme of works for the cottage, following development being carried out.

The benefits of the proposed development are material considerations and when balanced against the harm to the setting of the listed buildings at 11 to 19 Cornhill and to the character of the Conservation Area, they are considered to outweigh the harm to the heritage assets. A viable re-use of Yew Tree Cottage would also be delivered as part of the scheme, which is a further benefit to be weighed in the balance.

Overall, the harm to the character and appearance of the Conservation Area and the loss of historic significance of the adjacent listed buildings on Cornhill is satisfactorily outweighed by the specified benefits of the development and the proposed residential scheme is therefore considered to be in accordance with the policies of the NPPF and saved Local Plan Policies E18 and E19.

Residential Amenity

The development is to be sited on a backland plot to the rear of dwellings on Cornhill and to the north of post-war dwellings on Park View Close. The principal elevations of the building would be positioned at a right angle to the adjacent dwellings on either side of the plot, which reduces the potential for overlooking and loss of privacy to the nearby properties on Cornhill and Park View Close. The front elevation of the building

would face towards the shared boundary with 21 and 21a Cornhill, at a distance of approx. 10 to 12 metres. This is an adequate distance from those properties to avoid unreasonable overlooking.

The main impacts are likely to be on the nearest properties at 17 and 19 Cornhill and 7 and 9 Park View Close. 17 and 19 Cornhill are elevated in relation to the proposed development and would face onto the north side elevation of the dwelling, which has a projecting single storey element. This side elevation has secondary windows to bathrooms and kitchen, which would not give rise to undue massing or loss of privacy for the adjacent residents. 7 and 9 Park View Close currently overlook the site and is at a lower level. There is a hedge along the shared boundary which provides some screening and this should be retained. There would be some impact from the garage/car port and the end elevation of the new dwelling, which are to be sited in close proximity to the hedge boundary. There is a large window opening to living room on the end elevation which would face towards the rear gardens of Nos. 7 and 9, although the window would not directly face onto the rear elevations of those dwellings. There are four other openings to the living room which are on the front and rear elevations of the building. There would be some potential for loss of privacy from the living room opening on the end elevation and it is reasonable to require the glazing to be obscured to preserve the privacy of the nearby residents.

Subject to a condition to control obscure glazing to the living room opening, there would, in my opinion, be no significant harm caused to nearby residential properties, by the proposed development, in accordance with the provisions of Policies GD5 and H13.

Highways implications

There is an existing vehicular access to the site from Cornhill, which is proposed to be widened to serve the proposed additional dwelling at the rear of the site. The private driveway would be formed in a similar position to the existing and extended along the western boundary of the site. The alterations to the access require a part demolition of the boundary wall, to form a 4.25m wide access onto Cornhill. This is required due to the narrow width and limited visibility afforded by the current access. A short section of the wall is to be removed and partially rebuilt to provide visibility splays onto the highway. The Highways Officer has accepted a reduced level of visibility at the access, to minimise the amount of wall which needs to be removed, to safeguard the historic integrity of the listed curtilage wall. This is a reasonable compromise, bearing in mind the limited traffic impact of the additional dwelling and to protect the special character and setting of the historic building. I note that the Highways Officer does not have any concerns in regard to highway safety at the amended access.

Parking and turning areas for both the existing dwelling at 19 Cornhill and the new development are to be provided and these are considered to be acceptable in terms of meeting parking requirements and effects on highway safety. Overall, there would not be any adverse highway implications arising from the development and the scheme accords with Policy T4.

Trees

There are various trees on the site which are within the Conservation Area and therefore have protection from works being undertaken unless a notification is submitted for proposed works to trees. A Notification was made in 2014 for the felling of five trees within the site, which are same trees to be removed under these applications. Those trees were not considered to be of sufficient merit to be covered by a Tree Preservation Order, on the grounds of their limited public amenity value and overall quality. The felling of the five trees, which include two Cypress, a Yew and two fruit trees at the rear of the site, was agreed and can be implemented at any time, regardless of the outcome of the current applications.

The remaining trees towards the Cornhill frontage and the boundary hedge are shown for retention as part of the development and this includes a large Yew tree at the front of the site, which overhangs the highway. This is a prominent tree in the streetscene and contributes to the character of the Conservation Area. It is to be retained within the curtilage of the listed building and would soften the visual impact of the development to the rear of the site. The retained trees and hedges would be protected during construction, subject to a suitable condition and overall the proposal would accord with the provisions for trees in developments laid out in Policies GD2 and E9.

8. Recommended decision and summary of reasons:

DER/10/15/01277:

To grant planning permission with conditions.

Summary of reasons:

The proposed residential development and formation of vehicular access would form a high quality living environment and a design and layout which complement the character and local distinctiveness of the surrounding residential area. The development site is in the curtilage of the Grade II listed 19 Cornhill and the proposal would not have a detrimental effect on the setting and special character of nearby Grade II listed buildings, including 19 Cornhill and would preserve the character and appearance of the Allestree Conservation Area. There would not be adverse impacts on highway safety arising from the proposed access or on trees of importance within the site.

Conditions:

1. Standard condition (3 year time limit)
2. Standard condition (approved plans condition)
3. Standard condition (details of external materials)
4. Standard condition (details of means of enclosure, including any retaining walls)
5. Standard condition (landscaping scheme, include retention of trees)
6. Standard condition (implementation and maintenance of landscaping scheme approved under condition 5)

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7. Standard condition (tree constraints and tree protection plan for retained trees in accordance with BS5837:2012 to be agreed and implemented during construction)
8. Development shall not be brought into use until pedestrian visibility splays 1 metre x 1 metre at the vehicular access to be provided and areas within the splays to be maintained at no more than 0.6 metres above ground level.
9. The shared driveway to be laid out to a width of no more than 4.25 metres for at least 5 metres back from the highway. Vehicle parking and turning areas shall not be used for any purpose other than for parking and turning of vehicles.
10. The driveway to be constructed to prevent surface water discharging onto the public highway and retained for life of development.
11. The living room window opening on the south facing end elevation of the dwelling to be obscure glazed and retained as such for life of development.
12. Window and door joinery details and sections to be agreed for the proposed dwelling and implemented.

Reasons:

1. As required by Sections 91-92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the setting and character of the listed building and conservation area – Policies GD4, H13, E18 & E19
4. To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the setting and character of the listed building and conservation area – Policies GD4, H13, E18 & E19
5. To ensure a suitable landscaping and planting scheme, incorporating retained trees, in the interests of visual amenity – Policies GD4, H13, E18 & E23
6. To ensure a suitable landscaping and planting scheme, incorporating retained trees, in the interests of visual amenity – Policies GD4, H13, E18 & E23
7. To ensure the protection of retained trees and hedges on the site, in the interests of visual amenity – Policies GD2 & E9
8. In the interests of traffic and pedestrian safety – Policy T4
9. In the interests of traffic and pedestrian safety – Policy T4
10. In the interests of traffic and pedestrian safety – Policy T4
11. To protect the amenities and privacy of nearby residents at 7 and 9 Park View Close – Policy GD5
12. To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the setting and character of the listed building and conservation area – Policies GD4, H13, E18 & E19

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Type: Full & Listed Building

Informative Notes:

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Contact Streetpride@derby.gov.uk tel 0333 2006981.

Waste/recycling storage facilities are to be located within 25m of the public highway.

DER/10/15/01278:

To grant listed building consent with conditions:

Conditions:

1. Standard condition 03 (3 year time limit)
2. Standard condition 100 (approved plans)
3. Before any works to the stone boundary wall are carried out, precise details to be submitted of the making good of the retained wall and construction of the new sections of wall, including elevation drawings to a scale of 1:20 or 1:50.
4. Before occupation of the dwelling, a scheme of repair and restoration works for the listed building, 19 Cornhill, to be submitted for approval and implemented in accordance with agreed timetable.

Reasons:

1. In accordance with the relevant Regulations.
2. For the avoidance of doubt.
3. To safeguard the character and integrity of the listed curtilage wall and setting of Grade II listed building and Conservation Area – Policies E18 & E19
4. To protect the special character and historic fabric of the listed building – Policy E19

Application timescale:

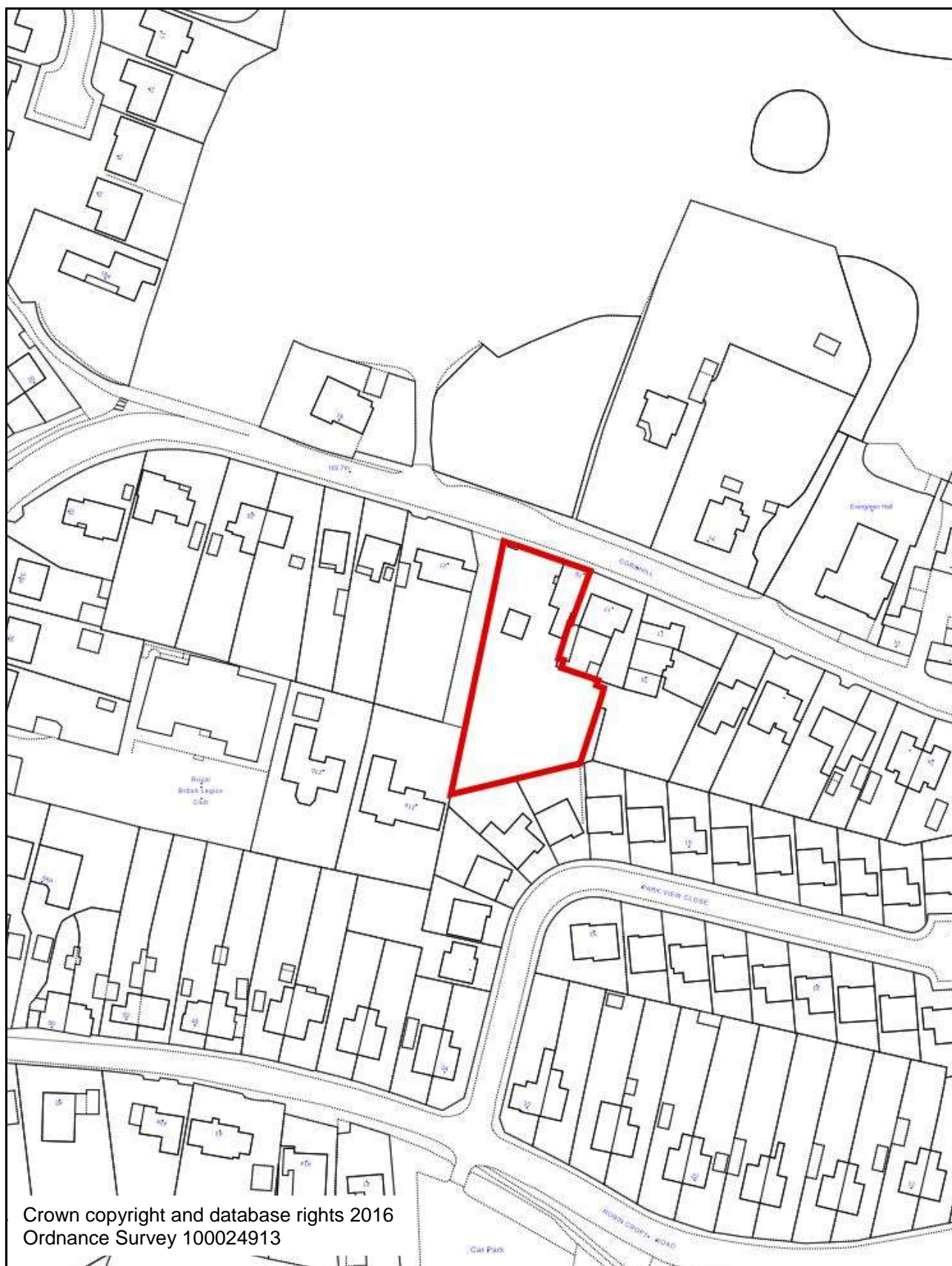
The target date for determination of the applications expired on the 10 December 2015 and an agreed extension of time has been given until 15 April 2016.

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/10/15/01277 & DER/10/15/01278

Type: Full & Listed Building



Classification: OFFICIAL

1. Application Details

Address: Land off North Avenue, Darley Abbey.

Ward: Darley

Proposal:

Residential development for up to 49 dwellings, formation of vehicular access and open space

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98826>

Brief description:

An appeal against Non-Determination has been lodged with the Planning Inspectorate on this outline application for residential development, on land to the north of North Avenue, Darley Abbey. The application is brought to committee for Members to make a resolution on the proposal which will be presented as part of the Council's evidence in the forthcoming public inquiry.

Members are not being asked to make a planning decision on this application since a decision will be made by the Planning Inspector following the inquiry.

This outline application for residential development of up to 49 dwellings, follows two previous similar applications on the site, which were both refused permission in 2014 and September 2015. The primary difference between each of the applications is in relation to the vehicular means of access. There have also been some changes to the indicative residential layout and an archaeological investigation was undertaken for the previous 2015 application.

It is a greenfield site to the north of North Avenue, on the edge of Darley Abbey. The land is currently agricultural grazing land behind residential properties on 1- 15 North Avenue, which is elevated in relation to the site. The site is approximately 2.7 hectares in area and comprises open fields subdivided by mature hedgerow and individual trees. There is a farm track which crosses the fields from a gated access in the south west corner of the site. The land is undulating and lies on the western slope of the Derwent Valley, which slopes generally downhill from the A38/ A6 roundabout junction towards the River Derwent, flood plain to the east of the site.

The landscape in this area is generally open in character and affords view from the river corridor and across the Derwent Valley from the east. To the south east of the site is the Nutwood Local Nature Reserve, which is a woodland area alongside the riverside. The existing residential areas of Darley Abbey and Allestree are located to the south, north and west of the site and are separated by major roads to the north and west. There are also two existing telecom masts on and close to the site abutting the A38 embankment.

The outline proposal is for residential development, with all matters reserved, except for means of access. The principal vehicle access is proposed to be formed from the

eastern end of North Avenue. It would involve a reconfiguration of North Avenue to form a T-junction with the existing highway and provide a new access road to the north into the site.

An indicative site layout for the proposed residential scheme has been submitted in support of the application, which would not be determined under the current appeal. This shows a suggested street layout, with open space and play area being provided within the development and a landscaped buffer along the eastern boundary of the site. A balancing pond is also to be provided in the eastern corner of the site. Additional footpath links are proposed to the western end of North Avenue and to the River Derwent and Nature Reserve from the eastern side of the site.

The application is supported by various documents including a Design and Access Statement, Ecological Appraisal, Archaeological Appraisal and Desk based contamination report, Flood Risk Assessment and Planning Statement.

2. Relevant Planning History:

Application No:	DER/06/15/00720	Type:	Outline Planning Permission
Status:	Refused	Date:	11/09/2015
Description:	Outline for residential development of up to 49 dwellings, formation of access and areas of open space		

Reasons for refusal:

1. In the opinion of the Local Planning Authority residential development on this site would have an unsatisfactory relationship with the prevailing built form of Darley Abbey. Given the topography of the site and its surrounding fields, which falls west to east, towards the River Derwent and the pattern of residential development on North and South Avenues, it is considered that it would be difficult to secure a layout of development that relates well to existing housing in the locality. The existing houses on North Avenue turn their backs to the site and the site is enclosed from the north and west by substantial raised embankments to the neighbouring trunk road network would virtually be an island of development that would struggle to relate to neighbouring communities. As such, the Local Planning Authority has little confidence that reserved matters submissions could deliver an overall layout that would provide a high quality design that would relate well to existing housing in the locality. The proposal is therefore contrary to saved policies GD4, H13 and E23 of the adopted City of Derby Local Plan Review and the over-arching design guidance in the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, residential development on the application site would be prominent and visually intrusive, leading to the narrowing of the Green Wedge, between Darley Abbey and Allestree, resulting in a loss of openness and undeveloped, landscape character in this highly sensitive part of the Green Wedge. It would lead to further coalescence of the Allestree and Darley Abbey neighbourhoods. As such, the proposal would compromise the role and function of the Green Wedge in this location, contrary to the aims of saved policy E2 of the adopted City of Derby Local Plan Review.

3. In the opinion of the Local Planning Authority, residential development on this site, which would fall within the Derwent Valley Mills World Heritage Site and its associated Buffer Zone, would be harmful to the Outstanding Universal Value of the World Heritage Site. This is due to the site being an important part of the undeveloped rural landscape providing the setting for the Darley Abbey Mills industrial settlement, which makes a contribution to the significance of the World Heritage Site. The site is therefore highly sensitive and the proposal would result in the loss of the rural character and landscaped would change both the character and experience of this part of the setting of the World Heritage Site, eroding the clear relationship between the rural landscape and the historic settlement, which is an integral part of its contribution to the Site. The proposal is therefore contrary to saved policy E29 of the adopted City of Derby Local Plan Review and the policies in the National Planning Policy Framework.
4. In the opinion of the Local Planning Authority, the proposed alterations to the access to the turning head on North Avenue, to form principal vehicular access to the development, would be detrimental to traffic and pedestrian safety on the highway and harmful to the amenity of the residential property at 1 Church Lane, by reason of the poor visibility which would be afforded to the existing access to 1 Church Lane due to the tight bend in the road in close proximity to the access, inadequate footway width for this type of road and potential for vehicles to overrun the footway as shown on tracking drawing no. F15018/01 Rev B. Accordingly, the proposal is contrary to saved policy T4 of the adopted City of Derby Local Plan Review and the relevant technical guidance outlined in 'Manual for Streets'.

Application No:	DER/02/14/00198	Type:	Outline Planning Permission
Status:	Refused	Date:	01/10/2014
Description:	Residential development for up to 45 dwellings, formation of access road, car park and open space.		

3. Publicity:

Neighbour Notification Letter – 87 letters

Site Notice

Statutory Press Advert

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

Prior to the previous application in 2014, a public consultation exercise was undertaken, which involved meetings with local stakeholders, a public exhibition in Darley Abbey and head teacher of the Old Vicarage School.

No further consultation of the local community has been done since the refusal of the previous scheme and before the current application was submitted.

4. Representations:

88 objections have been received to date to the application. These include objections from Cllr Repton and Cllr Stanton and from the Darley Abbey Society. The main issues which are raised are as follows:

- Visual intrusion and loss of the Green Wedge
- Adverse impact on the character and historic importance of the Derwent Valley Mills World Heritage Site
- Increased traffic flows add to congestion on local roads in Darley Abbey
- Access would be sited in the World Heritage Site itself and slopes sharply into the site, requiring an increase in gradient and a more prominent road.
- Development in the Buffer Zone would impact on a highly sensitive area.
- Site is not allocated for housing in the Core Strategy or in the Local Plan.
- There would be difficulties with surface drainage on the site
- Increase in traffic hazards for local residents.
- Topography of site presents challenges to achieving a suitable access and layout
- Visual intrusion into the landscape
- Loss of wildlife and habitat
- Pressure on existing school places

5. Consultations:

Conservation Area Advisory Committee:

Object and recommend refusal for the same reasons as previously made to previous applications. In addition it was highlighted strongly that there was a harmful impact on the World Heritage Site's Outstanding Universal Value. The intrinsic value of this World Heritage Site is its relationship between the buildings and natural form. The openness of the valley is a particular and important feature. The Mills were built in a rural landscape which is unique and part of the designation.

Highways Development Control:

The surrounding highway network is subject to 20mph speed restrictions; with the proposed site being accessed off a revised junction with North Avenue. The site is lower than the adjacent highway network.

Site levels/gradients

Whilst it is acknowledged that site design is a matter reserved for consideration at a later date, it is considered that there are potential design issues. The site falls steeply away to the north east, with the application plan showing suggested gradients (in places) as steep as 1:12

At this degree of steepness it is likely to prove difficult to meet adoptable road gradients (maximum permissible gradient 1:20) without a significant amount of 'cut

and fill' on the site, particularly in respect of providing suitable gradients for pedestrians, cyclists and those with impaired mobility. Significant earthworks could reduce the number of dwellings that can be provided on the site. Whilst it is legitimate in planning terms to simply test the principle of residential development on this site without detailed designs of the road layout, this should be a practical consideration at this stage.

The 7C's Design Guidance which is guidance on the standards for adoptable roads and which is used by many authorities across the Midlands region says the following:

"In respect of road gradients table DG1 in the the 7C's Design Guide sets out the adoptable standards. You will see this table refers to note (h), which says:

"Taking into account the needs of people with impaired mobility, we may be prepared to consider a relaxation on sites with particularly difficult topography. However, relaxations should not form the starting point of longitudinal design. The financial cost of cut/fill is not a material consideration when assessing the ability to achieve gradients to aid walking/cycling."

It is considered important that the developer understands this and that the Highway Authority will be seeking reasonable gradients when it comes to negotiating the highway layout for this site in the future.

The applicant/developer is advised that the indicative layout shown would be unsuitable for Adoption (and subsequent maintenance at the public expense); the provision of a suitable layout could have an impact upon the number of dwellings likely to be accommodated within the development.

Junctions

The proposals are for alterations to the junction with North Avenue; giving priority to vehicles accessing the site against vehicles emerging from North Avenue.

At 2.4m set-back, visibility in either direction would exceed the minimums advised in Manual for Streets.

The proposals will require the relocation of existing lamp column 32504.

North Avenue (from the proposed access location) is approximately 6.0 metres wide, with a 1.6m wide footway on its west side. Visibility at the junction of South Avenue exceeds the minimums advised for a road with a 20mph speed limit.

Church Lane is approximately 6.3 metres wide, and has school zig-zag road markings on the east side (to the left on egress). Measured visibility to at the junction of south Avenue and Church Lane is approximately 57 metres which is in excess of the minimum advised for a 30mph design speed (Church Lane being subject to a 20mph speed limit).

There are no recorded injury accidents at any of the discussed junctions.

Considering trip generation; the National Planning Policy Framework states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

The Highway Authority does not consider that the development would be likely to have a severe impact upon the adjacent highway network.

Cycle access/footpath

The proposals show a footpath link to North Avenue. This would link into the existing highway. Due to visibility issues this would not be suited to vehicular use but should be upgraded to form a cycle/pedestrian link.

Highways – Land Drainage:

There has been insufficient detail included within the Flood Risk Assessment (FRA) to support the proposals and as such I object to this application. On review of the application documents, the following key concerns were identified which have led to the objection:

- The FRA does not appear to fully account for all sources of existing flood risk to the development site. In particular, although an inspection of the sewer records indicates the presence of existing combined, surface water and highway sewers crossing the site, the FRA does not assess the risk of flooding from sewers. Likewise, the submitted topographical information details a valley crossing the site in a west to east direction. This may channel surface water off the land, and in particular from the steep A38 highway embankment, towards dwellings. The Environment Agency's Flood Updated Flood Maps for Surface Water provide further evidence of this risk. Despite this, the FRA does not consider the risk of overland flow to the development. As such, the FRA is not sufficient to demonstrate that the development is not at high risk of flooding for the purposes of the National Planning Policy Framework (NPPF).
- The FRA does not explicitly state where surface water disposed of from the site will be discharged to. Although surface water sewers exist within the site curtilage, no assessment of the capacity of these systems has been made and no evidence that appropriate permissions have been obtained to discharge to those sewers has been submitted. No watercourses are identified in the FRA as possible points of discharge and similarly no information as to their capacity or condition is provided.
- It appears that the development layout may conflict with existing sewer and highway drainage easements, and no regard has been given to this in the submitted application documents. In particular, the proposed attenuation pond appears to be situated on top of a number of sewers which have the potential to make the location of the pond unfeasible. The layout therefore does not demonstrate that the site can be drained sustainably or that the site can accommodate the proposed number of properties sustainably at present and we would require this assurance prior to permissions being given for the development.
- The FRA does not address appropriately how climate change is likely to affect the development site and how climate change adaption can be built into the proposed drainage design. Therefore the proposals do not accord with Paragraph 99 of the NPPF. It should be noted that this objection matches my

response to the previous application for this site earlier this year (DER/06/15/00720) because none of the key concerns above have yet been addressed in this current application. Our objection is likely to be maintained until the applicant can demonstrate that the points above can be adequately overcome.

However, the following additional concerns should also be addressed by the applicant prior to development commencing:

- The FRA does not identify an organisation that will be responsible for adopting and maintaining the SuDS features on the site.
- The FRA describes an aspiration to incorporate SuDS according to draft National Standards for sustainable drainage systems (December 2011). Although it is stated that information will be given at the detailed design stage, the applicant should be aware that the draft National Standards for sustainable drainage systems (December 2011) has now been superseded by the Defra non-statutory technical standards for sustainable drainage systems (March 2015). The expectation is that the detailed SuDS design will comply with all standards detailed in this up-to-date guidance.
- No balancing pond drawings or dimensions are provided at this stage. However, the detailed pond design will need to demonstrate shallow gradient side slopes (no steeper than 1 in 4) and adequate safety zones in accordance with The SuDS Manual (CIRIA 697). This is to ensure that the pond can sit safely within the open space and can be maintained in a safe, efficient and cost-effective manner. Without this information, at present it cannot be fully demonstrated that, with appropriately designed SuDS components, the development can accommodate the proposed number of dwellings sustainably.

Natural Environment:

Trees

The only individual trees of note, identified in the Preliminary Ecological Appraisal, and shown on the Phase 1 Habitat Plan, are trees 2 and 6. Tree 6 is protected by Tree Preservation Order (TPO) 17. Tree 2 is located outside of the application area, within gardens on North Avenue. The mixed plantation woodland and dense scrub, identified on the Phase 1 Habitat Plan along the embankment with the A6 and A38, are again located outside of the application area and are the Council's responsibility and the Highways Agency respectively.

The hedgerows within the application site were identified as species poor in our Derby City Hedgerow Survey in 2003. The submitted Preliminary Ecological Appraisal does not mention whether the hedgerows qualify as 'ecologically important' under the Hedgerow Regulations 1997. The submitted appraisal does, however, state that 'The hedgerows within the site are considered to be a habitat of Principal Importance under the NERC Act 2006, as such this habitat is material consideration of planning and should be protected within the development proposals, where possible.

In relation to trees 2 and 6, and the mixed plantation woodland and scrub along the embankment with the A6 and A38, no further comment to make other than the usual standard conditions to ensure tree protection measures, such as protective fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in their root protection area. Any detailed application for this site should reflect the advice and recommendations made by Clear Environmental Consultants Limited in their Preliminary Ecological Appraisal. The retention and reinforcement of the trees and hedgerows along the eastern boundary, is welcomed.

Rights of Way

There are no recorded public paths within the application site. That is not to say though that rights haven't been established through usage.

The proposed footpath link, as shown on the submitted Illustrative Site Plan, is welcomed, along with the proposed footpath links to; the river to the east, Darley and Nutwood Local Nature Reserve to the south and South Avenue.

In particular, providing additional links to the river / nature reserve will help connect with the existing permissive path through the nature reserve, which links to a track alongside the river off Old Lane, thereby providing access in to the heart of Darley Abbey village. This would provide a useful addition to the path network in this area, in addition to the existing highways link from the cul-de-sac at the end of South Avenue.

Derbyshire County Council Archaeologist:

The application site is crossed towards its eastern edge by the probable route of the Roman road known as 'The Street' between Derby and Buxton (HER 99030). The route of this road at the Derby end is not known with certainty, but the suggested alignment is based on detailed map and landscape analysis by Farnsworth and Whirrit (2006).

In response to this archaeological interest the applicant has carried out archaeological evaluation of the site and has presented the results as part of the planning application. No evidence for the Roman road was found during the evaluation trenching. This may be due to subsequent disturbance: the evaluation did find evidence for modern made ground and infill perhaps associated with road construction to the north and west of the site and it may be that remains of the road have been removed by medieval and modern ploughing. However, the natural ground surface was present over the majority of the site and it seems rather more likely that, rather than having left no trace, the Roman road in fact follows a different alignment.

Further to my comments on the previous application for the site I have received comments from Darley Abbey Historic Group with regard to place name evidence that the site contains a field named as 'Capersich' on the 1737 map of Allestree and that this derives from 'chapel stream field, relating to a subsidiary chapel of the Abbey of Darley. This is good research but is much more likely to reflect church ownership of the field at some point, than that there was actually a chapel within the field. The archaeological evaluation did encounter a single course of sandstone footings in Trench 4 at the southern end of the site, but these seemed to be part of a post-medieval boundary wall and were not substantial enough for a chapel; this

trench in any case lay to the south of the 'Capersich field identified by DAHG. On balance and given the evaluation results it appears extremely unlikely that the site contains remains of a medieval chapel, and I do not feel that this merits a planning response under the policies at NPPF.

The site also contains a small block of ridge and furrow earthworks mapped using LiDAR survey in 2015 (HER 32842). These earthworks were observed on site during the evaluation and were characterised as well-preserved. The total resource amounts to only 1.6ha, of which perhaps a third falls within the application boundary. I note that this area is proposed for use as the site access road and open space, and recommend therefore that the ridge and furrow earthworks are incorporated within the open space proposals wherever possible when the detailed site layout is planned, to avoid loss of this locally significant heritage asset, in line with NPPF para 131

Environment Agency:

No comments made to the application.

Derbyshire Wildlife Trust:

The previous comments to the application still apply to the current proposal.

Comments regarding the position within the Green Wedge remain unchanged.

We note that the current application is supported by the same ecological study which is dated November 2013.

Under normal circumstances we would advise that an updated survey would be considered necessary. However, the principal ecological features identified in that Report (hedgerows, mature/over mature trees, bats and badgers) are likely to be still present. The assessment of the field's habitat value, which represents the bulk of the application site, will not have altered in the intervening period as the site is still in active agricultural production.

Therefore it could be considered unreasonable and would add little to the current consideration, to require an updated survey report at this point.

The submitted layout avoids the isolation by the access roads of the known badger sett, which represents an improvement on the previous illustrative layouts and is to be welcomed.

However, the increase in the housing density appears to have resulted in a decrease in the area available to provide compensation and mitigation for the identified biodiversity features on the site.

The landscape buffer zone to the east of the site incorporates the balancing pond and children's play area and appears to be narrower than in previous iterations of the scheme, although it is difficult to scale off the plans provided. We would suggest that clarification of the width of the buffer zone vs density of the proposal is sought and that the width of the buffer zone is increased to allow greater biodiversity enhancement within the proposal and the probability that mature and over mature trees on the hedgerow boundaries can be retained intact without danger to any

property, in addition to providing a greater width at its southern end to protect the badgers.

We would strongly recommend that any Reserved Matters application, if approval is granted, should be conditioned to retain the extent of the negotiated landscape buffer. In addition, a reassessment of the location of the play area should be undertaken to provide a detailed layout with sufficient cover for the badgers to continue to utilise their sett/setts.

Any permission if granted should be supported by a condition to require a badger survey of the whole site and an assessment for the need for a badger licence for works within 30m of a sett. This should be used to inform the final layout of the Reserved Matters scheme. The Report should give a detailed assessment and programme of necessary mitigation measures required to avoid infringement of the legislation (Badger Protection Act 1992).

Given the layout of the scheme and the lack of any tree removal plan it is assumed that all the trees within the application site's hedgerows and elsewhere can be accommodated within the proposal. A condition should therefore be required to temporarily fence the hedgerows, retained trees and any active badger setts (within 40m of any earthworks or construction activity) prior to the commencement of any vegetation clearance, earth moving or enabling works.

Any vegetation clearance, earth moving or enabling works should avoid the bird breeding season (March – August inclusive) unless it can be demonstrated that no breeding birds are present. This should include the field area which although not currently utilised by ground nesting species due to the active agricultural production, may become available for nesting if management alters. A condition should be required to implement this.

A condition will be required to ensure that at Reserved Matters stage all trees which are subsequently found to require tree surgery work should be reassessed for their suitability to support bat roosts, which should include tree climbing assessment and activity surveys where necessary. The condition should make it clear that this applies equally to any dead/dying trees as well as healthy specimens.

A condition should require that the Reserved Matters application be supported by full Landscape Ecological Management Plan which includes planting details and management proposals for the landscape buffer zone design and management of the open water attenuation feature with regard to its management as an attenuation feature but incorporating the principals of biodiversity management costed proposals for a period of a 15 years, which should be linked to the owner contributions under the section 106.

We note the draft Section 106 for the current proposal and the provision of funds but would seek clarification as to what encompasses "incidental open space and major open space reasonably capable of serving occupiers of the Development". We note that the application's boundary edged blue encompasses other areas and if this section 106 clause incorporates any element of this land then the condition requiring the LEMP should also include these additional areas if necessary.

In conclusion:

- The current submission's layout decreases the fragmentation of the badger sett from their foraging habitat, but the likelihood of disturbance still remains high.
- Alteration of the landscape buffer is suggested to alleviate these impacts
- A number of conditions are proposed which would guide the design of any Reserved Matters application, should the proposal receive permission, and identifies additional information that will be required to support the final submission
- Additional conditions are suggested which will seek to ensure that the any proposal is implemented in order to avoid infringement of wildlife legislation.
- Clarification is sought as to the extent of the area covered by the Section 106 and a Landscape Ecological Management Plan should be conditioned for the entirety of the open space area.

Police Liaison Officer:

Previous comments:

No objections to the principle of residential development in this location.

Historic England:

Within this part of the Derwent Valley Mills World Heritage Site (DVMWHS) the Darley Abbey Mills is the most complete of the industrial complexes along the Derwent Valley, forming a significant part of the Outstanding Universal Value of the World Heritage Site. It is part of the closely related network of pioneer textile manufacturing sites with housing and facilities provided for the workers, in the hitherto rural Derwent Valley and sits alongside these settlements in terms of both historic and architectural significance.

This industrial complex as an entity is exceptional in its completeness of survival, and significant to its character is the uniform appearance revealed in construction, buildings material and design.

Beyond the mills and Darley Abbey village, the survival of the rural landscape sharply contrasts with the former industrial settlement, demonstrating how the factory system was imposed on a rural landscape. The development site sits in an elevated position above the major natural boundary of the Derwent which lies in the relatively deep valley - this was a significant natural feature which enabled the industrial development within the Derwent Valley. Within this part of the DVMWHS, development and expansion has taken place around the settlement of Darley Abbey and along the A38/A6 within the buffer zone, though the road infrastructure in itself now forms a distinct boundary - in this location beneath the road and towards the east, the rural and semi-rural appearance has been retained. 20th century expansion is acknowledged in this area but it is clearly distinguishable from the rural landscape and has not encroached further upon adjacent fields - thus there is a definite boundary between the built settlement and rural backdrop. Our assessment of the site in terms of its contribution to the OUV of the DVMWHS has not changed from our 2014 & 2015 advice letters relating to both the previous applications. This

contribution is through the survival of this rural landscape character, clearly defined against the housing development along North Avenue and bounded by the screened A38 above. The site helps to reinforce the strong contrast of the rural landscape with the historic urban settlements and the relationship with the water tributaries, which provides a reminder of how this area evolved and the parameters and arrestment of development. The site lies within the buffer zone - as defined this is the area surrounding the World Heritage Site to give an added layer of protection to the World Heritage Site. It can therefore be seen as part of the setting (though setting can be more extensive than the buffer zone). The presence of the buffer zone recognises the need to acknowledge and protect the significance of the WHS as a cultural landscape. Within the WHS the relationship between the industrial mill buildings within the historic settlement, the River Derwent and its tributaries, and the topography of the surrounding rural landscape, with historic roads connecting the settlements, is a key element of the character and significance of the Buffer Zone. This relationship today is spatial, visual and historic. In the immediate area of and including the development site, the open fields form part of this character, contributing to the setting of the WHS.

Impact of the proposed development on significance

The proposed development site's character is essentially one of rural landscape with field boundaries, lying above the Derwent. It is sensitive to change and fundamentally, development for housing with associated infrastructure will result in the loss and further erosion of this rural character in this part of the World Heritage Site and its buffer zone. We note the changes made from the previous illustrative layouts including the repositioning of the access, introduction of a discontinuous and low density edge behind a landscape buffer. Fundamentally, redevelopment would change both the character and experience of this part of the rural setting further eroding the clear relationship between settlement and rural landscape within this part of the buffer zone. This relationship has both historic and aesthetic value. Much of the contribution made by the site to the OUV of the DVMWHS and the setting of Darley Abbey Conservation Area, lies in moving along the area which creates a cumulative experience of the overall character of this part of the DVMWHS - this is not confined to static views. As government guidance advises, setting is not confined to visual factors such as sight lines and views; it is as much defined by spatial associations and by our understanding of the historic relationships between places.

We therefore believe this proposal will harm the significance of the DVMWHS and Darley Abbey conservation area. This is accepted by the applicant within the submitted Planning Statement - 'it is considered that the proposed development would lead to 'less than substantial harm' to the Derwent Valley Mills World Heritage Site.'

Policy Context

The importance of conserving heritage assets is recognised in the NPPF as one of the 12 core principles of sustainable development.

In considering the impact of this proposal, the decision-maker must give the conservation of the asset at the minimum great weight, and where the asset is of a

particularly high level of importance the weight given to its conservation must be particularly great [NPPF 132].

The NPPF makes it clear that significance can be harmed or lost through alteration or destruction of the heritage asset, and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification - paragraph 132. Harm to the historic environment can be justified under the NPPF, but the public benefits delivered by the development would have to be substantial to outweigh the level of harm to the OUV of the DVMWHS. In this respect we refer you to paragraph 134 of the NPPF and paragraphs 137-138 in revealing the significance of heritage assets. It is not the case that harm, which may be considered less than substantial, means the proposal is acceptable. In our view the proposals do not seek to sustain and conserve the significance of the Derwent Valley Mills World Heritage Site. We are not convinced that the justification for this development and the public benefit proposed on this site outweighs the harm caused.

For the reasons set out within this advice letter, we consider this proposed housing scheme is harmful to the outstanding universal value of the Derwent Valley Mills World Heritage Site. We therefore recommend refusal of this application. In line with the NPPF, ultimately, the soundness of a decision by your authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against the merits of the proposed housing development. If suitable, alternative, less harmful locations have been identified to meet housing need, then there is no justification for all of the proposed residential development in this location.

Derwent Valley Mills World Heritage Site Technical Panel:

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: "protect, conserve and enhance the Outstanding Universal Value of the DVMWHS." In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have consulted with Derbyshire County Council's Conservation and Design Section (which advises the World Heritage Site Partnership in planning matters) over this application, and the World Heritage Site Conservation and Planning Panel, and have received the following advice.

The World Heritage Site Partnership provided advice on a similar planning application DER/02/14/00198/PRI which was refused in September 2014 and the subsequent application DER/04/15/00720. Whilst recognising this application proposes a different layout and means of access off North Avenue, additional tree planting to the south east of the site and noting the submitted Heritage Statement, we do not consider the changes alter the previous advice given, which is repeated below.

This undeveloped area of open, green countryside was deliberately included within the Buffer Zone to protect the setting of the Site. Any significant development would impact in a negative way on the setting of the Site by substituting housing for this survival of the natural rural landscape context within which the historic industrialisation emerged and survives today in its arrested state.

The proposed development immediately abuts the Site itself; indeed the access road and proposed car parks and playing field is within the World Heritage Site. The Site is characterised at this point as open natural flood plain to the River Derwent, where the only tangible signs of human intervention north of the Darley Abbey Mills complex is the railway, essential infrastructure e.g. strategic roads and sewerage works, and the occasional isolated farmstead, before the Site reaches the historic settlements of Makeney and Milford.

The application site is highly visible from within the World Heritage Site, from Darley Abbey to Breadsall, and just beyond. From the public amenity route of the Derwent Valley Heritage Way that follows the edge of the River Derwent, the lower valley slopes rising from the river meadows of the flood plain, on its western side, retain an undeveloped character; the tower of St Matthew's Church, Darley Abbey, is almost the only visible built feature within this expanse of tree covered slopes. If the application site were to be developed with housing as proposed, despite its lower level than the existing adjacent housing of North Avenue, it would not be perceived as a natural extension to the existing edge of settlement development, but would appear as a highly visible, isolated development within this, the designated 'Green Wedge', consisting of the tree covered valley slopes and the natural meadows of the River Derwent's flood plain. Furthermore, the housing in North Avenue would be opened up by breaching the existing green screen to form the vehicular access.

Any built development will reduce the open, landscape character of the setting and consequently impact on the Outstanding Universal Value of the World Heritage Site. Screening as a form of mitigation is not of any real help, firstly because such an argument could be used over and over again in such circumstances and the open landscape setting would be lost incrementally, and secondly, tree screening can be lost by felling, thinning or disease.

The Derwent Valley Mills' intact 'arrested' condition, in a rural landscape setting, was a significant contributing factor in its inscription. Loss of that landscape would be damaging to the Outstanding Universal Value. For this reason the Derwent Valley Mills WHS Partnership objects to the proposed development and trusts that its comments will be taken into account in the determination of this outline planning application.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
H11	Affordable Housing
H12	Lifetime Homes
H13	Residential Development – general criteria
E2	Green Wedge
E4	Nature Conservation
E7	Protection of habitats

E9	Trees
E10	Renewable energy
E17	Landscaping Schemes
E21	Archaeology
E23	Design
E29	Protection of World Heritage Site and its surroundings
L2	Public open space standards
L3	Public open space requirements in new developments
T1	Transport implications of new developments
T4	Access, parking and servicing
T6	Provision of pedestrians
T10	Access for disabled people

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Residential Policy context
- Impact on Green Wedge
- Impact on World Heritage Site and Buffer Zone and other Heritage Assets
- Access and traffic implications
- Residential amenity and Urban Design
- Environmental Impacts

Introduction

This application is the subject of an appeal against Non-Determination, which has been lodged with the Planning Inspectorate. A public inquiry is due to take place in June alongside the application ref:DER/06/15/00720, which was refused permission in September 2015.

Members are being asked to make a resolution on the current proposal, having regard to the Officer's recommendation, which will form part of the Council's evidence to be put before the Inspector at the inquiry.

Statements for the appeals have been submitted to the Planning Inspectorate, setting out the Council's case in defence of the previous refusal and the current application. Committee's resolution will assist in the forming a case to defend the appeal which seeks approval of the current proposal. The proposal differs from the refused

scheme, in relation to the means of the principal access. Proofs of evidence are due to be submitted by the 10 May and will include the evidence which is to be presented to the inquiry.

The current proposal is a revised outline scheme for residential development following the refusal of two previous applications for up to 45 and 49 dwellings respectively. The previous reasons for refusal have related to; impacts on the Green Wedge, unsatisfactory relationship of the development with the prevailing built form in the local area, harm to the setting and character of the World Heritage Site, adverse impacts on highway safety arising from the proposed access onto the turning head of North Avenue and the lack of an archaeological evaluation of the site.

Outline permission is now sought for up to 49 dwellings, with a revised access solution to the eastern end of North Avenue. The development is indicated to include open space, balancing pond, landscaping and new footpath links to the wider area.

The site is wholly within the Derwent Valley Mills World Heritage Site buffer zone and a small part is within the World Heritage Site itself. It is also in the Derwent Valley Green Wedge. The land is agricultural and lies outside the residential area of Darley Abbey, which lies to the south of the site. It borders an embankment to the A38/ A6 junction, which lies to the north and west of the site.

The Nutwood Local Nature Reserve, which lies to the south of the site, is a designated Local Wildlife Site, characterised by woodland and riverside habitat. A footpath link to the nature reserve from the development site forms part of the current proposal.

The site is not identified for development in the Local Plan Part 1 (Core Strategy) and is not considered to be strategic in scale.

Residential Policy Context

Paragraph 14 of the National Planning Policy Framework (NPPF) requires all housing proposals to be considered in the context of the presumption in favour of sustainable development. This means that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, unless specific policies in the Framework indicate that development should be restricted. In this case, the restrictive policies include those related to designated heritage assets. The World Heritage Site and its Buffer Zone are such designated assets and paragraphs 131 – 141 of the Framework are relevant heritage policies, which seek to conserve and enhance the historic environment, through the decision making process.

A recent court judgement made last month, in Forest of Dean District Council v Secretary of State for Communities & Local Government and Gladman Developments Ltd has clarified the interpretation of paragraph 14 of the NPPF in regard to the presumption in favour of sustainable development. The judgement states that there are certain policies in the NPPF where this presumption does not apply, where instead development should be restricted. Paragraph 134 is one such

policy, relating to designated heritage assets. It provides for a balancing exercise to be undertaken between the less than substantial harm to the significance of a heritage asset and the public benefits of the proposal. This decision means that the presumption to approve sustainable development given in para. 14 is not relevant to policies which restrict development, such as paragraph 134 and therefore the presumption in favour of development does not apply. This judgement carries material weight in the balancing exercise of considering the heritage impacts against the public benefits. The test of paragraph 14 to balance the adverse impacts of the residential development against the benefits does not apply.

The Council has accepted that it does not currently have a deliverable 5 year housing land supply and therefore in line with paragraph 49 of the NPPF, the housing supply policies of the City of Derby Local Plan Review are out of date. The Local Plan, Part 1 (Core Strategy) which has reached Examination stage, will provide the Council with a 5 year supply. In this case, the NPPF is clear that where a 5 year supply cannot be demonstrated, the relevant policies for the supply of housing should not be considered up to date.

The Core Strategy was submitted for Examination in public in December 2015 with the Examination hearing sessions scheduled to commence on 27 April. Paragraph 216 of the NPPF indicates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency between the policies in the plan and those in the framework.

The adopted Local Plan has saved policies relating to the provision of residential development and the protection of heritage assets which are still relevant to this application. Policy H13 relates to the general criteria by which to assess residential development proposals. The policy seeks to ensure that a satisfactory form of development is provided, which safeguards residential amenities and forms high quality living environment, achieves appropriate housing densities and interesting urban forms and townscape design.

Policies GD4 and E23, seek a high quality of urban design, which respects the surrounding context and takes account of local distinctiveness and character.

Policy H11 requires affordable housing to be provided for the scale of this development, to meet a housing need in the local area. An affordable element of the scheme would be provided on the site, at 30% of the total number of units and this is agreed in principle with the applicant to be secured via a Section 106 Agreement.

Policy E29 relates to World Heritage Sites and the Buffer Zone and seeks to protect the Site and its Buffer Zone from proposals which would have an adverse effect on the Site's Outstanding Universal Value and its setting.

In regard to the education provision in the local area, there are considered to be adequate school places to meet the estimated need generated by this development. The scale of this development, providing up to 49 dwellings, is relatively small in terms of the number of school aged children generated and there is judged to be sufficient capacity at the present time in local schools to accommodate the

development. Recent expansion of the Walter Evans C of E primary school provides a further addition to school places in the locality.

Impact on Green Wedge

Green Wedges are a longstanding policy principle in Derby and are identified by Policy E2 in the City of Derby Local Plan Review. Their primary function is to define and enhance the urban structure of the City as a whole. Green Wedges create a more attractive and interesting form to the overall pattern of development and bring the countryside closer to the City. The retention of areas of open land between separate parts of the City helps to maintain their identity and reduces the impression of urban sprawl. The underlying principles of Green Wedges therefore relate back to protecting the character of Derby and making it a pleasant place to live and work.

The NPPF is clear that in the absence of a five year supply, the only policies that should be considered to be out-of- date are those which relate to the supply of housing. Recent appeal decisions in the city, from 2014 and 2015 relating to new housing proposals at The Hollow, Mickleover and Humbleton Barn, Radbourne Lane (APP/C1055/W/14/3001441 and APP/C1055/W/15/3003445) which are both sites also located in Green Wedge, concluded that Green Wedge designations are not relevant to the supply of housing and are consistent with the aims of the NPPF in terms of protecting local character and promoting good design. Both of these appeals were dismissed on the grounds that the proposed development would be an intrusion into the Green Wedge and undermine the openness and function of the Wedge in that location.

A Court of Appeal judgement was made in March, which has given an up-dated view on the NPPF provision under paragraph 49 that policies “relevant to the supply of housing” should be considered out of date where the Council cannot demonstrate a five year supply of housing. In the case of *Richborough Estates v Cheshire East Borough Council and Secretary of State for Communities and Local Government*, the court held that policies for the supply of housing can be interpreted to include those policies which restrict the locations where new housing may be developed. This means that policies which constrain the supply of housing land can be considered to be out of date and would include policies for the protection of the countryside, which encompasses Green Wedges. This has implications for how adopted policies, such as E2 can be interpreted, where there is an absence of a five year housing land supply.

Counsel’s opinion on the *Richborough* judgement is that the NPPF policies 14 and 49 do not make out-of-date policies for the supply of housing irrelevant in the determination of a planning application or an appeal. They also do not state how much weight should be given to such policies in the decision making. The weight to be given to the out-of date policies, including E2 for Green Wedges will depend on the circumstances, including extent of shortfall of the five year supply, action being taken to address the shortfall and the purpose of a restrictive policy such as the protection of green wedge.

Policy E2 identifies the different types of development that are considered to be acceptable in principle within Green Wedges. Residential development is not one of

the identified uses and therefore the proposal is in conflict with this element of the policy. In cases where a use is acceptable in principle, Policy E2 goes on to state that development should not endanger the open and undeveloped character of the Green Wedge or its links with open countryside and natural history value.

Policy CP18 in the emerging Local Plan seeks to reinforce the key role and function of Green Wedges in defining and enhancing the urban structure of the City set out in Policy E2 but also updates the policy to reflect other key spatial priorities Green Wedges can assist in achieving, such as helping to create a city wide network of Green Infrastructure, providing opportunities for recreation, spaces for ecology and agriculture; and playing an important role in adapting to and mitigating the impacts of climate change. This is clearly in line with the environmental role the planning system is required to perform as set out at paragraph 7 of the NPPF.

Through work on the Local Plan, Part 1 (Core Strategy), the Council has identified a number of sites within Green Wedges that are considered to be acceptable in principle for residential development, helping to meet objectively assessed housing needs. The identification of such sites was informed by the Green Wedge Review, published in 2012, which assessed potential housing sites in terms of their impact on Green Wedge function. Sites were only identified as having potential for development where they would not undermine the primary function of a Green Wedge and not prejudice the essential characteristics of being open and undeveloped.

This site was specifically considered as part of the Green Wedge Review, having previously been promoted to the Council as a potential housing site. The Green Wedge Review makes a number of observations about the potential impacts of developing this site on the function of the Green Wedge. Observations include:

- The site is remote from the main axis (the most sensitive part of the Green Wedge) and makes minimal contribution to the function of separating residential and commercial areas. Built development would extend into the Green Wedge, roughly continuing the line of South Avenue, causing narrowing, but would have little impact upon the extent to which the Green Wedge penetrates the city.
- The topography of the site falls from west to east meaning that the site is significantly lower lying than the built area to the south. This makes the site an obvious part of the Green Wedge rather than a clear extension to the built up area of Darley Abbey. Due to the topography of the site, development of this area would appear isolated and unrelated to either Darley Abbey or Allestree.
- Although built development in the location to the north of Darley Abbey would not impact on the openness to the east of the settlement, it would create a very visible and prominent developed area to the south-east of Allestree. Whilst separating Darley Abbey from Allestree is not one of the main functions of the Green Wedge, development of the site would lead to further coalescence of these two areas of the city, closing off an open and undeveloped area.
- The Inspector at the examination of the City of Derby Local Plan stated that there were 'no strong boundaries to this area and that there was no justification for deleting this small area from the Green Wedge allocation'. He went on to say

that even if this were not so, 'any residential development would have an unsatisfactory relationship to the adjoining long established group (of houses). It would not be 'rounding off', as was claimed by the promoter, but a clear extension into open countryside'.

The Council's Green Wedge Review concludes that the site does not have capacity to accommodate built development (from a Green Wedge impact perspective) due to the impacts outlined above.

The applicant has commissioned their own Green Wedge Study in support of the application. Whilst the Study challenges the methodology adopted in the Council's Review and some of the findings, I consider the Council's Review to be a robust assessment of Green Wedge function and the potential impacts of promoted housing sites. The findings of the Council's Review were also material in the consideration of the recent Brook Farm appeal decision (APP/C1055/A/14/2222939). It should be noted that the Planning Inspector considering the merits of the Brook Farm proposal did not raise any concerns about the robustness of the Review and did not disagree with its findings in relation to the Brook Farm site.

The concerns highlighted by the Council's Green Wedge Review apply directly to this proposal and need to be taken into account in its determination. In considering the cumulative impact of all the points highlighted by the Green Wedge Review, it is clear that the prejudicial impact upon the Green Wedge in terms of its openness and undeveloped character in this location would be significant, indicating further conflict with Policy E2, in addition to the in principle conflict.

The NPPF is clear that in the absence of a 5 year supply, the adverse impacts need to be weighed against the benefits, when assessed against the policies in the NPPF taken as a whole. Whilst the NPPF does not make specific reference to Green Wedges, it does state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraph 64). The principles that underpin Policy E2 clearly relate back to the need to protect the urban structure of the city and particularly the character of our neighbourhoods and these principles were reinforced in appeal decisions for housing in the city referred to above.

The open and undeveloped character of this part of Darley Abbey is an important local characteristic that contributes towards the function of the Green Wedge and the character and setting of the adjacent World Heritage Site. On this basis development of the site would fail to take the opportunity to improve the character of the area and is in conflict with Paragraph 64 of the NPPF.

The NPPF also refers to the need to promote or reinforce local distinctiveness (Paragraph 60). The Green Wedge is an integral part of the character and local distinctiveness of this part of the city. The proposal will undermine the essential characteristics of the Green Wedge and is therefore considered to also be in conflict with this section of the NPPF.

Impact on World Heritage Site and Buffer Zone and Other Heritage Assets

The conservation of heritage assets is addressed in paragraphs 128 - 141 of the NPPF. According to paragraph 132, the impacts of development on designated heritage assets, including the World Heritage Site, must be considered and given weight, having regard for the degree of harm and the significance of the asset. The Derwent Valley Mills World Heritage Site has international as well as national historical significance and therefore should be given a high degree of importance in the decision making process.

The NPPF makes it clear that significance can be harmed or lost through alteration or destruction of the heritage asset and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132). Harm to the historic environment can be justified under the NPPF, but the public benefits delivered by the development would have to be substantial to outweigh the level of harm to the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site. Where there is less than substantial harm, then the public benefit should be weighed against the harm of the development (paragraph 134). Paragraphs 137-138 of the NPPF refer to the significance of heritage assets, including World Heritage Sites (WHS). It states that the loss of elements which make a positive contribution to the significance of the WHS should take account of its relative significance to the Site as a whole.

The application site is largely confined to the World Heritage Site Buffer Zone, although a small area to the south east corner of the site is located within the World Heritage Site itself. The area within the site would be for the vehicular access onto North Avenue and open space. There is not proposed to be housing development in the site, as shown on the indicative layout plan, although at this stage the proposal is only in outline. The proposed housing is to be sited outside the WHS, although it would have a significant visual impact on the WHS, by virtue of its elevated position and prominence when viewed from the river corridor and wider landscape to the east of the River Derwent.

The WHS and its Buffer Zone is a designated heritage asset of national and international importance, with a high degree of historical significance. The site is an integral part of the rural landscape within the Derwent Valley, which was specifically included within the Site itself and the Buffer Zone due to its association with the industrial buildings and settlements within the river valley.

On this basis, the site contributes to the OUV of the WHS, since the landscape is specifically referred to in the criteria used in the designation of the WHS. The Statement of OUV highlights that "the relationship of the industrial buildings and their dependent urban settlements to the river and its tributaries and to the topography of the surrounding rural landscape has been preserved." The OUV makes it clear that the rural landscape is important alongside the industrial landscape in the Derwent Valley and the fact that it has survived is of great importance to the WHS. The landscape is a key feature of the setting of the early industrial settlements and has remained largely intact and is therefore afforded a high degree of protection as part of the WHS and its Buffer Zone.

The proposed development is for up to 49 dwellings and is therefore a higher density proposal, with a reduced amount of landscaped buffer and open space, to soften the visual effect of the development. The proposal would have an urbanising impact on the rural landscape in this part of the WHS Buffer Zone and clearly result in harm to the historic significance and setting of the World Heritage Site. Having regard to the policies in the NPPF, the main considerations are whether the proposal would result in substantial harm to the WHS and if there is sufficient public benefit arising from the scheme to outweigh the harm caused to the designated heritage asset.

The application is accompanied by a Heritage Statement, which considers that the proposed development would result in less than substantial harm to the OUV of the World Heritage Site, by reason of being sited in the Buffer Zone and by the proposed screen planting around the development to minimise the visual impact. Whilst the housing development would be outside of the WHS itself, the principal access road and some of the landscaping, which would encroach into the Site. The supporting statement concludes that the less than substantial harm to the WHS is outweighed by the contribution of the development to the city's five year housing supply and Section 106 benefits which would arise from the scheme.

The heritage consultees including the Council's Conservation Officer continue to raise objections to this revised application, on the basis that there would still be significant harm to the OUV of the World Heritage Site, as a result of the proposed development of the site. Whilst the harm, which would be caused by the residential development, is described as less than substantial harm to the significance of the WHS, there is not considered to be a significant public benefit to be gained by the delivery of the proposed housing in this location, to outweigh the harm to the internationally important historic site. The public benefit has to be balanced against the high level of significance and importance which is attached to the Derwent Valley Mills heritage asset.

The potential impacts of the proposed housing scheme on the rural character and landscape of the valley, by virtue of key views from the World Heritage Site and the wider area, is an important consideration in assessing the harm to the significance of the WHS. The site's existing character is essentially one of open fields, with substantial hedge boundaries and individual trees, situated in an elevated position above the River Derwent. It is a highly sensitive landscape, by reason of its historical associations with the industrial mill settlements in the Derwent Valley. The development of housing and associated infrastructure would result in an urban extension into the countryside, with a detrimental impact on the rural character of the site and a loss of landscape value in this part of the WHS Buffer Zone. It is accepted that some views of the development from across the valley, would be limited due to screening by existing trees and hedgerow features and the addition of further landscape planting. However, this would not necessarily integrate the development into the rural setting. Instead it amounts to an attempt to hide the proposal from view and is not a sufficient reason for allowing the site to be developed. There would still be a loss of open fields and rural character, which cannot be mitigated by the use of a landscaped buffer. The introduction of housing in this location would substantially

change the character of the site and the surrounding landscape and be harmful to the setting of the industrial settlement of Darley Abbey and its rural hinterland.

I am of the opinion that the public benefits for the residential development in this location, in terms of contributing towards housing land supply and provision of affordable housing and open space facilities, do not outweigh the significant harm to the rural character and landscape value of this part of the WHS. The amount of housing which would be provided on the site is not particularly significant and would not be sufficient to overcome the detrimental impact of the development, in terms of the loss of historic landscape and setting to the highly significant Derwent Valley Mills. The proposed development does not therefore sustain and conserve the special character and setting of the World Heritage Site and is considered contrary to the policies of the NPPF and the provisions of Policy E29.

In regard to the archaeological interest of the site, there is believed to be the probable route of a Roman road which crosses the site in a north to south direction, between Buxton and Derby. A previous refusal of permission, (DER/02/14/00198) included a reason relating to the absence of any archaeological investigation of the site, to clarify the presence of the Roman road. This was based on concerns raised by the County Archaeologist that the application was not compliant with the policies of the NPPF, because insufficient information had been provided to allow the significance of any heritage assets below ground to be assessed.

An archaeological survey of the site has since been undertaken in order to confirm if there is archaeological evidence, which needs to be taken into account. The County Archaeologist is now satisfied with the results of the archaeological site investigation and report, which did not find evidence of a road on the site and concluded that there are not likely to be significant below ground heritage assets present within the site. There is now sufficient information submitted to show that there are no archaeological impacts resulting from this proposal and it satisfactorily meets the requirements of the NPPF and Policy E21.

Access and traffic implications

Means of access is a matter which is to be determined under this outline application, as was the case with the previous applications for this site. The siting and design of the principal vehicular access to the development has been amended for each application and for this scheme, the access is proposed at the eastern end of North Avenue by the formation of a T- junction onto the existing highway. The access road would be located in the World Heritage Site in the southern corner of the site. There is a significant drop in land levels from North Avenue, northwards into the site and the Highways Officer has highlighted some concern about the potential gradient of the road as it enters the development. However, the road levels are a matter which could be satisfactorily addressed under a detailed scheme at reserved matters stage. The Highways Officer does not have any objections to the proposed design and layout of the access onto North Avenue, in relation to highway safety or traffic impacts. It is therefore considered to be an acceptable means of access for the development which accords with the provisions of Policy T4.

In terms of traffic generation, the proposed residential development of up to 49 dwellings does not raise issues of capacity on the local network. The site would be accessed via South Avenue and North Avenue, which are relatively narrow residential streets. However, the overall increase in traffic flows arising from the development would not be particularly significant and is not likely to have detrimental impact on traffic flows in the local area. The existing road network is considered to have sufficient capacity to accommodate the additional traffic arising from the development. Overall, the traffic impact of the development is not considered to be excessive and is acceptable in this residential area in line with the requirements of Policy T1.

The proposal includes the provision of three footpath links from the development site, to the western end of North Avenue, to the River Derwent and Nutwood Reserve to the east of the site. Whilst these footpaths would provide some benefits in terms of access for the occupants of the development site, it is unclear how the paths would significantly benefit the wider community in Darley Abbey. The link to North Avenue would use an existing access to the field. The path to the nature reserve would follow the existing wide verge along South Avenue to an existing path to the reserve and the path to the river does not appear to link with an existing riverside route. The provision of new footpaths would constitute a benefit of the development and accord with Policy T6, although this benefit does not outweigh the significant adverse impacts of the development on the World Heritage Site and the Green Wedge.

Residential amenity and Urban Design

Saved policies GD4, H13 and E23, all require residential development to be of a high quality of design and layout, which complements the urban grain and character of the surrounding area. The adopted policies seek a form of development, which achieves interesting urban design and distinctive townscapes, which are in keeping with local character and safeguard residential amenity.

The proposed housing development would represent an urban extension into the open countryside which lies to the north and east of Darley Abbey. This landscape is rural in character and partially enclosed by tree and hedgerow features. The residential area to the south of the site is suburban in character, comprising mainly of houses and bungalows with modest gardens. The location of the new housing to the rear of North Avenue would be relatively isolated and detached from the existing residential area. The location and undulating topography of the site would present challenges to forming a housing layout, which integrates successfully with the character of the existing street pattern. These concerns stem from the Green Wedge Review, when the potential suitability of the site for housing and therefore removal from the Green Wedge was considered in 2012. There have been no material changes to the physical character of the site and its surrounding rural context, since the Review was undertaken.

Assessment of the site for the Review, identified that the topography of the land, compared to the levels of the built up area, would mean that any development would appear isolated and unrelated to the existing housing area to the south of the site. The 1998 Local Plan Inspector's report noted that there were no strong boundaries to

the site and that the development would have an unsatisfactory relationship with the adjoining houses and appear as an extension into the open countryside.

The proposal would therefore cause harm to the open and rural character of the Green Wedge in this highly sensitive location, contrary to Policy E2.

In respect to the likelihood of forming a high quality urban design and layout, which relates to the existing urban environment, Counsel's opinion has been taken on the potential for a successful defence with regard to Policies GD4, E23 and H13. A view has been taken on the basis of the illustrative masterplan, which has been submitted in support of the application. This suggests that a suitable suburban style housing layout could be achieved, which would not be so out of keeping with the residential context of the adjacent streets on North and South Avenues. .

Whilst layout is a reserved matter, the site is capable of forming an appropriate living environment for any future occupants of the development. A reasonable density of housing development is proposed for the size of the site, which is comparable with that of existing housing in North and South Avenues. Landscape planting buffers are proposed alongside the road embankments and the eastern boundary of the site, to increase tree cover adjacent to the development. It is therefore arguable that a satisfactory form of urban development could be provided on the site, which would preserve the general character and appearance of the surrounding residential area. On balance it is considered that the site is capable of delivering a reasonable residential layout and living environment, which accords satisfactorily with the design criteria in adopted policies GD4, E23 and H13.

The existing tree buffers on the raised embankments alongside the A6 and A38 would provide significant screening from potential noise and disturbance emanating from the trunk road. This buffer area does appear to have been reduced in width following the previous application, which may bring dwellings closer to the main road. However, provided that suitable noise assessment and mitigation measures are put in place within the development, (which could be secured by means of a reserved matters approval) to protect future occupants from unreasonable disturbance from the trunk road, I am satisfied that an acceptable standard of residential amenity could be achieved on the site in line with Policies H13 and GD5.

In terms of the impact of the development on residential amenity, the properties most affected would be on North Avenue, in particular those on the north side of North Avenue. These are generally a mix of two storey dwellings and bungalows. The rear of these properties face onto the site and those towards the eastern end are in an elevated position, in relation to the application site. There is a hedgerow along the boundary with the North Avenue properties and some trees, which would provide some screening for the existing properties from the development. Since site layout is a reserved matter, it is not clear at this stage where the proposed dwellings would be positioned in the site. However, normal distances between dwellings to achieve sufficient levels of privacy and amenity can be achieved on this site, to safeguard the living environment of the neighbouring dwellings on North Avenue. The amenities of nearby residents could therefore be satisfactorily maintained by an appropriate site layout and design in line with Policy GD5.

Environmental Impacts

The application site is agricultural land, comprising an open field with mature hedgerow and trees along the perimeter. There is a narrow strip of dense woodland on a raised embankment alongside the north and west boundary of the site, forms part of highway verge of the A6 and A38. These tree belts should not be affected by the development and would form a buffer from the adjacent highway. There are a small number of other individual mature trees around the edge of the site and on adjacent land which have been identified by the submitted Phase 1 Habitat Survey. Two of these are dead trees and another one, an Oak tree has a Tree Preservation Order on it. The protected tree is located on the eastern boundary of the site on an area identified on the master plan as a landscaped buffer. The proposed development could therefore be carried out without significant harm or loss of woodland or trees on and around the site in line with Policy E9.

The hedgerows around the perimeter of the site are identified in the Survey as being species poor, which concurs with the findings of the Council's 2003 hedge survey, which means that they currently contain a limited number of plant species. However, they are features of habitat value, which should be retained wherever possible within the scheme. The indicative master plan suggests that the hedgerows would be largely retained intact around the edge of the development, as part of a landscape buffer along the eastern boundary of the site.

In regard to protected species, the submitted Habitat Survey was carried out in 2013. However, I note that Derbyshire Wildlife Trust is generally satisfied that its findings are still relevant. The survey identifies the presence of badgers on and around the site and the potential for bat roosts in some of the mature trees. Both of these animals are protected from disturbance and loss of habitat by wildlife legislation and I note the recommendations of Derbyshire Wildlife Trust that further surveys and mitigation strategy to safeguard their habitat would be required in support of any reserved matters application.

The proposed landscape buffer areas indicated on the layout plan appears to have been reduced in width from the previous proposal. This is likely to be the result of an increased density of housing proposed and the reduced site area. Whilst, this is regrettable and may reduce the opportunity for biodiversity enhancement within the development, these are indicative features at this stage. Subject to appropriate protection measures and management strategy for the habitats, including hedgerows and the protected species identified within the site, the scheme overall is considered to adequately safeguard ecological interest on and around the site, in accordance with Policies GD2, E4, E7 and E9.

The revised application site is in Flood Zone 1 as identified on the EA's flood maps and therefore at a low risk of flooding in a 1 in 100 year flood event. Topographically the site is in an elevated position relative to the River Derwent flood plain and it is not identified as being at a significant flood risk from watercourse flooding. Due to the scale of the development, a Flood Risk Assessment (FRA) has been submitted for this proposal. I note that concerns have been raised by the Council's Land Drainage team to the content of the FRA. This suggests that the submitted FRA is not sufficiently detailed and not adequate in its assessment of the flood risk to the

development. These concerns are in respect to the assessment of flood risk on the site and proposed disposal of surface water from the development. Having said that, a more detailed FRA and surface water drainage scheme could be secured by condition, at the detailed stage under a reserved matters submission. I therefore considered that this is not a robust enough reason to refuse the proposed development.

The report recommends a Sustainable Drainage scheme (SUDs) for the development, to mitigate the impact of surface water run-off by means of balancing pond and/or swales. The location of a balancing pond is shown on the indicative layout plan, in the south east corner of the site, alongside the eastern boundary landscape buffer. The details of such a SUDs solution for the proposal would form part of a reserved matters submission. Having regard for the comments of the Environment Agency and the Council's Land Drainage team, any development proposal would need to be subject to an agreed SUDs scheme, to be secured through appropriate planning conditions, to minimise flood risk to occupiers of the development and the surrounding area. This would therefore accord with NPPF flood risk policies and Policy GD3.

Conclusions

The NPPF requires us to consider all proposals for housing in the context of paragraph 14, which gives a presumption in favour of sustainable development unless specific policies indicate that development should be restricted. For this proposal, which affects the setting and OUV of the World Heritage Site, restrictive policy, paragraph 134 applies. This provides that a proposal which leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This means that the presumption in favour of development and the need to balance all the residential benefits with the impacts, as required under para. 14, does not apply in this case. .

The proposal is located within a Green Wedge which has for many years received policy protection to resist inappropriate development. Policy protection continues through the provisions set out in Policy E2, and recent appeal decisions for new housing in Green Wedge, have given significant weight to safeguarding the Wedge in the post- NPPF context. Development that would undermine the openness and undeveloped character of Green Wedges is generally considered to be unacceptable.

The principle of the proposal is in conflict with Policy E2, which specifically restricts residential development within Green Wedges. The proposal would introduce a significant amount of new built development into a very sensitive part of the Green Wedge that clearly relates to the rural landscape of the Derwent Valley and less so to the built up area of Darley Abbey. Development in this location would undermine the open and undeveloped character of this part of the Green Wedge. Whilst the Council has accepted the principle of some housing development within Green Wedges in recent times, it has only been where a proposal would make a compelling contribution to meeting housing needs and where the proposal would be in a less sensitive part of the Green Wedge. This has enabled us to conclude that the benefits would outweigh the potential adverse impacts of such schemes.

In considering the cumulative impact of all of these points, the proposal is considered to be in conflict with Policy E2 of the adopted Local Plan and subsequently Paragraphs 60 and 64 of the NPPF.

The residential proposal does provide some limited public benefit in terms of boosting the supply of housing, although the provision of 49 dwellings on this site would not amount to a significant addition to the city's housing need. A draft Section 106 Agreement has been submitted in support of the application, which agrees to secure contributions to provide 30% affordable housing within the development, provision of off-site incidental and major open space, public realm and highways improvements to the A6 transport corridor. However these are considered to be limited benefits and largely mitigate the impacts of the development, rather than providing improvements for the wider community. The application also makes provision for new footpath links to access the river corridor and the Nutwood Nature Reserve, which are promoted as a public benefit of the development. However, these routes would not provide new linkages to the wider countryside or to established rights of way, which are not already accessible to the public. The benefits of the new footpath routes are therefore not considered to represent a significant benefit of the proposal.

The site is located within the World Heritage Site and its Buffer Zone and the proposed development would have a significant adverse impact upon the setting of the World Heritage Site and detract from its Outstanding Universal Value, amounting to less than substantial harm to its historical significance. The harm caused by the development would be related to the urbanising nature of the proposal on this sensitive rural setting and its prominent and elevated position in the landscape, which has considerable importance and weight as part of the historic rural backdrop to the early industrial settlements and mills within the Derwent Valley. In accordance with paragraph 134, the less than substantial harm to the World Heritage Site arising from the development has been weighed against the public benefits of the proposal, and is considered to outweigh the limited benefits of the scheme.

In conclusion it is still considered that the cumulative adverse impacts highlighted by the conflicts with Policies E2 and E29 of the adopted Local Plan and with paragraphs 60, 64 and 134 of the NPPF, relating to the protection of landscape and heritage assets, would outweigh the public benefits of the proposed development. Therefore the proposal cannot be considered to be a sustainable form of development and it is recommended that the proposal should be refused and request that the appeal be dismissed.

8. Recommended decision and summary of reasons:

To recommend the Committee would be minded to refuse permission on following grounds:

Reasons:

1. In the opinion of the Local Planning Authority, residential development on the application site would be prominent and visually intrusive, given the topography of the site and views from the Derwent Valley to the east of the site. This would lead to the narrowing of the Green Wedge, between Darley Abbey and Allestree, resulting in a loss of openness and undeveloped, landscape character

in this highly sensitive part of the Green Wedge. As such, the proposal would compromise the role and function of the Green Wedge in this location, contrary to the aims of saved policy E2 of the adopted City of Derby Local Plan Review.

2. In the opinion of the Local Planning Authority, residential development on this site, which would fall within the Derwent Valley Mills World Heritage Site and its associated Buffer Zone, would be harmful to the Outstanding Universal Value of the World Heritage Site. This is due to the site being an important part of the undeveloped rural landscape providing the setting for the Darley Abbey Mills industrial settlement, which makes a contribution to the significance of the World Heritage Site. The site is therefore highly sensitive and the proposal would result in the loss of the rural character and landscape and would change both the character and experience of this part of the setting of the World Heritage Site, eroding the clear relationship between the rural landscape and the historic settlement, which is an integral part of its contribution to the Site. The proposal is therefore contrary to saved policy E29 of the adopted City of Derby Local Plan Review and the policies in the National Planning Policy Framework.

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/09/15/01172

**Type: Outline (with
means of access)**



Classification: OFFICIAL

Derby City Council

Delegated decisions made between 01/02/2016 and 31/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/12/01090/PRI	Non-material amendment	Offices at Agard Street / Friar Gate / Ford Street, Derby	Erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking- non material amendments to approved planning permission Code No. DER/12/08/01676	Granted	04/03/2016
12/12/01520/PRI	Non-material amendment	Land at Agard Street / Friar Gate / Ford Street, Derby	Erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking - Non material amendment to previously approved permission Code No. DER/12/08/01676PRI to revise car park layout, steps and hand rail to Agard Street, revised disabled ramp and access route to principal elevation and amend barrier gate to car park	Granted	04/03/2016
02/13/00209/PRI	Advertisement consent	11 Iron Gate, Derby, DE1 3FJ (The Slug and Lettuce)	Display of 1 internally illuminated fascia sign, 1 externally illuminated projecting sign and 2 internally illuminated box signs	Granted Conditionally	02/03/2016
02/13/00213/PRI	Listed Building Consent - alterations	11 Iron Gate, Derby, DE1 3FJ (The Slug and Lettuce)	Display of 1 internally illuminated fascia sign, 1 externally illuminated projecting sign and 2 internally illuminated box signs	Granted Conditionally	02/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/13/01349/DCC	Non-material amendment	Markeaton Park, Derby, DE22 3BG	Formation of pedestrian entrances and access paths. Erection of multi sport and tennis courts adjacent to the main car park, erection of feature pillars, gate, walls and railings at existing Ashbourne Road entrance and relocation of play area within the Mundy Play Centre and alterations to land levels in association with improvements to the park - non material amendment to previously approved permission Code No. DER/07/12/00843 to amend position of footpath, hard surfacing and position of play equipment	Granted	02/03/2016
01/14/00111/PRI	Advertisement consent	The Old Post Office, Victoria Street, Derby, DE1 1DD	Display of 1 externally illuminated hanging sign and 2 internally illuminated fascia signs	Granted Conditionally	16/03/2016
01/14/00112/PRI	Listed Building Consent - alterations	The Old Post Office, Victoria Street, Derby, DE1 1DD	Display of 1 externally illuminated hanging sign and 2 internally illuminated fascia signs	Granted Conditionally	16/03/2016
07/14/01033/PRI	Full Planning Permission	20 Carol Crescent, Chaddesden, Derby, DE21 6PQ	Two storey side and single storey rear extension (shower room, utility, hall, dining/family room, bedroom, bathroom)	Granted Conditionally	29/02/2016
09/14/01230/PRI	Full Planning Permission	Land at the rear of 2 Duffield Road, Derby (access via Henry Street)	Erection of dwelling house	Granted Conditionally	18/02/2016
11/14/01518/PRI	Full Planning Permission	5 Derby Road, Chellaston, Derby, DE73 1SA	Single storey rear extension to Post Office to form 2 apartments (use class C3) and erection of hot food take-away (use class A5) with flat (use class C3)	Granted Conditionally	19/02/2016
02/15/00222/DCC	Listed Building Consent - alterations	Ashgate Primary School, Ashbourne Road, Derby, DE22 3FS	Internal and external alterations including installation of new partitions and door openings, installation of suspended ceiling in toilet corridor and sound absorbent ceiling panels in the refectory roof zone, alterations to the main entrance and installation of an access ramp	Granted Conditionally	23/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/15/00427/PRI	Outline Planning Permission	45 - 47 Mount Street, Derby, DE1 2HH	Demolition of two dwelling houses and erection of three storey building (retail and student accommodation)	Granted Conditionally	02/03/2016
06/15/00828/PRI	Variation/Waive of condition(s)	9 Owlers Lane, Littleover, Derby, DE23 6DE	Variation of condition 2 of previously approved planning permission DER/12/13/01454/PRI - Demolition of dwelling and erection of replacement single storey dwelling to alter the north and east retaining walls	Granted Conditionally	10/03/2016
07/15/00899/PRI	Full Planning Permission	Site of Industrial units, Chandos Pole Street, Derby, DE22 3BA	Demolition of one warehouse building and refurbishment of one warehouse and one commercial building with car parking and garden space to provide additional university facilities.	Granted Conditionally	01/03/2016
07/15/00912/PRI	Full Planning Permission	12 Havenbault Avenue, Littleover, Derby, DE23 7BJ	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	18/02/2016
07/15/00955/PRI	Full Planning Permission	Site of 1 Blenheim Drive, Allestree, Derby, DE22 2LD	Demolition of bungalow and erection of 5 dwellings	Granted Conditionally	19/02/2016
08/15/01061/PRI	Full Planning Permission	4 Victoria House, Victoria Street, Derby, DE1 1ES	Change of use of ground floor from retail (use class A1) to hot food takeaway (use class A5)	Granted Conditionally	01/03/2016
08/15/01074/PRI	Full Application - Article 4	23 North Parade, Derby, DE1 3AY	Installation of window in the south elevation at second floor height	Granted Conditionally	15/03/2016
08/15/01100/PRI	Full Planning Permission	Land at 73 Oaklands Avenue, Littleover, Derby, DE23 7QH (access from Bowbridge Avenue)	Erection of two dwelling houses	Granted Conditionally	05/02/2016
09/15/01126/PRI	Full Planning Permission	Roman House, Friar Gate, Derby, DE1 1XA	Alterations to include installation of replacement windows, erection of sub-station and waste compounds	Granted Conditionally	03/02/2016
09/15/01138/PRI	Full Planning Permission	Site of 528 Duffield Road, Derby, DE22 2DL	Erection of three dwelling houses, formation of access road and two storey extension to the existing dwelling (living room, bedroom, en-suite and bathroom)	Granted Conditionally	18/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01146/PRI	Full Planning Permission	78 West Avenue North, Chellaston, Derby, DE73 1SG	First floor extension and two storey rear extension to bungalow to form dwelling house (4 bedrooms, bathroom, enlargement of lounge/dining room) and installation of canopy to the front elevation	Granted Conditionally	10/03/2016
09/15/01193/PRI	Full Planning Permission	6 Cavendish Avenue, Allestree, Derby, DE22 2AQ	First and second floor extension and single storey side and rear extensions to bungalow to form dwelling house (four bedrooms, bathroom, two en-suites, dressing room, garage and enlargement of kitchen/dining room)	Granted Conditionally	12/02/2016
09/15/01207/PRI	Full Planning Permission	9-11 Scarsdale Avenue, Littleover, Derby, DE23 6ER	Single storey rear extension to care home (three bedrooms with en-suites)	Granted Conditionally	15/03/2016
09/15/01217/PRI	Full Planning Permission	Milner House, Watson Street, Derby, DE1 3PJ	Erection of office and maintenance store building (use classes B1(a) and B8)	Granted Conditionally	01/03/2016
09/15/01218/PRI	Full Planning Permission	27 Highfield Road, Derby, DE22 1GX	First floor side extension to dwelling house (two bedrooms)	Granted Conditionally	16/02/2016
09/15/01229/PRI	Full Planning Permission	4 Walthamstow Drive, Derby, DE22 4BR	Single storey extension to dwelling house (enlargement of kitchen) and erection of detached garage - amendment to previously approved planning permission Code No. DER/07/13/00811/PRI to increase the size of the garage	Granted Conditionally	05/02/2016
09/15/01230/PRI	Full Planning Permission	Northcliffe House, Meadow Road, Derby, DE1 2BH	Change of use from print works (Use Class B1c) to Trampoline Park (Use Class D2) and associated Cafe (Use Class A3)	Granted Conditionally	03/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01243/PRI	Works to Trees under TPO	Our Lady Of Lourdes Catholic Church, 36 Uttoxeter Road, Mickleover, Derby, DE3 5GE	Cutting back of branches and crown lift to 5.5m of group of trees and crown lift to 5.5m and removal of epicormic growth of Oak tree protected by Tree Preservation Order No. 451	Granted Conditionally	23/02/2016
10/15/01250/PRI	Full Planning Permission	129 Portreath Drive, Allestree, Derby, DE22 2SB	First floor side extension and single storey front and rear extensions to dwelling house (living room, utility room and bedroom)	Granted Conditionally	22/02/2016
10/15/01253/PRI	Works to Trees under TPO	2 Spindletree Drive, Oakwood, Derby, DE21 2DG	Cutting back of overhanging branches and removal of epicormic growth of Oak tree protected by Tree Preservation Order No. 247	Granted Conditionally	24/02/2016
10/15/01259/PRI	Full Planning Permission	216 Normanton Road, Derby, DE23 6WB	Change of use from office (Use Class A2) into two units (Use Class A3) together with side extension and formation of covered way in connection with formation of flat to first floor and alterations to the elevations	Granted Conditionally	09/03/2016
10/15/01262/PRI	Full Planning Permission	Pear Tree Medical Centre, 159 Pear Tree Road, Derby, DE23 8NQ	Single storey extension to medical centre (two consulting rooms and clinical waste store)	Granted Conditionally	29/03/2016
10/15/01264/PRI	Full Planning Permission	Stratstone Mini Derby, Sir Frank Whittle Road, Derby	Demolition of glazed annex and erection of replacement extension (showroom), alterations to the elevations and formation of additional parking spaces	Granted Conditionally	21/03/2016
10/15/01280/PRI	Variation/Waive of condition(s)	20 Lonsdale Place, Derby, DE22 3LP (Aston Engineering)	Variation of condition 1 of previously approved planning permission Code No. DER/06/14/00745/PRI to include the installation of plant and amendments to the shop front design	Granted Conditionally	11/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01283/PRI	Variation/Waive of condition(s)	Site of California Works, Parliament Street, Derby, DE22 3RT	Variation of condition 2 of previously approved planning permission Code No. DER/05/11/00515/PRI - to amend the approved plans to change the layout and design of the apartment block	Granted Conditionally	18/02/2016
10/15/01299/PRI	Works to Trees under TPO	1 Whitaker Gardens, Derby, DE23 6AW	Crown lift to give 6m clearance over adjacent driveway and cutting back of branches, to give 2m clearance of the building at Dean Court, of Horse Chestnut tree protected by Tree Preservation Order No. 278	Granted Conditionally	23/02/2016
10/15/01315/PRI	Advertisement consent	Argosy P H, Manor Road, Derby, DE22 3HZ	Display of various signage	Granted Conditionally	05/02/2016
10/15/01329/PRI	Works to Trees under TPO	Trees adjacent to 27, 29 and 31 Whistlestop Close, Mickleover, Derby	Felling of various trees and removal of branch from an Ash tree protected by Tree Preservation Order No.172	Refuse Planning Permission	02/03/2016
10/15/01340/PRI	Works to Trees under TPO	3 Culworth Court, Oakwood, Derby, DE21 2PR	Crown reduction by 3m and crown thinning by 5% of Oak Tree protected by Tree Preservation Order No. 247	Granted Conditionally	24/02/2016
10/15/01342/PRI	Works to Trees under TPO	1 Culworth Court, Oakwood, Derby, DE21 2PR	Crown reduction by 3m and crown thinning by 5% of Oak Tree protected by Tree Preservation Order No. 247	Granted Conditionally	24/02/2016
11/15/01355/PRI	Certificate of Lawfulness Proposed Use	The Market Hall, Market Place, Derby, DE1	Removal of stall no. 44/61 and alterations to form staging area	Granted	19/02/2016
11/15/01374/PRI	Full Planning Permission	49-51 Bedford Street, Derby, DE22 3PB (Dog and Partridge PH)	Change of use from public house (use class A4) to house in multiple occupation (sui generis use) including alterations to the front and side elevations	Granted Conditionally	18/02/2016
11/15/01391/PRI	Outline Planning Permission	Site of 235 Village Street, Derby, DE23 8DD	Residential development (9 dwellings)	Granted Conditionally	31/03/2016
11/15/01398/PRI	Full Planning Permission	Site of 54a Woods Lane, Derby, DE22 3UD	Demolition of existing buildings and erection of new building - office/business unit (use class B1) and four apartments (use class C3)	Granted Conditionally	19/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01405/PRI	Full Planning Permission	16 Sadler Gate, Derby, DE1 3NF (The Shakespeare PH)	Alterations to public house to include installation of new entrance gates and planters	Granted Conditionally	10/03/2016
11/15/01406/PRI	Listed Building Consent - alterations	16 Sadler Gate, Derby, DE1 3NF (The Shakespeare PH)	Alterations to public house to include installation of new entrance gates, full refurbishment works, alterations to an existing structural opening and internal and external decorations	Granted Conditionally	10/03/2016
11/15/01411/PRI	Certificate of Lawfulness Proposed Use	21 Pingle, Allestree, Derby, DE22 2GF	Use of outbuildings as distillery	Refuse Planning Permission	08/03/2016
11/15/01429/PRI	Works to Trees under TPO	73 Smalley Drive, Oakwood, Derby, DE21 2SF	Lateral reduction by two metres of Oak tree to give two metre clearance of the house protected by Tree Preservation Order No. 376	Granted Conditionally	07/03/2016
11/15/01442/PRI	Full Application - Article 4	30 Vivian Street, Derby, DE1 3RZ	Installation of three replacement windows and a door to the front elevation and re-covering of the roof	Granted Conditionally	19/02/2016
11/15/01443/PRI	Full Planning Permission	51 Draycott Drive, Mickleover, Derby, DE3 5QE	Single storey front and side extensions to dwelling house (porch and workshop/storage area)	Granted Conditionally	19/02/2016
11/15/01457/PRI	Full Planning Permission	1 Southwark Close, Derby, DE22 4AL	Single storey front and two storey side extension to dwelling house (porch, car port, utility room, w.c., bedroom and en-suite)	Granted Conditionally	23/02/2016
11/15/01459/PRI	Full Planning Permission	6 Lansdowne Avenue, Alvaston, Derby, DE24 0BH	Two storey and single storey side and rear extensions to dwelling house (kitchen/family space and bedroom)	Granted Conditionally	12/02/2016
11/15/01461/PRI	Works to Trees under TPO	Trees on private drive, adjacent to 28-32 Church Lane, Darley Abbey, Derby, DE22 1EY	Various works to trees protected by Tree Preservation Order No 154	Refuse Planning Permission	03/02/2016
11/15/01462/PRI	Full Planning Permission	500 Nottingham Road, Derby, DE21 6PF	Change of use from dwelling house (Use Class C3) to office (Use Class B1(a))	Granted Conditionally	19/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01467/PRI	Full Planning Permission	167 Stenson Road, Derby, DE23 7JJ	Extensions to dwelling house (two lounges, store and enlargement of two bedrooms), installation of roof and formation of rooms in roof space (two bedrooms, bathroom and four dormers)	Granted Conditionally	22/02/2016
11/15/01471/PRI	Works to Trees under TPO	11 Kings Croft & 12 Park Wood Close, Allestree, Derby	Felling of Beech & Plum Trees protected by Tree Preservation Order No.471	Granted Conditionally	25/02/2016
12/15/01473/PRI	Full Planning Permission	Derwent View, 5 Dorset Street, Derby	Change of use of part of office block to one flat (use class C3b)	Granted Conditionally	25/02/2016
12/15/01480/PRI	Full Planning Permission	86 Broadway, Derby, DE22 1BQ	Two storey side and single storey rear extensions to dwelling (hall, w.c., utility room, three bedrooms and enlargement of living/dining space) and installation of decking to the rear elevation	Granted Conditionally	05/02/2016
12/15/01481/PRI	Full Planning Permission	9 Charterstone Lane, Allestree, Derby, DE22 2FF	Two storey side and single storey front and rear extensions to dwelling house (garage, kitchen/breakfast room, bedroom and en-suite) and installation of porch/canopy to the front elevation	Granted Conditionally	12/02/2016
12/15/01484/PRI	Full Planning Permission	178 Havenbault Lane, Littleover, Derby, DE23 7AG	Two storey rear extension to dwelling house (kitchen/dining room and two bedrooms)	Granted Conditionally	25/02/2016
12/15/01485/PRI	Full Planning Permission	9 North Avenue, Darley Abbey, Derby, DE22 1EZ	Demolition of existing bungalow and erection of dwelling house	Granted Conditionally	22/03/2016
12/15/01488/PRI	Full Planning Permission	352 Uttoxeter New Road, Derby, DE22 3HX	Two storey rear extension to apartment block to form three apartments (use class C3)	Granted Conditionally	03/03/2016
12/15/01490/DCC	Listed Building Consent - alterations	Markeaton Craft Village, Markeaton Park, Derby, DE22 3BG	Installation of signage and security bar	Granted Conditionally	18/02/2016
12/15/01491/PRI	Full Planning Permission	813 Osmaston Road, Derby, DE24 9BQ	Change of use from retail (use class A1) to hot food takeaway (use class A5) and installation of an extraction/ventilation system and shop front	Granted Conditionally	18/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01492/PRI	Full Application - disabled People	36 Madeley Street, Derby, DE23 8EY	Single storey rear extension to dwelling house (lobby and bathroom)	Granted Conditionally	05/02/2016
12/15/01493/PRI	Full Planning Permission	10 Sale Street, Derby, DE23 8GD	Retention of single storey rear extension to dwelling house (shower room and enlargement of kitchen)	Granted Conditionally	12/02/2016
12/15/01494/PRI	Works to Trees under TPO	320 Burton Road, Derby, DE23 6AF	Removal of lower limb and cutting back of branch by 3m of Pine tree protected by Tree Preservation Order No. 279	Granted Conditionally	22/03/2016
12/15/01495/PRI	Full Planning Permission	2-4 Monk Street, Derby, DE22	Change of use from retail (use class A1) to taxi office (sui generis use)	Granted Conditionally	01/02/2016
12/15/01496/PRI	Full Planning Permission	35 Stanley Road, Alvaston, Derby, DE24 0AB	Erection of dwelling	Refuse Planning Permission	26/02/2016
12/15/01497/PRI	Full Planning Permission	61 Duncan Road, Derby, DE23 8TS	Two storey and single storey extensions to dwelling house (porch, sun lounge, kitchen/dining room, w.c. and three bedrooms)	Granted Conditionally	02/02/2016
12/15/01498/PRI	Full Planning Permission	15 Station Road, Chellaston, Derby, DE73 1SU	Alterations and sub-division of the existing dwelling house and two storey side and rear and single storey front extensions to create three dwelling houses (Use Class C3). Crown lift by 5m of four Yew trees protected by Tree Preservation Order No. 532	Refuse Planning Permission	16/03/2016
12/15/01508/PRI	Prior Approval - Offices to Resi	3rd & 4th Floor, Burdett House, Becket Street, Derby, DE1 1JP	Change of use from offices on third and fourth floor (use class B1) to 12 flats (use class C3)	Prior Approval Approved	10/03/2016
12/15/01512/PRI	Full Planning Permission	4 Meadow Close, Spondon, Derby, DE21 7GS	Single storey rear extension to dwelling (enlargement of kitchen and lounge)	Granted Conditionally	10/02/2016
12/15/01513/PRI	Full Planning Permission	506 Kedleston Road, Derby, DE22 2NF	Single storey front & rear extensions and first floor side extension to dwelling house (enlargement of garage, kitchen, dining room, bedroom and en-suite)	Granted Conditionally	02/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01514/PRI	Full Planning Permission	73 Lindon Drive, Alvaston, Derby, DE24 0LP	Single storey side extension to dwelling house (study/office space)	Granted Conditionally	05/02/2016
12/15/01515/PRI	Full Planning Permission	14 Birches Road, Allestree, Derby, DE22 2HY	Two storey side and single storey side and rear extensions to dwelling house (kitchen, utility, w.c, sitting room, playroom, store, en-suite, dressing room and enlargement of bedroom). Formation of rooms in the roof space (two bedrooms and en-suite) and formation of balcony	Refuse Planning Permission	26/02/2016
12/15/01517/PRI	Full Planning Permission	22 Corn Market, Derby, DE1 1QH	Installation of new shopfront	Granted Conditionally	04/02/2016
12/15/01518/PRI	Advertisement consent	22 Corn Market, Derby, DE1 1QH	Display of one halo illuminated sign	Granted Conditionally	04/02/2016
12/15/01519/PRI	Listed Building Consent - alterations	22 Corn Market, Derby, DE1 1QH	Installation of shop front with associated signage	Granted Conditionally	04/02/2016
12/15/01521/PRI	Full Planning Permission	1-3 Lower Dale Road, Derby, DE23 6WY (Medina Chemist)	Retention of ATM	Granted Conditionally	02/03/2016
12/15/01522/PRI	Advertisement consent	1-3 Lower Dale Road, Derby, DE23 6WY (Medina Chemist)	Retention of display of internally illuminated ATM surround	Granted Conditionally	02/03/2016
12/15/01523/PRI	Advertisement consent	Unit 1, Meteor Centre, Wheatcroft Way, Derby, DE21 4RY (Currys/PC World)	Display of various signage	Granted Conditionally	18/02/2016
12/15/01524/PRI	Full Planning Permission	4 West Bank Avenue, Derby, DE22 1AP	Two storey and single storey rear extensions to dwelling house (sun/dining room, wet room, wardrobe, roof terrace and enlargement of kitchen and bedroom) and installation of replacement roof tiles	Granted Conditionally	19/02/2016
12/15/01525/PRI	Full Planning Permission	Unit 4-5 Wyvern Retail Park, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Alterations to the front elevation to include the installation of entrance doors, glazing and re-cladding	Granted Conditionally	02/03/2016
12/15/01526/PRI	Full Planning Permission	30 Pear Tree Crescent, Derby, DE23 8RN	Two storey side and single storey rear extensions to dwelling house (kitchen, covered way, store and enlargement of bedroom)	Granted Conditionally	02/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01527/PRI	Full Planning Permission	4 Folly Road, Darley Abbey, Derby, DE22 1ED	Two storey side extension to dwelling house (garage, bedroom, en-suite, dressing room and enlargement of kitchen)	Granted Conditionally	26/02/2016
12/15/01528/PRI	Works to Trees under TPO	Trees at Leylands Estate, Broadway, Derby, DE22 1AY	Various works to trees protected by Tree Preservation Order No. 389	Granted Conditionally	23/02/2016
12/15/01529/PRI	Full Planning Permission	Royal Derby Hospital, Uttoxeter New Road, Derby	Installation of replacement 17.5m high monopole, three antennas and a 0.3m dish, two equipment cabinets and ancillary works	Granted Conditionally	02/03/2016
12/15/01530/PRI	Certificate of Lawfulness Proposed Use	14 Foxglove Drive, Oakwood, Derby, DE21 2TH	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted	15/03/2016
12/15/01531/PRI	Full Planning Permission	65-85 (odds), 95-103 (odds), 109 & 111 Nottingham Road, Derby, DE1 3QS	Installation of replacement windows	Granted Conditionally	02/03/2016
12/15/01533/PRI	Full Planning Permission	34 Gosforth Road, Derby, DE24 8HU	Change of use from general industry (use class B2) to car dismantling with storage and retail sales of dismantled car parts (Sui Generis use)	Granted Conditionally	11/03/2016
12/15/01535/PRI	Full Planning Permission	12 Maple Drive, Alvaston, Derby, DE24 0FT	Single storey side extension to dwelling house (utility room and enlargement of kitchen)	Granted Conditionally	12/02/2016
12/15/01537/PRI	Prior Approval - Offices to Resi	Gervase House, 111-113 Friar Gate, Derby, DE1 1EX	Change of use of part of building from offices (Use Class B1) to nine residential units (Use Class C3)	Prior Approval Approved	16/02/2016
12/15/01538/PRI	Full Planning Permission	34 Dean Close, Littleover, Derby, DE23 7EF	First floor rear extension to dwelling house (enlargement of two bedrooms) and installation of two new windows to the side elevation	Granted Conditionally	26/02/2016
12/15/01541/PRI	Listed Building Consent - alterations	37-38 (Probate House) & 40 St. Marys Gate, Derby	Bricking up of doorway opening between 38 & 40 St Mary's Gate, Derby	Granted Conditionally	23/02/2016
12/15/01542/PRI	Full Planning Permission	13 Farnborough Gardens, Allestree, Derby, DE22 2UU	Single storey front and first floor side extensions to dwelling house (porch, bedroom and dressing room)	Granted Conditionally	10/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01543/PRI	Full Application - disabled People	24 Green Park, Derby, DE22 4EX	Single storey side extension to dwelling house (bedroom and shower room) and installation of access ramp	Granted Conditionally	02/03/2016
12/15/01544/PRI	Works to Trees under TPO	97 Ferrers Way, Derby, DE22 2BE	Crown lift to 4m and crown thin by 10% of Oak tree protected by Tree Preservation Order No. 227	Granted Conditionally	02/03/2016
12/15/01545/PRI	Works to Trees under TPO	125 Whitaker Road, Derby, DE23 6AQ	Re-pollarding of three Lime trees protected by Tree Preservation Order No. 280	Granted Conditionally	09/03/2016
12/15/01547/HAS	Full Planning Permission	Spa Court, Lower Eley Street, Derby, DE1 1PY	Installation of render to two elevations	Granted Conditionally	12/02/2016
12/15/01548/PRI	Full Planning Permission	Arboretum Primary School, Corden Street, Derby, DE23 8GP	Erection of pavillion and formation of four additional parking spaces	Granted Conditionally	29/02/2016
12/15/01549/PRI	Full Planning Permission	27 Crayford Road, Alvaston, Derby, DE24 0HL (Co-op Store)	Installation of new door and formation of enclosure to the rear elevation	Granted Conditionally	16/02/2016
12/15/01550/PRI	Full Planning Permission	Land fronting 24-28 Menin Road, off Memorial Road, Allestree, Derby	Retention of erection of 1.5m high boundary wall	Granted Conditionally	12/02/2016
12/15/01551/PRI	Full Planning Permission	1171 London Road, Derby, DE24 8QF	Single storey side and rear extensions to dwelling house (kitchen, wet room, utility room, w.c., games room, garage and library)	Granted Conditionally	18/02/2016
12/15/01552/PRI	Full Planning Permission	59 Duncan Road, Derby, DE23 8TS	Two storey and single storey rear extensions to dwelling house (kitchen/dining room and three bedrooms)	Granted Conditionally	02/02/2016
12/15/01553/PRI	Full Planning Permission	Cainarvon, 4 Parkfields Drive, Derby, DE22 1HH	Single storey rear and side extension to dwelling house (enlargement of kitchen and dining room)	Granted Conditionally	04/03/2016
12/15/01554/PRI	Works to Trees under TPO	9 Park Wood Close, Allestree, Derby	Various works to trees protected by Tree Preservation Order. No. 471	Granted Conditionally	09/03/2016
12/15/01555/PRI	Full Planning Permission	58 Linacres Drive, Chellaston, Derby, DE73 1XH	First floor and single storey side extensions to dwelling house (two bedrooms, two en-suites and enlargement of bedroom) and erection of detached garage	Granted Conditionally	16/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01557/PRI	Full Planning Permission	Building at the rear of 22-22A Wild Street, Derby	Change of use from general industry (use class B2) to two flats (use class C3) including alterations to the front elevation and installation of new windows to the side and rear elevations	Granted Conditionally	02/03/2016
12/15/01559/PRI	Full Planning Permission	75 Sunnyhill Avenue, Derby, DE23 7JR	Two storey and single storey front, side and rear extensions to dwelling house (two bedrooms, bathroom, utility room and enlargement of hall, lounge, kitchen/diner and bedroom) and installation of rear dormer to form rooms in the roof space (two bedrooms and shower room) and erection of detached outbuilding (conservatory and garden store)	Granted Conditionally	02/03/2016
12/15/01562/PRI	Full Planning Permission	Former Church Hall building adjacent to 37 Oakleigh Avenue, Chaddesden, Derby, DE21 6NF	Change of use from church hall (use class D1) to dwelling house (use class C3) and alterations to the elevations	Granted Conditionally	01/03/2016
12/15/01563/PRI	Full Planning Permission	3 Epworth Drive, Alvaston, Derby, DE24 0JA	Single storey rear extension to dwelling (bedroom and living room)	Granted Conditionally	10/03/2016
12/15/01568/PRI	Full Planning Permission	7 Church Lane, Darley Abbey, Derby, DE22 1EW	Single storey rear extension to dwelling (kitchen, utility room, shower room and garage)	Granted Conditionally	26/02/2016
12/15/01569/PRI	Full Planning Permission	Former Ashfield House Veterinary Surgery, 5 Hall Dyke, Spondon, Derby, DE21 7LF	Demolition of surgery and erection of dwelling house - amendment to previously approved planning permission DER/01/15/00084 to permit the addition of two windows in the side elevations	Granted Conditionally	16/02/2016
12/15/01572/PRI	Full Planning Permission	16 West Drive, Mickleover, Derby, DE3 5EX	Single storey side extension to dwelling house (garage)	Granted Conditionally	01/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01573/PRI	Full Planning Permission	43 Chellaston Road, Derby, DE24 9AD	Two storey rear extension to dwelling house (kitchen/dining room and bedroom) and installation of dormers to form rooms in the roof space (bedroom and en-suite)	Granted Conditionally	10/03/2016
12/15/01574/PRI	Full Planning Permission	Unit 1, Roebuck Court, Amy Street, Derby, DE22 3PH (Roebuck Convenience Store Ltd)	Retention of ATM	Granted Conditionally	19/02/2016
12/15/01575/PRI	Advertisement consent	Unit 1, Roebuck Court, Amy Street, Derby, DE22 3PH (Roebuck Convenience Store Ltd)	Retention of internally illuminated ATM surround	Granted Conditionally	19/02/2016
12/15/01577/PRI	Full Planning Permission	19 Devas Gardens, Spondon, Derby, DE21 7AD	First floor side extension and enlargement of front dormer (enlargement of bedroom and en-suite)	Granted Conditionally	23/02/2016
12/15/01578/PRI	Works to Trees under TPO	Land to rear of 11 Cherrybrook Drive, Oakwood, Derby, DE21 2SH	Crown reduction of Oak tree by 0.5 to 0.75 metres protected by Tree Preservation Order No. 31	Granted Conditionally	09/03/2016
01/16/00002/PRI	Full Planning Permission	1 Yates Street, Derby, DE23 8RA	Retention of ATM	Granted Conditionally	26/02/2016
01/16/00003/PRI	Advertisement consent	1 Yates Street, Derby, DE23 8RA	Retention of internally illuminated ATM surround	Granted Conditionally	26/02/2016
01/16/00004/PRI	Full Planning Permission	11 Margaret Avenue, Chaddesden, Derby, DE21 6PP	Two storey side and single storey front extensions to dwelling house (porch, covered way, bedroom and en-suite)	Granted Conditionally	29/02/2016
01/16/00005/PRI	Full Planning Permission	159-163 London Road, Derby, DE1 2SU	Change of use of ground floor from retail (use class A1) to restaurant (use class A3) including installation of a new shop front and extraction duct	Granted Conditionally	04/03/2016
01/16/00007/PRI	Full Planning Permission	Carsington House, Park Farm Centre, Park Farm Drive, Allestree, Derby	Installation of replacement windows to the first floor and installation of nine bike lockers in the car park	Granted Conditionally	07/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00010/PRI	Full Planning Permission	3 Nicholas Close, Spondon, Derby, DE21 7EQ	Two storey side and single storey front and rear extensions to dwelling house (enlargement of kitchen/dining room, lounge, w.c, utility room, porch, two bedrooms and two en-suites) and erection of detached garage	Granted Conditionally	09/03/2016
01/16/00011/PRI	Full Planning Permission	8 Abbeyfields Close, Darley Abbey, Derby, DE22 1JS	First floor side and single storey front and side extensions to dwelling house (two bedrooms and enlargement of kitchen)	Granted Conditionally	29/02/2016
01/16/00012/PRI	Full Planning Permission	31 Rupert Road, Chaddesden, Derby, DE21 4NE	First floor side extension to dwelling house (bedroom, dressing room and en-suite)	Granted Conditionally	16/03/2016
01/16/00013/PRI	Advertisement consent	Osmaston Primary School, Amber Road, Derby, DE24 8FH	Display of three externally illuminated signs	Granted Conditionally	07/03/2016
01/16/00014/PRI	Advertisement consent	813 Osmaston Road, Derby, DE24 9BQ	Display of one internally illuminated fascia sign, one internally illuminated projecting sign and one internally illuminated poster display sign	Granted Conditionally	29/02/2016
01/16/00015/PRI	Works to Trees under TPO	101 Shardlow Road, Alvaston, Derby, DE24 0JR	Pollarding of two Lime trees to a height of 7 metres protected by Tree Preservation Order No. 255	Refuse Planning Permission	09/03/2016
01/16/00018/PRI	Advertisement consent	7 St. Christophers Way, Pride Park, Derby (Mercedes-Benz)	Display of various signage	Granted Conditionally	02/03/2016
01/16/00019/PRI	Full Planning Permission	1 Waveney Close, Allestree, Derby, DE22 2UE	Installation of pitched roof to existing single storey front projection	Granted Conditionally	02/03/2016
01/16/00021/PRI	Full Planning Permission	87 Western Road, Mickleover, Derby, DE3 9GQ	Single storey side and rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	01/03/2016
01/16/00023/PRI	Variation/Waive of condition(s)	7 The Spot, Osmaston Road, Derby, DE1 2JA	Variation of Condition 1 of previously approved planning permission code No. DER/12/81/01568 to extend the approved opening hours to 09:00am-2:00am on Fridays, Saturdays, Sundays and bank holidays	Granted Conditionally	01/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00024/PRI	Full Planning Permission	5 Shireoaks Close, Littleover, Derby, DE23 7TP	Two storey front and rear extensions to dwelling house and formation of rooms in the roof space - amendment to previously approved permission DER/05/15/00630 to include the installation of dormer windows to front and rear elevations, alterations to rooflights, alterations to roof height and form	Granted Conditionally	09/03/2016
01/16/00026/PRI	Full Planning Permission	182 Uttoxeter Road, Mickleover, Derby, DE3 9AA	Two storey rear extension to dwelling house (utility room, living room, gym/office, two bedrooms, balcony and two en-suites)	Granted Conditionally	21/03/2016
01/16/00027/PRI	Prior Approval - Householder	53 Autumn Grove, Chaddesden, Derby, DE21 6PY	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.7m, height to eaves 2.6m) to dwelling house	Prior Approval Not required	16/02/2016
01/16/00028/PRI	Full Planning Permission	32 Beeches Avenue, Spondon, Derby, DE21 7LP	Single storey side and rear extensions to dwelling (garage, utility room and kitchen/dining area)	Granted Conditionally	09/03/2016
01/16/00029/PRI	Prior Approval - Householder	2 Domain Drive, Chellaston, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 4.17- 5.06m, maximum height 3.45m, height to eaves 2.3m) to dwelling house	Prior Approval Not required	02/03/2016
01/16/00030/PRI	Prior Approval - retail to cafe/restaura	12 Uttoxeter Road, Mickleover, Derby, DE3 5DA	Change of use from insurance office (use class A2) to cafe/restaurant (use class A3)	Prior Approval Approved	09/03/2016
01/16/00031/PRI	Works to Trees under TPO	80 St. Albans Road, Derby, DE22 3JP	Felling of Atlantic Blue Cedar tree Protected by Tree Preservation Order No. 70	Granted Conditionally	10/03/2016
01/16/00034/PRI	Full Planning Permission	57 Sale Street, Derby, DE23 8GE	Single storey rear extensions to dwelling house (kitchen, bathroom and enlargement of dining room)	Granted Conditionally	08/03/2016
01/16/00036/PRI	Full Planning Permission	102 Chain Lane, Littleover, Derby, DE23 7EB	Erection of detached garage	Granted Conditionally	02/03/2016
01/16/00037/PRI	Works to Trees in a Conservation Area	4 Maplebeck Court, Derby, DE1 3TF	Felling of Juniper tree within the Little Chester Conservation Area	Raise No Objection	03/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00038/PRI	Works to Trees under TPO	16 Werburgh Close, Spondon, Derby, DE21 7GN	Felling of Acacia tree protected by Tree Preservation Order 1963 No.8 (Trees in the grounds of Spondon Hall)	Granted Conditionally	09/03/2016
01/16/00039/PRI	Full Planning Permission	Westside Nursing Home, 90 Western Road, Mickleover, Derby, DE3 5GQ	Single storey front extension to care home (porch)	Granted Conditionally	04/03/2016
01/16/00040/PRI	Works to Trees in a Conservation Area	6 West Bank Avenue, Derby, DE22 1AP	Re-pollarding of 34 Lime trees and 4 Cherry Blossom trees within the Strutts Park Conservation Area	Raise No Objection	03/02/2016
01/16/00041/PRI	Non-material amendment	Chaddesden Park Junior & Infant School, Tennessee Road, Chaddesden, Derby, DE21 6LF	Demolition of primary school. Erection of primary school, nursery and associated external hard and soft landscaping - non-material amendment to previously approved planning permission DER/12/14/01740 to amend the approved elevations	Granted	03/03/2016
01/16/00042/PRI	Full Planning Permission	82 Carlton Road, Derby, DE23 6HD	Installation of side and rear dormers and ground and first floor extensions to dwelling (dining room, kitchen, wet room, three bedrooms, bathroom and en-suite)	Refuse Planning Permission	04/03/2016
01/16/00044/PRI	Full Planning Permission	Ground Floor, St Peters House, Gower Street, Derby, DE1 1SB	Change of use from offices (use class B1) to non-residential institution (use class D1)	Granted Conditionally	23/03/2016
01/16/00048/PRI	Full Application - disabled People	98 Blagreaves Lane, Littleover, Derby, DE23 7FP	Two storey and single storey rear extensions to dwelling house (wet room, two bedrooms, bathroom and enlargement of lounge/dining room, kitchen, and bedroom) and installation of a dormer window to the side elevation	Granted Conditionally	07/03/2016
01/16/00051/PRI	Certificate of Lawfulness Proposed Use	16 Wilmot Avenue, Chaddesden, Derby, DE21 6PL	Single storey side extension to dwelling house (utility room and wetroom)	Granted	08/03/2016
01/16/00052/	Hedgerow Removal Notice	Breadsall Hilltop Primary School, St. Andrews View, Derby, DE21 4ET	Removal of 201 metre length of hedgerow	Granted Conditionally	29/02/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00054/PRI	Full Planning Permission	44 Leopold Street, Derby, DE1 2HF	Retention of change of use from office (use class B1) to houses in multiple occupation (use class C4)	Granted Conditionally	15/03/2016
01/16/00055/PRI	Advertisement consent	6 Park Farm Centre, Park Farm Drive, Allestree, Derby, DE22 2QN	Display of various signage	Granted Conditionally	02/03/2016
01/16/00056/PRI	Prior Approval - Offices to Resi	Wilmot House, St. James Court, Friar Gate, Derby, DE1 1BT	Change of use of ground floor from offices (use class B1) to four apartments (use class C3)	Prior Approval Approved	09/03/2016
01/16/00058/PRI	Full Planning Permission	24 Western Road, Mickleover, Derby, DE3 5GN	Single storey rear extension to dwelling house (dining room)	Granted Conditionally	10/03/2016
01/16/00060/PRI	Works to Trees under TPO	The Limes, 10 Sitwell Street, Spondon, Derby, DE21 7FE	Crown reduction by 2 metres and crown lift to 5 metres of Lime Tree and cutting back of branches of two Lime trees to give 1.5 metres clearance from the house. Protected by Tree Preservation Order No. 345	Granted Conditionally	09/03/2016
01/16/00064/PRI	Full Planning Permission	29 Rupert Road, Chaddesden, Derby, DE21 4NE	First floor side extension to dwelling house (bedroom, dressing room and en-suite)	Granted Conditionally	09/03/2016
01/16/00065/PRI	Full Planning Permission	6 Birdcage Walk, Mackworth, Derby, DE22 4LA	First floor and two storey extensions to dwelling house (creation of ground floor covered way and first floor bedroom and enlargement of bathroom)	Granted Conditionally	22/03/2016
01/16/00066/PRI	Full Planning Permission	167 Max Road, Chaddesden, Derby, DE21 4GZ	First floor rear extension to dwelling house (bedroom and en-suite)	Granted Conditionally	07/03/2016
01/16/00067/PRI	Prior Approval - Householder	144 Birchover Way, Allestree, Derby, DE22 2RW	Single storey rear extension (projecting beyond the rear wall of the original house by 3.48, maximum height 3.52m, height to eaves 2.52m) to dwelling house	Prior Approval Not required	26/02/2016
01/16/00068/PRI	Works to Trees in a Conservation Area	5 Beech Court, Spondon, Derby, DE21 7TP	Felling of Cherry Tree within the Spondon Conservation Area	Raise No Objection	02/03/2016
01/16/00070/PRI	Works to Trees under TPO	Trees at rear of 1-12 Norfolk Gardens, Duffield Road, Derby, DE22 1AJ	Felling of Yew tree and Chamaecyparis tree protected by Tree Preservation Order No. 39	Granted Conditionally	09/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00071/PRI	Full Planning Permission	27 Holtlands Drive, Alvaston, Derby, DE24 0AS	Single storey side and rear extension to dwelling house (bathroom and enlargement of kitchen) and installation of a canopy to the front elevation	Granted Conditionally	09/03/2016
01/16/00072/PRI	Full Planning Permission	41 Moor Street, Spondon, Derby, DE21 7EA	Change of use from retail (use class A1) to tattoo studio (sui generis use)	Granted Conditionally	24/03/2016
01/16/00074/PRI	Full Planning Permission	10 Buttermere Drive, Allestree, Derby, DE22 2SN	Two storey side extension to dwelling house (kitchen/dining room, bedroom and en-suite)	Granted Conditionally	07/03/2016
01/16/00075/PRI	Works to Trees under TPO	16 South Drive, Mickleover, Derby, DE3 5AN	Reduction and removal of branches overhanging 38 Keats Avenue and reduction of two to three branches on the opposite side of the canopy of Deodar Cedar tree protected by Tree Preservation Order No. 357	Granted Conditionally	02/03/2016
01/16/00076/PRI	Full Planning Permission	138 Crayford Road, Alvaston, Derby, DE24 0HQ	Single storey side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	31/03/2016
01/16/00077/PRI	Full Planning Permission	4 Woodview Gardens, Derby, DE22 1BE	Installation of dormer window to the front elevation	Granted Conditionally	09/03/2016
01/16/00078/PRI	Advertisement consent	Travelodge Hotel, The County Ground, Nottingham Road, Derby, DE21 7DA	Display of five internally illuminated fascia signs and three internally illuminated post signs	Granted Conditionally	09/03/2016
01/16/00081/PRI	Full Planning Permission	5 Northwood Avenue, Chaddesden, Derby, DE21 6JJ	Single storey front extension to dwelling (enlargement of kitchen)	Granted Conditionally	09/03/2016
01/16/00082/PRI	Full Planning Permission	100 Dale Road, Derby, DE23 6QW (Oceans Travel)	Single storey rear extensions to travel agency (store/filing room, kitchen, w./c. and interview room/office) and enlargement of the existing external staircase	Granted Conditionally	09/03/2016
01/16/00084/PRI	Listed Building Consent - alterations	18 St. Marys Gate, Derby, DE1 3JR	Alterations to external door to prevent water ingress	Granted Conditionally	21/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00085/PRI	Full Planning Permission	48 Moor End, Spondon, Derby, DE21 7ED	Single storey rear extension to dwelling (enlargement of kitchen, bathroom and bedroom)	Granted Conditionally	16/03/2016
01/16/00088/PRI	Full Planning Permission	105 Chaddesden Park Road, Derby, DE21 6HL	Single storey front extension to dwelling house (enlargement of hall)	Granted Conditionally	10/03/2016
01/16/00089/PRI	Full Planning Permission	Unit 10, Parker Industrial Estate, Mansfield Road, Derby, DE21 4SZ	Change of use from light industrial (use class B1) to assembly and leisure (use class D2)	Granted Conditionally	23/03/2016
01/16/00091/PRI	Full Planning Permission	11 Venice Close, Chellaston, Derby	Single storey rear extension to dwelling house (family area and dining room)	Granted Conditionally	23/03/2016
01/16/00092/PRI	Works to Trees under TPO	20 Kedleston Road, Derby, DE22 1GU	Felling of two trees protected by Tree Preservation Order No. 332	Granted Conditionally	09/03/2016
01/16/00093/PRI	Full Planning Permission	178 Blagreaves Lane, Littleover, Derby, DE23 7PU	Formation of vehicular access	Granted Conditionally	10/03/2016
01/16/00094/PRI	Full Application - disabled People	28 Hazel Avenue, Littleover, Derby, DE23 1HA	Single storey front extension to dwelling house (porch and bedroom)	Granted Conditionally	23/02/2016
01/16/00095/PRI	Full Planning Permission	500 Nottingham Road, Derby, DE21 6PF	Retention of raised decking area and installation of high level screening	Granted Conditionally	10/03/2016
01/16/00096/PRI	Works to Trees in a Conservation Area	Darley Park Lodge, Darley Park Drive, Derby, DE22 1EN	Felling of two Sycamore trees within the Darley Abbey Conservation Area	Raise No Objection	02/03/2016
01/16/00097/PRI	Works to Trees in a Conservation Area	Land at 1 and 13 St. James Court, Friar Gate, Derby, DE1 1BT	Crown reduction of Silver Birch tree by 1m, Cherry tree by 4m and Acer tree by 1.5m within the Friar Gate Conservation Area	Raise No Objection	02/03/2016
01/16/00098/PRI	Full Planning Permission	66 Enfield Road, Derby, DE22 4DF	Installation of two side elevation windows	Granted Conditionally	10/03/2016
01/16/00101/PRI	Full Planning Permission	21 Sadler Gate, Derby, DE1 3NJ	Installation of new shopfront	Granted Conditionally	23/03/2016
01/16/00102/PRI	Listed Building Consent - alterations	21 Sadler Gate, Derby, DE1 3NJ	Installation of new shopfront	Granted Conditionally	23/03/2016
01/16/00103/PRI	Works to Trees under TPO	Tree overhanging Balmoral Gardens, Badgerdale Way, Littleover, Derby	Lateral reduction of limbs overhanging the car park area by 3m of Oak tree protected by Tree Preservation Order No's. 30 & 156	Granted Conditionally	10/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/16/00107/PRI	Full Planning Permission	1 Ravenscroft Drive, Chaddesden, Derby, DE21 6NX	Two storey side and single storey rear extensions to dwelling house (utility room, w.c, lounge, bedroom and enlargement of kitchen and bedroom)	Granted Conditionally	10/03/2016
01/16/00108/PRI	Full Planning Permission	352 Ladybank Road, Mickleover, Derby, DE3 5TN	Single storey side and two storey and single storey rear extensions to dwelling house (garage, utility room, sun lounge, bedroom and enlargement of kitchen)	Granted Conditionally	16/03/2016
01/16/00109/PRI	Full Planning Permission	155 St. Thomas Road, Derby, DE23 8RH (Pear Tree Inn)	Single storey front extension to public house (porch), installation of canopy and railings and alterations to access steps	Granted Conditionally	10/03/2016
01/16/00110/PRI	Full Planning Permission	285 Prince Charles Avenue, Mackworth, Derby, DE22 4LP	First floor side extension to dwelling house (bedroom)	Granted Conditionally	10/03/2016
01/16/00111/PRI	Full Planning Permission	139 Shardlow Road, Alvaston, Derby, DE24 0JR	Single storey side and rear extension to dwelling house (kitchen/diner, utility room, w.c., larder and portico)	Granted Conditionally	24/03/2016
01/16/00114/PRI	Full Planning Permission	7 East Avenue, Mickleover, Derby, DE3 5HN	Single storey side extension to dwelling house (utility room, w.c. and garage)	Granted Conditionally	10/03/2016
01/16/00115/PRI	Works to Trees under TPO	120 Belper Road, Derby, DE1 3EQ	Crown thin by 10-15% and deadwood of 8 Pine trees protected by Tree Preservation Order No 399	Granted Conditionally	21/03/2016
01/16/00119/PRI	Full Application - disabled People	98 Rosehill Street, Derby, DE23 8FY	Single storey rear extension to dwelling house (bathroom)	Granted Conditionally	10/03/2016
02/16/00121/PRI	Full Planning Permission	67 Pendleside Way, Littleover, Derby, DE23 7HQ	Two storey side extension to dwelling house (lobby, study, shower room, bedroom and enlargement of kitchen)	Granted Conditionally	24/03/2016
02/16/00122/PRI	Full Planning Permission	9 Dovedale Rise, Allestree, Derby, DE22 2RF	Single storey front and first floor side extensions to dwelling house (two bedrooms, entrance hall and enlargement of lounge and garage)	Granted Conditionally	10/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/16/00124/PRI	Works to Trees in a Conservation Area	Darley Abbey Village Hall, Abbey Yard, Darley Abbey, Derby, DE22 1DS	Cutting back of branches by 2-3m of three trees within the Darley Abbey Conservation Area	Raise No Objection	02/03/2016
02/16/00128/PRI	Full Planning Permission	19 Birchwood Avenue, Littleover, Derby, DE23 1QA	Single storey side extension to dwelling house (store, utility room and w.c.)	Granted Conditionally	24/03/2016
02/16/00129/	Full Planning Permission	624 Burton Road, Derby, DE23 6DH	Erection of detached garage	Granted Conditionally	10/03/2016
02/16/00132/PRI	Full Application - Article 4	75 Otter Street, Derby, DE1 3FD	Installation of replacement windows and door to the front elevation	Withdrawn Application	07/03/2016
02/16/00133/PRI	Full Planning Permission	59 Hillsway, Littleover, Derby, DE23 7DW	Single storey side and rear extensions to dwelling (store, gym/playroom, enlargement of kitchen/diner and lounge) and formation of rooms in the roof space (bedroom and en-suite)	Granted Conditionally	31/03/2016
02/16/00136/PRI	Variation/Waive of condition(s)	15 Thornhill Road, Littleover, Derby, DE23 6FZ (Fairholme Social Club)	Removal of condition 8 of previously approved Planning Permission code No. DER/04/15/00547 to omit the installation of a stair lift	Granted Conditionally	31/03/2016
02/16/00137/PRI	Advertisement consent	St. Michaels, Queen Street, Derby, DE1 3SU	Display of various non-illuminated signage	Granted Conditionally	31/03/2016
02/16/00138/PRI	Full Planning Permission	25 Short Avenue, Allestree, Derby, DE22 2EH	Rear extensions to dwelling house (sun lounge and enlargement of patio area). Erection of staircase and privacy wall	Granted Conditionally	31/03/2016
02/16/00140/PRI	Prior Approval - Householder	27 Fenwick Street, Derby, DE24 8FN	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	09/03/2016
02/16/00143/PRI	Full Planning Permission	207 Ladybank Road, Mickleover, Derby, DE3 5RR	Two storey front extension to dwelling house (family room, utility room, w.c., bedroom and en-suite)	Granted Conditionally	31/03/2016
02/16/00149/PRI	Full Planning Permission	24 Murray Road, Mickleover, Derby, DE3 5LE	Single storey rear extension to dwelling house (orangery)	Granted Conditionally	31/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/16/00155/PRI	Prior Approval - Householder	45 Dryden Street, Derby, DE23 8AT	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.78m, height to eaves 2.65m) to dwelling house	Prior Approval Not required	09/03/2016
02/16/00158/PRI	Full Planning Permission	1a, Friary Street, Derby, DE1 1JF	Change of use from Beauty Salon (Sui Generis use) to residential (use class C3) including alterations to the front elevation	Granted Conditionally	11/03/2016
02/16/00166/PRI	Prior Approval - Householder	10 Tawny Way, Littleover, Derby, DE23 7XG	Single storey rear extension (projecting beyond the rear wall of the original house by 8m, maximum height 4m, height to eaves 2.25m) to dwelling house	Prior Approval Not required	09/03/2016
02/16/00170/PRI	Full Planning Permission	16 Derwent Rise, Spondon, Derby, DE21 7PB	Two storey side and single storey rear extensions to dwelling house (family room, dining room, study and bedroom)	Granted Conditionally	31/03/2016
02/16/00179/PRI	Full Planning Permission	52 Burlington Way, Mickleover, Derby, DE3 5BD	First floor and single storey rear extensions to dwelling house (enlargement of living room and bedroom)	Granted Conditionally	31/03/2016
02/16/00182/PRI	Non-material amendment	Castleward including Siddals Road/Canal Street/John Street/Carrington Street/Copeland Street/New Street/Liversage Street, Derby	Outline application with details of phase 1 to comprise development of Castleward, involving demolition of buildings, residential development (up to 840 dwellings), retail (Use Class A1), restaurant/cafes (Use Class A3), offices (Use Class B1), hotel (Use Class C1), non-residential institutions (Use Class D1), assembly and leisure (Use Class D2), school (Use Class D1), community centre, (Use Class D1), bingo hall (Use Class D2), alterations to vehicular accesses, formation of boulevard and pedestrian crossing and refurbishment of public realm.- non-material amendment to previously approved planning permission DER/05/12/00563 to amend the design of the B1 apartment block	Granted	03/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/16/00189/PRI	Works to Trees in a Conservation Area	Hayle Leigh, 174 Duffield Road, Derby, DE22 1BH	Crown reduction by 2.5 -3 metres of Blue Atlantic Cedar and reduce outward growing side branches by 2 metres and crown thinning by 20% of False Acacia Tree within the Strutts Park Conservation Area	Raise No Objection	10/03/2016
02/16/00203/PRI	Works to Trees in a Conservation Area	138 Duffield Road, Derby, DE22 1BG	Felling of Holly and Silver Birch trees and height reduction of 2 Lime trees within the Strutts Park Conservation Area	Raise No Objection	31/03/2016
02/16/00205/DCC	Non-material amendment	River Derwent Corridor including sites from Darley Abbey, Little Chester, Chester Green, North Riverside, Bass Rec', Pride Park to Alvaston Park, Derby	Outline application with full details of 'Package 1' for flood defence works along the river corridor involving; demolition of existing buildings, boundary treatments and flood defence walls, removal of existing flood embankments, vegetation and trees, the raising, strengthening, realigning and construction of new flood defence walls, embankments, access ramps and steps, demountable flood defences and flood gates, the construction of replacement buildings, structures and community facilities, alterations to road, footpath and cycleway layouts along with associated and ancillary operational development in the form of ground works, archaeological investigation works and landscaping works to reinstate sites with environmental enhancements included - non-material amendments to previously approved planning permission DER/02/15/00210 to the alignment of the flood defences at the Alfreton Road Industrial Estate site	Granted	09/03/2016
02/16/00207/PRI	Prior Approval - Householder	24 Hollies Road, Allestree, Derby, DE22 2HW	Single storey rear extension (projecting beyond the rear wall of the original house by 4.26m, maximum height 3.3m, height to eaves 2.1m) to dwelling house	Prior Approval Not required	31/03/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/16/00223/PRI	Prior Approval - Householder	10 Redstart Close, Spondon, Derby, DE21 7TH	Single storey rear extension (projecting beyond the rear wall of the original house by 5.9m, maximum height 3.3m, height to eaves 2.4m) to dwelling house	Prior Approval Not required	31/03/2016
02/16/00229/PRI	Prior Approval - Householder	8 Heronswood Drive, Spondon, Derby, DE21 7AX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.3m, maximum height 3.7m, height to eaves 2.6m) to dwelling house	Prior Approval Not required	31/03/2016
02/16/00235/PRI	Prior Approval - Householder	65 West Bank Road, Allestree, Derby, DE22 2FY	Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	31/03/2016