



PLANNING CONTROL COMMITTEE
10 September 2015

ITEM 7

Report of the Strategic Director of Neighbourhoods

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 16/02/2014
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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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 27	06/15/00720	Land off North Avenue, Darley Abbey, Derby, DE22 1EZ	Residential development of up to 49 dwellings and areas of open space	To refuse planning permission.
2	28 - 36	05/15/00578	Chellaston Academy, Swarkestone Road, Chellaston, Derby, DE73 1UA	Demolition of 'maths' block and erection of two storey classroom block and refectory	To grant planning permission with conditions
3	37 - 49	03/15/00293	Plots 2 & 3, Trafalgar Park, Trafalgar Park Way, Derby, DE24 8DX	Erection of power plant compound to include generators, kiosk, sub-station, welfare cabin, switchgear cabin, transformers and acoustic fence	To refuse planning permission.
4	50 - 58	01/15/00118	Land at side of 25 Fairbourne Drive, Mickleover, Derby, DE3	Erection of dwelling house - approval of reserved matters of appearance, landscaping and scale under outline permission code no. DER/03/12/00268/PRI	To grant planning permission with conditions

1. Application Details

Address: Land to north of North Avenue, Darley Abbey

Ward: Darley

Proposal:

Residential development of 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=details&keyVal= DERBY DCAPR 98351>

This is a revised outline application for residential development on a greenfield site to the north of North Avenue, on the edge of Darley Abbey. The previous proposal for up to 45 dwellings, with means of access off the eastern end of North Avenue, was refused outline permission in 2014. This refused scheme related to a larger site area and incorporated a larger area of open space on the site.

The current outline proposal seeks permission for up to 49 dwellings and provision of open space on the agricultural land, which lies to the north of residential properties at 1 – 15 North Avenue. Approval for means of access is being sought as part of the outline scheme, with all other matters being reserved for future reserved matters approval. Vehicular access is proposed from the turning head on North Avenue, by extending and improving the existing gated farm access at the south west corner of the site.

The current application site is approximately 2.2 hectares in area and is comprised of open fields with an existing farm track running across the site from the gated access. The site is in an elevated position on the western slope of the Derwent valley. The land slopes generally downhill from the A38 to the north and the A6, Duffield Road to the west, towards the River Derwent, flood plain to the east of the site. The land is enclosed by mature hedgerow boundaries and individual trees.

The landscape in this area is open in character and affords views from the river corridor and across the valley. 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.

An indicative site layout for the proposed development has been submitted in support of the outline application, which does not form part of the determination process for this application. This shows a suggested layout of dwellings served off a single access road from North Avenue. It indicates the provision of a landscaped buffer around the boundary with the A38/ A6 embankment and the eastern boundary. An area of open space, balancing pond and play area are shown on the proposed layout

plan and a footpath link to the eastern edge of North Avenue is shown as being formed from the development.

This application is supported by various documents, including a Design and Access Statement, Archaeological Appraisal, Flood Risk Assessment, Green Wedge Assessment, Heritage Assessment; Desk based Land Contamination assessment, Ecological Appraisal and Transport Statement.

2. Relevant Planning History:

DER/02/14/00198 – Outline for residential development of up to 45 dwellings, formation of access road, car park and open space, Refused – September 2014

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 95959>

Reasons for refusal:

1. 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.
2. 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; it 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.
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 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.

4. The application is not supported by an archaeological evaluation of the site, to investigate for the potential evidence of a Roman Road, a site on the Historic Environment Record, which is identified as being located within the application site. Insufficient information has therefore been provided to enable the significance of the impacts of the development on the heritage asset to be properly assessed. The application does not therefore meet the requirements of the National Planning Policy Framework paragraph 128 and is accordingly contrary to saved policy E21 of the adopted City of Derby Local Plan Review.

3. Publicity:

Neighbour Notification Letter

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:

157 objections and 1 supporting comment have been received to date, to the application. These include objections made by Cllr Repton, Cllr Stanton and Amanda Salloway MP. Objections have also been received from the Darley Abbey Historical Group, Darley Abbey Society and Friends of the Nutwood Local Nature Reserve.

The main issues raised in objection are as follows:

- Adverse impact on the character and historic interest of the Derwent Valley Mills World Heritage Site
- Significant harm to setting of heritage assets
- Visual intrusion into the Green Wedge
- Increased traffic flows and parking congestion in Darley Abbey and local roads
- No capacity in local schools

- Narrow roads not able to cope with increased traffic
- Detrimental impact on junction of South Avenue/ Church Lane of increased traffic on highway safety
- Poor vehicle access onto North Avenue
- Loss of important landscape and open countryside
- Detrimental impact on wildlife value of Nutwood LNR
- Site not allocated in the Preferred Growth Strategy and Draft Local Plan for housing
- Proposed development out of keeping with character of historic village
- Not clear if surface drainage on site could be achieved to minimise flood risk in local area
- Poor planning of new footpath due to land slope and harm to amenity of neighbouring dwelling
- Damage to potential Roman Road archaeological remains. Site survey not sufficiently robust to demonstrate that there are no heritage features on site
- Removal of important trees which screen the site
- Development would be poorly related to existing facilities
- Relationship of the development with neighbouring dwellings would be overbearing and unacceptable
- Inadequate consideration of agricultural need of existing farm
- Increase in danger for school children using local roads.

Supporting comments as follows:

- Darley Abbey would benefit from additional housing, supporting local facilities and encouraging growth
- Suitable area of Green Wedge for development
- No undue traffic impacts.

5. Consultations:

CAAC:

Resolved to recommend refusal on the following grounds:

- The proposal is detrimental to the World Heritage site and encroached into the buffer zone and Green Wedge.

Highways DC:

The proposed layout of the access road, results in substandard visibility for the access to 1 Church Lane. The access to 1 Church Lane is existing however there will be an intensification of use with the proposed development. The tracking provided on drawing F15018/01 rev B appears to show that the vehicles will overrun the kerbs.

Drawing F15018/01 rev B shows a verge width of 0.5m however this should be 1.0m wide as detailed in table DG1 of the 6C's design guide.

Footway width – the Transport Assessment states that according to the Manual for Streets a footway width of 1.5 metres is acceptable, however the Manual For Streets shows in 6.3 22 and fig 6.8 that the minimum width should be 2.0 metres.

Unless these points are resolved, then recommend refusal.

Highways – Land Drainage:

Insufficient detail has been included in the Flood Risk Assessment (FRA) to support the proposals, on the basis that it does not fully account for all sources of existing flood risk to the development site and does not explicitly state where surface water disposed of from the site will be discharged to. It also appears that the proposed layout may conflict with the existing sewer and highway drainage easements. Further concern raised about the content of the FRA, which would need to be addressed at detailed design stage.

Recommend conditions to secure a detailed surface water drainage scheme and a management and maintenance plan for surface water drainage features.

Natural Environment:

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 Councils' responsibility and the Highways Agency respectively.

The hedgerows within the application site were identified as species poor in the Derby City Hedgerow Survey in 2003.

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 the root protection area.

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 creation of a secondary footpath link out on to North Avenue from the proposed development, in addition to the footpath adjoining the proposed highway, is welcomed.

It is unfortunate though that the proposed creation of a footpath loop to the River Derwent and potential link to the Nature Reserve (on the previous application) has not been included within this revised scheme.

In relation to potential path routes to the north of the proposed development site, our Rights of Way Improvement Plan proposes a walkway / cycleway to the east of the river, rather than the west, following the line of the existing definitive footpath from Haslam's Lane, through water meadow, coming out on to Ford Lane, Little Eaton, having utilised the subway under the A38.

Although there is public open space on the western side of the river, north of the A38, with paths running through it, one of which goes under the A38, no desire lines could be in-between the A38 and the application site on the western side of the river. We believe this is because Holme Nook Farm is positioned at the narrowest point of this land between the river and the A38, meaning it would be unlikely that anyone could walk this route without being challenged.

DCC 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 Whirrity (2006).

In response to this archaeological interest, the applicant has carried out archaeological evaluation to a specification agreed by the Local Planning Authority, 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 to be that, rather than having left no trace and the Roman road in fact follows a different alignment.

The applicant has therefore submitted sufficient information to allow archaeological potential to be assessed in line with NPPF para 128, and for this potential to be judged as minimal. I therefore recommend that there is no need to place any further archaeological requirement upon the applicant.

Environment Agency:

No objections to the proposed development as submitted. The application site is located in flood zone 1 and surface water management is now the responsibility of the Lead Local Flood Authority (Derby City Council).

We do not consider this proposal to be high risk. Therefore we will not be providing detailed site-specific comments with regards to land contamination issues for this site. We would appreciate being informed if contamination is subsequently identified that poses a significant risk to controlled waters. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:

1. Following the risk management framework provide in CLR11, Model procedures for the management of land contamination
2. Referring to the Environment Agency guiding principles for land contamination and the land contamination sections in the Environment Agency's Groundwater Protection: Principles and Practice.

Derbyshire Wildlife Trust:

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 (Clear).

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.

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. The relative positioning of the play area will increase the level of disturbance in the vicinity of the badger sett at a point where the buffer zone appears narrow. 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 (whether dead/dying or completely healthy) 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 (Wildlife & Countryside Act 1981). 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 (Habitats Regulations 2010), 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 (LEMP) 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 15 years, which should be linked to the owner contributions under the section 106.

Police Liaison Officer:

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

Natural England:

Based on the information provided, the proposal is unlikely to affect any statutorily protected sites.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to

Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

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. The contribution of this site to the OUV of the DVMWHS is therefore 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. The heritage statement refers to a localised effect and that the rural character of the area in the immediate vicinity, will be eroded to a small extent. 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.

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 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. Ultimately it is for your authority to balance all planning considerations in determining this proposal.

Derwent Valley Mills World Heritage Site Technical Panel:

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 inscribed 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, and 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.

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.

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 for 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 development
- Impact on Green Wedge
- Impact on World Heritage Site and Buffer Zone and Other Heritage Assets
- Access and traffic implications
- Impact on trees and habitat
- Residential amenity and urban design

Introduction

This application which seeks outline permission for residential development on a green field site, north of North Avenue, Darley Abbey, is for a revised scheme following refusal of a similar application in 2014, for up to 45 dwellings, with associated access and open space. The four reasons for refusal related to the potential impacts of the development on the Green Wedge, unsatisfactory relationship with the prevailing built form in the area, potential harm to the Outstanding Universal Value (OUV) of the World Heritage Site and lack of archaeological evaluation of the site.

The current proposal relates to a smaller overall site area of approx. 2.2 hectare, by removal of the eastern part of the site to take it out of the World Heritage Site. The proposed means of access to the development has also been amended to form the principal access road from the turning head on North Avenue. This would involve widening the existing farm access to the site. There would be no access formed from the eastern section of North Avenue, except for a footpath link to be sited alongside 15 North Avenue.

The application site is currently agricultural land, bordered by mature hedgerow boundaries and abutting the embankment of the A38 and A6 to the north and west of the site. The land is in an elevated position on the western slope of the Derwent Valley and is in a prominent location visible from the River Derwent corridor to the east.

The site lies wholly within the World Heritage Site Buffer Zone and the Green Wedge. It is clearly located outside the built up envelope of Darley Abbey, which is residential and suburban in character in this locality, along North and South Avenues.

Nutwood Local Nature Reserve, which is located to the south east of the application site, is a designated wildlife site, characterised by woodland and riverside habitat. The nature reserve would not be directly affected by the proposed development. The River Derwent corridor to the east is also an identified wildlife site.

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

Residential Development

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 (Paragraph 14).

The Council has accepted that it does not currently have a deliverable 5 year housing land supply. Work is on-going to progress the Local Plan, Part 1 (Core Strategy) which will provide the Council with a 5 year supply. However work on this document is not sufficiently progressed to enable the proposed allocations to be taken account of. 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. Therefore, the statement at Paragraph 14 of the NPPF applies to this proposal.

The question to be considered is whether any adverse impacts associated with permitting this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The adopted Local Plan has saved policies relating to the provision of residential development 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.

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 H12 seeks provision of 10% proportion of the units to be Lifetime Homes on housing sites of this size.

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, 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, have categorically 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. Therefore, Policy E2 can be afforded significant weight in the consideration of this application.

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.

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). As noted above and accepted in recent appeal decisions, 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.

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 the policies of the NPPF and in considering the impact of any proposed development, a significant level of weight should be given to heritage assets which have a high level of importance (paragraph 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. 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 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. 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 revised application site has been reduced in area and is now confined to the World Heritage Site Buffer Zone. The site adjoins the World Heritage Site (WHS) itself, which borders the site boundary to the east. The proposed housing development, including the access road is therefore 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.

As WHS Buffer Zone the site 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 Buffer Zone due to its association with the industrial buildings and settlements within the river valley. On this basis, the site contributes to the Outstanding Universal Value (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, which is 4 more than the previous scheme 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 cause 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 only and by the proposed screen planting around the development to minimise the visual impact. Whilst the development would be outside of the WHS itself, this is not so dissimilar from the previous application, which proposed to locate all of the housing within the buffer zone, except for the principal access road and some of the landscaping, which were to 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.

I note that 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 a high quality housing scheme, sufficient to overcome the detrimental impact, in terms of 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. The 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 now 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

As with the previous application, means of access is being determined under this outline proposal, although the access arrangement has been substantially altered to remove the proposed access road from the World Heritage Site. The proposal had been to form a vehicular access onto the eastern side of North Avenue and this had not raised any concerns in terms of traffic impact and highway safety. The current application, proposes an extra four dwellings, bringing the total up to 49 units, to be served off the existing farm access from the turning head at the end of North Avenue. The access is to be widened and formalised to form a highway, which would serve the whole development.

In terms of traffic generation, the proposed residential scheme 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 a 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 therefore acceptable in this residential area in line with the requirements of Policy T1.

The proposed alterations to the existing access into the site, has raised objections from the Highways Officer on the grounds that the layout of the road would result in poor visibility for the access to 1 Church Lane and there is to be inadequate width of footway alongside the carriageway. 1 Church Lane is a dwelling at the end of North Avenue, which fronts onto the turning head and has a vehicle access at the northwest corner of the plot. Its access is located directly adjacent to the right angled

bend in the proposed road serving the development, which would give rise to very limited visibility for users of the highway and for the occupants of 1 Church Lane. There would clearly be a much more intensive use of the access into the site, resulting from the development than the existing farm track. I also note that submitted tracking details in support of the road proposal indicate that there is likely to be some vehicles overrunning the kerb on the sharp bend of the access, which is also unacceptable and may cause issues for the occupants of 1 Church Lane. I am in agreement with the concerns raised by the Highways Officer that the proposed design of the access road into the development is not satisfactory and would cause a potential danger to vehicles and pedestrians using the road. Since this would be the only principal vehicular access to the development, which is a major housing scheme, the proposed access is considered to be of an insufficient standard of design to safeguard highway safety for users of the development and existing residents. I therefore have to conclude that the means of access to the site would not be in accordance with the requirements of Policy T4 and GD5.

In regards to footway links, the proposal only indicates one separate footpath to provide a link to North Avenue at the south eastern edge of the site. This would be located alongside 15 North Avenue. This would be acceptable in principle to provide further linkages with the existing residential areas of Darley Abbey. No other proposed links are shown on the indicative masterplan, which is disappointing, although the plan layout is only notional at this stage. In principle pedestrian routes could be incorporated into a detailed scheme with the surrounding area and as such the outline proposal would accord with the provisions of Policies T6 and T10.

Impact on trees and habitat

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.

Residential amenity and urban design

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. Whilst layout and design is a reserved matter, it is clear from the land levels on and around the site and even the revised location of the proposed access that the new dwellings would not appear connected with the existing street scene or form a continuous built up frontage with the existing urban area. The sloping gradients across the site would present challenges in terms of forming a road layout and built framework which would tie in with the character of existing settlement. The properties on the North Avenue, which back onto the site, are at an increasingly elevated level relative to the land behind them, such that the new dwellings would be lower in floor level than the existing dwellings and also sloping down towards the east boundary. Overall, the new housing would appear detached from the existing properties on North Avenue and somewhat isolated from rest of the residential area to the south. The development would not tie in a successful manner with the existing built up area and is likely to appear as a clear extension of housing development into the open countryside. The proposal would therefore be an undesirable intrusion into the rural landscape and be contrary to Policies GD4 and H13 in relation to achieving a high quality form of development, which respects the urban grain of the existing streetscene.

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.

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. The existing tree buffers on the raised embankments alongside the A6 and A38 would provide significant screening for the future occupants 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.

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.

Conclusion

The NPPF requires us to consider all proposals for housing in the context of the presumption in favour of sustainable development. This means that in the absence of a 5 year supply of deliverable housing sites, proposals should be permitted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

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, which, as has been proven by recent appeal decisions for new housing in Green Wedge, can still be given significant weight in a 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. The site is located within the World Heritage Site 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, by reason of the urbanising nature of the proposal and its prominent and elevated position in the landscape.

The proposal would create an isolated and unsatisfactory form of development, creating an obvious intrusion into the open countryside within the designated Green Wedge. It would represent a clear extension of the existing urban area, which would have a poor relationship with the existing residential area around North Avenue and South Avenue, due to the falls in land level across the site and the difficulties of integrating the development with the existing street pattern. Development in this location would undermine the open and undeveloped character of this part of the Green Wedge and lead to further coalescence of Darley Abbey and Allestree.

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.

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.

There are also significant concerns in regard to highway safety, arising from the proposed reconfiguration of the existing site access to form the principal vehicular access to the development. The details of the access improvements submitted with the application, do not provide satisfactory evidence that the new road would meet the Highway Authority's requirements in terms of suitable visibility and manoeuvring of vehicles around the right angled bend in the carriageway. The increased use of the access is also likely to impact on the amenities of an existing dwelling, which is already served off the access. The proposed access solution is therefore not appropriate for the nature and scale of the development, which it is to serve and is likely to lead to a potential danger for road users and local residents, contrary to the provisions of Policy T4.

The proposal does provide some limited benefit in terms of boosting the supply of housing, providing an additional 4 dwellings compared to the previous application which was refused and the proposal for up to 49 dwellings could provide much needed affordable housing. However, taking account of the small increase in dwelling numbers, it is still considered that the cumulative adverse impacts highlighted by the conflicts with Policy GD4, GD5, H13, E2, E23 and E29 and T4 of the adopted Local Plan and with paragraphs 60, 64 and 132 to 138 of the NPPF, relating to the protection of landscape and heritage assets, would significantly and demonstrably outweigh these benefits. Therefore the proposal cannot be considered to be a sustainable form of development and it is recommended for refusal.

8. Recommended decision and summary of reasons:

To refuse planning permission

Reasons:

1. 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.
2. 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; it 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.

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 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.
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'.

S106 requirements where appropriate:

Affordable housing (30% provision)

Incidental and Major Open Space

Public realm

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/06/15/00720

Type: Outline (with access)

Transport improvements to A6 corridor, improvements to public transport, pedestrian and cycling.

Application timescale:

The target period for determination of the application expired on 31 August 2015 and is brought to committee due the level of local interest and for Member's interest.

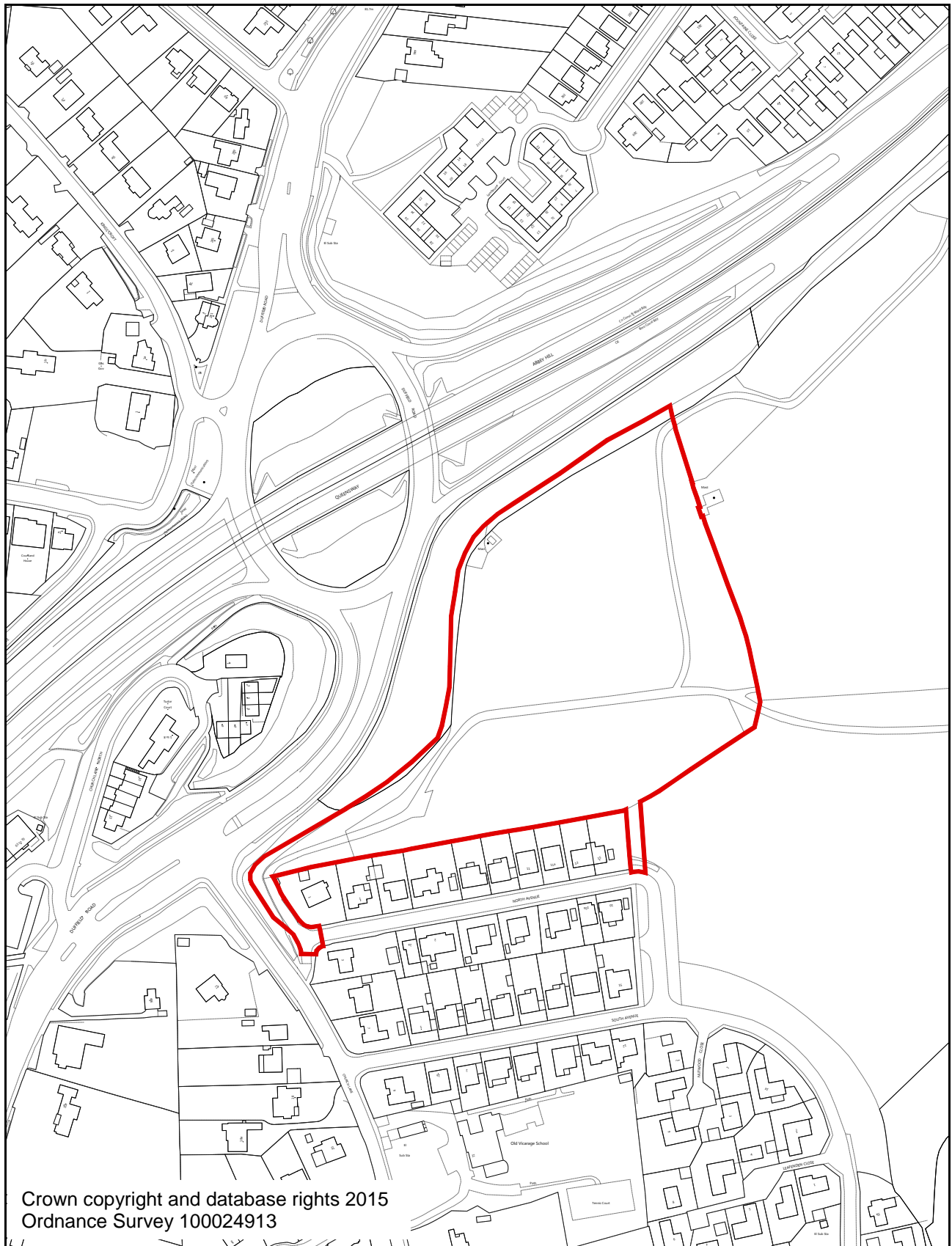
Classification: OFFICIAL

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/06/15/00720

Type: Outline (with access)



Classification: OFFICIAL

1. Application Details

Address: Chellaston Academy, Swarkestone Road, Chellaston.

Ward: Chellaston

Proposal:

Planning permission is sought for the demolition of the existing detached “maths” block and its replacement with a detached two-storey building to accommodate a classroom block and refectory.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98198>

The existing two and three storey classroom block to the south west of the school buildings and adjacent to the school’s sports pitches to the west of the site would be demolished and replaced with a detached two-storey block. The new block would be composed of two parts, accommodating classrooms to the north and a refectory (communal dining hall) to the south. Due to the need to accommodate pupils while the build is in progress, the existing maths block to be removed would remain in situ whilst the refectory and some of the classrooms are under construction (Phase 1A). Once this phase is complete, the existing maths block would be demolished and the new classroom block constructed (Phase 1B).

The proposed block would have a rectangular footprint of approximately 1100sqm and a flat roof with a height of approximately 8.2 metres. The plant room would project upwards of the main roof and have a height of approximately 9.6 metres.

2. Relevant Planning History:

None of relevance in this particular part of the Academy site.

3. Publicity:

Neighbour Notification 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.

4. Representations:

35 third party representations have been received, generally in objection, including two from ward councillors. The points of objection are:

- Loss of Ash tree situated close to the site’s boundary with the gardens of properties on Swarkestone Road

- Implications for residential amenity by way of overlooking and visual presence from the proposed building, and noise from the proposed extended car park and potential events involving the refectory
- Inappropriate siting of building and the potential for relocation
- Potential for disturbance of nearby residents from bin collections
- Lack of pre-application consultation with residents.

5. Consultations:

Highways DC:

These comments are made with reference to the Application Form, Design and Access Statement and the Site Plan – Proposed all dated 01/05/15.

The proposed development includes for an increase in car parking however it is not proposed to increase the staff numbers. The increase in parking spaces is included to stop parking on the internal roads.

Pre-application advice was given for this development regarding cycle storage provision and waste collection, you should be aware that this information has not been given in the documents provided.

Recommendation:

Should planning permission be granted, I would recommend the following (two conditions recommended, please refer to the Conditions and Reasons section).

Natural Environment (Tree Officer):

There are no trees protected by a Tree Preservation Order (TPO) within the grounds of the Academy and the Academy is not in a conservation area. Therefore, as long as the advice given / recommendations made in the submitted British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan are followed, no further comment to make.

Derbyshire Wildlife Trust:

We have considered the relevant documents submitted as part of the planning application with particular reference to the following:

- Preliminary Ecological Appraisal and Bat Building Assessment report ref: RSE_255_01_V1 prepared by RammSanderson dated April 2015.

The planning application for the demolition of the existing maths block, construction of a new classroom block and refectory and new car parking, is supported by an ecological survey report. A Phase 1 Habitat Survey was undertaken on 1st April 2015 and the field survey work is supported by a desk study which is welcomed. Scattered trees, hedgerow, amenity grassland, a building and hard standing were identified on the site. The site is not considered to support any protected species such as great crested newt, water vole, badger or reptiles; however there are opportunities available for nesting birds in the trees and where there are nest boxes. The building is assessed as having negligible potential to support roosting bats and no evidence

was recorded. It is considered that adequate survey work has been undertaken in support of the planning application.

It is understood that the initial site layout involved the removal of a mature ash tree; however the layout of the car parking has now been altered to enable this tree to be retained which is welcomed.

Paragraph 109 of The National Planning Policy Framework (NPPF) states that “*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.....*”. We support the recommendations made within the ecological survey report on page 19 that provides advice in relation to nesting birds and recommendations for native tree and shrub planting. We would also recommend that the construction of the new building provides opportunities to incorporate features for roosting bats and nesting birds. These measures should be secured through appropriately worded planning conditions.

Paragraph 125 of the NPPF states “*by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”. We recommend that external lighting is minimised as much as possible as part of the development and in order to ensure that lighting proposals are appropriate.

(Three conditions recommended, please refer to the Conditions and Reasons section).

Land Drainage:

I have reviewed the application and have the following comments

The planning statement indicates that as the site is in Flood Zone 1 there is no external flood risk. However the national flood zones only consider flooding from fluvial sources and do not consider pluvial flood risk.

The EA have produced flood risk areas for pluvial flooding known as the Flood Maps for Surface Water version of the maps can be seen on their website.

These maps show that the site is at high risk of surface water flooding which should be considered as part of the application.

It appears that the block is to be sited in a shallow valley that effectively channels any overland flood flows from the surrounding area towards the development. The flood risk from surface water will therefore need to be addressed. It is suggested that this could be address by contouring the paved areas around the building to divert flood flows away from the building and raising floor levels above the 1 in 100 year flood level plus an allowance for freeboard.

The application includes no details of the drainage design and the only sustainable drainage feature that is evident is the proposed permeable surfacing to the car park and access road. The application suggests the use of tanks for attenuation but tanks are not generally considered a form of sustainable drainage unless they form part of a SuDS treatment train.

The application can only therefore be supported subject to the imposition of the following conditions. (Three conditions recommended, please refer to the Conditions and Reasons section).

Sport England [4.8.2015]:

Sport England originally raised an objection to the scheme on the grounds of loss of playing field land, but has since removed that objection based on the work put together during the life of the application. The last consultation response of Sport England, therefore, reads as follows...*Thank you for the revised details and further information indicating a reduction in the car parking area and that the building will not impact on summer/winter pitch layouts. Based on the information provided Sport England confirms that we consider the application largely complies with Exception E3 of our policy and therefore withdraw our objection.*

Relevant Policies: *Saved CDLPR policies*

E9	Trees
E23	Design
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
L6	Sports Pitches and Playing Fields
LE1	Education Uses
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
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.

6. 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.

- Amenity
- Highways
- Design
- Flood Protection

Amenity

Saved policy LE1 Education Uses of the adopted Local Plan Review stipulates that development for education and training purposes should be “in keeping with the general scale, character and levels of activity of the surrounding area” and that “in the case of development in residential areas, the site or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby properties”

Several of the objections received raise concerns over the possibility of noise generation out of school hours by use of the refectory for extra-curricular activities and events. This suggestion is refuted by the applicant, but in the interests of nearby residential amenity I suggest securing this by use of a condition limiting the hours of use or limiting the use of the building to activities associated with the school’s operation.

As regards the visual presence of the scheme, the proposed building would not replace the existing maths block on a like for like basis. The footprint of the proposed block is larger than that of the existing (1100sqm proposed compared with 400sqm existing), and it would be positioned further to the south, so projecting from the main cluster of school buildings. It is reasonable to conclude that the building would have a visual presence when viewed from the rear of properties on the western side of Swarkestone Road. This point has been raised by several nearby residents, as has the possibility of overlooking occurring from the southern stairwell of the proposed block to the gardens to the east. Given the distances involved (the distance between the location of the proposal and the nearest garden is over 70 metres, the distance between the location of the proposal and the nearest habitable room window is over 100 metres), and the position of the Ash tree to be retained (see below) a significant degree of overlooking seems unlikely but a condition could be attached requiring the windows serving this stairwell be obscurely glazed.

A further concern regarding residential amenity is the relocation of the bin store. The disturbance caused by bin collection has been mentioned by several residents and the relocation of the bin store closer to nearby housing would exacerbate this disturbance to some degree. It has been stated by the applicant that negotiations are underway to arrange for the bin collection to occur later in the day and this seems to me to be the best way forward although it should be noted that such arrangements fall outside the remit of the planning process and must be made outside of its control. At present it is unclear exactly how access would be achieved to make these collections and a condition is recommended requiring further details, as per the Highways’ consultation response.

Much concern has been expressed over the original proposal’s intention to remove the Ash tree situated to the east of the application site (T16 in the arboricultural assessment accompanying the planning application). The revised plans now show the proposed car park extension as reconfigured and with this tree as being retained as a result.

Highways

The revised layout has been deemed acceptable by the Highways Engineer consulted and I see no reason to disagree with this assessment.

As previously mentioned, further details on the method of access for refuse collection are required, as are details on provision for cycle parking. Conditions are recommended to secure these details.

Design

The proposed block would be of a fairly simple, contemporary design which would achieve a reasonable degree of visual cohesion with the existing school buildings. The position of the proposed building's footprint would relate acceptably well to the arrangement of the existing buildings. It has been suggested that the block could be positioned closer to the main school building in the interests of reducing its visual presence, although this has been rejected as impractical due to the need to keep the existing maths block *in situ* during Phase 1A of the build. In my opinion, even if this were achievable, the reduction in visual presence that would result from this relocation would be limited.

Saved policy L6 Sports Pitches and Playing Fields requires that development cannot "involve the loss of land previously or currently used for sports or recreational purposes, including playing fields associated with educational establishments". The design originally submitted did involve the loss of some playing field area. The layout has since been revised and is now considered acceptable; see also Sport England's consultation response.

Flood Protection

As detailed above, the site of the proposed block lies in a slight dip which is at risk of pluvial flooding. To mitigate this, the Land Drainage Engineer consulted recommends several conditions which are listed below.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

As the existing maths block is approaching the end of its functional life, its replacement can be justified as an appropriate development in the school's operation. The increased visual presence of the proposed block in comparison to the existing arrangement would be acceptable given the distance from residential properties on Swarkestone Road, and the retention of the Ash tree would reduce visual presence of the proposed building still further. Provided excessive noise is not generated out of school hours by use of the refectory it is the City Council's opinion that no significant harm to residential amenity would occur as a result of the development.

Conditions:

1. Standard condition 03 (standard time limit)
2. Standard condition 100 (approved plans)
3. The development shall not become operational unless or until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the

development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

4. The development shall not become operational unless or until provision has been made within the application site for waste collection facilities, including how the vehicle will access and egress the site to service the area in accordance with details submitted to and approved in writing by the Local Planning Authority
5. Standard condition 101 (Tree protection during construction)
6. Unless otherwise agreed in writing by the Local Planning Authority no removal of trees, hedgerows or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the work is carried out and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing with the Local Planning Authority.
7. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until an ecological enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.
8. Unless otherwise agreed in writing by the Local Planning Authority no development shall commence on site until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. Such approved measures must be implemented in full and maintained thereafter.
9. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until detailed proposals for the management of the surface water drainage and flood risk have been submitted to and improved in writing by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.

Reasons:

1. Standard reason 56
2. Standard reason 04
3. Standard reason E16 and to promote sustainable travel.
4. Standard reason E07 To ensure that suitable arrangements are provided for the waste collection to be undertaken
5. Standard reason E11
6. Standard reason E25

Classification: OFFICIAL

Committee Report Item No: 2

Application No: DER/05/15/00578

Type: Full

7. Standard reason E25
8. Standard reason E25
9. Standard reason E21

S106 requirements where appropriate:

There is no Section 106 requirement for this development.

Application timescale:

The determination period expired on 09/07/2015

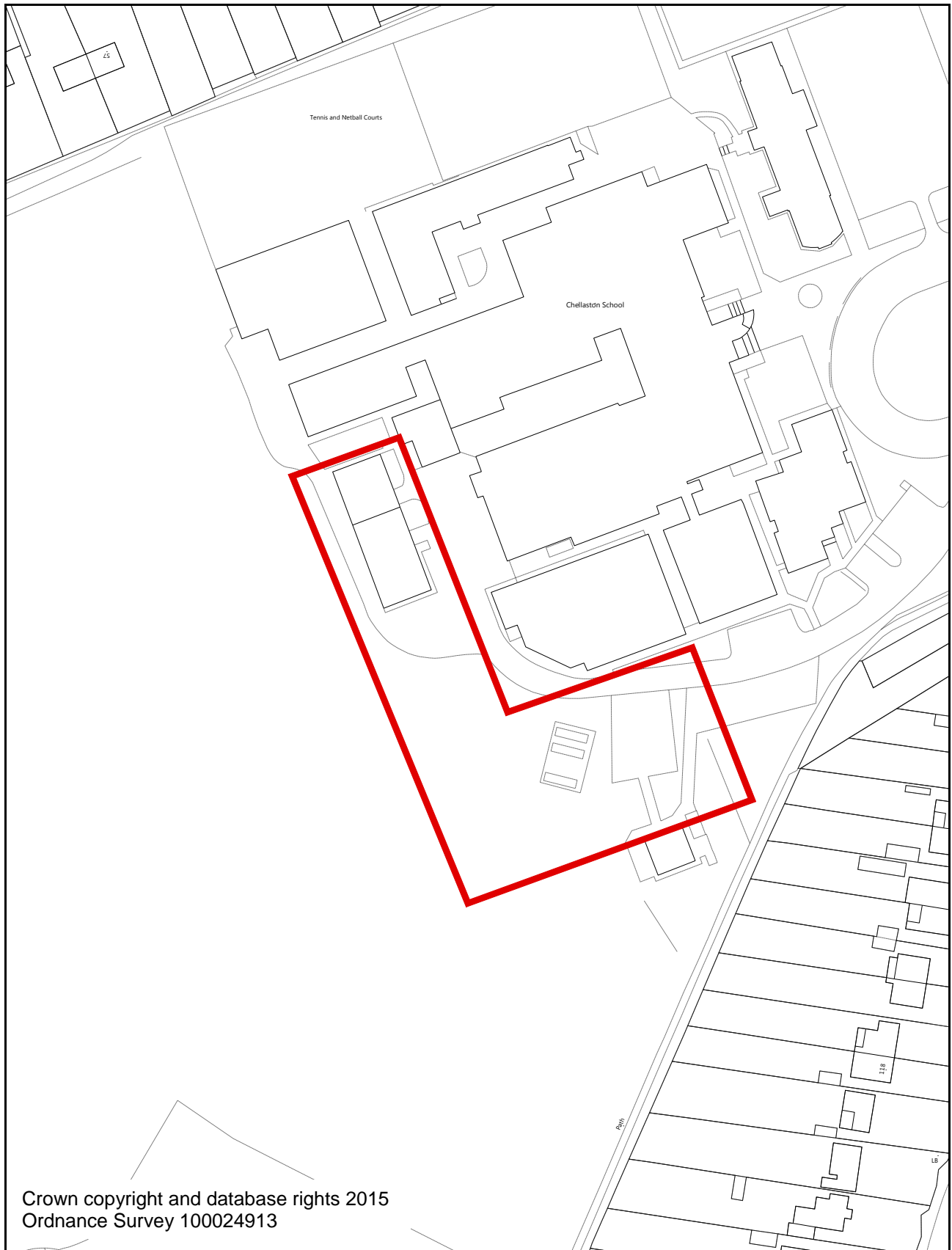
Classification: OFFICIAL

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Type: Full



Classification: OFFICIAL

1. Application Details

Address: Plots 2 & 3 Trafalgar Park, Trafalgar Park Way, Derby.

Ward: Sinfin

Proposal:

Erection of power plant compound to include generators, kiosk, sub-station, welfare cabin, switchgear cabin, transformers and acoustic fence

Further Details:

Link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 97900>

The full planning application seeks permission for the erection of a power plant compound to include generators, kiosk, sub-station, welfare cabin, switchgear cabin, transformers and acoustic fence within plots 2 and 3 of Trafalgar Park. The application site is located to the rear of the business park adjacent to the railway line.

The proposal comprises of 10 generators with acoustic enclosures. There are two 8 metre high exhaust stacks each fed by 5 of the generators. The number of exhaust stacks has been reduced during the life of the application and increased in height in order to assist in reducing air quality impacts. 5 transformers are located centrally to the site. To the eastern side of the site is the gas kiosk which has a footprint of approximately 1.8 metres by 6.2 metres with a height of 4.4 metres. To the south of the site is the switch gear cabin which has a footprint of approximately 12 metres by 2.2 metres.

The proposed welfare cabin is located centrally to the south of the application site comprising of staff facilities and a small office. The proposed acoustic fence is located on the western boundary with a height of 4 metres which would screen a large proportion of the facilities on this site.

Through the life of the planning application an acoustic assessment has been prepared, submitted and re-consulted upon along with amendments to the acoustic fence. An air quality assessment has also been requested and this has been submitted and the application re-consulted upon.

According to the submitted Design and Access Statement, as amended, the proposal is supported by National Energy Policy and meets the aims of The Energy Act 2013. Furthermore such a power plant would form the central column of HM Government Energy Policy. The Energy Act seeks to encourage the building of power plants that can provide electricity at times it is most required, particularly at a time when most of the coal-fired plants are facing closure and the generation of renewable energy is intermittent. The proposed plant will be gas powered which is purported to be 'very clean and over 39% efficient'. The plant takes 15 seconds to be turned on and start generating power and thus is considered to be effective in times of high demand, particularly when other energy production cannot do the same. Other types of power plants that have efficient start times are old heavy-fuel-oil or diesel generators which

have higher emission profiles and are less effective. This also includes open cycle gas turbines which have an efficiency rating of between 27-35% - this power plant is 39% efficient or 43% for each generator. The power plant would not, as it serves a localised area, result in the loss of generated power during transit; current transmission loss nationally amounts to between 8-14% depending on the region. The proposal is therefore considered to be very efficient and considered one of the best in terms of carbon efficiency.

The applicant will be contracted to the National Grid and will be used in times of demand and known as a “peaking station”. The facility will seek to reduce blackouts and power fluctuations and serve the locality. Such facilities are being designed to form part of the new generating capacity which will replace old coal and nuclear plants as they cease operation. Providing new power plants is now at a critical point.

The most updated Air Quality Assessment proposes the plant to run on average for 1250 a year, this is based on historical data and projections.

The applicant has also provided details of the Site Selection carried out. A location in Derby will mean that the facility will be close to the properties and businesses that need security of an electricity supply. The applicant advises that the network in the city is particularly difficult to connect generation onto and this type of generation proposed requires a site with the ability to connect to both the electricity and gas networks. A comparative assessment of alternative locations in Derby reveals that Trafalgar Park is the only location in the City, according to the applicant's site selection process:

Site	Electrical Connection	Gas connection	Area	Suitability
Cotes Park Industrial Estate	Available	Not Available	Industrial	No
Holme Lane Industrial Estate	Restrained	Not Available	Industrial	No
Trafalgar park	Available	Available	Industrial	Yes
Ascot Drive, Osmaston	Not Available	Not Available	Near Housing	No

2. Relevant Planning History:

No history specifically related to this use on this site.

DER/05/08/00773 Grant – Erection of Offices (use classes B1, B2 and B8)

https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY_DCAPR_86253

3. Publicity:

Site Notices displayed on 13 March 2015 and 26 June 2015

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

4. Representations:

No third party representations have been received.

5. Consultations:

Highways DC:

The following comments are made in reference to planning application form dated 03/03/2015 and the supporting documents submitted alongside the application.

The Trafalgar Park Way is within a business park located off Victory Road, which is a classified single carriageway road (C167) that is subject to a 30 mph speed limit. The road carries significant numbers of vehicles including HGV's especially during the peak traffic flow periods. Parking is restricted 8am to 6pm, Monday to Saturday, on Victory Road in the vicinity of the business park.

The application site is located within the gated business park, which is not adopted as highway maintained at public expense. It is accessed via a private road system, and is approximately 200 metres from the shared vehicular access onto Victory Road. The means of access to the site would be unaffected by the proposed development and is considered adequate. There appears to be sufficient room within the business to allow vehicles to enter and manoeuvre before leaving in a forward gear. The applicant indicates that the numbers of vehicles visiting the site in operation would be low, 2 car parking spaces within the secure compound is offered and considered satisfactory.

There are no highways concerns regarding this application and therefore no objection to the proposal.

Land Drainage:

The application form includes for SuDS drainage with no connection to public sewers. I do not consider that soakaways will be sufficiently efficient to ensure that the 1 in 100year flood will be retained on the application site in compliance with the NPPF and I would advocate a SuDS system at a higher horizon. Officially the part of the development is within Flood Zone 2 and a SSFRA should be submitted but in this case I do not consider that much will be achieved by such a submission. The area that is likely to be a risk is close to the railway line this could be defended by a bund or small wall or robust gravel boards at the base of the acoustic fence returned both sides under the fence some 9m or until the land loses its steeper gradient. This could also fulfil the requirement for some retention of runoff on the site. There is no other information regarding drainage of the site.

Environmental Services (Health – Pollution):

Comments – 4 June 2015

Further to those comments, I am now in receipt of an Air Quality Impact Assessment (Amec Foster Wheeler Ltd, June 2015), submitted in support of the application. I can comment on the report and its findings below.

Air Quality Impact Assessment

The report considers predicted increases in nitrous oxides (as NO₂) and carbon monoxide (CO). Other potential pollutants (e.g. PM₁₀) have been screened out of the assessment and I would accept the justification for doing this.

The plant is predicted to operate for a maximum of 2000 hours per year (approximately 23% of the time).

I would accept that the assessment is robust and depicts a worst-case scenario, based on the assumptions in the report.

The impact on ecological receptors is discussed in the study. I am unable to comment on these areas and so I would recommend that a suitably qualified ecologist is consulted regarding this aspect of the assessment.

Based on the modelling, increases in nitrogen dioxide are expected to reach as high as 0.85µgm⁻³ based on the three receptor locations chosen along Osmaston Park Road, within the Council's AQMA.

Although the increases on their own would be considered to be relatively small (approximately 2.2% of the national objective) they relate to receptors who already suffer NO₂ levels well in excess (117%) of the national objective. Consequently, relevant guidance (namely IAQM, 2015) categorises this as a '**substantial**' impact.

Increases in NO₂ levels along Victory Road are expected to be even greater (approximately 9.7%), however the air quality objectives are still expected to be met comfortably in this location and so the overall impact here is considered to be 'slight'.

Increases in carbon monoxide are expected to be 'negligible'.

Conclusions and Recommendations

Based on guidance produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) for the consideration of air quality within the land-use planning and development control processes, this development would be classed as having a *substantial impact* upon local air quality.

Considering the relevance of the IAQM classification in this specific location and context is however a matter of professional judgement as there are other factors that will determine the significance of these impacts.

I would consider the following points to be of particular relevance:

- The existence of and impact upon the Council's outer ring road Air Quality Management Area (AQMA);
- The number of sensitive receptors potentially affected by the increases (not known);
- Cumulative effects of other developments within this area of the City;
- The results of any human health impact assessment (not known);
- The degree of mitigation possible to minimise predicted impacts.

The study provides details to answer some, but not all, of the considerations highlighted above. It may therefore be prudent in the first instance to investigate these matters further. In particular, it would be helpful to review information detailing the number of receptors/properties affected by each category of concentration increase. If necessary, human health impact assessment may also be required to demonstrate that the proposal will not impact upon local health.

If the development were allowed in its current form, it has the strong potential to detriment the successful implementation of Derby City Council's Air Quality Action Plan (AQAP) for NO₂.

It is also my view that the development is in contravention of Local Plan Policy GD5 (amenity) due to the potential for 'unacceptable harm' to occur.

As suggested under the National Planning Policy Framework (NPPF), the developer may be able to demonstrate how the development can be amended to make it acceptable, however under the current proposals, I would recommend refusal of the application on air quality grounds.

Given the nature of the proposal (as a power plant) and the limited NO₂ mitigation options available, I would strongly recommend consideration of an alternative development site located out of the influence of the Councils AQMAs.

Comments - 10 June 2015

I refer to my comments of 21st May 2015 and also those of the 4th June 2015 regarding the above application, which should be read in conjunction with this document.

Further to those comments, I am now in receipt of an *Update to Air Quality Impact Assessment* (Amec Foster Wheeler Ltd, June 2015), submitted in support of the application. I can comment on the report and its findings below.

Air Quality Impact Assessment

In the previous assessment, the plant was predicted to operate for a maximum of 2000 hours per year (approximately 23% of the time). The update now suggests that the plant is predicted to operate for a maximum of 1250 hours per year (14% of the time). There is no explanation in the report for the proposed reduction in hours of use.

The update re-models predicted nitrogen dioxide (NO₂) concentrations in line with the reduced hours of use. No other input changes are made to the modelling.

Based on the updated modelling, increases in nitrogen dioxide are now expected to reach a maximum of 0.53µgm⁻³ within the Council's AQMA, compared with 0.85µgm⁻³ previously.

Under the IAQM/EPUK Guidance, this moves the impact category down from a *substantial* to a ***moderate impact***.

The assessment still provides no details on the number of properties currently located within the AQMA and potentially affected by notable increases in NO₂.

Based on the contour plots provided in figure 2.1, I estimate that this is likely to be somewhere in the region of 50 to 60 dwellings.

The report still provides no site appraisal assessment to explain why this site is a preferred site against alternative available sites. This appears to be in contravention of the Air Quality Policy under the NPPF.

Conclusions and Recommendations

The updated assessment revises down the impact classification under relevant guidance from *substantial* to *moderate*.

Given the number of properties potentially affected by notable increases in NO₂, it is my view that the updated proposals are still in contravention of Derby City Council's Air Quality Action Plan (AQAP).

I do accept however, that the *moderate impact* relates to the current year. Consequently, the impact of the development would be expected to reduce in future years due to a predicted gradual decline in background NO₂.

Based on the information provided and given the site's proximity to the Council's AQMA, I would advise that an alternative site for this development is sought, located a greater distance from any of the Council's AQMAs.

In the absence of a detailed site appraisal, I am therefore still minded to object to the application based on the information before me.

Should the LPA still be minded to grant permission however, then I would strongly recommend that a condition is attached to any consent restricting the hours of operation of the plant to the suggested 1250 hours per year.

I have no further comments to make at this time.

Comments - 27 August 2015

I refer to my earlier comments of 4th June and 10th June 2015 respectively, regarding the above application, which should be read in conjunction with this document.

Further to those comments, I note the submission of a third revision of the *Air Quality Impact Assessment* (Amec Foster Wheeler Ltd, June 2015, Final Report Revision Ref 15228i2) and additional discussions with the applicant. I can comment on the report and discussions below.

Air Quality Impact Assessment

As before, the report considers predicted increases in nitrous oxides (as NO₂) and Carbon Monoxide (CO) and has screened out particulates. The assessment confirms that the plant is now predicted to operate for around 5 hours per day and a maximum of 1250 hours per year (approximately 14% of the year).

The report is now based around the use of a maximum of 10 generators (as opposed to the 12 units previously proposed), each exhausting via individual flues in one of two stacks of 8m height, with each stack containing five flues with a common windshield.

I would accept that the assessment is robust, based on acceptance of the assumptions in the report.

Based on the modelling, increases in nitrogen dioxide are expected to reach a maximum of $0.23\mu\text{gm}^{-3}$ based on the three receptor locations chosen along Osmaston Park Road. This is within the Council's Air Quality Management Area (AQMA) and relates to properties that already experience NO_2 levels in excess of the national air quality objective (AQO) of $40\mu\text{gm}^{-3}$.

Relevant guidance (namely IAQM, 2015) categorises this maximum increase as a 'moderate' impact, with most properties within this location affected by 'negligible' impacts.

As previously, increases in NO_2 levels from the facility along Victory Road are expected to be greater, however the air quality objectives are expected to be met comfortably in this location and so the overall impact here is again considered to be 'negligible'.

Increases in carbon monoxide are expected to be 'negligible'.

There appears to be discrepancies with the information described in the AQ assessment and the details within the Design and Access Statement provided for the application. For example, the AQ assessment suggests that the plant will operate for a *maximum* of 1250 hours per year, however the updated Design and Access Statement suggests that the plant "will run *on average* for 1250 hours a year".

Although there is disparity between the engine manufacturers/models described in the D&A Statement compared with the AQ Assessment, following discussions with the developer I understand that the proposed model is the Cummings, as stated in the assessment.

Conclusions and Recommendations

Based on guidance produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM), the revised engine configuration proposed at the development would be classed as having a *moderate impact* on local air quality for a limited number of properties, with the majority of receptors within the AQMA experiencing a *negligible impact*.

It is important to note that these conclusions are based on the assumption that the plant operates strictly within the confines as described within the AQ Report (i.e. no more than 10 generators with the associated flues/stacks of the specification described, operating for a maximum of 1250 hours a year).

Following further discussions with the applicant, I am aware that there is some uncertainty regarding the potential future operating hours of the plant, with the potential of additional operations being required during the high-demand winter months. Consequently, the assessment is not considered to represent a worst-case scenario.

Clearly any increase in operating hours above the report's stated maximum 1250 hours will result in an increase in NO_2 emissions above and beyond those described

within the report and a resultant increase in the predicted air quality impacts from the development.

I would state that I still have concerns regarding this application on air quality grounds, however if the LPA are still minded to grant permission, I would strongly recommend that the limitations described in the report are agreed and subsequently made a requirement of any permission via an appropriate planning condition. These are as follows:

- A maximum of 10 Cummins QSK60 engines permitted on site (or other generators to be agreed with the LPA);
- The flue/stack design and specification shall be as detailed within AQ Assessment and drawing 227/006;
- Maximum operating hours restricted to 1250 hours per year.

In the absence of the above restrictions, I would have significant concerns regarding the suitability of the development in this location on air quality grounds. In particular, any increases in operating hours over and above the stated 1250 hours per annum could in my view cause the proposals to be in breach of relevant national planning policy on air quality, including Local Plan Policy GD5.

Consequently, if the applicant is unable to demonstrate confidently that the plant will operate within the confines detailed above, then I would recommend that planning permission be refused in the hope that a more suitable location for the development can be found, away from the Council's AQMAs.

Network Rail:

No in principle objection to the development but have asked that the applicant contact them regarding detailed design.

Health and Safety Executive:

Consultation not required as the application site is outside of the designated zone.

6. Relevant Policies: *Saved CDLPR policies*

GD4	Design and the Urban Environment
GD5	Amenity
EP11	Development in Existing Business and Industrial Areas
E12	Pollution
E23	Design
T4	Access, Car 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:

- Visual Amenity
- Noise
- Air Quality

Visual Amenity

The location of the proposed plant is embedded within an existing industrial estate and therefore is an acceptable commercial operation in terms of siting, design and location. There are no views to this area of the site from the public domain. The site is located away from existing residential units and therefore there are no concerns with impacts on residential amenity in terms of scale or massing. Furthermore the street scene is not duly impacted upon as a result of the proposal.

Noise

The initial environmental health comments requested the submission of an acoustic assessment; this was duly submitted along with an amended site plan identifying the increased height of the acoustic fence to a height of 4 metres. In other locations this height of fencing would be considered inappropriate however given the nature of the site and its commercial neighbours to the rear I see no reason to resist such an amendment. Furthermore the fence is considered necessary to mitigate noise arising from the development.

Air Quality

The application site is located within a zone of influence upon the Council's Outer Ring Road Air Quality Management Area (AQMA) (junction of Osmaston Park Road and Victory Road). Dwellings within the AQMA already experience poor air quality, with associated exceedances of both EU and National limits for NO₂. Any development producing significant contributions of NO₂ within the AQMA is likely to inhibit attempts to reduce NO₂ towards compliance with EU/National limits and also hinders successful implementation of the Council's Air Quality Action Plan (AQAP).

The submitted Air Quality Assessment is considered to be robust but does not portray a worst case scenario. The report has been revised throughout the application process providing details of the 10 generators as opposed to the 12 originally proposed as part of the application. As detailed within the Environmental Health comments set out above, there is clearly a concern with regards to impacts on Air Quality; when considering the guidance produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) it is felt there would be a moderate impact on local air quality for a limited number of properties, with the majority of receptors within the AQMA experiencing a negligible impact as a result of the development. These conclusions are based on the submitted report which confirms the use of no more than 10 generators operating for a maximum of 1250 hours a year.

The concerns relating to air quality have been discussed, at length with the applicant, and they have made subsequent amendment to try and mitigate these impacts; a

reduction from 12 generators to 10 generators and increasing the height of the exhaust stacks and reducing the number of overall exhaust stacks.

If the plant operates for more than 1250 hours over a year then this will result in an increase in NO₂ emissions above and beyond those described within the report and a resultant increase in the predicted air quality impacts from the development. Therefore the impacts on the AQMA and local properties will be increased above the moderate and negligible impacts described within their submitted report.

During the life of the application the above concerns have been expressed to the applicant and amendments have been submitted where practically possible. However there remains a concern that increased use above the specified hours would have an impact on air quality.

In order to control impacts on air quality a condition has been recommended stating *"The operational hours of the power plant shall be restricted to a maximum of 1250 hours per annum."* Whilst such a condition would usually suffice to control hours of operation the applicant has suggested that should National Grid require additional power from this development then they would continue usage even if this results in a breach of the specified condition.

There are not any other legislative regimes to control excessive emissions of nitrogen dioxide (NO₂) under the circumstances described here, other than through a relevant planning condition or an environmental permit. Neither is there any legislation which creates an offence for emitting excess NO₂ (other than via breach of a condition or a permit). We believe that an environmental permit is not required in this instance. The applicant has also confirmed this "

The generation compound will not require an Environmental Permit until the introduction of the medium combustion plant. The engines are turbo charged spark ignition engines with a quoted thermal input of 3,412 kW (manufacturers data), so with ten engines the total thermal input is 34MWth below the requirement for a part A(1) permit and as spark ignition engines they do not fall under Part B."

When recommending conditions, all conditions must meet the six tests set out in the Use of Planning Conditions as set out in the National Planning Practice Guidance. The tests are as follows:

1. Necessary;
2. Relevant to planning and:
3. To the development to be permitted:
4. Enforceable;
5. Precise and;
6. Reasonable in all other aspects.

We are confident that the proposed condition would meet the tests relevant to being necessary, relevant, associated to the proposed development, precise and

reasonable. However, we are of the opinion that the condition would not be enforceable. Guidance states:

“Enforceable – Would it be practically possible to enforce the condition?”

Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.”

Whilst we can request, by way of a condition, the submission of a monthly, quarterly or annual monitoring statement which would specifically detail the hours of operation for that period and the NO₂ outputs from the development there is, in my opinion, little if anything that can be done to remedy a breach. Furthermore potentially we would not be in a position to know the condition had been breached for a period of time. In addition the above would rely on the operator being open and honest. The further concern would be if the power plant used all of the operating hours before the year is out. The question would be who would take priority National Grid’s demand or the breach of a planning condition?

The applicant has previously indicated that they would have to run the facility if National Grid required, despite the hours set out within the condition. Therefore there are matters which are out of the applicant’s remit that cannot be controlled.

Therefore the only conclusion to be made is that the proposed condition is not enforceable and therefore fails the test and the condition cannot, in my opinion, be imposed.

The National Planning Practice Guidance for Air Quality provides guidance on *“How do considerations about air quality fit into the development management process?”* This guidance is set out in a flow chart format suggesting the course of action if concerns are raised about air quality. I am confident that the consideration of this application has followed this guidance and as we cannot make any further amendments or satisfactorily control the proposal by way of condition then the application should be considered for refusal.

Summary

The application has not attracted any objections from third parties and those representations made by consultees are set out above in Section 5 of this report. The comments provided by the Environmental Health Officer have been duly considered and amendments sought through negotiations with the applicant. However on balance and taking all material matters into consideration it is felt that the proposal without a condition restricting hours of use the development would introduce levels of NO₂ in an area where NO₂ levels already exceed national and European targets. Therefore as there is not a suitable condition, that meets the tests, then the proposal is unacceptable.

The recommendation has taken into consideration the wider benefits of the proposal, its technology and low carbon emissions but, on balance, feel that this location, given the proximity of the AQMA and existing background NO₂ levels, is unacceptable.

8. Recommended decision and summary of reasons:

To refuse planning permission

Reasons:

1. In the opinion of the Local Planning Authority, the siting of the proposed power plant compound in this location would introduce significant Nitrogen Dioxide emissions into a designated 'Air Quality Management Area' (the junction of Victory Road and Osmaston Park Road) which has existing high levels of Nitrogen Dioxide and, as a result, the proposal would exacerbate poor air quality in the local area to the detriment of the health and general environmental amenity of nearby residents. The development would also inhibit the Council's ability to meet EU and National air quality targets. Whilst the stated intention of the applicant is that use of the proposed plant would be limited to times of high electricity demand and, accordingly, usage of the plant would be limited to reduce emissions, the Local Planning Authority is not satisfied that emissions from the proposed plant can be effectively controlled and enforced by planning condition, particularly given the practical difficulties of detecting a potential breach of emission levels, of subsequently remedying such a breach and as consumer demand for electricity is a factor beyond the control of the applicant. For these reasons the proposal is, therefore, contrary to saved policies GD5 and E13 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework and the National Planning Practice Guidance.

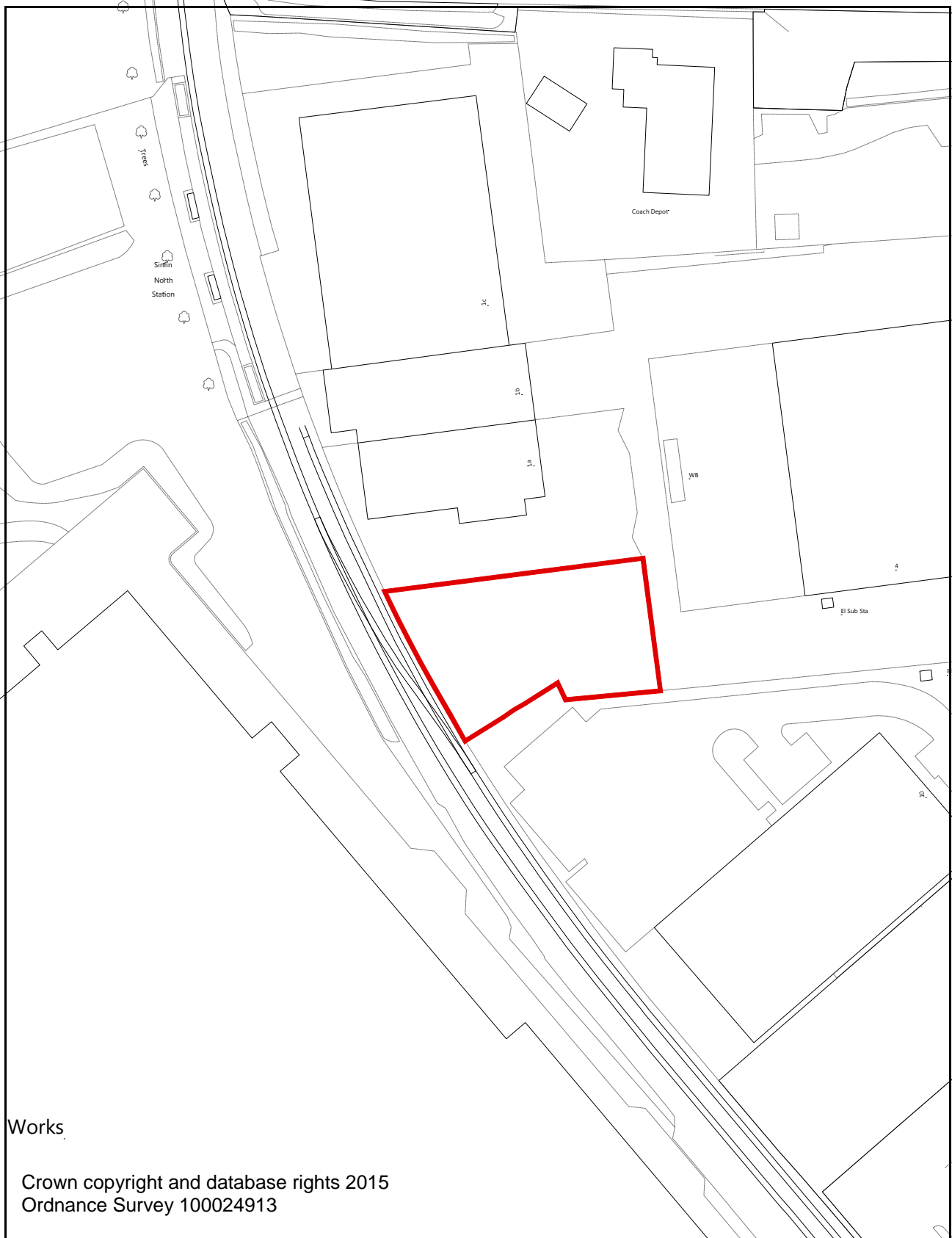
S106 requirements where appropriate:

No requirement for a Section 106 Agreement.

Application timescale:

The target date for determination of this application has lapsed, 5 June 2015 and the application is brought before committee due to the sensitive nature of the proposal.

Type: Full Planning



1. Application Details

Address: Land located to the side of 25 Fairbourne Drive, Mickleover.

Ward: Mickleover

Proposal:

Erection of a detached dwelling house - approval of reserved matters of layout, appearance, landscaping and scale under outline permission – DER/03/12/00268

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 97717>

The application seeks permission for reserved matters for the erection of a detached dwelling. Approval is sought for layout, scale, external appearance and landscaping on an infill plot of land located on the northern side of Fairbourne Drive, adjacent to No. 25 Fairbourne Drive, which is a detached dwelling.

The application site in question comprises approximately 0.0707 hectare plot and has an irregular shape with a width of approximately 21 metres at the widest point, and a depth of approximately 49 metres. The site does not contain any buildings, however does contain a section of brick wall approximately 10 metres from the highway running parallel with Fairbourne Drive. The site consists of a grassed area with 4 young fir trees of varying heights in the north west of the site, and a Cherry tree to the front of the site, in the position of the proposed access to the site. Land levels across the site vary by approximately 2 metres. The site is bound by 1.5 – 1.8 metre fencing along the western, northern and eastern boundaries; with a dense mature group of trees extending along the eastern boundary, which overhang the site and are protected by a Woodland Tree Preservation Order, covering trees around Whistlestop Close.

Residential properties lie to the north east, west and south on Fairbourne Drive and Whistlestop Close and comprise primarily detached dwellings, with modest curtilages. The application site was formally the side garden area of no. 25 Fairbourne Drive, and the site now shares a boundary with this property. The properties surrounding the site on Fairbourne Drive have a fairly uniform appearance where two storey detached properties of a similar age and design line the street scene.

The proposed development is for the erection of a detached dwelling with four bedrooms and an integral double garage. The dwelling would be a two-storey dwelling, of a traditional design with a hipped roof, two storey bay on the front elevation with timber gable features and two chimney stacks. The dwelling would have an L- shaped footprint and be positioned in the centre of the site, alongside the adjacent dwelling at No.25. To the front elevation of the building the double garage is attached, with provision of a parking and turning area to the front of the dwelling.

The proposal would also involve the removal of the five trees within the site. The protected trees along the eastern boundary are to be retained and safeguarded alongside the development. The application is accompanied by an Arboricultural Impact Assessment Report & Method Statement.

The vehicular access to the site is as approved under the outline permission and is to be located in the south east corner of the plot served off Fairbourne Drive.

2. Relevant Planning History:

DER/03/12/00268 – Outline for erection of a dwelling (with means of access and layout) - Granted – 29/05/2012

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 92779>

DER/09/08/01287– Outline for Residential development (one dwelling house) - Granted - 12/01/2009.

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 86777>

3. Publicity:

Neighbour Notification Letter – 15

Site Notice – Yes

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

4. Representations:

In total 9 letters were received and of those 7 letters of objection have been received including objections from Councillor Alison Holmes and Councillor Keith. The concerns and objections raised by residents are summarised below:

- The proposed development should blend in with existing properties and landscapes.
- The proposal should allow easy access to maintain (neighbouring) property.
- How will the property be connected to existing foul and surface water drainage system?
- Connecting the dwelling to the mains sewer system would mean a lot of ground works and issues in relation of the adjacent protected trees.
- There needs be clarification of the proposed site entrance/driveway in relation to the adjacent neighbour
- There will be difficulty accessing the proposed application site during the proposed construction phase.
- The proposed property would be too big for the proposed application site and will look at odds with the local surrounding

- The proposed property would affect the existing trees which are covered by protected order and the affect the habitat wildlife
- The agent hasn't specified the type of trees to be removed
- The proposed development contradicts the recommended footprint –which is 3 times bigger than the existing dwellings fronting Fairbourne Drive.
- The proposed development is not sympathetic to the local setting
- The developer is capitalising on the proposed plot space
- The proposed property will impact on the existing root protection area/trees covered by a protection order
- The proposed access will impact on the protected trees
- The proposed finish (rendering) of the proposed dwelling would appear to contradict the existing dwelling fronting Fairbourne Drive
- Why are applications made to fell/kill trees which are covered by TPOs
- The development is much too close to a line of trees which are protected. We have already lost too many trees and resultant wildlife. Before the Whistlestop Close development took place. Now they are already depleted and will be more so if there is further building, so the statement that wildlife will not be affected is inaccurate.

Councillor Holmes and Councillor Keith's highlight:

- The existing woodland appears to be targeted for development use
- The proposed building works will encroach on the existing TPOs
- The proposed property will be too big in comparison to the local setting
- The agent doesn't specify the existing trees to be removed
- The proposed construction works will impact on the existing trees
- Any proposed works to the existing woodland and the trees covered by a tree preservation order will impact on the amenity of the area

5. Consultations:

Highways DC:

The Arboriculturist has confirmed that he misinterpreted the position of the proposed driveway in his original Arboricultural Impact Assessment Report (ref. 25 Fairbourne Drive / 001) and confirmed that the proposed driveway is situated outside the RPA of the retained ash tree at the front of the site and has therefore confirmed that a no dig construction is not required for the driveway.

The revised Arboricultural Impact Assessment Report & Method Statement (ref. 25 Fairbourne Drive / 002) identifies this in more detail

Recommendation:

Should planning permission be granted, I would recommend that conditions are attached to secure hard surfacing, surface water drainage and dropped vehicular crossings.

Natural Environment (Tree Officer):

As long as the advice given / recommendations made in the 'Arboricultural Impact Assessment and Method Statement' and the 'Arboricultural Survey and Protection Plan' are followed, 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 the root protection area of trees to be retained.

6. Relevant Policies: *Saved CDLPR policies*

GD5	Amenity
H13	Residential Development – General Criteria
GD2	Protection of the Environment
E9	Trees
E23	Design
GD4	Design and the Urban Environment
E17	Landscaping schemes
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:

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

- Layout
- Appearance and design
- Scale
- Landscaping

Layout

The layout of the development was approved under the outline permission, although it has been amended under the current reserved matters scheme. The agent has therefore agreed to layout being considered under this application, along with the other outstanding matters of scale, appearance and landscaping. The means of access to the site has already been agreed under outline and is unchanged under the current proposal.

The proposed dwelling is to be sited within an established residential setting, which is characterised by modern detached two storey dwellings, some of which have detached double garages. The site is a relatively wide plot compared to others in the immediate locality. It is also located on the end of a row of continuous detached properties, which are on a similar alignment fronting Fairbourne Drive. The proposed footprint of the dwelling would be roughly in line with the adjacent dwelling at No.25 and sited a distance of about 10 metres from the Fairbourne Drive frontage. The development would have a larger footprint than the existing dwellings in the street, although in this location, it would not appear out of place or excessively large. On the end of the row of properties, the dwelling would form a book end to the group in the streetscene and the built form would be partially screened from the eastern side by the mature belt of trees, which are alongside the development site. These trees would contribute to the landscaped setting of the scheme and soften its visual impact on the streetscene. The secluded character of the site and the proposed layout would result in the impact on the visual amenities of the surrounding area being fairly limited.

There is a satisfactory level of private amenity space to be provided within the development, to ensure that a good quality living environment is formed for the occupants of the dwelling.

The proposed layout of the development is therefore considered to be in keeping with the general character and pattern of residential development in the surrounding area.

Appearance and Design

In terms of appearance of the proposed dwelling, the design would be a two-storey traditional style dwelling. It would reflect the style of existing house types in Fairbourne Drive and take reference from the elevational treatment of these properties. Whilst the proposed dwelling would be larger than the neighbouring properties in the street, it would in my opinion sit comfortably on this end plot and complement the residential character of the local area. This area of Fairbourne Drive contains a range of architectural styles and with this in mind, the proposed detailing and materials to be used in the new dwelling would contribute positively to the appearance of the street scape in this location.

The proposed design and appearance is considered to be acceptable in this street context on the basis that it would fit in successfully with the character of the local streetscene.

Scale

The proposed dwelling is substantial in scale and massing, when compared with the other nearby properties in Fairbourne Drive. It has a larger footprint and is greater in overall size than the existing dwellings, however considering the scale and proportion (even though slightly bigger) of the proposed dwelling, it would sit comfortably into the street scene, due to its position on the end of the established group of properties and the width of the plot. The proposal would not be any greater in height than the neighbouring properties and would not be an overdominant feature in the street frontage.

The scale and proportions of the dwelling would not result in a significant loss of privacy or amenity for the neighbouring residents on Fairbourne Drive and Whistlestop Close. The main impact of the development would be on the adjacent property at No. 25, which lies alongside the proposal. The side flank section would have some degree of massing effect on this property, since it is located close to the side boundary and projects to the rear, beyond the rear elevation of No.25. However, there would not be an undue loss of daylight or overbearing impact on the living conditions of the occupants. No. 25 also has a detached garage in the front garden along the shared boundary with the site, which provides some screening from the development. Other dwellings to the east on Whistlestop Close and south on Fairbourne Drive, would be screened by the woodland belt of trees along the boundary of the site and those on Whistlestop Close are also at a lower ground level than the development site. These properties are sufficiently distant from the proposal and safeguarded by the topography of the locality to ensure that there would be not an unreasonable impact on their amenities, arising from the development.

Landscaping

The landscaping scheme for the development would involve the planting of replacement trees to mitigate for the loss of trees on the site, in addition to the normal ornamental planting and hard landscaping within the plot. The landscaping proposals shown the retention of the woodland belt of trees along the eastern boundary of the site and the submitted Arboricultural Impact Assessment Report and Method Statement includes a protection plan and recommended pruning works to some of the trees, which are covered by the TPO. The group of trees which lie alongside the development would frame the scheme and complement the existing landscape. The Tree Officer considers that the proposed protection proposals for the retained trees is deemed as acceptable subject to tree protection conditions being imposed. The protected trees would not be adversely affected by the development, subject to compliance with an agreed tree protection scheme.

Conclusion

Overall, I am satisfied that the landscape planting proposals would enhance the setting of the development and make a positive contribution to the urban environment in line with Policies E9 and E17. The proposed design, layout and scale of the residential development would be in keeping with the character and appearance of the surrounding residential area and not undermine the residential amenities of nearby properties in the locality in accordance with the relevant Local Plan Policies H13, GD4, GD5, E17 and E23.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

It is my opinion that the proposed development will have no significant streetscene implications. The proposal has been sympathetically designed to fit in with the surrounding context of the neighbouring detached properties. It is considered the proposal will have no amenity impact to neighbouring properties. There would also not be an adverse effect on important trees around the development site.

Conditions:

1. Standard condition 100 (approved plans)
2. The driveway to be surfaced in a hard bound material (not loose gravel) for the full length of the driveway, behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.
3. The driveway to be constructed with provision to prevent the discharge of surface water on to the public. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
4. A dropped vehicular footway crossing to be made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
5. Tree protection of retained trees and vegetation to be carried out in strict accordance with BS5837:2012 and the submitted 'Arboricultural Impact Assessment Report and Method Statement – Date: December 2014 and submitted details of tree protection and date of implementation.
6. Standard condition 27 (external materials)
7. Standard condition 22 (landscaping maintenance)
8. Standard condition 19 (boundary treatment)

Reasons:

1. Standard reason – E04 (for avoidance of doubt)
2. Standard reason – E19 (in the interest of highways safety of T4)
3. Standard reason - E19 (in the interest of highways safety of T4)
4. Standard reason – E19 (in the interest of highways safety of T4)
5. Standard reason – E14 (interest of visual amenity and benefit of wildlife of GD2, GD4 and E17)
6. Standard reason E04 (in the interest of visual amenities of E23, GD4 and H13)
7. Standard reason E10 – (in the interests of visual amenity)
8. Standard reason E14 (in interests of external appearance and visual amenity)

Informative Notes:

Access to the driveway will require a domestic vehicular crossing constructed. This will need to be constructed under Section 184 of the Highways Act 1980. It requires the formation of an access and footway to the highway, which is land subject to the provisions of the Highway Act 1980 (as amended) over which you have no control. Please contact Street Pride on 0333 2006981 or streetpride@derby.gov.uk for details of how this work can be undertaken.

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/01/15/00118

**Type: Reserved Matters -
appearance, scale
and landscaping**

Application timescale:

The target date for determination of the application expired on 30 March 2015 and is brought to committee at the request of Councillor Holmes.

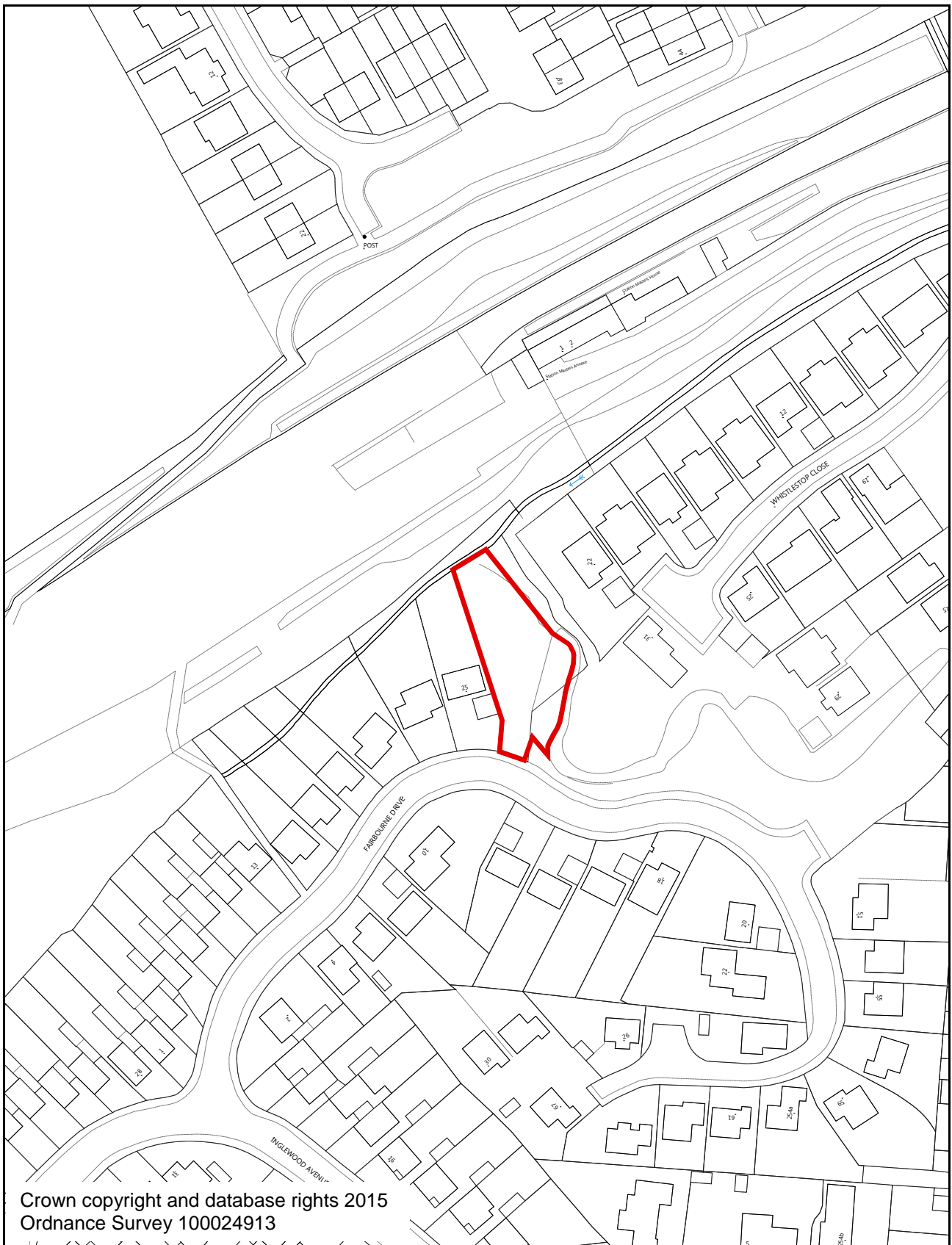
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appearance, scale
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Classification: OFFICIAL

Derby City Council

Delegated decisions made between 01/07/2015 and 31/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/14/00724/PRI	Full Application - Article 4	19 North Parade, Derby, DE1 3AY	Installation of replacement ground floor window to the side elevation	Granted Conditionally	14/07/2015
07/14/00915/PRI	Full Planning Permission	9 North Avenue, Darley Abbey, Derby, DE22 1EZ	Demolition of existing bungalow and erection of dwelling house	Granted Conditionally	21/07/2015
07/14/00985/PRI	Full Planning Permission	Site of 10 Waldene Drive and land at side of 56 Field Lane, Alvaston, Derby, DE24 0GQ (access via Field Lane)	Demolition of bungalow and erection of 4 dwelling houses	Refuse Planning Permission	01/07/2015
09/14/01257/PRI	Full Planning Permission	Land adjacent to 61 Milton Street, Derby	Demolition of outbuildings and erection of 2 flats	Granted Conditionally	31/07/2015
09/14/01289/PRI	Variation/Waive of condition(s)	Sunny Hill Service Station, Blagreaves Lane, Littleover, Derby, DE23 7PT	Continued use of forecourt area as hand car wash and provision of car parking bays - Variation of condition 2 of previously approved planning permission DER/03/10/00252 to amend opening hours to 0900-1800 on Saturdays and 1000 to 1800 on Sundays and bank/public holidays.	Granted Conditionally	09/07/2015
11/14/01540/PRI	Full Planning Permission	2 Bedford Street, Derby, DE22 3PB (Bedford Arms)	Installation of external fire escape together with associated walkway	Granted Conditionally	17/07/2015
11/14/01569/PRI	Outline Planning Permission	The Winnatts, Snelsmoor Lane, Chellaston, Derby, DE73 1TQ	Demolition of three outbuildings. Residential development (one dwelling)	Refuse Planning Permission	16/07/2015
01/15/00011/PRI	Full Planning Permission	22 Hillcross Drive, Littleover, Derby, DE23 3BW	Two storey and single storey extensions to dwelling house (porch, family room, kitchen, utility and cloakrooms, 3 bedrooms, 2 en-suites and enlargement of lounge) and erection of detached two storey outbuilding (garage/leisure room and store)	Granted Conditionally	01/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/15/00021/PRI	Reserved Matters	Land at side of 5 Coxon Street, Spondon, Derby, DE21 7JF	Residential development - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/10/13/01153/PRI	Granted Conditionally	27/07/2015
01/15/00088/PRI	Listed Building Consent - alterations	107A Uttoxeter New Road, Derby, DE22 3NL	Installation of windows and replacement staircase in offices (Use Class B1(a))	Granted Conditionally	10/07/2015
01/15/00119/PRI	Full Planning Permission	Site of 17 The Hollow, Littleover, Derby, DE23 6GH	Substitution of house type and alterations to the siting of both plots of previously approved planning permission Code No. DER/04/12/00494/PRI	Granted Conditionally	28/07/2015
02/15/00138/PRI	Full Planning Permission	Flat 5, Alkmund Court, Edward Street, Derby, DE1 3BR	Installation of two replacement windows	Granted Conditionally	03/07/2015
02/15/00154/PRI	Full Planning Permission	3 Anthony Drive, Alvaston, Derby, DE24 0FZ	Formation of rooms in roof space (bedroom and en-suite) to include alterations to the roof design and installation of rear dormer	Refuse Planning Permission	14/07/2015
02/15/00171/	Advertisement consent	Land in front of Castle & Falcon PH, East Street, Derby DE1 2AU	Display of internally illuminated panel sign on reverse of replacement BT Payphone kiosk	Granted Conditionally	14/07/2015
02/15/00173/DC5	Advertisement consent	Land at The Spot, London Road, Derby DE1 2NQ	Display of internally illuminated panel sign on reverse of replacement BT Payphone kiosk	Refuse Planning Permission	14/07/2015
02/15/00213/PRI	Full Planning Permission	138 Cowsley Road, Derby, DE21 6EH	Two storey side extension to dwelling house (dining room and two bedrooms) and erection of car port	Refuse Planning Permission	29/07/2015
02/15/00217/PRI	Full Planning Permission	8 Padstow Road, Alvaston, Derby, DE24 0LT	Erection of detached garage	Granted Conditionally	06/07/2015
02/15/00231/PRI	Reserved Matters	Site of Patterdale, Old Hall Avenue, Littleover, Derby, DE23	Erection of two detached dwelling houses	Granted Conditionally	24/07/2015
02/15/00235/PRI	Full Planning Permission	Flat 8, Alkmund Court, Edward Street, Derby, DE1 3BR	Installation of two replacement windows	Granted Conditionally	03/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/15/00288/PRI	Variation/Waive of condition(s)	53 Coronation Avenue, Alvaston, Derby, DE24 0LR (Former Ashlea Hostel)	Variation of condition 2 on previously approved planning permission Code No. DER/09/14/01179/DCC - Demolition of existing building and erection of 13 dwelling house and 2 flats, to amend the approved plans	Granted Conditionally	09/07/2015
03/15/00303/PRI	Full Planning Permission	5 Scarsdale Avenue, Allestree, Derby, DE22 2LA	Single storey rear extension to dwelling (kitchen/dining room/snug), two storey side extension and formation of rooms in the roof space (three bedrooms and bathroom)	Granted Conditionally	03/07/2015
03/15/00309/PRI	Full Planning Permission	Unit 1, Sawley Park, Nottingham Road, Derby, DE21 6AS	Change of use from Storage and distribution (Use Classes B1 & B8) to Showroom (Use Class A1)	Granted Conditionally	10/07/2015
03/15/00310/PRI	Full Planning Permission	85-89 King Street, Derby, DE1 3EE	Extension and alterations to shop/flats to form offices (Use Class B1a) with flat (Use Class C3) above	Granted Conditionally	29/07/2015
03/15/00311/PRI	Full Planning Permission	149 Ashbourne Road, Derby, DE22 3FW (Waggon & Horses PH)	Change of use from Public House (Use Class A4) to form two apartments as House In Multiple Occupation (Use Class C4), installation of replacement windows and erection of four apartments as House In Multiple Occupation (Use Class C4)	Granted Conditionally	10/07/2015
03/15/00314/PRI	Reserved Matters	24 Walton Drive, Derby, DE23 7GN	Residential development (one dwelling house) - approval of reserved matters of access, layout, scale, appearance and landscaping under Outline code no. DER/09/14/01272/PRI	Granted Conditionally	24/07/2015
03/15/00325/PRI	Full Planning Permission	49 Church Lane, Darley Abbey, Derby, DE22 1EX	Two storey and single storey side and rear extensions to dwelling house (kitchen. living room, w.c., utility room, bedroom, en-suite and enlargement of bathroom)	Granted Conditionally	24/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/15/00342/PRI	Full Planning Permission	119 Locko Road, Spondon, Derby, DE21 7AP	Demolition of garage and outbuildings, extensions to dwelling (enlargement of kitchen, family room, utility room and w.c) and formation of rooms in roof space (3 bedrooms and shower room), installation of dormers and replacement roof and erection of detached garage and car port)	Granted Conditionally	02/07/2015
03/15/00344/PRI	Listed Building Consent - alterations	15 Vernon Street, Derby, DE1 1FT	General internal refurbishment, repair of existing sash windows, replacement of casement windows, replacement door, demolition of wall to rear of 15 Vernon Street and replacement of guttering	Granted Conditionally	09/07/2015
03/15/00348/PRI	Full Planning Permission	Intu Derby, West Mall, Derby, DE1 2PL	Installation of extractor ductwork system	Granted Conditionally	09/07/2015
03/15/00362/PRI	Full Planning Permission	British Car Auctions Limited, Raynesway, Derby, DE21 7WA	Erection of vehicle preparation building, inspection canopy and viewing canopy	Granted Conditionally	01/07/2015
03/15/00367/PRI	Variation/Waive of condition(s)	Site of Mackworth College buildings, Prince Charles Avenue, Mackworth, Derby, DE22 4LR	Residential development (up to 221 dwellings) community facilities and access and open space - approval of reserved matters of layout, scale, appearance and landscaping Code No. DER/03/14/00307/PRI -Variation of condition 1, minor changes to layout to improve access arrangements.	Granted Conditionally	14/07/2015
03/15/00369/PRI	Advertisement consent	Chestnut House, 65A Friar Gate, Derby, DE1 1DJ	Display of one non-illuminated totem sign	Granted Conditionally	08/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/15/00387/PRI	Non-material amendment	Warehouse, Newmarket Drive, Osmaston Park Industrial Estate, Derby, DE24 8SW	Change of use from storage and distribution (Use Class B8) to cosmetic repair, vehicle workshop and ancillary dry valeting (Use Class B2), formation of an external jet wash valet enclosure and associated drainage, installation of two personnel doors and roof level fume extraction and inlet ductwork - non-material amendment to previously approved permission DER/11/14/01541 to amend the position of wet valet enclosure	Granted	02/07/2015
03/15/00408/PRI	Full Planning Permission	Brethern's Meeting Hall, 121 Blagreaves Lane, Littleover, Derby	Erection of three dwelling houses	Granted Conditionally	22/07/2015
03/15/00410/PRI	Advertisement consent	Crompton House, Derwent Street, Derby, DE1 2ZG	Display of various signage	Granted Conditionally	24/07/2015
03/15/00412/PRI	Full Planning Permission	161 Station Road, Mickleover, Derby, DE3 5FL	Single storey front extensions to dwelling house (enlargement of living room and porch) and installation of render to the front elevation	Granted Conditionally	28/07/2015
03/15/00419/PRI	Full Planning Permission	24 Louvain Road, Derby, DE23 6BZ	Two storey side and rear extensions to dwelling house (store, two bedrooms and bathroom) and erection of detached garage	Granted Conditionally	01/07/2015
03/15/00434/PRI	Full Planning Permission	295 Uttoxeter Road, Mickleover, Derby, DE3 5AF	Two storey and single storey front, rear and side extensions to dwelling house (porch, w.c, utility room, storage and enlargement of kitchen and dining room) and installation of dormer	Granted Conditionally	28/07/2015
04/15/00458/PRI	Works to Trees under TPO	2 Cutler Way, Mickleover, Derby, DE3 0BT	Cut back side branches by 3-4 metres of Oak tree protected by Tree Preservation Order No. 221	Refuse Planning Permission	22/07/2015
04/15/00461/PRI	Full Planning Permission	320 Abbey Street, Derby, DE22 3SZ	Alterations and conversion of basement to form apartment (use class C3) and erection of retaining wall	Granted Conditionally	17/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
04/15/00464/PRI	Full Planning Permission	14 Midland Road, Derby, DE1 2SN	Installation of replacement windows, doors and shop front	Granted Conditionally	17/07/2015
04/15/00467/PRI	Full Planning Permission	Stratstone Jaguar, Chequers Road, West Meadows Industrial Estate, Derby, DE21 6EN	Extension to motor vehicle dealership	Granted Conditionally	29/07/2015
04/15/00475/PRI	Full Planning Permission	107A Uttoxeter New Road, Derby, DE22 3NL	Change of use of outbuilding to offices (use class B1(a)) and alterations to the front elevation	Granted Conditionally	10/07/2015
04/15/00478/DCC	Listed Building Consent - alterations	41 Friar Gate, Derby, DE1 1DA (Pickfords House Museum)	Repairs and strengthening works to timber roof beam	Granted Conditionally	02/07/2015
04/15/00488/PRI	Full Planning Permission	23 Waveney Close, Allestree, Derby, DE22 2UE	Single storey rear extension to dwelling (kitchen/diner) and single storey rear extension to garage	Granted Conditionally	28/07/2015
04/15/00502/PRI	Full Planning Permission	32 Marshgreen Close, Alvaston, Derby, DE24 0XF	Two storey side and single storey front extensions to dwelling house (garage/store, enlargement of kitchen, bedroom and en-suite)	Granted Conditionally	24/07/2015
04/15/00503/PRI	Full Application - disabled People	6 Adelphi Close, Littleover, Derby, DE23 7XJ	Extensions to dwelling house (utility room, w.c., wet room, bedroom and enlargement of kitchen, bedroom and en-suite)	Granted Conditionally	23/07/2015
04/15/00516/PRI	Full Planning Permission	Unit 21, Perkins Yard, Mansfield Road, Derby, DE21 4AW	Change of use from General Industry (Use Class B2) to Assembly and Leisure (Use Class D2)	Granted Conditionally	24/07/2015
04/15/00521/PRI	Full Planning Permission	Vacant garage site, Moyne Gardens Chellaston, Derby	Demolition of eight garages. Erection of five replacement garages and formation of three parking bays and installation of fencing	Granted Conditionally	29/07/2015
04/15/00525/PRI	Advertisement consent	27 Colyear Street, Derby, DE1 1LA (Former Night Club Building)	Display of two externally illuminated fascia signs	Granted Conditionally	16/07/2015
04/15/00529/PRI	Full Planning Permission	183 Chellaston Road, Derby, DE24 9EB	Two storey and single storey rear extensions to dwelling house (porch, enlargement of kitchen/bedroom and bathroom) and erection of boundary wall	Refuse Planning Permission	02/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
04/15/00540/PRI	Full Planning Permission	Ashleigh House, Ashleigh Drive, Chellaston, Derby, DE73 1RG	Demolition of conservatory and garage. Two storey side extensions to dwelling house (enlargement of kitchen, double garage, games room and balcony)	Granted Conditionally	28/07/2015
04/15/00553/PRI	Full Planning Permission	Appleby Court and Bradbourne Court, Boyer Street, Derby, DE22 3XD	Installation of replacement windows and doors	Granted Conditionally	08/07/2015
04/15/00557/PRI	Variation/Waive of condition(s)	Unit 2, Ascot Drive, Derby, DE24 8GW	Variation of Condition 6 of previously approved planning permission Code No. DER/01/87/00102/PRI to amend the range of goods that can be sold from the unit to include bathrooms and tiles	Granted Conditionally	31/07/2015
04/15/00565/DCC	Local Council own development Reg 3	Ravensdale Junior & Infant School, Devonshire Drive, Mickleover, Derby, DE3 9EY	Installation of replacement windows and doors	Granted Conditionally	02/07/2015
04/15/00568/PRI	Full Planning Permission	76 Crayford Road, Alvaston, Derby, DE24 0HP	Two storey side extension to dwelling house (utility, bedroom, bathroom and enlargement of kitchen)	Granted Conditionally	24/07/2015
05/15/00577/DCC	Full Planning Permission	Land fronting no's. 5-19 Hendon Way, Derby, DE22 4BZ	Formation of 6 parking bays and vehicular access - amendments to previously approved permission Code No. DER/11/14/01575	Granted Conditionally	17/07/2015
05/15/00583/PRI	Advertisement consent	Unit 8b, Kingsway Retail Park, Derby, DE22 3FA	Display of three internally illuminated and one non-illuminated fascia signs and one non-illuminated totem sign	Granted Conditionally	02/07/2015
05/15/00584/PRI	Full Planning Permission	12 Dalesgate Close, Littleover, Derby, DE23 7XL	Single storey front extension to dwelling house (porch) and erection of 1.8m high boundary fence	Granted Conditionally	13/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00586/PRI	Full Planning Permission	101 Chain Lane, Littleover, Derby, DE23 7EA	First floor side extension to dwelling house (enlargement of bedrooms with en-suites)	Granted Conditionally	27/07/2015
05/15/00595/PRI	Full Planning Permission	3 Palladium Drive, Littleover, Derby, DE23 7XH	Single storey rear and two storey and single storey front extensions to dwelling house (porch, w.c., bedroom, enlargement of lounge, dining room and bedroom)	Granted Conditionally	27/07/2015
05/15/00597/PRI	Full Planning Permission	8 Huntley Avenue, Spondon, Derby, DE21 7DU	Demolition of conservatory, kitchen and bathroom. Two storey rear extension to dwelling house (kitchen, bathroom and bedroom)	Granted Conditionally	08/07/2015
05/15/00601/PRI	Works to Trees in a Conservation Area	81 Belper Road, Derby, DE1 3ER	Various works to trees within the Strutts Park Conservation Area	Raise No Objection	01/07/2015
05/15/00606/PRI	Full Planning Permission	15 Ettrick Drive, Sinfin, Derby, DE24 3EA	Single storey extension to dwelling house (family room)	Granted Conditionally	27/07/2015
05/15/00609/PRI	Full Planning Permission	National Sikh Heritage Centre & Holocaust Museum, Princes Street, Derby, DE23 8NT	Erection of temporary buildings for use as a Free-School (use class D1) for a temporary period of 2 years	Granted Conditionally	15/07/2015
05/15/00615/PRI	Full Planning Permission	61 Sancroft Road, Spondon, Derby, DE21 7ET	Two storey side and single storey front extensions to dwelling house (hall, store, w.c, utility, enlargement of dining room, bedroom and en-suite)	Granted Conditionally	06/07/2015
05/15/00616/PRI	Full Planning Permission	1-39 Back Sitwell Street, Derby, DE1 2JN	Installation of replacement windows and doors	Granted Conditionally	02/07/2015
05/15/00617/PRI	Full Planning Permission	Land between Stuart Street and Phoenix Street, Derby	Use of land for coach parking for a temporary period of 3 years	Granted Conditionally	24/07/2015
05/15/00619/PRI	Works to Trees under TPO	46/48 Station Road, Chellaston, Derby, DE73 1SU	Felling of two Leylandii trees protected by Tree Preservation Order No. 422	Granted Conditionally	16/07/2015
05/15/00620/PRI	Works to Trees under TPO	10 Barleycorn Close, Oakwood, Derby, DE21 2TY	Crown reduction by 4-5 metres of Oak tree protected by Tree Preservation Order No.31	Refuse Planning Permission	21/07/2015
05/15/00625/PRI	Full Planning Permission	1 Robincroft Road, Allestree, Derby, DE22 2FQ	Single storey rear extension to dwelling house (dining room)	Granted Conditionally	08/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00626/PRI	Full Planning Permission	64 Chester Green Road, Derby, DE1 3SF	Installation of replacement windows and re-instatement of the stone mullions to the front elevation	Granted Conditionally	14/07/2015
05/15/00629/PRI	Full Planning Permission	71 Rykneld Road, Littleover, Derby, DE23 7BH	Single storey front extension to dwelling house and infilling of car port (dining room and enlargement of kitchen)	Granted Conditionally	08/07/2015
05/15/00630/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 (lobby, landing, sitting area, two bedrooms, two bathrooms, and enlargement of kitchen and bedroom)	Granted Conditionally	17/07/2015
05/15/00634/PRI	Works to Trees under TPO	7 Spinney Close, Darley Abbey, Derby, DE22 1EG	Felling of dead Leylandii trees and crown reduction by 2m and deadwood of Leylandii trees protected by Tree Preservation Order No. 439	Granted Conditionally	23/07/2015
05/15/00637/	Full Planning Permission	12 Valley Road, Littleover, Derby, DE23 6HQ	Single storey side and rear extension to dwelling house (kitchen and utility room)	Granted Conditionally	10/07/2015
05/15/00639/PRI	Full Planning Permission	31 Fairway Crescent, Allestree, Derby, DE22 2PB	Single storey front extension to dwelling house and infilling of store (laundry room and enlargement of kitchen)	Granted Conditionally	08/07/2015
05/15/00644/PRI	Works to Trees under TPO	17 Keats Avenue, Littleover, Derby, DE23 7EE	Crown reduction of 2 metres of Atlantic Cedar protected by Tree Preservation Order no. 269	Granted Conditionally	21/07/2015
05/15/00645/PRI	Full Planning Permission	7 Chester Avenue, Allestree, Derby, DE22 2FE	Two storey rear extension to dwelling house (day room, en-suite and enlargement of bedroom)	Granted Conditionally	17/07/2015
05/15/00646/PRI	Full Planning Permission	14 Durham Avenue, Derby, DE21 6EQ	Two storey rear extension to dwelling house (lounge and bedroom)	Granted Conditionally	28/07/2015
05/15/00652/PRI	Full Planning Permission	99A Ashbourne Road, Derby, DE22 3FW	Installation of cedar cladding to the front and side elevations	Granted Conditionally	10/07/2015
05/15/00654/PRI	Full Application - Article 4	3 Cornhill, Allestree, Derby, DE22 2GG	Installation of replacement windows to the front elevation	Granted Conditionally	28/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00656/PRI	Full Planning Permission	52 Crewe Street, Derby, DE23 8QL	Two storey and single storey rear extension to dwelling house (bathroom and bedroom) - Amendment to previously approved planning permission Code No. DER/05/14/00623 to enlarge the first floor extension	Granted Conditionally	17/07/2015
05/15/00657/PRI	Full Planning Permission	Pear Tree Community Junior School, Pear Tree Street, Derby, DE23 8PN	Replacement of windows and doors to main school building in two phases.	Granted Conditionally	21/07/2015
05/15/00659/PRI	Full Planning Permission	5 Queen Street, Derby, DE1 3DL	Reconstruction of gable wall	Granted Conditionally	02/07/2015
05/15/00662/PRI	Advertisement consent	Park Farm Shopping Centre, Carsington Crescent, Allestree, Derby, DE22 2QN	Display of 32 sheet billboard	Granted Conditionally	28/07/2015
05/15/00663/PRI	Certificate of Lawfulness Proposed Use	86 Kedleston Road, Derby, DE22 1FW	Change of use from dwelling house (use class C3) to house in multiple occupation (use class C4)	Granted	21/07/2015
05/15/00669/PRI	Works to Trees under TPO	22 Middleton Avenue, Littleover, Derby, DE23 6DL	Crown lift to 4m and cutting back of Ash Tree protected by Tree Preservation Order No. 274	Granted Conditionally	27/07/2015
05/15/00670/PRI	Works to Trees under TPO	2 Charterhouse Close, Oakwood, Derby, DE21 2AX	Crown lift to 3 metres, crown thin by 10% and removal of deadwood to Hornbeam Tree protected by Tree Preservation Order No. 477	Granted Conditionally	16/07/2015
05/15/00672/PRI	Certificate of Lawfulness Proposed Use	12 Glebe Rise, Littleover, Derby, DE23 6GW	Single storey rear extension to dwelling house (enlargement of kitchen and dining room)	Granted	21/07/2015
05/15/00674/PRI	Full Planning Permission	4 Rowley Gardens, Littleover, Derby, DE23 7GF	Two storey side extension to dwelling (dining room and office) and alterations to roof to include enlargement of rear dormer, installation of dormer to the front elevation and the addition of a pitched roof to the current front dormer windows	Granted Conditionally	15/07/2015
05/15/00676/PRI	Works to Trees under TPO	Our Lady Of Lourdes Catholic Church, 36 Utttoxeter Road, Mickleover, Derby, DE3 5GE	Felling of Scots Pine Tree protected by Tree Preservation Order No. 451	Granted Conditionally	16/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00680/PRI	Full Planning Permission	73 Portland Street and 112 Rutland Street, Derby, DE23 8QD	Change of use of 73 Portland Street from retail/residential (Use Classes A1 and C3) to teaching centre (Use Class D1), single storey rear extension to 73 Portland Street and 112 Rutland Street (meeting room) and alterations to elevations	Granted Conditionally	14/07/2015
05/15/00681/PRI	Full Planning Permission	2 Folly House, Folly Road, Darley Abbey, Derby, DE22 1ED	Single storey rear extension to dwelling house (porch)	Granted Conditionally	24/07/2015
05/15/00682/PRI	Certificate of Lawfulness Proposed Use	20 Weirfield Road, Darley Abbey, Derby, DE22 1DH	Single storey side extension to dwelling house (toilet)	Granted	17/07/2015
05/15/00684/PRI	Full Planning Permission	24 Western Road, Mickleover, Derby, DE3 5GN	Single storey side and rear extension to dwelling house (living space, w.c and dining room)	Granted Conditionally	08/07/2015
05/15/00685/PRI	Prior Approval - Householder	10 Glen Park Close, Chellaston, Derby, DE73 1NT	Single storey rear extension (projecting beyond the rear wall of the original house by 4.1m, maximum height 3.9m, height to eaves 2.9m) to dwelling house	Prior Approval Not required	02/07/2015
05/15/00692/PRI	Full Planning Permission	47 St. Chads Road, Derby, DE23 6RQ	Conversion, alterations and single storey rear extension to existing basement to form apartment (Use Class C3) and alterations to the rear and side ground levels including construction of retaining walls	Granted Conditionally	28/07/2015
05/15/00702/PRI	Works to Trees under TPO	110 Whitaker Road, Derby, DE23 6AP	Felling of two Silver Birch Trees and a Sycamore tree protected by Tree Preservation Order No. 278	Granted Conditionally	22/07/2015
05/15/00704/PRI	Full Planning Permission	19 Riddings, Allestree, Derby, DE22 2GD	Erection of detached garage	Granted Conditionally	02/07/2015
05/15/00705/PRI	Outline Planning Permission	Land at 23 Charnwood Avenue, Littleover, Derby, DE23 7NG	Residential development (detached bungalow)	Refuse Planning Permission	21/07/2015
05/15/00710/PRI	Advertisement consent	Heron Foods, Wiltshire Road, Derby, DE21 6EZ	Display of two externally illuminated fascia signs	Granted Conditionally	17/07/2015
05/15/00712/PRI	Full Planning Permission	St. Giles School, Hampshire Road, Derby, DE21 6BT	Erection of two garages and bin store	Granted Conditionally	24/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00715/PRI	Works to Trees under TPO	100 Chain Lane, Littleover, Derby, DE23 7EB	Felling of 8 Poplar (T3, T4, T5, T11,T12,T13,T14 and T15), Laburnum (T2), Maple (T1) and Cypress Lawson all protected by Tree preservation Order No. 322	Refuse Planning Permission	28/07/2015
05/15/00716/PRI	Works to Trees under TPO	100 Chain Lane, Littleover, Derby, DE23 7EB	Re-pollard poplars T6, T7, T8 and T16 protected by Tree Preservation Order No. 322	Granted Conditionally	24/07/2015
06/15/00718/PRI	Advertisement consent	13 Derby Road, Chellaston, Derby, DE73 1SA (Co-op pharmacy)	Display of internally illuminated fascia and projecting signs and non-illuminated window vinyl.	Granted Conditionally	31/07/2015
06/15/00719/PRI	Full Planning Permission	Site of 82 Pastures Hill, Littleover, Derby, DE23 7BD	Partial demolition of dwelling house and erection of replacement dwelling house and triple garage.	Granted Conditionally	21/07/2015
06/15/00721/PRI	Full Planning Permission	Premier Inn, Southmead Way, Derby, DE22 3HN	Extension to hotel to provide 20 bedrooms with associated alterations to car parking and landscaping.	Granted Conditionally	29/07/2015
06/15/00723/PRI	Full Planning Permission	Days Inn Hotel, The County Ground, Nottingham Road, Derby, DE21 6DA	Erection of air conditioning compound	Granted Conditionally	28/07/2015
06/15/00724/PRI	Full Planning Permission	77 Moor Street, Spondon, Derby, DE21 7EB	Single storey front and two storey side extension to dwelling house (porch, kitchen/diner, bedroom, dressing room and en-suite)	Granted Conditionally	31/07/2015
06/15/00729/PRI	Prior Approval - Householder	32 Queensgate Drive, Chellaston, Derby, DE73 1NW	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.33m, height to eaves 2.15m) to dwelling house	Prior Approval Not required	08/07/2015
06/15/00730/PRI	Advertisement consent	432 Kedleston Road, Derby, DE22 2TF	Display of 1 externally illuminated fascia sign and 1 externally illuminated totem sign	Granted Conditionally	21/07/2015
06/15/00732/PRI	Full Planning Permission	127 Birchover Way, Allestree, Derby, DE22 2DB	Erection of single storey side and rear extension to dwelling (garage, utility, w.c and enlargement of kitchen)	Granted Conditionally	31/07/2015
06/15/00740/PRI	Full Planning Permission	309 Ladybank Road, Mickleover, Derby, DE3 5TW	Single storey side and rear extension to dwelling house (dining room, utility and w.c)	Granted Conditionally	22/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/15/00741/PRI	Prior Approval - Householder	8 North Street, Littleover, Derby, DE23 6BJ	Single storey rear extension (projecting beyond the rear wall of the original house by 3.9m, maximum height 3.85m, height to eaves 2.75m) to dwelling house	Prior Approval Not required	09/07/2015
06/15/00745/PRI	Full Planning Permission	16 Wade Drive, Mickleover, Derby, DE3 5BS	Single storey rear extension to dwelling house (enlargement of kitchen, garden room and w.c)	Granted Conditionally	27/07/2015
06/15/00747/PRI	Advertisement consent	Land at The Spot, St Peters Street, Derby, DE1 1QP	Display of replacement internally illuminated freestanding double sided advertising unit	Granted Conditionally	27/07/2015
06/15/00748/PRI	Advertisement consent	Land opposite 111 Normanton Road, Derby, DE1 2GG	Display of internally illuminated freestanding double sided advertising unit	Granted Conditionally	09/07/2015
06/15/00749/PRI	Advertisement consent	Land in front of 83 St. Peters Street, Derby, DE1 1QP	Display of replacement internally illuminated freestanding double sided advertising unit	Granted Conditionally	27/07/2015
06/15/00753/PRI	Advertisement consent	Land in front of 9 Babington Lane, Derby, DE1 1RH	Display of internally illuminated freestanding double sided advertising unit	Granted Conditionally	29/07/2015
06/15/00754/PRI	Advertisement consent	Land in front of 78-80 St Peters Street, Derby, DE21 2NR	Display of replacement internally illuminated freestanding double sided advertising unit	Granted Conditionally	27/07/2015
06/15/00755/PRI	Advertisement consent	Land in front of 63 St. Peters Street, Derby	Display of replacement internally illuminated freestanding double sided advertising unit	Granted Conditionally	27/07/2015
06/15/00758/PRI	Full Planning Permission	43 Nunsfield Drive, Alvaston, Derby, DE24 0GH	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	29/07/2015
06/15/00762/PRI	Full Planning Permission	18 Gurney Avenue, Sunnyhill, Derby, DE23 7GR	Two storey and single storey side and rear extensions to dwelling house (kitchen/dining room, covered way, bedroom and bathroom) and erection of detached outbuilding (playroom and store)	Granted Conditionally	22/07/2015
06/15/00765/PRI	Full Planning Permission	Unit 2A, East Street, Derby	Installation of new shop front	Granted Conditionally	27/07/2015
06/15/00766/PRI	Advertisement consent	Unit 2A, East Street, Derby	Display of two non-illuminated fascia signs	Granted Conditionally	27/07/2015
06/15/00767/PRI	Full Planning Permission	53 Stafford Street, Derby, DE1 1JL	Retention of change of use from dwelling house to two flats (use class C3)	Granted Conditionally	27/07/2015
06/15/00768/PRI	Works to Trees in a Conservation Area	224 Mansfield Road, Derby, DE1 3RB	Felling of Ash tree within the Little Chester Conservation Area	Raise No Objection	21/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/15/00774/PRI	Full Planning Permission	61 The Hollow, Littleover, Derby, DE23 6GN	Enlargement of vehicular access	Granted Conditionally	29/07/2015
06/15/00775/PRI	Full Planning Permission	6 Birchwood Avenue, Littleover, Derby, DE23 7PZ	Single storey rear extension to dwelling house (kitchen and dining room)	Granted Conditionally	29/07/2015
06/15/00777/PRI	Full Planning Permission	2 Broughton Avenue, Derby, DE23 6JA	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	29/07/2015
06/15/00784//PRI	Prior Approval - Householder	25 Nevinson Avenue, Sunnyhill, Derby, DE23 7GU	Single storey rear extension (projecting beyond the rear wall of the original house by 3.25m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	22/07/2015
06/15/00785/PRI	Prior Approval - Householder	14 Litton Drive, Spondon, Derby, DE21 7HP	Single storey rear extension (projecting beyond the rear wall of the original house by 5.3m, maximum height 3.7m, height to eaves 2.4m) to dwelling house	Prior Approval Not required	22/07/2015
06/15/00790/PRI	Advertisement consent	Unit 8, Pinnacle Way, Pride Park, Derby	Display of two internally illuminated signs	Granted Conditionally	29/07/2015
06/15/00793/PRI	Full Planning Permission	Blocks A, B & C Rauche Court, Morleston Street, Derby, DE23 8FJ (flats 1-23 odds)	Alterations to flats to include formation of three entrance lobbies and gangways with metal railings, installation of new doors and windows, pitched roofs and external render	Granted Conditionally	21/07/2015
06/15/00795/PRI	Full Planning Permission	Blocks D, E & F Lambe Court, Morleston Street, Derby, DE23 8FJ (Flats 1-10)	Alterations to flats to include formation of three entrance lobbies and gangways with metal railings, installation of new doors and windows, pitched roofs and external render	Granted Conditionally	21/07/2015
06/15/00797/PRI	Full Planning Permission	13 Coxon Street, Spondon, Derby, DE21 7JF	Single storey side extension to dwelling house (family space)	Granted Conditionally	29/07/2015
06/15/00802/PRI	Full Planning Permission	117 Whitaker Road, Derby, DE23 6AQ	First floor side extension to dwelling house (two bedrooms and en-suite) works to tree and felling of tree protected by Tree Preservation Order No. 280	Invalid - Finally Disposed of	02/07/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/15/00803/PRI	Variation/Waive of condition(s)	9 Little Woodbury Drive, Littleover, Derby, DE23 7UN	Variation of conditions 1 and 2 of previously approved planning permission Code No. DER/05/14/00608/PRI to allow allow permanent use as dog grooming parlour and for the business to operate additional hours of between 9am and 5pm on Saturdays	Granted Conditionally	27/07/2015
06/15/00831/PRI	Advertisement consent	Filling Station at J Sainsbury Plc, Wyvern Way, Chaddesden, Derby, DE21	Display of one canopy sign, one fascia sign and one totem sign - all to be internally illuminated	Granted Conditionally	29/07/2015
06/15/00836/PRI	Full Planning Permission	Unit 15A Sawley Park, Nottingham Road, Chaddesden, Derby, DE21 6AS	Installation of four additional first floor windows	Granted Conditionally	29/07/2015