

## 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:**

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

**Index**  
**Planning Control Committee 23 November 2017**

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 31	05/17/00654	20-22 Ashbourne Road, Derby	Demolition of buildings on site. Erection of 39 self contained apartments with communal space and management office for student accommodation.	<p><b>A. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>
2	32 - 66	05/17/00678	Site of former Northridge House, Raynesway, Derby (junction of Belmore Way).	Erection of an eight storey block and a three storey block to create 122 apartments (use class C3) with associated parking and ancillary works.	<p><b>A. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>
3	67 - 74	05/17/00656	10 Manor Road, Chellaston.	Two storey side and rear, single storey rear extensions to dwelling house (garage, bathroom, playroom, utility room, kitchen/ diner, two bedrooms, two en-suites, wardrobe and bathroom) with rooms in the roof space (gym, bathroom and storage) installation of a replacement bay window to the front elevation	<b>To grant</b> planning permission with conditions

**Index**  
**Planning Control Committee 23 November 2017**

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
4	75 - 115	12/14/01708	12-14 Mansfield Road, Derby.	Demolition of existing buildings and erection of 33 apartments	<p><b>A. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>
5	116 - 122	03/17/00322	230 Derby Road, Chellaston.	Two storey and single storey side and rear extensions to dwelling house (utility, kitchen, double garage, living room, store, w.c., cloakroom, entrance hall, gallery, bedrooms, en-suites and walk-in wardrobes) - Variation of Conditions 2 & 3 of previously approved planning permission No. DER/06/15/00837 to amend the approved plans	<b>To grant</b> planning permission with conditions
6	123 - 131	04/17/00426	1-3 & 5 Cowley Street, Derby.	Change of use of 1,3 & 5 Cowley Street from Residential (Use class C3) and retail (Use class A1) to 3 houses in multiple occupation (Sui Generis Use) and retail use (use Class A1)	<b>To grant</b> planning permission with conditions
7	132 - 142	09/17/01208	Site of 10 Farley Road, Derby	Demolition of dwelling and erection of replacement dwelling house - Variation of Conditions 2 & 4 of previously approved planning permission No. DER/12/14/01690 to	<b>To grant</b> planning permission with conditions

**Index**  
**Planning Control Committee 23 November 2017**

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
				amend the approved plans to accommodate rear elevation, raised patio and associated ground works	

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

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### **1. Application Details**

**1.1. Address:** 20 – 22 Ashbourne Road, Derby.

**1.2. Ward:** Darley

**1.3. Proposal:**

Demolition of buildings on site. Erection of 39 self-contained apartments with communal space and management office for student accommodation.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/17/00654>

**Brief description**

This irregular shaped site extends to some 1885sqm. It extends from Ashbourne Road through to Markeaton Street and extends behind properties which front both streets. The site is in the Friar Gate Conservation Area and until recently has been occupied by Samways cycles, a retailer of bicycles and bicycle parts. It is understood that Samways occupied the building for over 20 years and the current use of the site is A1 retail use. Samways no longer occupy the building and at present, it stands vacant.

The site has a frontage to Ashbourne Road of some 14.5m. A three storey pitched roof building fronts the street with a large modern shopfront at ground floor level. The majority of the site is built upon with single storey extensions linking the Ashbourne Road property to a large portal framed warehouse with a vaulted roof at the rear which historically housed an ice rink. The site has an access onto Markeaton Street of some 4m in width. It extends between two existing dwellings in Markeaton Street and historically served the rear car park of the former cycle store which extends along the western section of the site.

The site is closely bounded to its sides and rear by a number of properties. To the west and alongside the development in Ashbourne Road are 24 and 26 Ashbourne Road which are grade II listed two storey dwellings with rear gardens that extend up to the application site boundary. Beyond and further west are a number of Georgian townhouses. To the east and also standing adjacent to the site in Ashbourne Road is Mill Gate, a relatively modern block of apartments of three storeys, extending up to four storeys on its Ashbourne Road frontage. This red brick building has access through to a rear parking court and it is served by a block of garages which abut the application site boundary.

Opposite the site in Ashbourne Road are Victorian properties alongside more modern buildings from the 1970's. Typically, the buildings front the street and building heights on that side of the road vary between two and four storeys.

To the rear of the site, development comprises two storey dwellings with small rear gardens. Some sit close up to Markeaton Street while others are set back including 49a and 49b Markeaton Street which stand adjacent to the sites western boundary. A number of those properties in Markeaton Street share a boundary with the application site.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

Planning permission is sought for the demolition of all existing buildings on the site and the development of 39 self-contained student apartments upon it. The proposal comprises four blocks of accommodation, with associated car parking, cycle store, plant room and areas of landscaping.

The first block of accommodation is proposed to front onto Ashbourne Road. This is a two storey block with a gabled roof set behind a deep parapet. Windows in the buildings frontage divide this elevation into 3 and a central doorway is proposed. The proposed building has an angled façade which is detailed as providing a connection between the development and the two neighbouring buildings in Ashbourne Road which have a staggered relationship. A setback section in between the proposed building and the neighbouring apartments at Mill Gate are outlined as providing a clear break in the elevation and division between the building and its immediate neighbour. The front elevation of this block is proposed to be rendered with deeply recessed window and doorway openings. The proposed roof covering is a standing seam zinc material.

A box dormer is proposed across the rear roof slope of block 1 and accommodation is proposed within the roofspace. On the ground floor, an office, launderette, lobby and communal entertainment room are proposed. The first floor and roof space are shown to provide space for 7 units of student accommodation.

Block 2 is a long linear group of accommodation proposed with angled frontages. This flat roof building would extend to three storeys. It is proposed to link to the rear elevation of block 1 and would extend parallel to the sites eastern boundary. The flank side wall that abuts this boundary would be blank with no window or door openings shown and the main aspect of this accommodation would be out to the west. Block 2 is proposed to accommodate 18 units of student accommodation over 3 floors. A communal corridor is proposed to provide access to a communal stair at each end of the block. At the northern end, an internal bin store is shown at ground floor which would be accessed from the outdoor space.

Block 3 is a two storey block of accommodation proposed at the rear of the site. It is proposed to face north, with its outlook towards neighbouring properties in Markeaton Street. This accommodation is also of a linked design with angled frontages. This block of accommodation would link to block 2. It is proposed to accommodate 8 units of student accommodation.

Block 4 stands alone and is not linked to any other block. It is a two storey building of a linked design with a flat roof and angled frontages. It is proposed to stand on the western boundary of the site adjacent to the boundary shared with 49a Markeaton Street. Its western elevation is blank and all its windows are proposed in its eastern elevation, where they would overlook the application site. Attached to its southern elevation is a single storey plant room which has a sloping roof of between 2.3 and 2.8m in height. The two flank side walls of this building are proposed as green walls. Block 4 is proposed to accommodate 6 units of student accommodation. Two of those are shown to be made accessible by disabled occupants. All of the blocks at the rear of the site are shown to have a red brick finish.

## **Committee Report Item No: 1**

**Application No:** DER/05/17/00654

**Type:** Full  
Application

Areas of landscaping are proposed with lawn areas and planting to provide outdoor communal space for the residents. At the northern end, a small hard surfaced area is shown as providing parking and turning for 6 vehicles including 1 disabled person's parking space. Information supporting the application indicates that the parking spaces would be provided for staff, maintenance works and visitors and not residents. The area of parking would be served by the existing vehicular access into the site from Markeaton Street.

### **2. Relevant Planning History:**

Most recent:

<b>Application No:</b>	03/15/00433	<b>Type:</b>	Advertisement consent
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	27/05/2015
<b>Description:</b>	Display of one externally illuminated fascia sign and two non-illuminated fascia signs.		

<b>Application No:</b>	12/98/01505	<b>Type:</b>	Advertisement consent
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	05/03/1999
<b>Description:</b>	Illumination of existing fascia sign.		

<b>Application No:</b>	12/98/01472	<b>Type:</b>	Full planning permission
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	14/01/1999
<b>Description:</b>	Erection of ground floor extension to shop.		

<b>Application No:</b>	06/90/00946	<b>Type:</b>	Full planning permission
<b>Decision:</b>	Granted	<b>Date:</b>	26/10/1990
<b>Description:</b>	Alterations to form offices in part of premises (upper floors).		

### **3. Publicity:**

Neighbour Notification Letters sent on 23 May 2017 and 18 September 2017

Site Notice displayed on 26 May 2017

Statutory Press Advert published on 26 May 2017

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

### **4. Representations:**

In response to this application, 13 objections have been received from residents of Markeaton Street and Ashbourne Road who live adjacent to and near the application site. In addition, 4 of those residents wrote to confirm that they maintained their objections, following the receipt of revised plans.

The application has also generated objections from Councillor Repton, Councillor Stanton and Councillor Eldret. They have indicated that they share local residents concerns and have raised objections to the application on the same grounds. The nature of the objections raised to the application are summarised as follows:

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

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- The development not fitting in with neighbouring properties in the Conservation Area;
  - Ashbourne Road and Markeaton Street not being 'student areas';
  - Use of the Markeaton Street access and increased traffic creating noise and disturbance for residents living nearby and adjacent;
  - Construction traffic and deliveries causing congestion on Markeaton Street due to the amount of on street parking it currently accommodates;
  - Inconvenience and disturbance caused during construction resulting from shared boundaries with the application site;
  - The access off Markeaton Street being inadequate to serve the development proposed and to accommodate vehicles during demolition and construction works;
  - An inadequate level of parking being proposed to serve the site;
  - Problems of noise and activity arising due to the proximity of the entrance on Markeaton Street to neighbouring houses;
  - A resulting 'rat run' being created through the site;
  - Concerns over access to the development for fire engines and ambulances;
  - The development being too big and overbearing relative to neighbouring houses;
  - Concerns over pests and smells associated with the location and size of waste bins;
  - Problems of loss of privacy and overlooking;
  - Noise nuisance associated with the plant room;
  - A lack of security and concerns relating to the use of camera's and CCTV;
  - Concerns relating to the removal of asbestos from the site;
  - The development impacting on water pressure and drainage of existing houses in the area;
  - Use by a large group of students changing the character of the area and community feel of Markeaton Street
  - Local residents having already experienced anti-social behaviour from the existing student population;
  - Noise and anti-social behaviour arising from students returning to the development late at night;
  - The need for the accommodation is questioned with the suggestion that the University already have student accommodation that is sitting empty and there already being enough student accommodation nearby;



## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

- 
- Concerns that student accommodation has high incidents of theft associated with it.

### **5. Consultations:**

#### **5.1. Conservation Area Advisory Committee:**

The Committee raised no objections to the scheme. They welcomed the development for residential development and suggested modern vertical sliding sash windows to the front elevation fronting Ashbourne Road.

#### **5.2. Highways Development Control:**

***Updated comments provided in response to revised plans are as follows;***

The “Architects Letter” (para 7) confirms that refuse collection “... is completed weekly by a commercial refuse company, the bin store is within man carry distances to unload on Markeaton Street in the same way the council bin collection service does”.

This is not a highways issue, but it is my understanding that in developments such as this, larger refuse containers are commonly used. BS5906: 2005 gives guidance in this respect and recommends that the distance over which containers are transported should not normally exceed 15m for two-wheeled containers and 10m for four-wheeled containers.

I note concerns have been raised by neighbours in respect of construction traffic; whilst this is not necessarily a planning concern; such concerns are echoed in my previous observations where I suggested that “Some thought will need to be given as to how the site will be accessed during the construction phase as access off Markeaton Street may prove difficult, and the volume of traffic and proximity to the traffic signal controlled junction (on Ashbourne Road) may prove disruptive”

Typically deliveries of site cabins, materials (such as brick packs, concrete and roof trusses) will use large vehicles which will not be able to turn on Markeaton Street, will also result in Markeaton Street being blocked during unloading and necessitate a long (unsafe) reverse manoeuvre.

Therefore it would be appropriate to impose an appropriate condition requiring that a Construction Management Plan detailing how these issues will be negated be provided and approved prior to commencement of construction.

#### **Recommendation:**

The highway Authority has no objections to the proposals, subject to the following suggested conditions:-

#### **Condition1:**

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

**Reason:**

To ensure surface water from the site is not deposited on the public highway causing a danger to highway users.

**Condition 2:**

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided with the parking bays clearly delineated, in accordance with the approved plans. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

**Reason:**

To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

**Condition 3:**

The gates at the access point from Markeaton Street shall open inwards only and constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall be retained for the life of the development.

**Reason:**

In the interests of Highway safety.

**Condition 4:**

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on the drawings has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

**Reason:**

To promote sustainable travel.

**Condition 5:**

No development shall commence unless or until a Construction Environmental Management Plan and Construction Travel Plan are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

**Reason:**

To ensure that suitable arrangements are provided for the construction work to be undertaken that the public highway surrounding the site is maintained clear for the free-flow of vehicles and in the interests of highway safety.

**Notes To Applicant**

- N1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- N2. Notwithstanding any Planning Permission please note that the proposed apartments will not qualify for residents parking permits.
- N3. The consent granted will result in the construction of new buildings which need naming and numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access.

### **5.3. Built Environment (Conservation Officer):**

#### **Demolition**

No.20-22 Ashbourne Road lies within the Friar Gate Conservation Area. It is an unlisted building, and was not identified as a significant building in the Friar Gate Conservation Area Appraisal (FGCAA) of 2012. The frontage building appears to date from the early 20th century, with substantial remodelling, conjectured to date from a fire that destroyed the neighbouring church (now the Mill Gate development). The frontage has little historic character, and internally the ground floor has been substantially gutted for a retail space. Although to the upper storeys there has been less alteration and conversion would be conceivable, the only features of any significance to the character and appearance of the conservation area are confined to roof form, and fenestration to the rear elevation.

To the rear are also a former mid-20th century ice skating rink with extensive vaulted roof, and flat roofed link building. Both these buildings make a negative contribution to the character and appearance of the conservation area.

It is considered therefore that demolition of the buildings can be supported, but only provided the replacement makes a positive enhancement to the historic character and appearance of the conservation area, reinforcing its historic architectural character.

#### **Proposed Frontage Building**

The proposed elevation has been revised following pre-application discussions and advice, which advised against a more modern contemporary architectural approach on this site. I am pleased to see the elevational proportions, including windows, closely reflecting those of the neighbouring listed buildings to the immediate west of the site, the moulded cornice and a pitched roof to the front. In a more isolated and individual location I would be happy with this bold interpretation of the historic form and materials. However the Friar Gate Conservation Area, has a quite tightly defined palette of materials, colours and architectural details, and I therefore think the deeply recessed and simple expression of window and door openings, would detract from the historic street scene.

There is some variety within this west end of the conservation area, as identified in the Heritage Statement. However, the late-20th century flat roofed buildings make a negative contribution to the character and appearance of the historic conservation area, and it is the historic character that any new building should seek to reinforce.

The Heritage Statement includes a useful photograph of the original building at 20-22, which was of a highly decorative Edwardian style with dutch gables, bay windows and generous stone decoration to the brick elevations. This may have sat well next to the neighbouring church at the time, but re-creation of this elevation now as a new facade would be quite dominant in relation to the existing street scene, as well as being unnecessarily onerous. I would therefore wish to see a generic traditional frontage, of the proportions shown, but with sash windows, a true door under an

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

appropriate classical surround, sills and lintels, all derived from historic buildings in the vicinity. There is also no historical precedent for either dormers or rooflights to the front elevation facing Ashbourne Road, and the rooflights should be removed and confined to the rear elevation, if appropriate.

I am also concerned about the roof form, as the rear flat roof would be clearly evident from both the front and the rear. This should be amended to a true dual pitched gable ended roof with slates or tiles.

The large plate glazed elevation to the rear is also considered to detract from the historic environment. Although a rear elevation, this is within the conservation area and adjacent to listed buildings, just as is the frontage. It may be appropriate to take the approach shown on the front elevation here, i.e. working with the basic form and proportions of the historic environment, but using a contemporary approach in the detail.

### **Yard Development**

There is precedent for backland development on the site, with some linear outbuildings in the late 19th century and later the Ice Rink, now warehouse. I therefore have no objection to some modest infill development to the rear, however, the whole of the site is within the conservation area, and its character should be respected, including grain of development, density and orientation of buildings. The FGCAA raises the issue of over-development to the rear of the main frontages, and highlights that the density and height of development falls as one moves away from the city centre. This site is at a point where the character changes to detached villas within spacious grounds, and building heights along the frontages drop to two-storeys. I am therefore concerned that any new development should not be too intensive in terms of density or height.

The approach of a linear terrace of buildings is supported, subject to detail. To the rear, and noting the variety of building styles on Markeaton Street, there can be more flexibility on the detailed design, but it should still recognise the basic forms, materials and proportions of the historic buildings.

Noting that both the frontage buildings, and buildings on Markeaton Street to the rear are all two-storey, I would wish to see any new building kept to two-storeys rather than the three-storey shown. It would be out of character with the historic pattern of development for the backland development to be the taller. With a change of design approach however, it may be possible to incorporate some modest accommodation within a gabled roof form.

I am not too concerned about the right-angle return of the linear development behind the properties at 27-35 Markeaton Street, and the footprint shown would give the terraces here more 'breathing' space than does the existing warehouse - of course subject to satisfying other policies in regard to space around dwellings and overlooking etc.

The proposal also includes a brief terrace directly to the rear of 24 Ashbourne Road, a listed building, which would have a particular impact on its setting, and where there is currently no precedent for development. To address the setting of the listed building and the issue of the density of development in general, I would like to see

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

these buildings omitted, although single-storey storage/garaging could potentially be considered here.

### **Conclusion**

In its current form, due to the materials, detail and massing of the frontage building, and the density of development to the rear yard, I consider that the proposal would fail to preserve or enhance the established historic character and appearance of the Friar Gate Conservation Area, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, paras 132, 134 and 137 of the NPPF, Core Strategy Policies CP20c and Saved Local Plan Policy E19c.

### **Updated comments provided in response to revised plans are as follows:**

I note the amendments that have been made to the proposed plans:

- 1) Ashbourne Road frontage: The roof line has been raised and roof lights omitted. Although I support the omission of the roof-lights, I consider the extensive roof area would sit uncomfortably in this location and the gradual stepping down from the Mill Gate frontage previously shown was preferred. I also note no amendments have been made to the materials or architectural detailing. I continue to think this approach would detract from the historic street scene, and that the palette of materials and detailed design should be drawn closely from those of the established historic environment.
- 2) Rear Elevation of frontage building: The rear elevation has been amended to incorporate a partially gabled roof form with large flat roofed 'dormer' within. There is some modest improvement through this approach, but it would still read as a prominent three storey flat roofed structure of alien materials amid the historic roofscape of pitched tiled or slated roofs.
- 3) Reduction in footprint of block 4 and green walls: Although the overall reduction in mass and enhanced green space and elevations are appreciated, this does not address the concerns previously raised reference the impact on the setting of No.24 Ashbourne Road or the density of development on the site.
- 4) Lowering of ground levels: The change to ground levels is very slight and does not impact on the comparative height of the development relative to the two-storey neighbours to the rear of Ashbourne Road and along Markeaton Street.
- 5) Reduction of glazed elevation facing Markeaton Street: This is still a substantial glazed elevation that does not sit well in relation to the historic environment, particularly at a 3-storey scale.

I refer to my earlier comments of 12 July 2017. The amendments made to the scheme have not addressed the objection previously made.

### **Conclusion**

In its current form, due to the materials, detail and massing of the frontage building, and the density of development to the rear yard, I consider that the proposal would fail to preserve or enhance the established historic character and appearance of the Friar Gate Conservation Area, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, paras 132, 134 and 137 of the NPPF, Core Strategy Policies CP20c and Saved Local Plan Policy E19c.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

### **5.4. Derbyshire Wildlife Trust:**

It is understood that there are proposals to demolish the existing buildings on site and construct 39 new apartments. The planning submission is supported by a Daytime Bat Survey Report produced by EMEC Ecology and dated May 2017.

The daytime bat survey was undertaken on 12th May 2017 by a licensed ecologist. The field survey work is not supported by a desk study which would normally be expected in support of the field survey work. We have reviewed the records that we hold and we are not aware of any particular features of ecological interest relating to the site or to land immediately adjacent. No suitable bat roosting opportunities were identified and no evidence of bats was recorded. The report does not recommend any further bat survey work. Old bird nests were recorded in some of the buildings. No evidence of active bird nests was noted.

It is considered that adequate survey work has been undertaken in support of this planning application for it to be determined

If the Council are minded to grant planning permission for the proposed development it is recommended that the following conditions are attached to ensure that nesting birds are not harmed during the work and that biodiversity enhancement measures are secured.

- No removal of vegetation or demolition of buildings shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Paragraph 109 of the 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, contributing to the Government’s commitment to halt the overall decline in biodiversity”. The construction of 39 new student apartments provides the opportunity to incorporate bat roosting and bird nesting opportunities into the dwellings which would be of biodiversity benefit.

- Prior to the commencement of development, a bat and bird enhancement strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

### **5.5. Police Liaison Officer:**

In principle, and in general the scheme is supported in bringing an unused site back into regulated use, and in the process significantly improving the outlook and amenity of neighbouring residential property.

There are a few small matters of detail which I would advise be addressed now or set as conditions of approval.

#### **Enclosure**

It’s not clear what arrangements will be in place to complete enclosure from Markeaton Street. 3D street-scene plans and other consultees comments indicate

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

gated access to the Markeaton Street vehicular entrance, but this isn't shown on any floor plans. This in my view will be necessary to enclose a multi-user site with occupants who are known to suffer from a high crime attrition rates.

### **Access**

Mention is made within point 5.8 of the supporting design and access statement of electronically controlled fob access for all rear entrances, presumably alluding to the door entrances of blocks 2, 3 and 4.

Within the subsequent specification the provision of vetting visitors conveniently will need to be addressed, and how access control integrates with visitor access, (particularly from the more remote Markeaton Street entrance) and the on-site security provision.

### **Ashbourne Road entry**

The main pedestrian entrance is set back from the pavement edge slightly behind neighbouring buildings, has a deep open recessed entrance before a doorway is reached and does not benefit from any form of delineation between private frontage and pavement, such as with the substantial wall/rail of Mill Gate, and the less imposing low wall of 24 Ashbourne Road.

Given the lack of definition there is a potential for nuisance use to the front of the building and within the covered lobby, for example street drinkers or rough sleepers, which would be an additional challenge to the responsibilities of on-site staff.

For the development to be considered acceptable from a community safety perspective I would recommend that the above matters are considered and resolved.

I anticipate that the access control provision and visitors vetting specification would be seen as appropriate for conditioning.

Additionally, mention is made within the supporting design statement, at point 5.7 of building regulation part Q. This relates to security standards for all openings of residential development, and in the case of this scheme will extend to communal openings as well as each individual bedsit door as well as accessible windows.

For clarity can I ask that this is relayed to the applicant by way of an informative note please.

### **Updated comments provided in response to revised plans are as follows:**

The additional information addresses one point raised in my previous comments submitted on the 2nd of June, that being the recessed nature of the Ashbourne Road pedestrian entrance.

None of the other comments raised are tackled, accepting however that they could be addressed by way of condition.

Consequently my advice would be to approve only subject to the following conditions.

- 1) Details of secure enclosure to the Markeaton Street entrance.
- 2) Details of access control for all communal pedestrian doors.
- 3) Details of CCTV coverage for all external communal areas of the site (internal communal at the applicants discretion)

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

- 
- 4) Details of a security management plan to demonstrate how the above measures integrate and will be operated effectively by on site staff.

### **6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

#### **Derby City Local Plan Part 1 - Core Strategy (2017)**

- CP1 (a) Presumption in favour of sustainable development
- CP2 Responding to climate change
- CP3 Placemaking principles
- CP4 Character and context
- CP7 Affordable and specialist housing
- CP19 Biodiversity
- CP20 Historic environment
- CP22 Higher and further education
- CP23 Delivering a sustainable transport network
- MH1 Making it happen

#### **Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential amenity – general criteria
- E17 Landscaping schemes
- E18 Conservation areas
- E19 Listed buildings and buildings of local importance
- E24 Community safety
- T10 Access for disabled people

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy ADOPTED DEC%202016 V3 WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

**7.1.** Policy context

**7.2.** Heritage impacts

**7.3.** Design, layout and residential amenity impacts

**7.4.** Access, parking and highway impacts

**7.5.** Other environmental considerations

**7.6.** Conclusion

**7.1. Policy Context.**

This site has had the same use for many years but has now become vacant and is available for development. It is an unused brownfield site that is not allocated for any particular purpose in the Local Plan. The area between Ashbourne Road and Markeaton Street is generally residential in nature although there are other uses in the locality, particularly along the Ashbourne Road frontage.

A number of local residents have expressed objections to the suggestion in the documents supporting the application that the site is located in a student area. However, the site is in the 'University District' defined in the DCLP and it has good access to Derby University sites and facilities and also to other services and facilities in the City Centre. The City Centre can be accessed by bus and is a reasonable walking distance. Local facilities are also nearby in Neighbourhood Centres and there is a local food store on Ashbourne Road. This location would seem to provide a suitable location for student accommodation, in principle.

In terms of housing need and supply, these matters were discussed in detail at the Core Strategy Examination Public Hearings. The Inspector who examined the plan found it to be 'Sound' and considered that it was reasonable that the Council would be able to demonstrate a five year supply of deliverable housing sites upon adoption. Subsequent land availability surveys and assessments indicate that at 1 April 2017, the Council could demonstrate a supply of deliverable housing sites to provide for 5.35 years.

The Plan was adopted on 25 January 2017. It sets a target that 11,000 net new dwellings should be provided in the City between 2011 and 2028. This involves an allowance for windfall sites to come forward and the allowance included in the housing trajectory for windfalls is 75 dwellings a year. This type of site would constitute a windfall.

The NPPF requires that local authorities maintain a five year supply of deliverable sites. Policy CP6 commits the Council to maintaining this supply going forward. It is therefore important that more sites come into the supply as time passes. If developed, this site could contribute towards this land supply although not all of the units would count. The Planning Practice guidance advises that student

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

accommodation should be counted towards meeting housing needs based on the number of dwellings it would release from the wider market.

Policy CP22 (Higher and Further Education) sets out at criterion (d) that the Council will support and encourage the development of new student accommodation, particularly where this will lead to the release of accommodation for family / market housing.

At the Core Strategy Examination, the Inspector was satisfied with the Council's view that student units should be counted at a rate of 1 in 3. There is no evidence of increasing student numbers attending the university and therefore it is considered that new bespoke student accommodation like this would release other dwellings from the private rented stock, particularly in residential areas near the university. This would allow the released dwellings to meet assessed housing needs. In this case, therefore, if developed the 39 units would release 13 dwellings from the wider market and thereby offer some contribution to the housing supply and this will be a consideration in the determination of this application.

Both the NPPF and the Adopted Core Strategy seek to approve applications for sustainable development and so the sustainability of the proposal is key. The three elements of sustainable development are social, environmental and economic sustainability and these should all be considered as part of the process of determining the application. Local Plan policy CP1(a) reflects the Council's policy on the presumption in favour of sustainable development.

### **7.2. Heritage Impacts.**

The application site lies within the Friar Gate Conservation Area. The buildings on the site are not the subject of any statutory or local listing and it is noted that 20-22 Ashbourne Road was not identified as a significant building in the Friar Gate Conservation Area Appraisal (FGCAA) of 2012. There are buildings in close proximity to the site that are listed and this includes 24 and 26 Ashbourne Road that stand to the west of the application site and share its boundary. While there are other listed buildings in Ashbourne Road, these are the main heritage assets considered to be impacted by the proposed development.

The planning application is supported by a Heritage Statement and Heritage Assessment. The Heritage Statement considers the quality and condition of existing buildings on the site, the character of the Friar Gate Conservation Area and the character of neighbouring and nearby properties, including some listed buildings. The Heritage Assessment considers the relationship between the development and heritage assets that may be affected by the development. This document considers relevant legislation, identifies heritage assets potentially impacted by the works and carries out an assessment of impact. These documents are submitted in accordance with paragraph 128 of the NPPF.

In considering the application decision makers must engage Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be less than substantial.

The proposal must also be considered under the new adopted Local Plan – Part 1 (DCLP) policies and those saved Local Plan Review (CDLPR) policies which are still relevant.

The Local Plan - Part 1 policy CP20 seeks the protection and enhancement of the city's historic environment, including listed buildings and Conservation Areas. CP20(c) requires development proposals which impact on heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale. Saved CDLPR policies E18 and E19 for the preservation and enhancement of Conservation Areas and buildings of historic importance continue to complement the new policy CP20.

Under saved CDLPR policy E19 proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building or Conservation Area) paragraph 132 advises that:

- great weight should be given to the asset's conservation;
- the more important the asset the greater weight should be given;
- the significance of an asset can be harmed through alteration, destruction or development within its setting;
- harm or loss requires clear and convincing justification.

Guidance in the NPPF provides that proposed developments involving substantial harm to or loss of designated heritage assets in the case of grade II listed building should be exceptional, in the case of grade II\* and grade I listed buildings should be wholly exceptional and in the case of other designated heritage assets such should only be permitted if either the loss or harm is necessary to achieve substantial public benefit that outweigh the loss or harm caused by the development or if the specific tests set out in paragraph 133 are met.

Paragraph 134 states that where proposals "will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Heritage Statement that supports the application notes that Friar Gate is recognisable as a Conservation Area due to its uniform buildings of similar age and continuous presence of 18<sup>th</sup> - 19<sup>th</sup> Century architectural detailing. It indicates that Ashbourne Road is less uniform and contains buildings of various ages from 18<sup>th</sup> Century up to modern additions from the 21<sup>st</sup> Century all of which vary in height and appearance from one property to the next. Ashbourne Road does retain some villas

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

from the 18<sup>th</sup> and 19<sup>th</sup> Centuries but along this part of Ashbourne Road continuity of architectural features between properties is limited and a number of modern alterations and developments can be found on both sides of the road which are not wholly in keeping with that historic character.

Historic photographs support the application and it is clear that a number of structural alterations have been undertaken to the building on the application site's frontage in the past, including works in the 1970's and 1990's. The information shows that it was built as two Victorian townhouses with large gable ends fronting Ashbourne Road which have long since been removed. Extensions to the rear of the building in the 1950's and 1960's included a large extension that once accommodated an ice rink. The rear elevation of the original building has also been completely removed at ground floor, to provide a large open retail space. There are no dividing walls and a series of large structural columns support a large open / flexible shop floor within the building.

The Conservation Officer notes that the buildings Ashbourne Road frontage has little historic character and internally the ground floor has been substantially gutted to create a retail space. Although to the upper storeys there has been less alteration and conservation would be conceivable, the only features of significance to the character and appearance of the Conservation Area are identified by the Conservation Officer as being confined to the roof form and fenestration to the rear elevation.

The Heritage Statement supporting the application concludes that the heritage significance of this existing building has been lost over the years due to neglect and the alterations to accommodate changes in its use. The Heritage Statement concludes that 20-22 Ashbourne Road's height, mass and lack of detail leaves it out of character with a direct and overwhelming impact on the uniform Georgian townhouses to its east. The Conservation Officer also notes that the extensive vaulted roof building and flat roofed link buildings at the rear make a negative contribution to the character and appearance of the Conservation Area and both the Conservation Officer and CAAC offer no objections to the demolition works and removal of all existing buildings from the site. The Conservation Officer notes that this is subject to any replacement development making a positive enhancement to the historic character and appearance of the Conservation Area.

Whilst some amendments have been made to the design of the proposals during the course of the application, the Conservation Officer maintains objections indicating that in its current form, the development would fail to preserve or enhance the established historic character and appearance of the Friar Gate Conservation Area. In response to its Ashbourne Road frontage, the Officer suggests that the palette of materials and detailed design should be drawn closely from those of the established historic environment.

The Heritage Assessment that supports the application suggests that the scale and form of the proposed Block 1 is drawn from the prevailing character of the historic villas to the west, with a 3 bay width symmetrical frontage of two storey height. The Assessment acknowledges the lack of architectural detailing and features in the design of the new development that is characteristic of the historic villas. Instead, it outlines a desire to secure a new building with a plainer and subservient contribution.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

Whilst a modern façade is proposed for the development, design details are outlined in the Heritage Statement as being features that will enable the building to have some relationship with its historic context. The recess between the frontage of the building and Mill Gate to the East seeks to highlight the detached nature of the buildings and maintain a sense of historical legibility. The buildings height aims to provide a successful transition between the 3 / 4 storey Mill Gate building to the east and the two storey villas to the west.

Amendments have been made to the roof form of block 1 during the course of the application. It is unfortunate that this has taken its ridge line above the height of the neighbouring Mill Gate. It is however, suggested in the Heritage Assessment that the full extent of the larger roof is not appreciated above the surrounding villas given that it is set back behind a parapet façade.

It is accepted that the use of modern materials along with the traditional scale and symmetry of the frontage, achieves a transition between the modern and the traditional buildings that lay either side of the application site. The zinc roof material that is proposed would offer a distinct change. It is also accepted that the development does not intend to replicate the character of the nearby historic villas allowing them to remain distinct and the outstanding historic features of this part of the Conservation Area.

There is a precedent for development to the rear of this site given that it currently stands occupied by a group of buildings that dominate some of the boundaries shared with its neighbours. Notwithstanding this, the Conservation Officer's concerns relating to the prominence of three storey flat roofed structure provided at the rear of Block 1 along with the modern roof material amid the historic roofscape of pitched and tiled slated roofs can be appreciated.

In respect of the scale of the development as it extends to the rear and towards Markeaton Street, the Conservation Officer has expressed clear concern indicating that both the frontage building and buildings to the rear on Markeaton Street are two storeys and it would be out of character with the historic pattern of development for the backland development to be taller.

This site does stand at a point where the character of the Conservation Area changes to detached villas in more spacious grounds and frontages of two storey height.

The Heritage Assessment supporting the application suggests that the three storey scale in the east of the proposal, reducing to two storeys in the west reflects the falling scale of development through the Conservation Area from the City Centre outwards and so accommodates that change in scale to some degree.

Amendments made to the proposals include a reduction in the ground levels across the yard area by 900mm as it currently has an elevated relationship particularly relative to dwellings to the north in Markeaton Street. This would assist in reducing the perceived height of the back yard element of the development particularly in relation to the two storey dwellings that occupy Markeaton Street.

Information provided in the Heritage Assessment indicates that if the scale of the whole development were reduced (to two storeys) to align more with the villas to the west, the proposals would be dominated by the apartment block to the east. Such a

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

conclusion is accepted. Given the land level changes proposed and flat roof design, it is not considered that the three storeys would be over dominant in wider views through the Conservation Area particularly as it will back up to the three storey Mill Gate. It is accepted that the three storey blocks would be visible in views between some houses in Markeaton Street and through the existing vehicular access.

However, this needs to be appreciated in the context of the scale of built form that occupies the site currently. The 8m high vaulted roof building that stands directly to the rear of properties in Markeaton Street is dominant and unattractive. In this context, the scale of the proposal is considered reasonable and likely to provide some benefits to views of the development that are achieved from the wider Conservation Area.

Given their modern form and flat roof design, the character of the development at the rear of the site would be read differently to the traditional development that surrounds it. Some local residents have expressed concern that the development would not 'fit in' with the character of the area. The proposed contemporary style and fenestration will provide buildings which differ to those that stand adjacent. Despite amendments made to the buildings elevations, the Conservation Officer remains concerned that the glazed elevation facing Markeaton Street does not sit well in relation to the historic environment and concerns remain relative to the density of the development at the rear of the site.

It is noted that in this part of the Conservation Area some rear garden plots have been subject to infill development and extension. A number of the properties fronting Ashbourne Road have rear gardens that have been turned over to car parking. In this context, the infilling of the site is difficult to resist. The amount of built development that occupies the site currently is also a consideration along with the negative implications for its historic character currently offered by the large vaulted building.

The Heritage Assessment supporting the application concludes that the removal of the existing 20-22 Ashbourne Road and its replacement with a building that is better conceived around the prevailing character of the Conservation Area presents a modest level of improvement. It also suggests that the proposed terraced apartments will bring a neutral level of impact to the architectural and historic interest in the area. The Heritage Assessment concludes that overall the development will improve the quality of the Conservation Area and may bring some modest enhancement to its special character and appearance where areas of green open space are reintroduced.

Whilst the concerns expressed by the Conservation Officer are noted, these conclusions are accepted particularly considering the negative impact that the existing buildings on the site offer to the quality of the Conservation Area. This conclusion is also reached in light of the application also having generated no objections from CAAC.

The Conservation Officer raises concern relating to the impact of the two storey Block 4 and its resulting negative impact on the setting of the listed building at 24 Ashbourne Road. Currently, the western aspect of the application site is laid to hard surfacing and is used for car parking. This provides an open aspect to the rear of

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

24 Ashbourne Road currently and the Conservation Officer considers that there is no precedence for development on this part of the application site.

The Heritage Assessment provided with the application indicates that the backland area to the rear of the Georgian Villa's facing Ashbourne Road and terraced housing facing Markeaton Street is characterised by a variety of development, including housing, tarmac car parks and prefabricated buildings. It notes that limited residential garden space remains and indicates that the quality of the townscape is poor. It indicates that the current openness through the western edge of the application site enables a distant link to be drawn to the former openness of the gardens of 24 and 26 Ashbourne Road and allows views to the rear of properties in Markeaton Street to which the property shares some common heritage. It does however note that the open views to the rear of the building are limited to the upper storeys and it is indicated that the remodelled elevation of 24 Ashbourne Road has limited integrity and low architectural interest. It indicates that the application site does little to enable appreciation of its heritage significance which instead lies to the front and potentially internally.

During the course of this application, amendments have been made to the application, moving block 4 further from the rear boundaries of 24 and 26 Ashbourne Road and providing more scope for external planting and landscaping. Green walls have also been introduced to the flank side walls of block 4. The Heritage Assessment indicates that the resulting development will improve the quality of the setting of number's 24 and 26 Ashbourne Road, bringing some modest enhancement through the introduction of semi-natural features within landscaping schemes and green walls. It is indicated that these will allude to the former garden character of the plot.

It is accepted that the amendments made and the introduction of planting and improved separation between the rear boundary of 24 Ashbourne Road and block 4 are an improvement. The site does not have any built form in this location currently, but neighbouring plots and the wider Conservation Area, has an established character that includes much infill and backland development including development directly adjacent to block 4. They already break the intervisibility between historic properties in Ashbourne Road and Markeaton Street including 24 and 26 Ashbourne Road.

Given the extensions and alterations also to the rear of 24 Ashbourne Road it is considered that that the proposal and in particular, block 4, has a limited degree of impact on the setting of this neighbouring listed building. It is also recognised that the openness and setting of the rear aspect of no. 24 will be opened up by the removal of the two storey building on the application site that currently stands adjacent to its eastern boundary.

Taking these detailed matters into consideration, it is concluded that the impacts of the proposals on the significance of the Conservation Area and setting of neighbouring listed buildings are considered to be neutral. Points made in the Heritage Assessment are accepted and it is considered that the scale and form of the development is unlikely to result in harm to their historic significance and setting. This conclusion is reached against the specialist advice provided by our Conservation Officer following clear consideration of the detailed design of the

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

amended scheme. The resulting neutral impact is reached because the following benefits would arise from the proposals;

- The removal of the existing building from the Ashbourne Road site frontage that has no architectural or historic merit;
- The removal of two storey scale buildings that dominate that eastern boundary of 24 Ashbourne Road;
- The removal of buildings from the rear of the site that dominate its boundaries, views through it and have a negative impact on the character of the Conservation Area;
- Improved separation with the movement of block 4 from the rear boundary of 24 Ashbourne Road and the addition of green walls;
- The introduction of planted landscaping areas within a site that is currently fully hard surfaced;
- Provision of a comprehensive development for the vacant site.

Whilst the comments and concerns expressed by the Conservation Officer have been considered in full, it is considered that the amendments made to the proposals address, to some degree, some of the issues and the proposal would not result in detriment to the significance of the heritage assets in this area. In reaching this conclusion, it has been noted that the application did not generate objections from CAAC.

It is therefore considered that the proposals meet with the aims of DCLP Policy CP20. Whilst CDLPR policy E18 seeks the preservation or enhancement of Conservation Areas, the scheme is not considered to be at odds with this requirement given that it would deliver a development with neutral impact on the Conservation Area whilst also removing buildings from the site that have a negative impact upon it.

Even if members felt that 'harm' would be caused to the character of the Conservation Area or the setting of the nearby listed buildings by the proposal, the level of harm would be considered 'less than substantial' for the purposes of the policy tests in the NPPF. Where the harm to the designated asset is considered to be less than substantial, paragraph 134 of the NPPF provides that the "harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

In the context of paragraph 134 of the NPPF, the public benefits of the proposal that would need to be weighed against the 'less than substantial' harm would be as follows;

- Removal of buildings from the Friar Gate Conservation Area and within the setting of listed buildings on Ashbourne Road that have no historic merit and currently a detrimental impact on the setting of those heritage assets;
- The provision of accessible, modern student accommodation in a highly sustainable location, in the identified University District of the City;



## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

- 
- The proposal would release housing back into the housing market that is currently occupied by students, thereby contributing to the City's housing supply;
  - The comprehensive redevelopment of a vacant brownfield site in a sensitive location in the City;
  - The removal of large floorplan buildings and an established A1 retail use that could serve a form of retail use, without the need for planning permission, that may increase activity at the site and compromise the amenities of neighbouring residential properties;
  - Provide a built form that is of an acceptable design with active frontages and natural surveillance.

These benefits are significant and would constitute substantial socio-economic and wider public benefits that would decisively outweigh any 'less than substantial harm' if it were considered to arise by Members. In heritage terms, any such judgement would mean that the benefits would outweigh the harm overall and the scheme would accord with national heritage policy in the NPPF.

It is considered that, with regard to heritage considerations and the issue of impact / harm, the application has been properly assessed in line with the local planning authority's statutory duty and the framework of local and national planning policy.

### **7.3. Design, layout and residential amenity impacts.**

In considering the general design of the proposals, it is necessary to have regard to the provisions of Policy CP3 (Placemaking Principles) and CP4 (Character and Context) in the adopted DCLP.

The scale and mass of the development is reduced by its delivery through a series of linked blocks and the linked nature of the blocks at the back of the site have some relationship to the form of the linked terraces of houses that line Markeaton Street. The nature of backland development across this site has been long established by the existing buildings on the site and is consistent with the nature of development in the locality as there are many other examples of infill development in between the Ashbourne Road and Markeaton Street frontages.

This site has a relationship with Ashbourne Road and Markeaton Street. A modern form and choice of materials has been pursued for the development both on the Ashbourne Road frontage and the rear aspect of the development, providing some character and continuity through the development itself. Whilst this would not mirror the historic character of the neighbouring streets, it would provide a development that has its own identity. In considering these design principles, the Conservation Area setting of the application site is of particular importance and this has been considered in detail in section 7.2 of this report.

Block 1 would address the street and provide a suitable continuity of built form to Ashbourne Road. The design details of block 1 are considered to provide a building that is suitably simple and subservient to its historic neighbours, yet accommodate design details that will provide interest and a building of good design. During the course of the application, the recess on the main front entrance has been reduced on

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

the advice of the Police Liaison Officer with a view to reducing potential anti-social use of the space within the covered doorway.

Whilst the blocks of student accommodation have long sections of blank elevations, these back onto the flank garage and boundary walls of the Mill Gate development and the flank side wall of 49a Markeaton Street. Views into the site from Mill Gate are particularly limited at present by the existing buildings on site and this closed aspect would be maintained by the proposals. The open aspect into the site from the west would be changed by the presence of block 4. Whilst its mass has been reduced through the course of the application, it will add an area of built form to the site that currently stands as open surface car parking. However, this block would be largely screened from both Ashbourne Road and Markeaton Street by existing properties and whilst visible in some views, will not appear overly dominant given its set back position from those neighbouring street scenes. This block would provide a further active edge to the western side of the development. Likewise, the set back position of blocks 2 and 3 relative to public views from Markeaton Street will reduce their prominence. Along with the landscaping, the view into the site from Markeaton Street would be improved by this development given the dominant and overbearing nature of the buildings that currently occupy this view and northern part of the site.

Concerns relating to access and security by the Police Liaison Officer are noted. The accommodation to the rear of the site is insular, offering limited surveillance opportunities for Markeaton Street. However, the accommodation would overlook its own outdoor landscaped areas and car parking, providing external spaces that are likely to feel safe and secure. The Design and Access Statement supporting the application outlines proposals for the buildings to be electronically controlled by fob access and on site security is proposed to be available at all times within block 1.

Car parking is located directly adjacent to the only part of the site that can realistically be served by the public highway, making use of the existing vehicular access from Markeaton Street. This area of the site serves as car parking currently and would be surveilled by the new accommodation.

Policy CP4 encourages innovative designs and architecture and the proposals desire to offer a modern and contemporary development in a historic location can be supported. The proposed external materials would help to express the modern aspects of the development while ensuring some reference to the surrounding area are apparent. The rendered frontage of block 1 would offer a clean and simple elevation that references the rendered historic villa's nearby. The use of red brick at the rear of the site would also provide a brick finish that is characteristic of many of the surrounding buildings in the Conservation Area.

Access to the development would be achieved via Markeaton Street and Ashbourne Road providing activity to both of the sides of the development. Some local residents have expressed concern with regards to the development leading to rat running and people being able to gain access through the site. This would not be possible as block 1 expands the full width of the site making access through only available by future occupiers who would be able to access the ground floor facilities of block 1.

Overall, it is not considered that the development will appear dominant or out of scale with its immediate neighbours. It is considered that the development will appear

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

distinct but given its layout and scale it should integrate with the local area, providing an efficient use of the site. The proposals would provide a well-connected group of buildings of an acceptable design according with policies CP3 and CP4 of the adopted DCLP.

Policy H13 (Residential Development – General Criteria) should be considered in determining this application. Although the proposal is for student accommodation, it seeks to deliver accommodation which forms residential development of the same nature and has the same issues as would be considered if planning permission were sought for apartments.

Based on the information provided in the drawings supporting this application, I am satisfied that a high quality living environment would be provided for any students occupying this development in the future. All units of accommodation are of a reasonable size with an acceptable degree of outlook and privacy. The development would be served by defined areas of outdoor amenity space and a landscaping plan can be secured by condition of planning permission to ensure that they are suitably laid out and planted.

This application has generated some objection from residents who live close to and share a boundary with the application site with a number of concerns expressed that their amenities would be detrimentally impacted by the proposals. It is clear that the Local Ward Councillors share this concern. Saved CDLPR policy GD5 sets out requirements that new development should not cause unacceptable harm to the amenity of nearby areas.

In respect of the Mill Gate apartments which stand to the east of the site and front onto Ashbourne Road, this block of apartments share a common boundary with the application site. At present, the existing Samways buildings back up to Mill Gate and the development would provide a similar relationship. The flank walls of blocks 2 and 3 would enclose the common boundary and block 2 would extend above the height of the existing buildings in the centre of the site that stand there currently as they are largely single storey. The mass of block 3 would offer some improvement to any current effects of massing along the northern boundary of Mill Gate, given that this block would have less dominance than the existing vaulted roof building. It is clear that the Mill Gate development was designed to accommodate a boundary dominated by built form and its garage block backs up to the application site. Whilst the development of block 2 would add some additional mass to the boundary, it would be set behind those garages and an adequate distance from the habitable windows serving the properties in Mill Gate. It is considered that the proposals would not be overly detrimental to the outlook and amenity that the occupiers of Mill Gate currently enjoy. Given its position to the west of the Mill Gate development, a loss of light should not result for the neighbouring apartments and there are no side facing windows proposed that would compromise their existing levels of privacy.

24 Ashbourne Road has a tight relationship with the application site which extends around its eastern and northern boundaries. Removal of the existing buildings from the site will open up the eastern boundary as the existing two storey buildings on the site provide a degree of massing and enclosure. Whilst the proposals would offer a replacement development of three storeys, block 2 is proposed to sit some 4.2m from the boundary (at its closest point) with no. 24 offering a greater degree of separation

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

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than is provided by the existing buildings on the site and reducing the effects of massing and enclosure.

The windows in the western elevation of block 2 are problematic as they are afforded a clear view over towards 24 Ashbourne Road. The angled façade of block 2 assists in moving a number of these views northwards and away from the main rear aspect of this neighbouring property and the 4.2m distance from the boundary extends up to 6m on some points of the development. It is proposed that obscure glazing should be secured to the stairwell at the southern end of block 2 to reduce the effects of overlooking from those windows closest to the rear elevation of no. 24. Notwithstanding these details, the windows will offer some overlooking towards 24 Ashbourne Road with the space between the windows and that neighbouring boundary being insufficient to meet standards we would normally try to secure.

It is noted that the owner / occupiers of 24 Ashbourne Road have not objected to this application. In amenity terms there are benefits to the loss of the existing two storey buildings from its boundary but this needs to be weighed against the overlooking potential offered by block 2.

No's 17 to 35 Markeaton Street are a row of two storey terraced dwellings that occupy land adjacent to the northern site boundary. They have short rear gardens of between 5 and 7.5m in depth. Their outlook and light is currently dominated by the vaulted building on the application site that directly abuts their boundary. Its removal would offer clear benefits to their levels of outlook and light. Block 3 is proposed to stand some 9m from that boundary. Outlook from the proposed student accommodation within it would be to the north and towards those properties and some residents have expressed a clear concern with regards to a resulting loss of privacy and overlooking. It is acknowledged that the 14.5 – 15m distance that would be achieved between the windows of those neighbouring properties and the development would not meet with the 21m distance we would normally seek to achieve. The layout does accommodate an area of outdoor planting which would serve to strengthen the buffer between the two sites. Whilst this has not addressed the concerns expressed by some of the residents, it is considered that the benefits associated with the removal of the existing building for their levels of amenity can be weighed in the balance. It is noted also that following concerns expressed by occupiers of those properties the bin store has been moved from the rear boundary of those properties and is now proposed to be located within the proposed accommodation block.

Revisions have been sought to the submitted plans to address concerns relating to the impact of the proposals on 49a Markeaton Street which occupies a backland position to the west of the application site. This property has a short rear garden and as submitted, the proposals were considered to offer significant massing impacts for its rear outlook. As amended, it is the single storey plant room that would stand adjacent to this properties gardens western boundary. Extending to a maximum height of 2.8m and with a sloping roof, its massing impact is considered to be reasonable offering no further enclosure than would be achieved in many domestic situations by small extensions and outbuildings. The northern section of block 4 would extend beyond the front elevation of 49a Markeaton Street but would not encroach the 45 degree line guidance relative to principal windows in its front

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

elevation which face north. Whilst the development would offer a clear change for the occupiers of this property given that it now stands adjacent to the open surfaced car park on the Samways site, the relationship of block 4 to this property is considered to be reasonable.

Given the proximity of the plant room to the proposed accommodation and neighbouring properties gardens, it is considered reasonable that conditions of planning permission should secure details of the plant to be installed and any necessary mitigation measures delivered to ensure that there are no unreasonable noise impacts arising.

The relationship of the proposal to other properties that stand nearby or adjacent in respect of impacts of massing, enclosure and overlooking including 26 Ashbourne Road and no's 43, 47, 49 and 49b Markeaton Street have also been considered in detail. The relationship of the development to those properties is considered to be reasonable given the separation distances concerned and the position of windows in the proposed development.

Noise and disturbance associated with the use of the site for student accommodation has generated a number of concerns expressed by local residents in objection to this application. The proposed use is for residential purpose which in planning terms would be considered an acceptable neighbour to existing residential properties. Whilst it can be appreciated that the vehicular access into the site extends close to the side walls of both 35 and 43 Markeaton Street, it has to be recognised that the access currently serves an established A1 retail use that could be brought back into use without planning permission. The site and access could therefore accommodate a retail occupier that generates greater levels of activity and vehicle trips than was generated by the former occupier. Overall, in terms of potential levels of activity and noise, the student accommodation is considered to offer a suitable use for this site.

The requirements of saved CDLPR policy GD5 require clear consideration and whilst elements of this proposal have a tight and close relationship to neighbouring properties, this is characteristic of the current site and its buildings which dominate the outlook and amenity of some of its immediate neighbours. Removal of the existing buildings and its established use will offer clear amenity benefits and they offer some weight in assessing the amenity impacts arising from the scheme as a whole. On balance, the amended proposals are considered reasonable as substantial harm to the amenities of all neighbouring properties and those in the wider area are considered unlikely.

### **7.4 Access, parking and highway impacts.**

The objections that have been raised to the application from local residents outline clear concerns relative to the means of accessing the application site. The access into the site off Markeaton Street is restricted at only 4m in width. Opportunities for improving the access are not available; given that it runs parallel to the boundaries of two residential properties and the land locked nature of the backland area of the site offers no opportunities for an alternative access solution. Markeaton Street is heavily parked and is part of a Residents Parking Zone.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

It can therefore be appreciated that local residents have concerns relative to how the site will be accessed particularly during the construction phase of the development, when materials and machinery will need to be delivered to the site.

Colleagues in Highways Development Control have considered this proposal and have confirmed that they have no objections to it. They note the potential issue of access during construction and suggest that a construction management plan should be sought through conditions of planning permission. Issues relating to access for construction purposes would not give a basis on which this application could be refused planning permission but securing a construction management plan by condition of planning permission would assist in ensuring that some control over access and deliveries is exerted and measures are put in place to limit adverse impacts both for local residents along with pedestrians and traffic in both Markeaton Street and Ashbourne Road.

From the supporting information provided with the application, it is clear that on-site parking provision will not be made available for future occupiers of the student accommodation. The 6 spaces shown in the layout plans would be made available for use by staff, maintenance workers and visitors. A cycle store for 25 cycles is shown to be included as part of the plans and conditions of planning permission can ensure that such provision is implemented.

Car free student accommodation with some provision for staff, maintenance and visitors is considered acceptable in this location given that it is within walking distance of City Centre amenities, the University buildings and sustainable modes of transport.

Policy CP23 is detailed but seeks to ensure that developments do not cause or exacerbate transport problems whilst ensuring that they provide appropriate levels of parking, taking into account the realistic requirements of the users. It is considered that the proposals meet with these requirements and car free student accommodation with available cycle parking is acceptable in this location. Whilst the proposed car park is not identified for day to day use by the students it will provide space for vehicles to access the site at times when individuals are moving in or out of the accommodation, ensuring unnecessary pressure is not placed on Markeaton Street or Ashbourne Road at these times.

The application states that refuse will be collected by a commercial refuse company. Whilst the man carry distances may exceed that set out by the City Council, taking into account the size of refuse container likely to serve this development, this would be a private matter for the Management Company concerned to resolve. It is considered that the location of the bin store on the site is logical, being accessible to all the units of accommodation from the open space areas. It's movement to a location within the building itself, has also moved it away from the site boundary shared with neighbours which addresses their concerns relative to a potential for smells and pests.

Overall, it is considered that the proposed development is acceptable in highway safety terms. It broadly complies with the requirements of Policy CP23 and the NPPF.

### **7.5 Other Environmental Considerations.**

The application site is within Flood Zone 1 and therefore is at the lowest occurrence of flood risk threats. As such, a residential use of the site is considered to be acceptable. In respect of surface water drainage, it is noted that at present, the site is fully hard surfaced. The addition of landscaped areas, would offer improved opportunities for more sustainable means of drainage for the site. Drainage details for the development can be secured as part of the conditions of planning permission and enables the proposals to meet with the aims to secure sustainable drainage as set out in Policy CP2.

Given the extent of demolition works proposed across the site, the application has been supported by a Bat Survey. It indicates that no suitable bat roosting opportunities were identified on the site and no evidence of bats was recorded in the survey. It did note the presence of old bird nests in some of the buildings. DWT have been consulted on the application and they have considered the survey information. They advise that adequate survey work has been undertaken to support this planning application. They raise no objection to the development but recommend that conditions are imposed relative to further survey works prior to work commencing to ensure that no nesting birds are impacted and to ensure that biodiversity measures are incorporated into the scheme with a bird and bat strategy. With such measures in place, the scheme should not result in harm to wildlife species protected by law and should provide some biodiversity improvement in accordance with Policy CP19.

### **7.6 Conclusion**

The determination of this application requires the consideration of the benefits and adverse impacts which make up the planning balance.

It is clear that many local residents have reservations with regards to the use of this site for student accommodation. However, in principle, the location is appropriate for providing bespoke student accommodation. It is within the identified University District and has good access to University sites as well as to other local services and facilities and to the City Centre. Many of the services and facilities can be accessed on foot or by bicycle or public transport. This is important as it reduces the need for private car trips and allows for students without cars to live in a sustainable location.

The Council is satisfied that it can demonstrate a five year supply of deliverable housing sites. However, a requirement of the Framework is that local authorities seek to boost the supply of housing and to meet specific needs. No specific needs for student accommodation have been identified but the provision of 39 apartments could release about 13 dwellings from the wider housing market and this is a benefit arising from the scheme.

This is a previously developed site which has had a shop on it for many years. The shop has now closed and therefore bringing the site back into productive use is welcomed. Given its Conservation Area location and close proximity to a number of neighbouring properties, long term vacancy on the site would be wholly detrimental to the area.

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

These positives must be weighed against any adverse impacts of the proposals and it is clear that the Councils Conservation Officer has concerns that the proposals would fail to preserve the character of the Friar Gate Conservation Area and result in a detrimental impact on the setting of the nearby listed 24 Ashbourne Road. The Officers views have been considered in detail and alongside the supporting information provided in the Heritage Statement and Heritage Assessment which concludes that modest levels of enhancement and improvement for those heritage assets would arise. This report seeks to fully assess the impacts of the proposals on those heritage assets and it is concluded that the impacts arising would be largely neutral, taking into account the removal of existing buildings on this site that offer negative impacts for those assets currently.

The comprehensive design of this scheme is considered to be acceptable and it is sustainable in highway terms. Weight does need to be given to the requirements of saved CDLPR policy GD5 which seeks to protect the amenities of neighbouring residents. A number of objections from local residents express clear concern in this regard. It is recognised that the developments relationship with its neighbours is tight and does not meet with the space standards we would seek to secure. However, this is weighed against the desire to secure the redevelopment of this vacant site and the removal of the existing buildings from it which currently have adverse implications for many of those residents existing levels of amenity.

Overall it is considered that the development is sustainable, it being a reasonable form of development in social, environmental and economic terms. It is not considered that the adverse impacts of the proposals are so great as to render the development unsustainable and acceptable and therefore the granting of conditional planning permission is recommended.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

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

### **8.2. Summary of reasons:**

It is considered that the proposal, as amended, would not result in adverse impacts for the Friar Gate Conservation Area in which the application site is located or for the setting of the adjacent Grade II listed 24 Ashbourne Road. Subject to compliance with the attached conditions, it is considered that an acceptable external appearance and the landscaping of the site can be achieved without adverse impacts arising for the adjacent highways in Ashbourne Road and Markeaton Street. The impacts for neighbouring properties are considered to be reasonable. Accordingly, the development would comply with The Planning (Listed Building and Conservation Areas Act 1990, The National Planning Policy Framework and the adopted policies of



## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review.

### **8.3. Conditions:**

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials, mortar mix, rainwater goods)
4. Standard condition 80 (window and door details)
5. Standard condition 20 (landscaping scheme)
6. Standard condition 22 (landscaping maintenance)
7. Standard condition 38 (drainage details)
8. Standard condition 19 (means of enclosure)
9. Non-standard condition (measures to protect from surface run-off of access)
10. Non-standard condition (parking and turning areas)
11. Non-standard condition (laying out of parking areas)
12. Non-standard condition (inward opening gates)
13. Standard condition (cycle parking)
14. Non-standard condition (obscure glazing to southern block 2 stairwell)
15. Non-standard condition (construction management plan)
16. Non-standard condition (noise assessment and mitigation – plant room)
17. Non-standard condition (Survey for bird nesting activity)
18. Non-standard condition (bird and bat enhancement)

### **8.4. Reasons:**

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14
4. Standard reason E14
5. Standard reason E14
6. Standard reason E14
7. Standard reason E21
8. Standard reason E14
9. Standard reason E19
10. Standard reason E19
11. Standard reason E19

## **Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**

---

12. Standard reason E19
13. Non-standard reason ... encouraging alternative modes of transport.
14. Standard reason E08
15. Non-standard reason ... residential amenities and highway safety.
16. Standard reason E08
17. Non-standard reason ... protection of habitats and biodiversity
18. Non-standard reason ... delivery of biodiversity benefits

### **8.5. Informative Notes:**

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Notwithstanding any planning permission please note that the proposed apartments will not qualify for residents parking permits.

The consent granted will result in the construction of new buildings which need naming and numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access.

### **8.6. S106 requirements where appropriate:**

The Heads of Terms of the Section 106 Agreement have been agreed with the applicant to secure policy compliant contributions towards incidental and major open space and public realm.

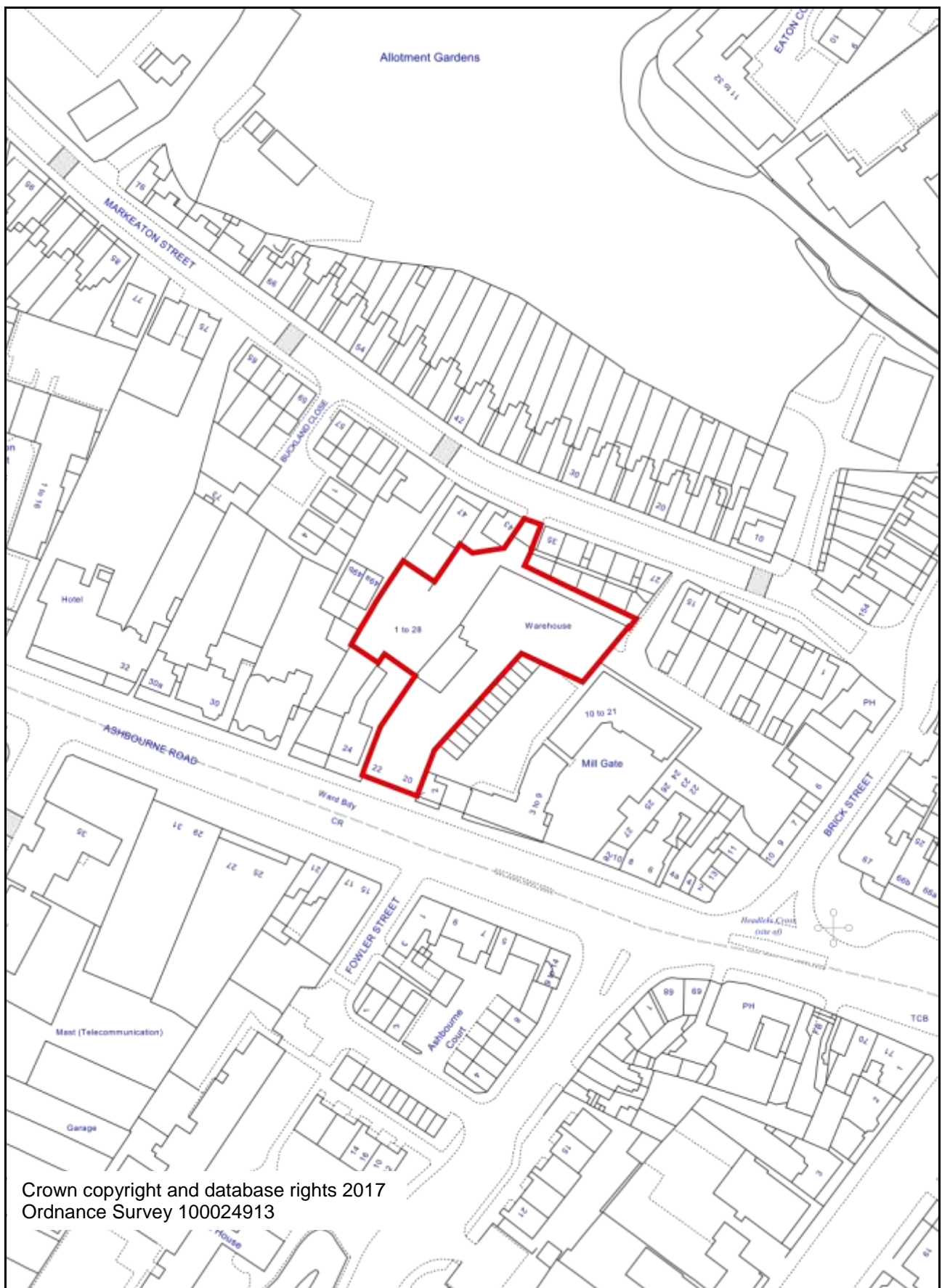
### **8.7. Application timescale:**

The statutory timeframe for the determination of this application was 18<sup>th</sup> August 2017. The applicant has been asked to agree to an extension of time to allow time for this application to be considered by the Planning Control Committee and to allow the Section 106 agreement to be finalised.

**Committee Report Item No: 1**

**Application No: DER/05/17/00654**

**Type: Full**  
**Application**



## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

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### **1. Application Details**

**1.1. Address:** Site of former Northridge House, Raynesway (junction of Belmore Way), Alvaston.

**1.2. Ward:** Alvaston

**1.3. Proposal:**

Erection of two apartment blocks to form 122 apartments (Use Class C3) with associated parking, vehicular access and landscaping.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/17/00678>

**Brief description**

This application relates to a former builder's depot, known as Northridge House, on land at the junction of Raynesway (A5111) and Belmore Way on the edge of Alvaston. The buildings on the site have been demolished and the land is currently vacant. It is a relatively level site enclosed by palisade fencing and it has two existing vehicle access points onto the northbound carriageway of Raynesway.

The site lies on the northern edge of the residential area of Alvaston. The surrounding area is suburban in character, dominated by two storey traditional housing. There is terraced housing to the rear on Eden Street and semi-detached post war housing along Raynesway. On the opposite side of Raynesway to the east, there is an area of open space with blocks of housing fronting onto Alvaston Street. The land to the north of the site is generally commercial and industrial in nature, with large units located off Belmore Way and Raynesway and on Derby Commercial Park. Abutting the western boundary of the site is a telephone exchange with two and three storey office buildings. The site is also adjacent to a major transport roundabout junction, linking A5111 Raynesway with the A6 Alvaston Bypass and the nearby industrial parks.

The proposal is for the erection of 122 apartments in two blocks; comprising 8 storey and 3 storey buildings with associated car parking area, landscaping and the formation of two vehicular accesses, onto Raynesway and Belmore Way. The residential units would comprise 34 x 1 bedroom and 88 x 2 bedroom apartments. The eight storey block would be sited to the northern part of the site and front onto Raynesway with an east/west orientation for its principal elevations, whilst the three storey block would be at a right angle to this building and positioned towards the southern boundary. This block would face in a north/south orientation for its principal elevations.

The buildings are proposed to be of pre-cast concrete construction, with walls and floors manufactured off-site. Each block would have two principal entrances and lift access to all floors. The proposal is of a contemporary design, with a treated concrete finish to the elevations, use of large window openings and each apartment would include a private balcony. The end flank elevations of the buildings are proposed to be treated with vertical green wall planting. PV solar panels are also

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full  
Application**

proposed to be installed on the roof of both buildings to provide an on-site energy supply.

The parking area for the development would include 122 car parking spaces, including 6 disabled bays and cycle storage. The car parking is arranged around the perimeters of the site with internal access roads around the building footprints. Cycle and bin stores are to be sited along the western boundary. There are areas of landscaping within the site, although there would be no significant amenity space provided for the residents. The proposed access arrangement is to form an 'in-out' access onto Raynesway, with an 'in-only' access on Belmore Way. The only egress would be onto the north bound carriageway of Raynesway.

The application is supported by various technical documents and subsequent addendums, including a Geo- Environmental Report to address land contamination, Air Quality Assessment, Noise Assessment, Transport Assessment with accompanying Travel Plan and Stage 1 Road Audit, Flood Risk Assessment and Drainage Strategy.

### **2. Relevant Planning History:**

<b>Application No:</b>	09/15/01225	<b>Type:</b>	Demolition-Prior Notification
<b>Decision:</b>	Raise no objection	<b>Date:</b>	05/11/2015
<b>Description:</b>	Demolition of all buildings on site		
<b>Application No:</b>	01/01/00049	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	07/03/2001
<b>Description:</b>	Use of land for open storage and parking of vehicles/plant		
<b>Application No:</b>	11/96/01326	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	29/01/1997
<b>Description:</b>	Retention of incorporation of land into contractor's depot		

### **3. Publicity:**

Neighbour Notification Letter – 15 letters

Site Notice

Press Advert

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

### **4. Representations:**

There have been 437 letters of objection received to the application, which include objections from Cllrs Bayliss and Graves. About 300 of these objections take the form of standard comment cards, which have been circulated to local residents. The main concerns raised are as follows:

- Too much traffic generation would cause increased congestion
- Impact on highway safety on Raynesway

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

- Eight storey building would be too high
- Out of keeping with the residential character of the area, ( two storey housing)
- Building would be an eyesore
- Increase in air and noise pollution
- Overcrowding
- No need for additional flats
- Overlooking of nearby houses resulting in loss of privacy
- Insufficient car parking for the number of occupants

One supporting comment has also been received from Marketing Derby. Comments are as follows:

- Proposal would contribute to city's significant housing need
- Would develop a brownfield site at a gateway location to the city
- Innovative modular construction method to be used in the building process, bringing experience from Netherlands to Derby, for first time in the UK

## **5. Consultations:**

### **5.1. Highways Development Control:**

Revised comments in response to updated highways information (November 2017):

Following the Highway Authority response of 06/07/2017; revised information has been provided which responds to the issues raised; specifically:-

1. A copy of the designers response to the problems raised in the safety audit, together with any revised designs brought forward as a result of the safety audit and the above Highway Authority comments.

The Designer's response to the Safety Audit has been provided (dated May 2017).

2. Details of the location of the speed survey, together with data to validate the conclusions made by the applicant.

Copies of the raw data for the speed surveys have been furnished and are satisfactory, as is the location of the data counter used in the survey.

3. Revised trip generation figures (and a satisfactorily revised TA) as required by my colleague in Transport Planning.

My colleague in Transport Planning has confirmed separately that the information provided is now acceptable and that the proposals will not have a material effect upon the adjacent traffic signal junction.

There remain some items from the original highways response of July which require further note, as follows

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

### Parking

The sections of Raynesway and Belmore Way fronting the site are subject to a "no waiting at any time" (double yellow lines) parking restriction. The other sections not covered by the markings are subject to a "clearway" order where stopping is not permitted.

To the south of the site, a number of existing residential dwellings have vehicular access via an informal "service road" arrangement; this does not extend across the site frontage (there being a dropped crossing arrangement nearby number 47).

Whilst this arrangement works satisfactorily for the existing dwellings, it will not work for the new development due to the extents of the Traffic Regulation Orders covering the site. However, in order to prevent vehicles associated with the development gaining access to the site frontage via the dropped kerb arrangement it will be necessary for the applicant/developer to provide additional features (suitable bollards are suggested) nearby number 47.

This will have the effect of ensuring that visibility splays to the right on egress are maintained, and can be dealt with by appropriate condition.

In reality, parking in the vicinity of the site is controlled by parking orders, with it being considered unlikely that occupants would be willing to park on other adjacent streets due to their distance from the site.

Therefore, in highway terms, the development is considered to be in a sustainable location with adequate levels of parking provision proposed.

### Access

There are two proposed access locations to the site; an "in/out" arrangement along Raynesway and an "in" only access off Belmore Way.

For the access arrangements, drawing "001/A" shows the likely highway works for the accesses in more detail than drawing 4000.

The TA explains that a seven-day Automatic Traffic Count (ATC) survey was conducted along Raynesway (A5111), near the proposed site access for the development site and advises that the ATC survey results identified that the 85th percentile speed for vehicle heading northbound along A5111 Raynesway is 36mph, and 34.2mph for vehicles heading southbound.

In highway terms, only vehicles travelling northbound are of interest in respect of the proposals.

By reference to the 6C's Design Guide (Table DG4), the appropriate required visibility splay (assuming HGV & Buses) is 73m; this can be achieved from the proposed egress onto Raynesway.

The Safety Audit also identified the lack of direct pedestrian/cycle access from the site onto the adjacent public highway (except at the access points).

The designers' response acknowledges this and suggests that "provision of footways on either side of the proposed site access along the A5111 Raynesway could be explored at detail design stage...."

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

The Highway Authority agrees with the Safety Audit and considers that it would be appropriate for the applicant/developer to consider this in more detail and to provide separate access paths to the highway from the site.

It is suggested that such access points should be provided adjacent to the southeast corner of the site (nearby the BT unit), nearby the traffic signal junction (which will require the parking layout to be amended) and onto Belmore Way (adjacent to the site entrance).

These may have the effect of reducing the available number of parking spaces and/or result in the layout of the parking spaces being revised slightly.

This can be dealt with by appropriate condition.

### **Trip generation**

As stated above, my colleague in Transport Planning has confirmed separately that the information provided is now acceptable and that the proposals will not have a material effect upon the adjacent traffic signal junction.

### **Internal access arrangement**

The Safety Audit identified a potential issue with entering vehicles having to halt just inside the site due to the internal road layout.

The designers' response to the audit stated that "appropriate road markings such as give way line and signage could be explored at detail design stage and agreed with DCC"

This can be dealt with by appropriate condition.

### **Belmore Way access**

The application includes for the provision of a new access point off Belmore Way.

Drawing 001/A provides details of improvements to make this "in" only; including extending the existing central island and kerbing alterations to make the access unsuitable and undesirable for egress.

As previously stated, it is likely that vehicles approaching the site from the north will utilise this site access and therefore lead to less vehicles turning into the site direct from Raynesway.

An access in this location would also be advantageous in the (unusual) event of the primary access being closed for some reason (such as by an accident or roadworks).

### **Refuse collection**

At pre-application stage, the applicant/developer was advised that the council does not normally collect refuse direct from private developments; and that kerbside collection would not be appropriate for a development in this location.

Drawing 001/A shows vehicle tracking for such vehicles (and by inference other larger vehicles) to gain access into the site from Belmore Way (Belmore Way will be considered further in these observations); with it being the intent to exit out onto Raynesway.

Whilst the tracking has been shown for the council's standard refuse vehicle, the applicant/developer has also indicated in the TA (para 4.4.1) that "The proposed refuse collection strategy for the site will be via a private collection company"



## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

This response is made upon the basis of this statement; it is nevertheless recommended that the LPA seeks advice from the Councils Waste Management Section to confirm that the intended size and location of the "garbage" store are suitable for purpose.

### **Section 278 works**

The development concerned will also necessitate the permanent closure to the existing refuge gap along Raynesway nearby the site access location; in order to prevent vehicles from attempting to "short cut" queues to gain access/egress onto and from Raynesway. The applicant/developer has been advised of this and has included such works on drawing 001/A.

I note that there's apparently a street nameplate within the proposed access. This will need to be repositioned to a suitable location.

The site already has existing accesses which will not form part of new site proposals. These existing accesses will need to be closed and fully reinstated.

Notwithstanding the development shown on any approved application plans, works to alter the access configuration and make changes to islands and the highway (as discussed above) will be the subject to agreement under Section 278 of the Highways Act 1980 between the developer and the Highway Authority.

The Applicant/Developer should note that the construction works will inevitably lead to additional damage/reinstatement of the site frontage along Raynesway. The Highway Authority will seek for the site frontage to be improved and/or fully reinstated as shared use cycleway/footway (as part of the Section 38 Agreement works).

### **Recommendation:**

Should the Local Planning Authority be minded to approve the application; it is recommended that the suggested conditions are attached to secure the access works, reinstatement of existing accesses, central reserve on Raynesway, visibility splays, parking and turning and pedestrian/ cycle access.

### **Original comments**

The principle of development of the site has been discussed in respect of historic pre-application discussions; and the Highway Authority has been satisfied in principle that the site can be accessed from the highway.

The proposals are for 122 apartments (split into two blocks) comprising 34 single, and 88 two bed units; together with 122 parking spaces (including 6 disabled spaces), and cycle storage for 25 cycles (nearby Block B). The site will have two access points – an "in/out" arrangement off Raynesway, and an "in" only off Belmore Way (which will entail alignment alterations along Belmore Way).

### **Parking**

The sections of Raynesway and Belmore Way fronting the site are subject to a "no waiting at any time" (double yellow lines) parking restriction. The other sections not covered by the markings are subject to a "clearway" order where stopping is not permitted.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

As previously stated, the application has 122 parking spaces to serve the 122 apartments.

It is assumed that this parking will be available to the flats on an allocated basis. However, if this is the case there is no space available within the site for visitors – unless it is the intent not to specifically allocate spaces, in which case it is probable that spaces will be available (albeit that this could serve to be a source of dispute between residents ~ this is not a highways issue).

It is suggested therefore that the LPA seek clarity as to the intent in respect of the allocation of parking spaces and strategy for visitor parking.

However, the site is in close walking proximity to the Alvaston Local District Centre amenities and the TA details that the site is in a sustainable location with access to bus services.

To the south of the site, a number of existing residential dwellings have vehicular access via an informal "service road" arrangement; this does not extend across the site frontage (there being a dropped crossing arrangement nearby number 47).

Whilst this arrangement works satisfactorily for the existing dwellings, it will not work for the new development due to the extents of the Traffic Regulation Orders covering the site. However, in order to prevent vehicles associated with the development gaining access to the site frontage via the dropped kerb arrangement it will be necessary for the applicant/developer to provide additional features (suitable bollards are suggested) nearby number 47.

This will have the effect of ensuring that visibility splays to the right on egress are maintained, and can be dealt with by appropriate condition.

In reality, parking in the vicinity of the site is controlled by parking orders, with it being considered unlikely that occupants would be willing to park on other adjacent streets due to their distance from the site.

Therefore, in highway terms, the development is considered to be in a sustainable location with adequate levels of parking provision proposed.

### **Access**

There are two proposed access locations to the site; an "in/out" arrangement along Raynesway and an "in" only access off Belmore Way.

For the access arrangements, drawing "001/A" shows the likely highway works for the accesses in more detail than drawing 4000.

The TA explains that a seven-day Automatic Traffic Count (ATC) survey was conducted along Raynesway (A5111), near the proposed site access for the development site and advises that the ATC survey results identified that the 85th percentile speed for vehicle heading northbound along A5111 Raynesway is 36mph, and 34.2mph for vehicles heading southbound.

However, no details of the precise location of the counts is provided, nor data provided to demonstrate how the 85th percentile figures were derived (for example whether the speeds are 'wet weather' speeds).

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

The location of the counters may be critical insofar as to whether vehicles were already decelerating to stop at the adjacent traffic signals.

It would be more usual to assess the speed of oncoming vehicles at the point at which they come into view, as this would be the point at which drivers assess whether it is safe for them to emerge; and to give approaching drivers adequate time to slow down (or stop) if necessary.

This information should therefore be made available for further consideration and validation.

The accompanying safety audit raises concerns in respect of visibility; and I note that there is no designer's response to this. However, I also note that the safety auditor did not appear to have access to the data concerned (in respect of vehicular speeds), or take physical measurements on site.

### **Trip generation**

According to the figures contained within the TA, "it is anticipated that the proposed development would generate approximately 38 two-way vehicle trips in the morning peak hour (7 arrivals and 31 departures), and 47 two-way vehicle trips in the evening peak hour (30 arrivals and 17 departures)."

My colleague in Transport Planning has suggested in his observations that the figures may be conservative and has requested further figures and from the applicant/developer to properly assess the likely impact of the development upon the highway network.

Until the requested information is provided, it would be premature to make comment upon the suitability of the access arrangement to serve the site and the effect of the development upon the adjacent highway network.

### **Internal access arrangement**

The Safety Audit has identified a potential issue with entering vehicles having to halt just inside the site due to the internal road layout. As previously mentioned, there is no designer's response to the safety audit conclusion and recommendation.

It is considered that a potential solution to this might be the provision of a "mini roundabout" arrangement within the site itself, which would serve to prioritise egress arrangements (with the exception of vehicles approaching the internal junction from the north) and reduce thereby the likelihood of conflict occurring.

The safety audit has also identified the lack of direct pedestrian/cycle access from the site onto the adjacent public highway (except at the access points) – again there is no designer's response to this concern.

The Highway Authority agrees with the safety audit and considers that it would be appropriate for the applicant/developer to consider this in more detail and to provide separate access paths to the highway from the site.

It is suggested that such access points should be provided adjacent to the southeast corner of the site (nearby the BT unit), nearby the traffic signal junction (which will require the parking layout to be amended) and onto Belmore Way (adjacent to the site entrance).

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

I note also that there's a road sign within the proposed egress location; this will need to be repositioned into an appropriate position as part of the construction works to construct the access.

### **Belmore Way access**

The application includes for the provision of a new access point off Belmore Way.

Drawing 001/A provides details of improvements to make this "in" only; including extending the existing central island and kerbing alterations to make the access unsuitable and undesirable for egress.

As previously stated, it is likely that vehicles approaching the site from the north will utilise this site access and therefore lead to less vehicles turning into the site direct from Raynesway.

An access in this location would also be advantageous in the (unusual) event of the primary access being closed for some reason (such as by an accident or roadworks).

### **Refuse collection**

At pre-application stage, the applicant/developer was advised that the council does not normally collect refuse direct from private developments; and that kerbside collection would not be appropriate for a development in this location.

Drawing 001/A shows vehicle tracking for such vehicles (and by inference other larger vehicles) to gain access into the site from Belmore Way (Belmore Way will be considered further in these observations); with it being the intent to exit out onto Raynesway.

Whilst the tracking has been shown for the council's standard refuse vehicle, the applicant/developer has also indicated in the TA (para 4.4.1) that "The proposed refuse collection strategy for the site will be via a private collection company"

This response is made upon the basis of this statement; it is nevertheless recommended that the LPA seeks advice from the Councils Waste Management Section to confirm that the intended size and location of the "garbage" store are suitable for purpose.

### **S278 works**

The development concerned will also necessitate the permanent closure to the existing refuge gap along Raynesway nearby the site access location; in order to prevent vehicles from attempting to "short cut" queues to gain access/egress onto and from Raynesway. The applicant/developer has been advised of this and has included such works on drawing 001/A.

I note that there's apparently a street nameplate within the proposed access. This will need to be repositioned to a suitable location.

The site already has existing accesses which will not form part of new site proposals. These existing accesses will need to be closed and fully reinstated.

Notwithstanding the development shown on any approved application plans, works to alter the access configuration and make changes to islands and the highway (as discussed above) will be the subject to agreement under Section 278 of the Highways Act 1980 between the developer and the Highway Authority.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

The Applicant/Developer should note that the construction works will inevitably lead to additional damage/reinstatement of the site frontage along Raynesway. The Highway Authority will seek for the site frontage to be improved and/or fully reinstated as shared use cycleway/footway (as part of the Section 38 Agreement works).

### **Recommendation**

In order to properly be able to consider its response to the application, the Highway Authority requires additional information in respect of the following:-

1. A copy of the designers response to the problems raised in the safety audit, together with any revised designs brought forward as a result of the safety audit and the above Highway Authority comments.
2. Details of the location of the speed survey, together with data to validate the conclusions made by the applicant.
3. Revised trip generation figures (and a satisfactorily revised TA) as required by my colleague in Transport Planning.

### **5.2. Environmental Services (Health – Pollution):**

#### **Revised comments to updated Noise Assessment (October 2017):**

1. The main update in the report has been to include a revised balcony balustrade height of 1.4m (previously 1.0m).
2. The report also provides some additional discussion around the Professional Practice Guidance on Planning and Noise for new residential development (CIEH, IoA and ANC - May 2017).
3. The purpose of the amendment to the balcony balustrade height is to provide additional noise protection to the outdoor amenity areas (balconies).
4. I would accept that that the increase in balustrade height would afford a degree of additional protection to future occupants when they are seated in the balcony area. The additional height would, however, only afford a negligible increase in noise protection during periods when occupants are standing.
5. No further evidence or mitigation is offered in respect of internal noise levels and therefore my comments remain unchanged in this regard.

### **Conclusions**

6. Whilst the amendment provides a degree of additional protection, the updated noise report does not affect the Environmental Protection Team's conclusions of 8th September 2017.
7. I still have concerns over noise impacting upon future residential amenity and I would maintain the suggestion for a noise-related condition should planning permission be granted.

#### **Original Comments (September 2017):**

With respect to the two Geo-environmental Reports, please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigations, other than in a land contamination context.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

### **Geo-environmental Report – December 2016**

1. The report includes a Phase I desk study examination of the site and its relevant history as well as a Phase II intrusive investigation.
2. The site considered within the report accords with the site being considered within the planning application, with the exception of a small parcel of land at the northern boundary of the site, between the site and the adjacent Belmore Way (which is considered in the later report).
3. The conceptual site model (section 6.0) appears to identify the main potential sources of contamination on and off-site.
4. The intrusive investigation includes a series of trial pits and boreholes and provides reasonable site coverage and includes one targeted sample location around the location of the historical underground storage tank on site.
5. Appropriate screening criteria have been used to assess the sample results, namely Category 4 Screening Levels (C4SLs) and Suitable 4 Use Levels (S4ULs) with respect to a residential land-use scenario.
6. Contamination levels in excess of the screening criteria were noted following statistical analysis (using 95% UCLs) for a number of contaminants within the made ground subsoil on site, namely for lead and three different PAHs. Asbestos fibres were also identified in a soil sample taken at 0.4m depth and additional 'hotspots' of arsenic, PAH and TPH were also identified within the made ground on site.
7. The made ground is therefore considered to pose a significant risk to future occupiers of the development in the absence of any remediation.
8. The report recommends that all proposed garden areas should be covered with a minimum of 600mm clean soil, with the addition of a 'hard to dig' layer or demarked geotextile membrane beneath. A minimum of 500mm of clean soil is recommended for soft landscaped areas other than gardens.
9. Ground gas monitoring undertaken on site indicates that gas protection measures will be needed within buildings on site. The report recommends measures in line with CS2 (CIRIA) or Amber 1 (NHBC).
10. Additional asbestos investigation is also recommended within the vicinity of sample location TP08, with further consideration of the potential for more widespread asbestos contamination across the site.

### **Geo-environmental (Addendum) Report – May 2017**

11. The purpose of the 2017 addendum report was to provide further geo-environmental assessment of an additional parcel of land (referred to in the report as Parcel B) located to the north of the land originally assessed within the December 2016 report (which is now referred to as Parcel A). The report also

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

includes further delineation of asbestos contamination across Parcel A, as recommended by the earlier investigation.

12. The report includes both Phase I and Phase II investigations in line with the methodology employed in the 2016 report for Parcel A.
13. Again, the conceptual site model (section 6.0) appears to identify the main potential sources of contamination on and off-site.
14. A total of 3 boreholes were installed to assess the strata within Parcel B, with a further 24 hand-dug trial pits (identified by the code VP) carried out across Parcel A to provide additional asbestos analysis.
15. A more limited gas monitoring regime was implemented within Parcel B than had been undertaken at Parcel A, due to the extensive data already obtained from the 2016 investigation. This approach seems reasonable.
16. Identical screening criteria to those used in the 2016 assessment were used in the 2017 assessment.
17. A number of exceedances of screening criteria were detected from the sampling from Parcel B (PAH and TPH), however no samples in either parcel A or B revealed further asbestos contamination of the soil.
18. The remediation proposals are broadly in line with those recommended for Parcel A, with the additionally protective recommendation to include a 'hard to dig' layer or demarked geotextile membrane beneath the clean soil cap within both gardens and all other proposed soft landscaped areas.
19. Although the investigation did not reveal any significant issues with ground gases, the report recommends that any buildings proposed on Parcel B incorporate the same measures as those proposed for Parcel A.

### **Conclusions and Recommendations (both reports)**

20. I would accept the results and recommendations made in the reports.
21. A detailed Remediation Strategy, with accompanying validation proposals, in line with the recommendations provided in the two reports, is recommended for submission and agreement before the development commences. I would recommend the attachment of a condition requiring this to any planning consent, should it be granted.
22. I would also recommend a further condition requiring the submission of a Validation Report, following incorporation of all aspects of the agreed Remedial Strategy within the development, for agreement before the development is occupied.

### **Air Quality Assessment**

23. The report and subsequent July 2017 Addendum includes an assessment of both construction related effects and also 'operational' air quality impacts arising from additional traffic generated by the proposed development.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

### **Construction Dust**

24. The construction dust assessment includes a determination of significance based upon IAQM (Guidance on the Assessment of Dust from Demolition and Construction, 2014) criteria.
25. Section 7 of the report outlines construction dust mitigation measures, which appear sensible. The proposed measures should be detailed within a specified construction management plan.
26. The report concludes that construction dust impacts should not be significant provided that the proposed mitigation measures are followed.

### **Operational AQ Impacts**

27. Predictions of air pollution levels, in terms of NO<sub>2</sub> and PM<sub>10</sub> at the site, have been undertaken for the operational phase of the development using the modelling tool ADMS Roads.
28. The assumed opening year of the development is 2027. Having an assumed opening year so far in the future has the effect of watering down air quality impacts, since air quality is predicted to improve further into the future due to technological improvements to road vehicles. There are however significant uncertainties with predictions so far in the future and the use of an earlier opening year would have been more appropriate.
29. The modelling was based upon traffic data produced within a supporting Traffic Assessment, however it is notable that this assessment does not provide traffic flow data for the A5111 Raynesway. Instead, national fleet data from DfT was used, with a 1.26 TEMPRO factor applied.
30. I note that the Emission Factor Toolkit Version 7.0 (2016) was used in the assessment. This is a version which is now acknowledged to be unrepresentatively optimistic for certain vehicle classes, most notably diesel cars and LGVs and does not take account of the latest NAEI values. I do acknowledge however that the latest version of the EFT has not yet been publicly released.
31. The report includes an assessment of the opening year of 2027 applying DfT emission rates which assumes reductions in emissions for future years (referred to as Scenario 1), but also includes an assessment applying 2014 emission rates to 2027, assuming no reduction in emissions (Scenario 2). Given the well-known uncertainties surrounding future emission rates, this is considered to be a robust approach.
32. The results of the Scenario 2 approach are not included within the main report (instead being moved to an Appendix at the back). There is some brief discussion on the Scenario 2 assessment within the conclusions in section 8.
33. Following some confusion around the specific locations of the chosen receptor points in the May 2017 report, an addendum has been produced (July 2017) which includes considerably more receptor locations and better reflects the closest facades of the proposed building to the adjacent roads.



## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

- 
34. The assessment results in all cases suggest only small increases in NO<sub>2</sub>/PM<sub>10</sub> as a result of development-generated traffic (maximum of 0.2µgm<sup>-3</sup>). Whilst the AQO is expected to be breached at existing receptors R1 and R3 (with or without the development), the report describes the resulting impact as 'negligible'.
  35. According to the more conservative Scenario 2 assessment, receptor R3 (located at 4 Raynesway) would expect to see an exceedance of 117% of the AQO, with an associated development contribution 0.5% of AQO. This would be described as a 'moderate impact' according to the IAQM/EPUK Guidance used in the assessment, albeit with a relatively small development contribution. This is contrary to the suggested 'negligible' impact stated in section 8 of the report, which apparently only acknowledges the Scenario 1 assessment results.
  36. It is acknowledged that the assessment indicates that any new receptors created by the development itself (i.e. future occupants of the development) are unlikely to be exposed to levels of NO<sub>2</sub>/PM<sub>10</sub> in excess of the national air quality objectives in either Scenario 1 or Scenario 2.
  37. This is primarily due to the distance separation between the receptor locations and the kerb side, however it should be noted that the predicted levels under the Scenario 2 assessment very nearly exceed the annual AQO/EU Limit of 40µgm<sup>-3</sup>, with a predicted level of 39.18µgm<sup>-3</sup> at PR4 and 39.65µgm<sup>-3</sup> at PR16.
  38. It is important to note that the AQO/EU Limits should be regarded as government policy limits and while they do take into account health, they also take into account other considerations, including economic feasibility. Current and emerging evidence is clear that levels of NO<sub>2</sub> that exist below the standards should not be regarded as 'safe levels' with respect to human health and so any levels so close to the objectives should be considered accordingly.

### **Conclusions on Air Quality**

39. As the report acknowledges, it is now generally accepted that there is significant uncertainty around attempts to predict air pollution levels in the future. In practice, the future levels of NO<sub>2</sub> within sensitive locations near to the site will probably lie somewhere between the predictions presented under Scenario 1 and Scenario 2 in the report and are dependent upon a large number of variable factors.
40. In all cases, the specific contribution to local NO<sub>2</sub> from traffic generated by the development itself is likely to be relatively low (modelled maximum of 0.20µgm<sup>-3</sup> of NO<sub>2</sub>) and therefore it would be hard to justify full refusal of planning permission solely on this basis.
41. All the same, even such modest increases of roadside NO<sub>2</sub> will inevitably impede the Council's effectiveness at compliance with the air quality limits in future years. Consequently, the Environmental Protection Team would strongly recommend that the developer puts forward a scheme of air quality mitigation measures, to minimise the impact of the development on local air quality.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

- 
42. The requirement for a mitigation strategy should be secured by condition and I would note that the proposals should be significantly more detailed than the mitigation options mentioned in section 7.2 of the report. The detailed scheme should be agreed with the Council before the development commences and all measures should be fully implemented before the development is occupied and kept in place in perpetuity.
  43. In terms of air pollution exposure for future occupants of the development, this Department has concerns for the health of future residents. I also note that exceedances of the air quality objectives would be likely in the event that the proposed dwellings are located any nearer to the road than is currently proposed.
  44. Whilst I appreciate that the application will be decided on the current plans, which propose to place the nearest dwelling facades some distance away from the kerb, I would strongly recommend an advisory note stating that this Department would have significant concerns for health from air pollution in the event of any future amendments to the plans which suggests the movement of dwelling facades any closer to the kerb of the adjacent Raynesway.

### **Noise**

45. The development proposes to expose new residents to a location with known high existing levels of road and industrial noise. In support of the application, a noise assessment has been submitted (19th May 2017, WYG). I also refer to a further submission from WYG, dated 7th September 2017, which was produced in response to some points of clarification I raised by email on 1st September 2017. I can comment on the report and letter and their findings as follows.
46. Noise level predictions have been based on CADNA noise modelling and have been verified using a relatively extensive set of local measurements.
47. Internal ambient noise levels have then been calculated assuming a sound reduction of 31dB (standard double glazing) or a reduction of 10dB (assuming an open window).
48. For outdoor amenity areas (in this case apartment balconies) a 1.0m barrier is assumed to account for the balcony fencing/parapets.
49. Mitigation, in the form of a glazing and ventilation specification, is also provided in the report to demonstrate compliance with BS8233 standards for daytime and night time L(A)eq and L(A)max values. This is described for each receptor location in Table A1 in Appendix B.
50. The report acknowledges that the level of noise predicted within outdoor living spaces (namely the proposed balcony areas serving some of the apartments) exceeds recognised criteria for acceptable noise amenity (up to a maximum of 56.9dBL(A)eq,16hr daytime versus the WHO/BS8233 standard of 55dB).
51. Furthermore, this takes into account the effect of a 1m barrier (proposed at the front of balconies), which in practice would only provide any notable noise attenuation if an occupant is sitting down and not when they are standing, since the assessment uses an assumed receptor height of 1.2m. In practice, any occupants standing on their balcony would experience noise levels at least 6 or

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

7dB higher than the recommended standard and presumably even higher than this as a result of the significant reflections from the 5 surfaces present in a recessed balcony.

52. There is little option for additional noise mitigation in these areas, therefore many of the balcony areas are considered to be an unsuitable living environment for future residents.

### **Conclusions on Noise**

53. The report highlights that future residents of the proposed apartments would experience excessively high levels of noise within some of the proposed outdoor amenity areas (balconies) and also within some bedrooms/living rooms should resident's windows be kept open.
54. As a result, the Environmental Protection Team would have concerns over the suitability of the level of amenity provided by the apartments should planning permission be granted, even with the proposed mitigation measures in place.
55. Consequently, the Environmental Protection Team believes that a refusal of planning permission solely based on noise amenity grounds could be justified in this case, given the expected high levels of noise within outdoor amenity spaces, but also due to potential sleep disturbance arising from short-duration peak (L(A)max) levels at night, should anyone wish to keep their windows open.
56. The Environmental Protection Team does however acknowledge that any future occupants should be entirely aware of the existing noise environment before making a decision to purchase/rent an apartment and the likelihood of complaint is probably low as a result. Consequently, the desirability of the development in this location is an important consideration within the context of National Planning Policy.
57. Should planning permission be granted irrespective of the concerns regarding noise amenity, the Environmental Protection Team would strongly recommend the attachment of a condition, requiring the submission of a detailed window/ventilation scheme to be agreed with the LPA (pre-commencement) and incorporated into the development in full (pre-occupation).

### **Construction Noise and Dust**

58. Given the scale of the Development and its proximity to sensitive receptors i.e. residential dwellings, the Environmental Protection Team would recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the Development, should permission be granted.
59. The statement will need to provide detailed proposals for the control of dust and other air emissions from the site, having regard to relevant guidance, for example guidance produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012).
60. Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

- 
61. We would strongly recommend the inclusion of a condition requiring the above, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.
  62. We would also recommend the attachment of an advisory note to any consent, with the advice contained in points 59 and 60 above.

### **5.3. Highways (Land Drainage):**

#### **Revised comments to updated Flood Risk Assessment (July 2017):**

I have reviewed the revised FRA by Rodgers Leask (Revision B, May 2017) and noted the inclusion of the Party Nook Brook in the assessment. It has been clarified that the surface water from the site will discharge to the Party Nook Brook which then feeds directly into the Severn Trent sewerage system. This will be at the agreed rate of 5l/s, requiring 385m<sup>3</sup> attenuation storage to allow for rainfall up to the 1 in 100 plus 40% climate change.

However there is still a need for a detailed drainage scheme to be submitted following planning consent to ensure that the drainage system, when designed in more detail, is compliant with current policy and best practice.

I have noted the Triton system to be used, which may be acceptable only after more preferable options of managing surface water have been excluded. In particular, there is potential that this site can be entirely drained (roof water and car park) via tanked permeable paving and associated sub-base for attenuation. This would manage silt at ground level and would make maintenance (and possibly construction) more cost effective.

Therefore, I would still recommend that surface water drainage condition be imposed on planning permission for this site.

#### **Original Comments:**

The proposed development sits on predeveloped brownfield land which is predominantly hard paved. The site is located within Flood Zone 2 and 1 according to the Environment Agency and the Council's SFRA. However, the applicant has submitted a flood modelling report as part of the Flood Risk Assessment which suggests that the flood zones are inaccurate due to the presence of the Alvaston Bypass which effectively acts as flood defence. This was not taken into account when determining the flood zones and SFRA.

However, the FRA and the modelling report have not taken into account the Party Nook Brook which is a culverted watercourse beneath the site, crossing the northern end of the site. This watercourse is an 825mm culvert which discharges to a public sewer near to the Raynesway junction. This will not have been accounted for in the Environment Agency flood zones. However the site is likely to be at low risk of flooding from this watercourse as flood water is likely to act like surface water in a flood event, and the area is not shown as at significant flood risk.

The outline drainage scheme has indicated that drainage will be to an 825mm Severn Trent public sewer. Our records indicate that the Party Nut Brook culvert is 825mm so I would ask the applicant to confirm whether they intend to connect to the

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

Party Nut Brook rather than a public sewer which is located nearby. The drainage and development proposals need to demonstrate that the Party Nut Brook can be accessed properly for maintenance by the landowner and by the Council in emergency situations where we have a right to undertake reactive maintenance on private land. Our permissive right should not be compromised by this development.

The FRA states that a Triton Storm water System will be used to provide attenuation and some degree of treatment for surface water. A better system would be to use more holistic SuDS that provide better surface water treatment and biodiversity/amenity value, or permeable paving with an impermeable liner.

Generally though, I can accept this development only if it is implemented with a good quality SuDS scheme considering the site constraints, as required by local and national planning policy (Written Statement HCWS161). Therefore I recommend that a condition is imposed to secure an appropriate surface water drainage scheme for the site.

### **5.4. Housing Strategy:**

To be reported.

### **5.5. Police Liaison Officer:**

There are no reasons in principle why residential development of this site would not be acceptable from a community safety perspective with the layout and massing proposed. The size of residential blocks proposed would present challenges for the safe and convenient movement of residents and visitors, but nothing that couldn't be resolved by conditions.

In respect of building treatment my view is that outlook could be improved by an alternative layout arrangement to the north facing end elevation of block B and the east facing end elevation of block A, to maintain street-scene continuity and bring an outlook onto external areas and the surrounding road network from within apartments.

At present these end elevations are untreated with a central climbing framework for a green wall. There is a view from end apartment balconies and a recessed door, but this requires active rather than passive supervision.

If the end apartments for these two end elevations were type A or B rather than type C, living areas would form the end elevation and provide the opportunity for window treatment and an outlook from all end apartments. I would add for information that on block floor plans the type C apartment is shown with 3 bedrooms and no living space.

In respect of external treatment 3D plans show a box hedge forming much of the site perimeter boundary, although this isn't shown on any floor plans so is taken to be indicative only.

The site currently has a secure mixed industrial treatment which clearly isn't appropriate for a residential setting, but I do consider that given the size of the site and amount of external peripheral parking, there needs to be a strong boundary definition between the private residential street and adjacent roadside.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

A box hedge would take some time to establish itself, and then require constant maintenance to keep an acceptable appearance, avoid becoming overgrown and restricting sight lines to the detriment of community safety.

For the outer two site boundaries I recommend that consideration should be given to a robust and visually permeable permanent treatment to provide enclosure other than at access points.

A low wall and rail for example with low growing species forming any soft edge.

I note that the existing sub-station isn't shown on any of the indicative 3D plans

Approval should be conditional upon an approved external lighting scheme for parking areas, pedestrian walkways and apartment entrances.

The previously mentioned challenges of scale will necessitate a workable access control and entry provision to keep internal areas private and secure, whilst permitting residents to allow visitor entry.

This provision I'd recommend should again be a condition of approval.

The cycle storage provision should provide full 'Sheffield' type hoops for securing frame and wheels with a lockable main access door or grille.

## **6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

### **Derby City Local Plan Part 1 - Core Strategy (2017)**

- CP1 a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP7 Affordable and Specialist Housing
- CP10 Employment Locations
- CP23 Delivering a Sustainable Transport Network
- MH1 Making it Happen

### **Saved CDLPR Policies**

- GD5 Amenity
- EP4 Proposed Employment Site
- H13 Residential Development – general criteria
- E12 Pollution
- E17 Landscaping Schemes
- E24 Community Safety
- E30 Safeguarded Areas around Aerodromes
- T10 Access for Disabled people

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

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The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%2017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

#### **7.1. Policy Context**

#### **7.2. Design & Amenity**

#### **7.3. Highways and Access**

#### **7.4. Other Environmental Impacts**

#### **7.5. Section 106 Agreement**

#### **7.6. Planning balance and Conclusions**

### **7.1. Policy Context**

This is a full application which seeks permission for the erection of two separate residential apartment blocks on a brownfield site in Alvaston. The site, which is currently vacant land at the junction of Belmore Way and Raynesway (A5111) would be developed for up to 122 one and two bed apartments.

The site is immediately adjacent to Raynesway and the main proposed access is to be served from Raynesway which is a dual carriageway in this location. However there is also a proposed ingress only from Belmore Way to the north of the site.

The local plan for the city comprises the Derby City Local Plan Part 1 (The Core Strategy) and saved policies of the City of Derby Local Plan Review. The Core Strategy was formally adopted by the Council on 25 January 2017. Its policies carry full weight and are considered to be consistent with national planning policy.

The site was previously a builder's depot and had been in employment use for a long period until it became vacant. The buildings on site were demolished in the past 2 years. The land is not allocated for any specific purpose in the adopted Derby City

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

Local Plan – Part 1. However, it is within the safeguarded areas around aerodromes, covered by saved Policy E30. Whilst the proposal is for a tall building, it does not qualify as a development which may impact on the aerodrome.

The land immediately to the north of the site, off Belmore Way is allocated in the saved City of Derby Local Plan Review under Policy EP4 (West Raynesway) as proposed employment land. It is currently being developed for industrial development, for a variety of B1, B2 and B8 uses. A small area to the north of the application site is also covered under the EP4 designation, which dates back to before the junction improvements on the A5111 and the Alvaston by-pass (A6). The site is also situated on the edge of the residential area of Alvaston, which lies to the south, west and east alongside Raynesway. The area is characterised by traditional two storey housing.

Despite the employment allocation, which includes the northern part of the site, the site amounts to pre-developed land which is vacant and is suitable in principle for some form of residential development. The main issues to consider are whether the development is capable of forming a high quality living environment, given the existing employment uses and major transport infrastructure in the vicinity of the site. This gives rise to the need to consider amenity issues including noise, vibration and air quality. Regard should also be had for the place-making principles of the local plan, the character and context policy and other more detailed matters relating to access and egress, parking, and climate change matters.

### **General Principles**

Both the NPPF and the adopted Derby City Local Plan- Part 1 (DCLP) seek to approve applications for sustainable development and so the sustainability credentials of the proposal are key in determining the application. The three elements of sustainable development are social, environmental and economic sustainability and these should all be considered as part of the process of determining the application. The proposal needs to meet all three elements in order to be acceptable. In particular policy CP1(a) reflects the Council's policy on the presumption in favour of sustainable development.

Policies CP2 (Responding to Climate Change), CP3 (Placemaking Principles), CP4 (Character and Context) are all relevant and should be considered and given due weight. Saved policies of the adopted City of Derby Local Plan Review, H13 and GD5 are also still relevant.

In particular, CP2 deals with the sustainable location of development and the sustainable construction of buildings. The location of the site has reasonable connectivity and transport links. It is reasonably close to Alvaston District Centre which offers a wide range of local shops and facilities. However, the location must also be considered in the context of surrounding/neighbouring uses. In particular the existing and potential future employment uses to the north require careful consideration. The close proximity to the busy trunk road (Raynesway) is also a locational factor that could have negative impacts, particularly in terms of noise and air quality. These environmental impacts are considered further later in this section.

Policy CP2 also covers Renewable Energy, Sustainable Design and Construction, Flooding and Drainage. The policy encourages renewable energy and consideration



## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

of the energy hierarchy and water hierarchy to make development more carbon neutral and combat climate change. The local plan does not set specific targets which must be met but the way that proposals respond to these aspirations can weigh in the planning balance.

The general design principles of the scheme are considered in the adopted Policies CP3 and CP4. Policy CP3 (Placemaking Principles) is about providing high quality designs which are well integrated into their surroundings. The policy sets out criteria which should be met to achieve this overall objective. Similarly, CP4 (Character and Context) sets out criteria which should be applied to ensure that all development proposals make a positive contribution to the character, distinctiveness and identity of neighbourhoods.

The proposed apartment buildings are of a significant scale and height so this also requires careful consideration.

These policies carry through the design intentions of saved Policy H13 (Residential development- general criteria) and GD5 (Amenity), which seek high quality residential development, in terms of provision of living environment and safeguarding local amenity.

In this case Policy CP10 (Employment Locations) is also a relevant policy, due to the previous employment use of the site. Although the land is now vacant its previous use was employment and therefore if it were developed for housing it would technically be a loss of employment land. CP10 identifies that in some cases it may be appropriate to develop areas of existing employment land or buildings for alternative uses. The policy sets out criteria (g) to (k) which should be met if such a change is to be allowed. Criterion K is noteworthy as it requires that where employment land is lost to residential uses a satisfactory living environment is created.

The policy also seeks to protect particularly important employment areas including Raynesway and includes further criteria (l) to (n) which should be met. The thrust of this part of the policy is that the employment generating potential of the area should not be devalued and that the overriding commercial character of the area should not be undermined. These factors should be considered in assessing how the proposals sit within the wider environment. This site is in some ways more related to the residential area of Alvaston to the south than it is to the industrial and business premises along Raynesway and the Derby Commercial Park which are to the north of the site and segregated by the major road junction. The new industrial units on Belmore Way are close to the site, although I do not feel they would be inhibited by the new apartment scheme. The residential proposal is sufficiently distant from the existing and emerging commercial activity not likely to undermine the employment generation of those locations.

### **Housing Supply**

The Derby City Local Plan – Part 1 was adopted on 25 January 2017, with a target that 11,000 net new dwellings should be provided in the city between 2011 and 2028. The strategy for delivering the new homes includes an allowance for windfall sites to come forward and the allowance included in the housing trajectory for windfalls is 75 dwellings a year. The application site would contribute towards the housing target as

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

a windfall site, since it was not identified through the local plan process. Subsequent land availability surveys and assessments indicate that at 1 April 2017 the Council could demonstrate a supply of deliverable housing sites to provide for 5.35 years.

The NPPF requires that Local Authorities maintain a five year supply of deliverable sites. Policy CP6 (Housing delivery) commits the Council to maintaining this supply going forward. It is therefore important that more sites come into the supply as time passes. If developed, this site could contribute towards the housing land supply. If approved and delivered, the site could provide a significant contribution to the housing supply as a windfall site.

### **7.2. Design & Amenity**

#### **Design**

In considering the design and form of the apartment scheme in the context of the surrounding area, regard must be given the requirements of adopted Policies CP3 and CP4, as well as saved policy H13.

The proposed development would consist of two residential blocks; Block A which has three floors and 42 apartments and Block B which has 8 floors and 80 apartments. The two buildings would be centrally located within the site with internal access roads and parking provision set out around the perimeter boundaries. The blocks would both be of similar form, layout and design, constructed of pre-fab concrete panels, with large window openings and glazed balconies. The use of climbing planting on the blank end elevations of each block is intended to visually soften the appearance and scale of the buildings. The proposal is of a contemporary design, which is European in style and is intended to be complemented by a landscaping scheme, which incorporates the “green wall”, planting areas and trees/hedges along the site boundary.

The development amounts to two stand alone blocks, set within a private and landscaped car parking area, which are substantial in scale and Block B in height. The buildings would be prominent additions to the local street scene and Block B in particular would represent a tall building in this street context. Block B would be highly visible from the local road network, particularly from Raynesway, Belmore Way and the A6 bypass to the north of the site.

The development as a whole would have a strong visual presence in this locality, although it would be viewed in the context of a major transport corridor and employment premises, to the north, some which are also substantial in scale. The site is also located on the edge of an established residential area of Alvaston, which is characterised by mainly two storey dwellings.

The existing housing abuts the site boundary to the south and west and to the east of the dual carriageway of the A5111. The eight storey Block B is orientated towards the north west corner of the site, which fronts directly onto Raynesway and the adjacent telephone exchange and is in close proximity to Belmore Way. In terms of visual impact it would be separated from the nearby housing by the three storey Block A, which fronts towards the properties to the south. The overall scale and height of the built form would step up from the two storey houses on Raynesway and Eden Street, to the three storey Block A and on to Block B, which relates more closely to the

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

adjacent road network. The form and scale of the development would not therefore appear overly dominant in relation to the residential properties in the wider area.

The layout of Block A maintains a similar building line to the adjacent dwellings at 45-47 Raynesway, whilst Block B is set back further into the site from the highway frontage. The scale of the blocks, would appear lessened by the landscaping treatment and parking areas which front the building, when viewed from the Raynesway/ Belmore Way junction. Whilst the development would present a limited active frontage to the street on Raynesway and Belmore Way, the nature of the road frontage in this location is such that housing facing directly onto the road would not be desirable, due to noise and air quality issues.

The massing, height and scale of the proposed apartment scheme is considered to be appropriate in this location, given the context of the adjacent transport corridor and the relationship with the nearby employment and residential uses in the surrounding area. Overall the proposed residential development is considered to be of design, scale and layout which would integrate successfully with and complement the street scene in this location and accordingly it is in line with the objectives of Policies CP3, CP4 and saved Policy H13.

The proposed apartments would comprise 1 and 2 bed units, set out within the two blocks. The units would be reasonably large in floor area and each includes a private balcony, giving some outdoor amenity space for use of the occupants. The layout is also orientated to avoid overlooking between the apartments and between the blocks. Setting aside the issues of noise and air quality, which are dealt with separately in the later section, the form and layout of the apartments would create an acceptable living environment within a self contained site, which is accessible to local facilities in Alvaston and various transport routes.

The development also includes the provision of a large number of solar PV panels on the roof of both apartment blocks, which would provide a renewable energy supply for the buildings. This gives sustainable design credentials to the scheme and would assist in reducing the energy costs of the development, which meets one of the aspirations of Policy CP2.

### **Amenity**

There would be impacts on the amenities on the nearby residential properties, which abut the site to the south on Raynesway and west on Eden Street. This is due to the scale and mass of the development, relative to that of the two storey housing in the surrounding area. However, the layout and orientation of the two apartment blocks is such that they would not have a significant adverse impact on residents amenity, in respect to massing, overlooking or loss of light. The dwellings at 45-47 Raynesway are directly to the south of the site and would be at a distance of approx. 20 metres from the principal elevation of the three storey Block A. This block would front onto the flank side elevation of 47 Raynesway, which has no window openings with the car parking area abutting the boundary. Due to the distance and the orientation of the apartment building, there would not be an unreasonable loss of privacy or massing to those dwellings to the south, arising from the siting of Block A. The rear of properties at 104 – 106 Eden Street would front onto the flank end elevation of Block A, at a distance of between some 29 – 35 metres. This end elevation would be blank and

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

the relationship would not give rise to a harmful impact on their living environment in terms of massing or daylight.

The eight storey Block B is to be sited at a further distance from the nearby residential properties, being positioned closer to the transport junction to the north west of the site. It would face towards the telephone exchange to the east of the site. Block B would be of a substantial height and scale and accordingly it would be visible from those dwellings, which are in the vicinity of the site. There have been considerable objections made by local residents to the height of the building and concerns have been raised about overlooking and loss of amenity. It is clear that Block B would have a significant visual impact on the surrounding area, due to its height and scale and the open aspect of the site, fronting onto the transport corridor. Having taken this into account, the building would not directly abut any of the neighbouring residential properties on Raynesway and Eden Street and the three storey Block A would provide some screening and separation from those nearby houses. In terms of distance Block B would be approx. 50 metres from the side wall of 47 Raynesway and some 67 metres from the rear elevation of the 106 Eden Street, which are the nearest affected dwellings. These distances are sufficient to avoid any substantial loss of privacy or daylight to those properties, also taking into account existing buildings and Block A, which will partially obscure views of Block B from those houses.

Houses to the east of Raynesway would have prominent views of the apartment development, although this would be across a dual carriageway which is some 30 metres wide. The nearest properties are semi-detached dwellings located towards the south of the site at 46-48 Raynesway and 98 Beech Avenue. The latter has a side elevation which faces the site. Both sets of dwellings are in an elevated position relative to the highway and would be some 45-46 metres distant from the end elevation of Block A and some 60-70 metres from Block B. With such distances, separated by a major road, there would be no significant harm to the living conditions of those properties, as a result of overlooking or massing effect from the proposed apartments. Terraced houses on Metcalfe Close off Alvaston Street, would also be some 70 metres from Block B and their principal elevations are south facing, such that they do not face towards the site. The impact on their amenities and privacy would therefore be limited.

In conclusion, the proposed apartment scheme includes the provision of two large residential buildings, in particular a relatively tall building on the edge of traditional housing area. Despite concerns about the adverse impacts of the apartment blocks on the amenities of nearby residents in the surrounding area, the layout and siting of the proposal has been considered, such that there would be no unreasonable effects in terms of overlooking, massing and loss of daylight to the living environment of residents who are in proximity to the site. The amenity considerations set out in saved policies H13 and GD5 of the adopted CDLPR are therefore satisfactorily met.

### **7.3. Highways and Access**

#### **Traffic Impacts**

The application site is located on the edge of Alvaston and served of a main transport corridor around the east of the city, at the junction of the A5111 Raynesway and A6 Alvaston by-pass. It is also located just north of the Alvaston District Centre. The vacant brownfield site is in a sustainable location in the city, accessible to pedestrian and cycle routes alongside Raynesway, Belmore Way and the river corridor and to bus routes along the A6 London Road. The site is well connected to the road network and sustainable transport routes, around the east of the city and is in close proximity to local facilities and District Centre at Alvaston.

The application is accompanied by a Transport Assessment (TA) and framework Travel Plan. A Stage 1 Safety Audit has also been provided to consider the road safety implications of the proposed scheme. An updated Safety Audit was submitted during the life of the application in response to concerns raised by the Highways Officer in relation to the access arrangement and impacts on the trunk road network.

The TA assesses the impacts of the proposed apartments on the local highway network. The traffic generation of the new residential use on the site considers the transport impacts at peak times on the A5111/ A6 roundabout junction and on A5111/ Belmore Way junction. The sole access out of the development site would be onto the dual carriageway of the A5111 Raynesway, close to the roundabout junction with the A6 and Belmore Way. It would be a left turn only arrangement onto the north bound carriageway which frequently queues to the roundabout junction. There are known to have been traffic accidents at this junction and some remediation works have been carried out to the junction to improve highway safety. The Highways Officer agrees that the apartments would not give rise to a high traffic generation onto the trunk road network. Following the submission of the revised Safety Audit, there not considered to be any material impacts arising from the additional traffic flows on the A5111/ A6 roundabout junction.

As a result the Highways Officer is not seeking any significant off-site highway improvements to be undertaken, to mitigate the impacts of the development. There are some minor works recommended to prevent parking on the Raynesway footway fronting the site by installing bollards towards the south of the site, where it meets the residential properties. However, the development would result in a growth of traffic on the road network and as a consequence a contribution towards improvements to the A6 transport corridor has been requested, for works around Alvaston District Centre and the strategic cycle route 6. This would normally be secured through a Section 106 contribution, which is discussed in more detail at the end of this section.

The proposed access arrangement for the development, involves the formation of two points of ingress onto Raynesway and Belmore Way, with sole access onto the north bound side of Raynesway. The provision of a second ingress onto Belmore Way is beneficial in the event that the Raynesway carriageway is closed for some reason.

The parking provision for the development is to be 122 parking spaces, which equates to one space per unit. This includes four disabled spaces. The car parking area is to be served off a circular internal access road within the site and the surrounding highway has parking restrictions which would discourage unauthorised

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

parking, so it is unlikely that there would be a substantial risk of on-street parking in around the site in the event that the parking is full. The level of car parking is considered to be acceptable in this accessible and sustainable location and is complemented by the provision of cycle parking storage on site. It is therefore considered to be policy compliant in line with the Council's Local Plan parking standards.

There are existing pedestrian and cycle links which extend along the frontage of this site and provide good connections from the development to Alvaston District Centre and to the strategic cycle route along the River Derwent, to the north of the site. The development would therefore be highly accessible for walking and cycling to local retail and community facilities in Alvaston as well as to the city centre. The proposed layout has not shown any footway or cycle routes through the development site and the Highways Officer is of the opinion that such separate provision from vehicular traffic should be provided in the interests of pedestrian safety. I am in agreement with this concern, although satisfied that priority routes for pedestrians and cyclists can be secured within the layout, without compromising the number of car parking spaces which are proposed on the site. Pedestrian and cycle access into and through the development site can be appropriately secured through a suitable planning condition.

Overall, the transport implications of the scheme are considered to be acceptable in this location and the access and parking arrangements are appropriate subject to the use of suitable conditions. The development would therefore be consistent with the intentions of Policy CP23, which seeks to promote sustainable transport and provide safe and suitable access arrangements for new development.

### **7.4. Other Environmental Impacts**

#### **Noise**

The proposed residential development would expose new residents to a location which has known high existing levels of road and industrial noise. The site is located fronting a major transport route around the city and is close to a number of employment sites, which are cumulatively generators of significant levels of noise. In support of the application, a Noise Assessment has been submitted and a further addendum report provided in September 2017 which proposes mitigation measures for the noise impacts.

The assessment and addendum concludes that the apartments would be exposed to noise disturbance, particularly to the outdoor balcony areas and to the bedrooms/living rooms particularly in the evening period. In order to mitigate the noise impact, it is proposed to introduce enhanced acoustic glazing and ventilation to window openings of the most affected bedrooms and living rooms fronting the highway. The balcony balustrade height is also proposed to be raised to 1.4 metres high to reduce noise disturbance on the outdoor balconies.

The Environmental Health Officer has raised concerns about the noise levels which the occupants of the apartments would be exposed to. Following the proposal to enhance the mitigation measures for the apartments, the Officer accepts that the increase in balustrade height would afford a degree of additional protection to future occupants when they are seated in the balcony area. The additional height would, however, only afford a negligible increase in noise protection during periods when

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

occupants are standing. It is also acknowledged that any future occupants would be entirely aware of the existing noise environment before making a decision to purchase/rent an apartment and the likelihood of complaint is probably low as a result.

Despite the noise mitigation proposals which have been put forward, the Environmental Health Officer maintains concerns over noise impacting upon future residential amenity and recommends a noise-related condition is attached to any planning permission to control the details of the window glazing and ventilation and the design of the balcony balustrades. Overall, the noise impacts must be considered as one of the material considerations in the planning balance, to be weighed against the various social, economic and environmental benefits of the development.

### **Air Quality**

The application site is located adjacent to an Air Quality Management Area (AQMA) which relates to the city's Outer Ring Road, incorporating the A5111 Raynesway and junction with the A6 Alvaston by-pass. The AQMA is assessed as having concentrations of NO<sub>2</sub> and PM<sub>10</sub>s which are above the national air quality objectives. An Air Quality Assessment and subsequent addendum (July 2017) have been submitted in support of the application and these include an assessment of both construction related effects and also 'operational' air quality impacts arising from additional traffic generated by the proposed development.

It is acknowledged that the assessment indicates that future occupants of the development are unlikely to be exposed to levels of NO<sub>2</sub>/PM<sub>10</sub>, in excess of the national air quality objectives. This is primarily due to the distance and separation between the siting of the apartments and the kerb side of the highway, although it is noted that the air quality predictions would nearly exceed the thresholds in certain scenarios. However in terms of the air pollution exposure for future residents, the Environmental Health Officer has concerns for the health of future residents. He has raised the comments that exceedances of the air quality objectives would be likely in the event that the proposed apartments are relocated nearer to the highway than is currently proposed. Despite this concern, the proposal is a detailed scheme and the siting and layout of the apartments are fixed. Any variation would be subject to a further application.

In terms of the specific contribution to local NO<sub>2</sub> levels from traffic generated by the development itself, this is likely to be relatively low and therefore it would result in limited impacts on local air quality. It would be hard to justify refusal of planning permission solely on this basis.

The Environmental Health Officer does not raise objections to the development on the grounds of air quality impacts to the future residents. The requirement for a detailed mitigation strategy is recommended to be secured by a planning condition.

Subject to recommended conditions, the air quality concerns can be suitably mitigated and accordingly the development would meet the intentions of saved policies GD5 and E12 of the adopted CDLPR. The noise impacts on the future occupants of the apartments would be subject to mitigation measures to minimise the harm to residential amenity, secured by condition, although I note that there are still

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

environmental health concerns in this regard. The development is therefore technically contrary to saved policies GD5 and E12, specifically in relation to noise.

In relation to land contamination, a Geo-environmental Report and subsequent addendum was submitted with the application, which identified sources of site contamination and recommends remedial action for the site to minimise any risk to future occupants of the development. The Environmental Health Officer accepts the conclusions and recommendations of the reports and suggested conditions to secure details of site remediation and implementation have been recommended.

### **Flooding & Drainage**

The Environment Agency flood maps, which designate land at risk of flooding in a 1 in 100 year event, show that a large part of the site to be in Flood Zone 2 (at medium risk ) and land immediately to the north and west of the site is in flood zone 3 ( at high risk). These flood zones are reinforced by the Council's Strategic Flood Risk Assessment (SFRA). The rest of the site is in Flood Zone 1 and therefore identified as being at low flood risk. Hydraulic flood modelling has been carried out for the site and submitted in support of the application. This takes account of 1 in 100 year flooding plus 30% climate change and the formation of the A6 bypass and A5111 roundabout junction has concluded that the site is at low risk of flooding in such an event. The assessment suggests that the EA's flood zones are inaccurate due to the presence of the Alvaston Bypass, which effectively acts as flood defence. This was not taken into account when determining the Flood Zones and SFRA.

The Council's Land Drainage team acknowledges that the designated Flood Zones are out of date due to the trunk road improvements and therefore the development site is at a low risk of flooding in an extreme flood event.

A Flood Risk Assessment and Drainage Strategy and subsequent addendum have been submitted in support of the application. This includes a surface water drainage strategy which has responded to concerns raised by the Land Drainage team and includes an element of SuDs drainage. The surface water attenuation scheme proposed as part of the drainage strategy for the site is considered acceptable for the development and to minimise flood risk in the wider area. A detailed surface water drainage scheme is recommended to be secured through a suitable planning condition.

Subject to recommended conditions, there are not considered to be any adverse impacts in terms of flood risk arising from the development and accordingly the proposal would satisfy the requirements of Policy CP2 and the overarching NPPF guidance in relation to flooding.

## **7.5 Section 106 Agreement**

This proposal for 122 residential apartments would give rise to a requirement for planning obligations to be provided in line with the adopted SPD, to mitigate for the impact of the development. The contributions would then be secured through a Section 106 Agreement. An affordable housing provision would normally be required for this development, as set out in Policy CP7.

The applicant claims that due to the significant costs associated with the development, the scheme has limited viability and therefore cannot afford to provide



## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

the required Section 106 contributions. In order to support this assertion the applicant has put forward a viability appraisal and the District Valuer (DV) has been engaged to provide an independent assessment of the development's viability.

The DV has assessed that it is unviable to deliver any Section 106 contributions during the life of the development. The applicant has however agreed to enter into an overage clause, which is intended to deal with the uncertainties relating to future costs of the development. The Council continues to negotiate the exact terms of this overage mechanism but the developer has agreed that a further viability assessment will be undertaken at the conclusion of development sales and if any contributions are viable, they will be payable towards the following infrastructure:

- highway improvements to the transport corridor along the A5111 and Alvaston District Centre
- off-site incidental and major open space
- health, community and sports facilities and
- affordable housing

### **7.6 Planning balance and Conclusions**

In coming to a decision on this application, consideration must be given to the benefits of the development and the adverse impacts, which are weighed in the planning balance. Regard must be had for the relevant Local Plan – Part 1 policies and saved policies of the CDLPR, taken as a whole and the overarching guidance in the NPPF.

The proposal is considered to bring forward significant planning benefits, which must be weighed against the noise impacts which have been identified to the future occupants of the apartments, arising from the ambient traffic and industrial noise in the wider area. It is notable that the Environmental Health Officer maintains concern about the potential noise disturbance to affected occupants, particularly from the use of the balconies. The apartment scheme would amount to the re-development of a vacant brownfield site, which would deliver a significant number of new homes which would contribute towards the city's five year supply.

The development would provide reasonable sized apartments, within a landscaped setting which would create a high quality living environment for the occupants. There would also be no significant adverse impacts on the amenities of the existing residential properties in the local area. The proposed housing would be located in a highly accessible location in the Alvaston area of the city and be linked to a major transport corridor, cycle network and sited in close proximity to Alvaston District Centre, with its local facilities.

The impacts on the amenities of the future residents arising from noise disturbance are considered to amount to limited harm to residential amenity, which can be mitigated by means of conditions. The harm in this case is, in my opinion and judgement, outweighed by the considerable material benefits of the development. It is therefore concluded that, taken as whole, the proposal is compliant with the policies in both the adopted Local Plan - Part 1, the adopted City of Derby Local Plan Review and the overarching guidance in the NPPF.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

---

### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

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

#### **8.2. Summary of reasons:**

The proposed residential apartment scheme is an acceptable form of development in principle in this location and, in terms of its detailed design, scale and layout, the proposal is an acceptable form of development on this brownfield site which would deliver new housing in close proximity to local facilities at the Alvaston District Centre and public transport routes. The development would contribute towards meeting the city's five year housing supply and would not inhibit existing employment uses in the surrounding area. There would not be unreasonable impacts on the amenities and privacy of nearby residential properties around the site, despite the substantial scale and height of the proposed buildings. There would also not be adverse highway safety impacts as a result of the access arrangement and traffic implications, associated with the adjacent trunk road corridor. The impacts of noise and air quality on the future residents of the development would be suitably mitigated by means of planning conditions and the residual impacts of noise would be outweighed by the significant benefits which would arise from the proposal.

#### **8.3. Conditions:**

- 1. Three year time limit.
- 2. Approval of specified plans.
- 3. Details of external materials to be submitted and agreed
- 4. Before development commences a remediation strategy in line with recommendations given in the two reports to be submitted and agreed.
- 5. A validation report to incorporate all aspects of the agreed remediation strategy shall be submitted and agreed before the development is occupied.
- 6. Before development commences an air quality mitigation strategy to minimise the impact of the development on local air quality to be submitted and agreed and implemented before occupation of the development.
- 7. A detailed ventilation scheme for the window openings and balconies to minimise noise disturbance to be submitted and agreed and implemented before occupation.
- 8. Details of construction management plan to be submitted and agreed before development commences to include details of measures to mitigate noise, dust and traffic.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

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9. Details of a surface water drainage scheme, to include SuDs drainage if feasible, to be submitted and agreed and implemented as part of the development.
  10. Details of a landscaping scheme for the development, to include the hedge proposals for the highway boundary, planting schedules and green wall design and planting to be submitted and agreed.
  11. Agreed landscaping scheme to be implemented and maintained in line with approved timetables and replacement planting where necessary.
  12. Details of an external lighting scheme for the development site to be submitted and agreed and implemented as part of development.
  13. Before occupation of the development, secure cycle parking provision to be implemented and made available for use in line with details to be submitted and agreed.
  14. Before occupation of the development solar PV panels to be installed on the roof of the building as shown on submitted drawings, unless a variation to the scheme is agreed in writing.
  15. The implementation and monitoring of the agreed measures within the framework travel plan to be carried out following occupation of the scheme.
  16. The redundant accesses onto Raynesway to be reinstated to footway on completion of the development.
  17. The provision of pedestrian and cycle priority measures and routes in the development layout to be formed on occupation of the development in accordance with agreed details.
  18. Site access to be constructed in line with details to be submitted and agreed before development brought into use and to prevent discharge of surface water onto the highway.
  19. The central reserve on Raynesway to be fully reinstated in line with details to be submitted and agreed before development brought into use.
  20. Visibility splays 2.4 m x 73 m to right of egress to be provided in line with details to be submitted and agreed.
  21. Parking and turning areas to be surface in hard bound material with parking bays and access markings clearly delineated.
  22. A scheme of bollards to be installed on the Raynesway footway to the south of the access/ egress to be implemented in line with details to be submitted and agreed.
  23. No gates to be erected at the access to the development from the public highway.

### **8.4. Reasons:**

1. Standard reason (In accordance with relevant Town & Country legislation)
2. Standard reason (specified approved plans)

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

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3. Standard reason (satisfactory form of development )
4. To ensure no adverse impacts on future occupants as a result of pollution.
5. To ensure no adverse impacts on future occupants as a result of pollution
6. To ensure no adverse impacts on future occupants as a result of poor air quality.
7. To minimise the impacts of noise disturbance to future occupants in the interests of amenity.
8. To protect the amenities of nearby residential properties from noise, dust and emissions.
9. To provide a satisfactory drainage arrangement to minimise flood risk to the surrounding area.
10. To provide a satisfactory form of development in the interests of visual amenity
11. To provide a satisfactory form of development in the interests of visual amenity.
12. In the interests of safeguarding community safety and residential amenity.
13. To promote and provide for sustainable forms of transport
14. To promote the generation of renewable energy in the development.
15. To promote sustainable forms of transport for use by the future residents of the development.
16. In the interests of highway and pedestrian safety
17. In the interests of pedestrian safety and amenities of the future residents.
18. In the interests of highway safety.
19. In the interests of highway safety.
20. In the interests of highway safety.
21. To ensure provision of adequate off-street parking for the development.
22. In the interests of highway safety.
23. To enable vehicles to exit highway without obstruction in interests of highway safety.

### **8.5. Informative Notes:**

- N1. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: [HighwaysDevelopmentControl@derby.gov.uk](mailto:HighwaysDevelopmentControl@derby.gov.uk).
- N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

## **Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**

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- N3. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)
- N4. The consent granted will result in the construction of new buildings which need naming and numbering. To ensure that the new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the site, its location in relation to existing land and property, and the placement of front doors or primary access.

### **8.6. S106 requirements where appropriate:**

Following contributions to be subject to an overage mechanism to be secured in the event of uplift in financial viability:

- Highway improvements to the Alvaston transport corridor
- Incidental and major open space
- Health, community and sports facilities
- Affordable housing

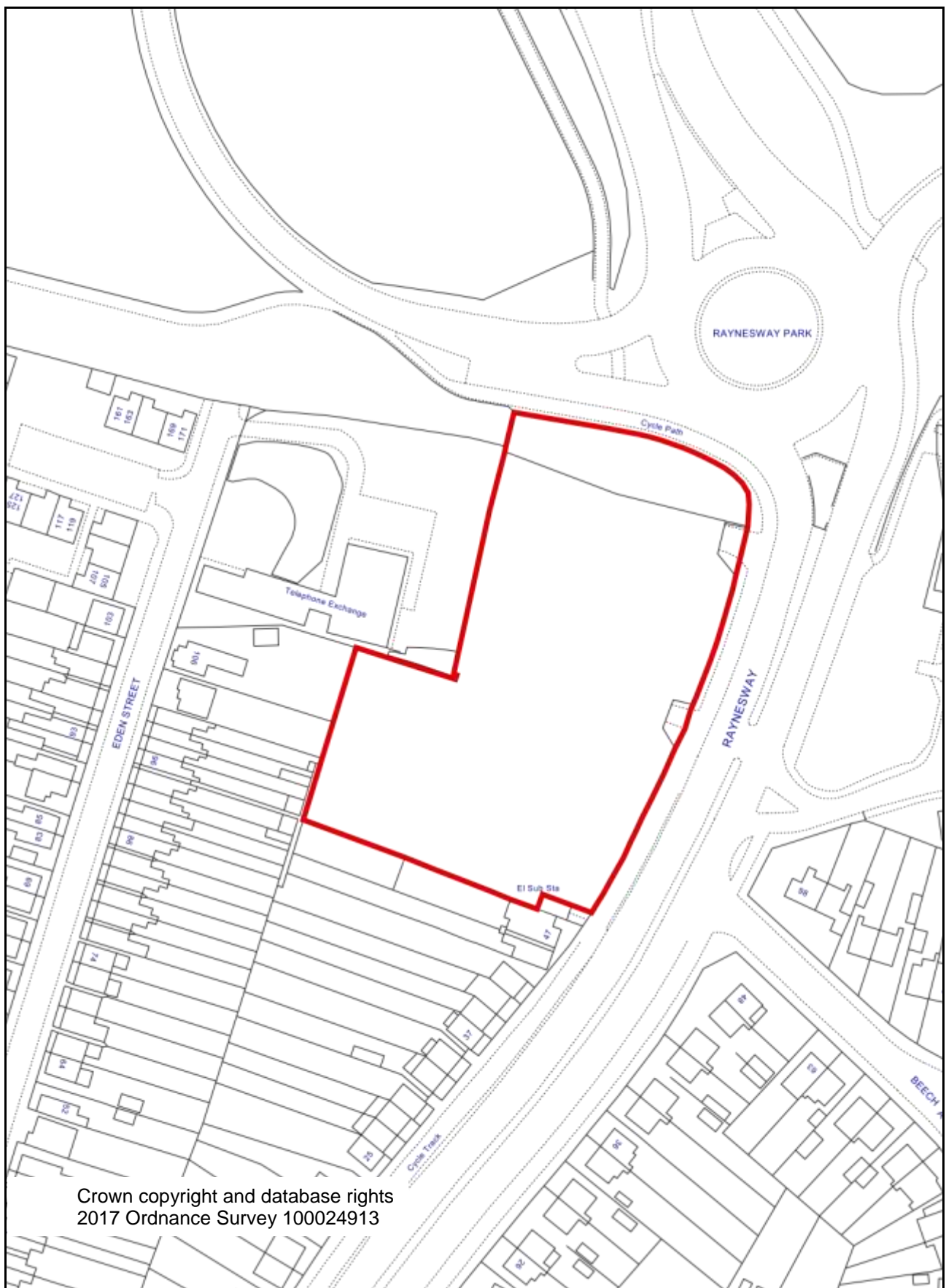
### **8.7. Application timescale:**

The target determination date for the application was on 25 August 2017 and an extension of time has been agreed by the applicant until the 15 December.

**Committee Report Item No: 2**

**Application No: DER/05/17/00678**

**Type: Full**  
**Application**



## **Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

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### **1. Application Details**

**1.1. Address:** 10 Manor Road, Chellaston.

**1.2. Ward:** Chellaston

**1.3. Proposal:**

Two storey side and rear extension with a connecting single storey rear extension (garage, bathroom, playroom, utility room, kitchen/diner, two bedrooms, two en-suites, wardrobe and bathroom) with rooms in the roof space (gym, bathroom and storage) and installation of a replacement bay window to the front elevation.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/17/00656>

**Brief description**

The application site relates to a two storey dwelling located on the south side of Manor Road in Chellaston. Manor Road is a suburban cul-de-sac comprising detached two storey dwellings, semi-detached two storey dwellings and detached bungalows. There is some degree of architectural consistency reflected in the hipped roof scape, chamfered bay windows and elevation detailing, relating to the dwellings located toward the middle and end of the cul-de-sac. A number of houses have retained their original integral flat roof garages to the side. The application property is set within a large rectangular plot with a part hard stand / grassed frontage. The rear garden area extends some 32metres from the back of the house. Land levels are generally flat and boundary treatment comprises 1.8m-2m height fencing.

**Proposal**

Full planning permission is sought for the construction of a two storey side extension with a wrap around two rear extension and adjoining single storey rear extension and conversion of angled front bay window to a square bay window at ground and first floor level. The conversion of the roof space is Permitted Development.

Amended plans have been received, showing a reduced ridge height and extent of double height set back.

- The proposed two storey side extension would measure approximately 3m width by 10m depth with 5m eaves height and 7.2m total height.
- The two storey rear element would measure approximately 9.1m width, 3.1m depth and 7.2m total height.
- The single storey rear extension would measure approximately 8m in depth at its maximum.
- The proposed bay window alteration would measure approximately 0.8m depth and 2.8m width.

## **Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

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### **2. Relevant Planning History:**

No relevant or recent planning history

### **3. Publicity:**

Neighbour Notification Letters sent to surrounding properties

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

### **4. Representations:**

Five letters of objection from third party representations

Councillor Grimadell and Councillor Ingall raise objections

- Cllr Grimadell- objects "on the grounds of size and scale amongst other things"
- Cllr Ingall - general objection "Please note my objection to the above planning application, I ask that it is referred to planning control committee and please note my wish to speak"

Summary of objections:

- Intrusive and out of character with existing patterns of development
- Significant adverse effect on nearby properties in terms of height, mass overshadowing, proximity and loss of privacy
- Gross floor area will more than triple
- This proposal by virtue of its design relative to the existing front elevation of the property would adversely change the balance and symmetry of the detached dwellings that are on either side of No 10. Dwellings No 8, 10 and 12 Manor Road are all of the same design
- If the proposed extension were to be approved, there would not be adequate parking provision to accommodate the prospective number of residents who could live there
- The development would set an undesirable precedent
- The extension and squaring the bay will alter the street pattern and character by size, proportion and design
- Detract from the street's visual amenity
- The house would be doubled at ground floor level and overshadow garden and conservatory

#### **Letter of support**

The applicant has submitted a supporting document (solicitor letter), explaining why the scheme is acceptable in terms of parking, access, overshadowing and changes to the scale and appearance. Also included within the letter is an explanation of the need and rationale behind the planning application, concerning personal circumstances.



## **Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

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### **5. Consultations:**

#### **5.1. Chellaston Neighbourhood Forum:**

The proposal is to extend the property so that its footprint is more than double the area of the existing building. This would create a building which is not in character with nearby properties by virtue of its massing and overbearing appearance and it would adversely affect the visual amenity and privacy of neighbouring properties, in contravention of policy H16 clauses a and c in the adopted plan.

#### **5.2. Highways DC:**

No significant highway implications and in view of this no objections.

### **6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

#### **Derby City Local Plan Part 1 - Core Strategy (2017)**

CP3 Placemaking  
CP4 Character and Context

#### **Saved CDLPR Policies**

GD5 Amenity  
H16 Housing Extensions

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%2017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

**7.1. Character and streetscene Issues**

**7.2. Residential Amenity Impact**

**7.1. Character and streetscene Issues**

The application dwelling is a detached property which stands amongst a group of three dwellings with a marked unity of style, design and character comprising this part of Manor Road. These three dwellings form a particular group, all sharing identical architectural characteristics constituting hipped roof profiles, chamfered / angled ground and first floor bay window features, integral flat roof side garages and simple elevation detailing. Together they make a positive contribution to the pleasing character of the street scene. Policy CP4 requires all new development to be in keeping with its surroundings, with regard to matters such as scale and design. Policy H16 indicates that extensions to houses will be permitted where there is no significant adverse effect on the character and appearance of the dwelling.

The proposal would be positioned to the side of the dwelling and would be visible from the public realm along Manor Road. I note there are no other similar two storey side extensions along Manor Road, so this proposal would create a different building form to the front, side and rear aspect and an altered visual relationship to the properties either side. That being said, No.8 the immediate neighbouring property has a part two storey and part single rear extension, which is modest by comparison. Although the proposed development would be atypical this does not mean the proposal is unacceptable. Rather, it is simply a deviation from the relatively unchanged form and appearance of the nearby group of houses.

In this instance, the design solution clearly references the original dwelling house as the proposed extension would extend the eaves profile of the building, together with tying in with the main existing hipped roof arrangement. The window proportions and positions would integrate well upon the overall front facade of the dwelling.

The two storey element would be sizeable and extend the full width of the plot to the side. While a garage exists at present this would be removed to accommodate the two storey structure. The width of the proposal would be less than 50% to that of the original dwelling and a lowered roof line has been proposed. The extension is also shown with a 700mm set back at ground and first floor level. I am of the opinion that the level of set-back proposed is satisfactory in order to create a sufficient level of subservience to the extension and avoid any significant terracing impact within the street scene.

In terms of the proposed bay window alteration, the adjustment from an angled to a squared bay would be a departure from the existing principal elevations. Yet, while the shape would differ and a 300mm difference in how far the proposed new bay would extend beyond its current position, this change would not harm the design or architectural integrity of the dwelling or disrupt the rhythm of the principal facades

## **Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

along this part of Manor Road. Views of the application property would be discernible from a west to east direction from the public realm, with some of the upper first floor section appreciable from certain vantage points along Manor Road. Once again, because of the 700mm set back, consistent eaves level and lowered ridge height, the proposed extension would be an acceptable addition in terms of the form and composition and effect in the street scene. The materials to be used have not been stated as part of this application therefore a condition is to be included to ensure an acceptable use of brick type match to the original dwelling.

The proposed single storey and two storey element to the rear, with the hipped roof and recessed section would integrate reasonably well against the rear aspect of the dwelling. The large expanse of the flat roof single storey section would also add to the overall mass and footprint of the rear aspect, projecting rearward by 8 metres, at a height of 2.9 metres. This element of the scheme is tolerable because its low height profile, rear aspect location and minimal amenity impact mean it would integrate reasonably well.

Many of the objectors comment on the extension as excessive in its sheer size, scale, footprint and design. However whilst I accept the overall bulk, footprint and scale of the extension is large, the proposed scheme is not excessive in its footprint, not disproportionate in its design and not overwhelming within the plot. Therefore, the proposed extension, in terms of design, is considered to be acceptable and will not significantly detract from the character and setting of the original dwelling house or surrounding area.

### **7.2. Residential Amenity Impact**

Given the position of the extension and distance between dwellings, I believe the consideration of impact upon residential amenity relates mostly to No.8 and No.12 Manor Road.

In respect of the impact upon No.8 the proposed extension would have a rear projection, at two storey level of 3.3 metres, at 3 metres width toward the common boundary. It would be set in approximately 500mm running parallel to the common boundary. The nearest window at first floor level upon the proposed side extension would be an obscure glazed bathroom window. Because of its close distance, I consider a condition requiring it to be non-opening is necessary. A side facing window exists upon No.8, which appears to be a landing window. This is important to note as it is not a principal habitable room window, and as such secondary windows carry less weight in assessing the impact on amenity. The nearest principal window is a first floor bedroom window and the proposed extension would not project beyond the building line of that neighbouring extension. As such, the proposed extension would not breach the 45 degree zone (*where the proposed extension would be sited so as not to transgress a horizontal line projecting at 45 degrees from the nearest edge of the closest habitable room window at the adjacent dwelling*).

In relation to the massing and overshadowing effect upon the rear private amenity area of No.12 some loss of natural daylight would occur at certain times of day due to the two storey nature of the extension. The two storey element has been reduced by 500mm and is now shown at a dimension of 2.5m depth. This neighbouring dwelling does contain a single storey rear extension (projecting to the side and rear) with a

## **Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

blank side wall and full glazing upon the rear elevation. At first floor level a rear facing bedroom window exists, sited approximately 1.2m from the corner edge of the dwelling. Again, the proposed extension would not encroach beyond the 45 degree angle, as measured from the nearest edge of the closest habitable room window at the adjacent dwelling to the nearest edge of the extension.

I do recognise the area of garden directly adjacent to the proposed extension is likely to feel more enclosed than at present. However, the extent of garden area at No. 12 is sizable and only a small part of the private rear amenity area could be affected by the proposal. On these grounds, I am of the opinion that the extension will not detrimentally overshadow the common boundary or the rear elevation of No.12, neither would any new windows invade this neighbour's privacy.

In terms of the built relationship to the properties beyond the rear boundary, No.29 and 31 High Street the distance is in the region of 60metres. Finally, I do accept there is likely to be *some* impact upon residential amenity resulting from the proposal, however I am of the opinion the impacts are not significant enough, in terms of *substantial material harm*, to warrant the refusal of the scheme now proposed.

### **Summary**

Following the receipt of amended plans the proposed two storey extension is considered to be acceptable in terms of its design, position and scale. The secured amendments have sought to mitigate objections and concerns raised by the objectors in terms of potential overlooking and loss of privacy and I am of the opinion the proposal will have a limited impact on residential amenity. The proposal is therefore considered to conform to the relevant saved policies of the CDLPR and Core Strategy.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

### **8.2. Summary of reasons:**

The proposal has been considered against the saved adopted City of Derby Local Plan Review policies, the adopted Core Strategy and the NPPF where appropriate, as indicated in Section 7 of this report, and all other material considerations. The proposed two storey and single extension will have a neutral impact on the character of the street scene and setting of surrounding properties. Furthermore, the design and external appearance of the extension clearly references the character and external appearance of the original property. The proposal has sought to respect the residential amenity of those surrounding properties through its scale and siting and through the submission of amended plan drawings.

### **8.3. Conditions:**

1. Standard condition 03 (time limit)
2. Standard condition 100 (approval of plans / amended plans only)
3. Standard condition 27 (external materials)

**Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**

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4. Unique condition 1 (first floor side elevation window to be obscure glazed)

**8.4. Reasons:**

1. Standard reason E56 (time limit reason)
2. Standard reason E04 (avoidance of doubt)
3. Standard reason E14 (external appearance)
4. Standard reason E07 (residential amenity)

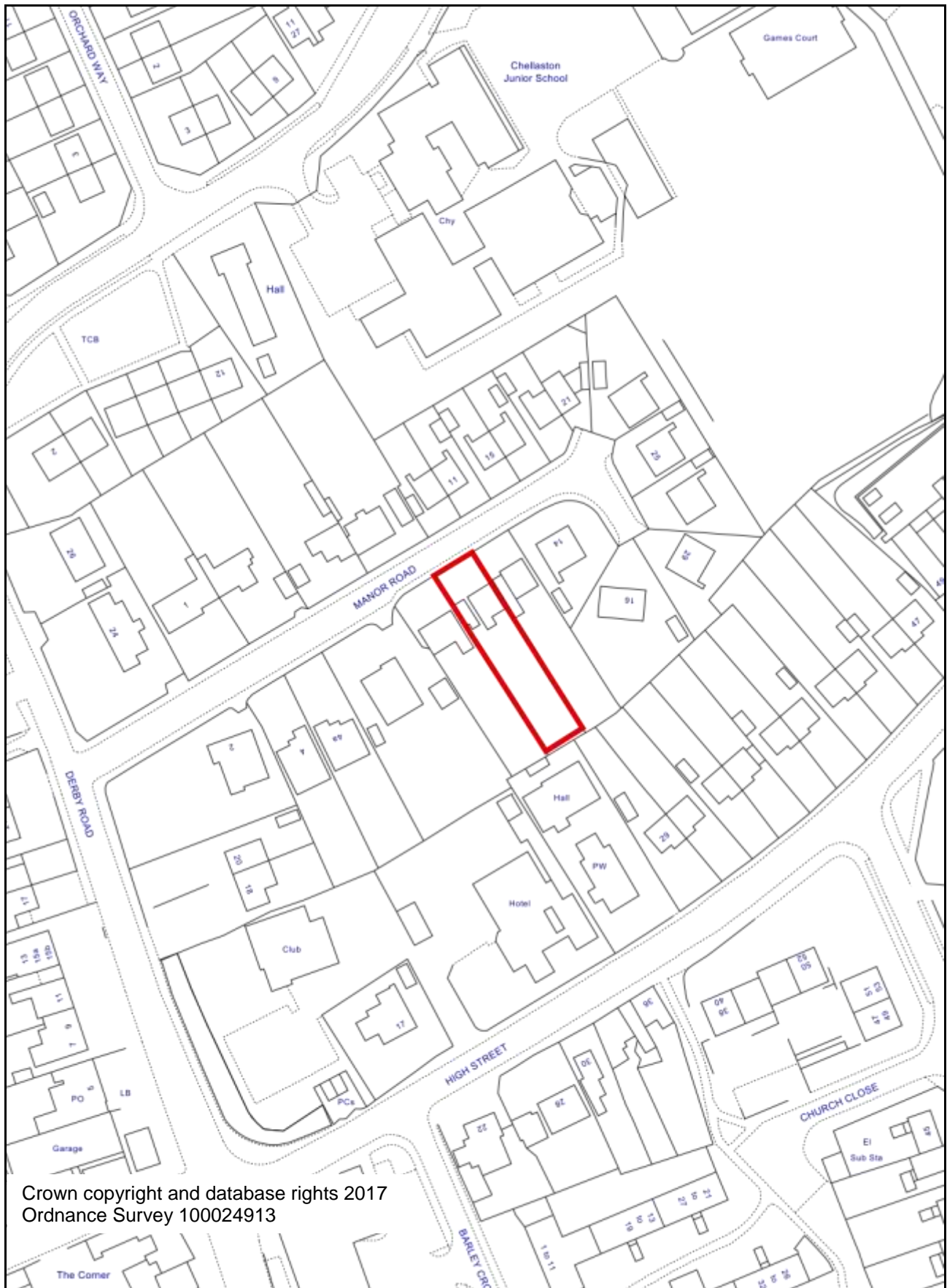
**8.5. Application timescale:**

The application target date was 13 July 2017. An extension of time has been agreed until 30 November 2017.

**Committee Report Item No: 3**

**Application No: DER/05/17/00656**

**Type: Full**  
**Application**



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## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

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### **1. Application Details**

**1.1. Address:** 12-14 Mansfield Road, Derby.

**1.2. Ward:** Darley

**1.3. Proposal:**

Demolition of existing buildings and erection of 33 apartments.

### **1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/12/14/01708>

#### **Brief description**

Full permission is sought for the redevelopment of a small, former manufacturing site and dwelling (Anachrome Jigs) at 12-14 Mansfield Road. The site lies just north of the city centre and Inner Ring Road and lies to the east of Mansfield Road at the junction with Fox Street. The River Derwent is to the west of the site on the opposite side of Mansfield Road. The site lies close to a main transport corridor into the city, in an edge of city centre location and is characterised by a mix of substantial commercial buildings and residential apartments along Mansfield Road. Landau Forte College campus abuts the site to the east and the Waterside Inn lies opposite to the west.

The site lies just outside the Little Chester Conservation Area which is to the north and is close to the Nottingham Road Conservation Area, to the east of the site. It is adjacent to the Derwent Valley Mills World Heritage Site and its Buffer Zone which runs along the river corridor to the north and west. The site also lies close to a number of listed buildings alongside the river, which include the Grade II\* listed St. Marys Bridge and Grade I and II St. Marys Bridge Chapel and House which lie opposite the site. The Waterside Inn (former Bridge Inn) is on the Council's Local List.

The former industrial site comprises a group of single storey and two storey period buildings, including a vacant 19th Century dwelling fronting onto Mansfield Road. There are advertisement hoardings on the building façade fronting the highway. The site is triangular in shape with a narrow frontage onto the junction with Fox Street. There is a single vehicular access onto Mansfield Road. The buildings have been vacant for a considerable period of time and they have a rundown appearance.

The original submission to develop this site, proposed demolition of all the existing buildings and erection of 28 apartments, in the form of a single 6 storey building, with undercroft car parking. The proposal was to be of a contemporary design, form and materials.

The design and form of the apartment building has been substantially amended during the course of the application, following concerns raised by consultees in relation to the design, scale and form of the building and its harmful impacts on nearby heritage assets, including the World Heritage Site, Conservation Area and the setting of listed buildings, St. Marys Chapel and St. Marys Bridge. The impacts of the built form on the townscape were also considered to be unacceptable.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

The current proposal, which was submitted in April 2017, followed extensive discussions with officers, including the Council's Conservation Officer and Urban Designer to achieve a suitable design solution for the site. The scheme involves demolition of the existing buildings and development of 33 apartments in the form of a single five storey building fronting onto Mansfield Road. The ground floor of the building would be an undercroft car park with 26 spaces, including 2 disabled bays, with cycle storage, bin store and main entrance to the apartments. The apartments would comprise 20 x 2 bed units and 13 x 1 bed units over four upper floors. The layout of the building is designed to fit the constrained nature of the site, with the principal block facing onto Mansfield Road and a section along the south elevation which turns into the site towards the Landau Forte boundary. The majority of the apartments are outward looking and front onto the street. The top floor apartments are stepped in from the main façade of the building and from the boundary with Landau Forte College, which breaks up the mass and scale of the built form.

The form and appearance of the proposed apartment building is an L-shaped block, which narrows at the northern end and has recessed sections to the upper floor and end elevation to give relief to the mass of the building. The materials are to be predominantly brick, with pale coloured render and feature cladding to the principal facades. The building uses large glazed openings of varying width with a regular vertical rhythm to the façade. The ground floor elevation fronting Mansfield Road is proposed to include a section of green living wall to add visual interest to the street frontage

The site is in Flood Zone 3 therefore an area high flood risk and is part of the Our City Our River Flood Defence corridor for the River Derwent. Development of the site raised issues in relation to impact of flooding on the site and flood risk for occupiers of the building. The applicant undertook extensive negotiation with the Environment Agency (EA) over a period of 12 months and submitted a revised Flood Risk Assessment, which has addressed the concerns of the EA in regard to the principle of development in this location of high flood risk.

The original and revisions to the application were accompanied by various technical and supporting documents including a Design & Access Statement, Heritage Statement (and revised Statements), Planning Statement, Flood Risk Assessment and Evacuation Plan, Bat Survey report, Air Quality Assessment, Ground Investigation Study and Tree report.

### **2. Relevant Planning History:**

None of relevance.

### **3. Publicity:**

Neighbour Notification Letter – 2 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:**

Six objections have been received to the revised scheme submitted in April 2017, including the Derby Archaeological Society, Little Chester Historical Group, Landau Forte College and Little Chester Residents Association. Three of these objections were made to the original submission.

One supporting comment from Marketing Derby has also been received to the revised proposal.

The objections raised are as follows:

- Development is out of character in scale, height, design and materials
- Development fails to respect the setting of the World Heritage Site and intrudes on views of Silk Mill and Cathedral
- Development would have severe adverse impact on setting of listed St. Marys Bridge and Bridge Chapel and locally listed Bridge Inn, (Waterside Inn)
- Low rise development is only appropriate in this location.
- Site is highly visible from the Conservation Area and World Heritage Site and is a gateway location.
- Development would have adverse impact on setting of Conservation Areas (Little Chester and Nottingham Road)
- Access has potential for traffic accidents at the junction of various roads and result in traffic congestion.
- Parking bays could also be a traffic hazard
- Noise and dust disruption for local residents/ adjacent college.
- Overlooking of college from east elevation windows.

Support comments are as follows:

- Strongest formal support for the proposal which has been revised to satisfy flooding and heritage concerns
- Site is derelict and adjacent to large scale development, including Landau Forte college and St. Marys Wharf aswell as road infrastructure, including Inner Ring Road.
- Visual impact of the building will have positive and striking effect on setting of local environment.
- Council's City Centre Masterplan places major strategic importance on increasing city centre residential and office sectors. The proposal would have positive impact on nearby businesses whilst improving vibrancy, safety and attractiveness.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

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### **5. Consultations:**

Following the substantial revisions to the proposal received in April 2017 to form 33 apartments, the following comments only relate to the revised scheme:

#### **5.1. Conservation Area Advisory Committee:**

Object. Noted some of the buildings on the site date from 1851 and that this was historically an area of small scale industries adjacent to the canal and river. The 'mill' scale is not appropriate to this location. Spring Cottage should be retained and incorporated into any future proposal for the site, which should be in scale with the surroundings. It was noted that the taller building on Mansfield Road pre-dated the DVMWHS designation. The scale and massing of the proposed scheme would be harmful to the setting of the Grade I Bridge and Bridge Chapel, and the locally listed Bridge Inn. The Historic England comments on this application are supported.

The amendments have not addressed the issues previously raised by committee, and therefore the previous resolution stands, adding the objection to the setting of the listed building.

#### **5.2. Highways Development Control:**

##### **Further comments to revised plans (November 2017):**

Prior to the access to the proposed car park shall being operational the visibility splays either side of the access as shown on Drg No: 922 P06 Rev C shall be provided. Nothing within the splay shall be constructed or allowed to grow above 600mm above the adjoining road level.

##### **Original comments (January 2015):**

###### **Access**

Access to the site is via the existing access on Mansfield Road. Visibility looks to be ok with the build line moved.

Bin storage is to be provided and within the 25 metres of the highway and access is now via Fox Street. Gates should not open out onto the highway as they could cause conflicts with pedestrians.

###### **Off Street Parking**

There are 28 apartments proposed with 26 car parking spaces on the ground floor, whilst we would like one space per apartment, the development is close to the city centre.

Cycle storage facilities are to be provided within the site, these need to be safe, secure and covered.

###### **On Street Parking**

At the front and side of the property there are parking restrictions on Mansfield Road and Fox Street. Permits will not be provided for residents of the proposal, for any residents parking schemes in the area.

##### **Recommendation:**

Should planning permission be granted, I would recommend the following conditions:

1. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

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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.

2. No part of the development hereby permitted shall be brought into use until the parking areas provided are in accordance with the approved plan 922: P06. The parking shall not be used for any purpose other than parking of vehicles.

### **5.3. Natural Environment:**

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 Constraints Plan are followed by the applicant, no further comments to make.

### **5.4. Environmental Services (Health – Pollution):**

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues.

#### **Land Contamination**

1. Further to my colleague Fiona Brown's comments of 21st January 2015, the Environmental Protection Team notes the submission of an Initial Phase I Geo-Environmental Assessment (Geo-Matters Ltd, Dated Dec 2014). I can comment on the report and its conclusions as follows.
2. The report is solely desk-based and considers historical/current uses of the site and adjoining land to identify potential contamination which could impact upon future occupants of the proposed residential development.
3. The report assumes that the development will be without gardens or any other areas of soft landscaping. This assumption appears to be at odds with the development plans, which highlight areas of landscaping and planting at several locations around the site perimeter.
4. The report identifies potential risks to future occupiers from both ground gases and soil contamination.
5. Although a conceptual site model is included in the report, it does not go as far as to identify individual contaminants of concern relating to the known historical uses, preferring to suggest a 'general suite' of potential contaminants.
6. The report recommends that further intrusive investigations are undertaken to properly identify the risks posed to the site. The Environmental Protection Team agrees with this recommendation.

#### **Conclusions and Recommendations on Contaminated Land**

7. Potential contamination risks have been identified on site and therefore further assessment is required.
8. Should planning permission be granted, the Environmental Protection Team would recommend the attachment of the following conditions:

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

- A Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to the human health of end users. A detailed report of the investigation will be required for submission and written approval by the Local Planning Authority, before the development commences.
- In those cases where the approved Phase II investigation report confirms that significant contamination risks exist, a Remediation Strategy will be required for approval, before the development commences.
- All of the respective elements of the agreed Remediation Strategy will need to be suitably validated and a Validation Report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

### **Noise**

9. The proposed residential development is located near to busy roads (Mansfield Road and the A52 St Alkmunds Way), adjacent to a school (Landau Forte College) and also opposite a pub (The Waterside Inn) which includes an outdoor beer garden. Future occupants are therefore at risk of being exposed to high levels of environmental noise from a number of sources which have the potential to significantly impact upon residential amenity.
10. No noise assessment is included within the application submissions.
11. In the absence of any noise assessment, the Environmental Protection Team would strongly recommend that the building is designed with an enhanced insulation scheme, over and above the insulation performance of standard double glazing.
12. The Environmental Protection Team would recommend a planning condition requiring the submission of an enhanced acoustic insulation scheme to be agreed before the development commences. The agreed scheme should then be incorporated into the development before it is occupied.

### **Air Quality**

13. The proposed development is within an Air Quality Management Area (AQMA). Future residents are therefore at risk of being exposed to levels of air pollution in excess of national air quality objectives which could significantly impact upon their health.
14. The application is supported by an Air Quality Assessment (Air Quality Consultants Ltd, Dated December 2014). I can comment on the report and its findings as follows.
15. The assessment is relatively old now and includes 'predictions' of air pollution levels in the opening year of 2016. Given that it is now 2017, reference to the actual local levels in 2016 would be of greater use than the old predictive modelling used in the assessment.
16. Local nitrogen dioxide (NO<sub>2</sub>) diffusion tube monitoring is carried out by the Council on the corner of Fox Street and Mansfield Road and this suggests that,

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

although air pollution levels are not low, they tend to be well below the national objective level of 40µgm-3 (annual average NO2).

17. According to our data, the annual average NO2 concentration for the diffusion tube located on the corner of Fox Street/Mansfield Road adjoining the proposed development was 30.4µgm-3 in 2016, which is well below the national objective target of 40µgm-3.
18. The report also includes an assessment of impact of the traffic generated by the proposed development, however predicted increases in air pollutants arising as a result of the development-generated traffic has not been modelled.
19. The report states that the “operational air quality impacts are judged to be insignificant”. The justification for this is provided in Appendix A1 and Table 6. The primary basis for the judgement is that concentrations are predicted to be below the air quality objective at all receptors.
20. In coming to this conclusion, the report does not provide any estimation or discussion of additional traffic numbers on the local road network generated by the development. Whilst the Environmental Protection Team acknowledges that this is unlikely to be significant in respect of a development of 33 apartments, some discussion of traffic volume increases would have been helpful.

### **Conclusions and Recommendations on Air Quality**

21. Based on the information provided and in light of local monitoring data, the Environmental Protection Team accepts the conclusions of the report, namely that there should be no air quality constraints to the scheme with respect to local or national planning policy.

### **Construction**

22. Given the scale of the Development and its proximity to sensitive receptors, the Environmental Protection Team would recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the Development.
23. The statement will need to provide detailed proposals for the control of dust and other air emissions from the site, having regard to relevant guidance, for example guidance produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012).
24. Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards.
25. The Environmental Protection Team would strongly recommend the inclusion of a condition requiring the above, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.
26. I would also recommend the attachment of an advisory note, providing the advice described above in points 23 and 24

**5.5. Built Environment (Conservation Officer):**

Revised comments to updated Heritage Assessment (November 2017):

The application site has non designated heritage assets upon it which are proposed to be demolished and the site redeveloped. The Heritage Assessment's information and map regression shows that the current buildings on the site were occupied and used as a former timber yard and wheelwright in the late nineteenth century and there was a late Victorian house on the corner of Mansfield Road and Fox Street that can be seen on the 1901 OS map. These are of low heritage value and are relevant to the local history of this part of Derby.

The proposals for this site impact on the significance (in terms of setting) of the following designated heritage assets: The setting of the DVMWHS although it is just outside the Derwent Valley Mills World Heritage Site (DVMWHS) buffer zone (its immediate setting) policy guidance states that the setting can extend beyond the buffer zone. It is also adjacent and nearby to a number of important listed buildings including – the Grade II\* listed and scheduled St Mary's Bridge, the grade I St Mary's Bridge Chapel and grade II St Mary's Bridge House, the grade II listed Silk Mill and a locally listed building the Waterside Inn (Former Bridge Inn). The Little Chester, City Centre and Nottingham Road Conservation Areas are also nearby. When assessing this proposal we have to have regard to the setting (as part of their significance) of these international, national and locally important heritage assets.

The proposals have been amended and changed through the life of the application. The current proposal has a less harmful impact on the Derwent Valley World Heritage Site (DVMWHS) and other designated heritage assets than the original application. The proposals have the same impact on the non-designated heritage assets on the site.

Comments on proposals

In terms of scale and massing the building is large and there is horizontal rather than vertical emphasis within the design - but the visuals show that it does not seem to over dominate its immediate surroundings. There will be a degree of impact of the proposal on the significance (and setting) of the DVMWHS and nearby heritage assets. This will be assessed during this report.

I suggested that it would be useful to have further information on the building height in relation to the proposed buildings context as this is difficult to assess the exact height against nearby buildings as context is not included on the elevation drawings e.g. a comparison in heights between the flats opposite the Silk Mill and the flats on the corner of Mansfield Road and City Road.

I note, however, that further views using the Derby City Council Tall buildings model have been submitted to show the view from the Bridge, Chapel and House from a pedestrian level etc. The layout of the proposed building is acceptable.

In terms of detailed design I suggested through the life of the application that more active frontages along the ground floor, especially that of the elevation facing Mansfield Road, would improve the scheme. This has not been rectified but there has been the introduction of the green wall which will to a degree improve the pedestrian experience.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

The southern elevation is the one that will be clearly seen along Mansfield Road as a pedestrian or when coming off the ring road by vehicle. This elevation looks like a rear elevation a little with its external staircase and is relatively plain. In terms of the south elevation I suggest that, should there not be good reason for it that, the external stair is moved within the building and not bolted onto the external elevation. One of the other views from the Nottingham Road Conservation Area and adjacent Landau forte school will be of the east elevation and I am pleased to see that to the external elevation the external corridor has been removed.

In terms of the palette of materials this has changed to include more brickwork and less render - which is welcomed. However, the drawings and illustrations seem to suggest a buff brick – which is not at all characteristic of Derby and it's locally distinctiveness. I would suggest that a red/orange brick would be much more appropriate. I also have strong concern about the amount of dark core-ten cladding proposed and suggest, although slightly set back, this will draw the eye to the top floor and emphasise the height and size of the building. This material is making this building stand out rather than being quiet and responsive to its context. I would suggest a lighter colour cladding and that a sample of these materials are submitted to assess the material and finish.

### **The Impact of proposals on Heritage Assets**

Since the submission of this application the Heritage Statement, which includes the Heritage Impact Assessment, has been amended and corrected. The assessment covers most Heritage Assets and uses the methodology set out in its Appendix. I do not, however, agree with its assessment of everything.

The submitted heritage statement does not use the suggested ICOMOS Guidance on Heritage Impact assessment as suggested by the National Planning Policy Guidance (NPPF, 2012). In terms of the impact on the Outstanding Universal Value (reasons why the WHS was inscribed) and using the ICOMOS guidance, in my view, the Heritage Asset is of very high value, the impact negligible and therefore the significance of effect, using this guidance, is Slight.

Using the methodology submitted in the Heritage Statement I would like to highlight the impact on Heritage Assets which are impacted upon the most (please note that not all of those assessed are in the table below). These are within the following table:

**Committee Report Item No: 4****Application No: DER/12/14/01708****Type: Full  
Application**

Designated Heritage Asset	1 Heritage Value	2 Magnitude of Impact (categories - substantial/ moderate /slight/negligible or no change)	3 Significance of effect (cross referencing value (column 1) and impact (2) equals significance of effect (3))
Derwent Valley Mills World Heritage Site	Very High	Negligible	Minor
<b>Listed buildings:</b>			
St Mary's Bridge Chapel (Grade I)	Very High	Negligible	Minor
St Mary's Bridge (Grade II*)	High	Slight	Intermediate - minor
Silk Mill (Grade II)	High	Slight	Intermediate - minor
St Mary's Bridge House (Grade II)	High	Negligible	Neutral
City Centre Conservation Area	Medium	Slight	Minor
Little Chester Conservation Area	Medium	Negligible	Neutral
Nottingham Road Conservation Area			
The Waterside Inn (formerly the Bridge Inn) Locally Listed	Medium	Moderate	Intermediate – minor
Heritage Asset	1 Heritage Value	2 Magnitude of Impact	3 Significance of effect (cross referencing value (column 1) and impact (2) equals significance of effect (3))
Buildings on the site proposed to be demolished	Low	Substantial as total demolition*	Intermediate - minor

\*Please note that this is substantial as an impact and not substantial harm in terms of NPPF terms.

In summary the proposal has a higher magnitude of impact on the buildings on the site (substantial impact) and the locally listed Waterside Inn (moderate) than the slight impact on the significance (setting); of the St Mary's Bridge, views from the Silk Mill and the City Centre Conservation Area. The impact on other designated heritage assets are negligible or neutral or no change.



## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

The significance of effect (cross referencing the value of the asset and the magnitude of impact) show that there is an Intermediate – minor significance of effect upon the listed St Mary's Bridge, the Silk Mill, locally listed The Waterside Inn and the buildings on the site proposed to be demolished.

I would assess, where there is an impact identified, on the above designated and undesignated heritage assets, these are negative impacts.

### **Suggested conditions**

Should you be minded to grant permission I would suggest conditions controlling material details to include brick as well as mortar mix and finish, render, the agreement on alternative cladding materials in terms of colour, finish and design details of windows, doors (as well as the set back of within the aperture of windows and doors), eave details, junctions between materials, any proposed vents and flues and any additional boxes to the roof.

I would suggest that the buildings proposed to be demolished are recorded, at an agreed level, in relation to the Understanding Historic Buildings Historic England Guidance (2016). I suggest that the method should be agreed initially and then the draft report prior to the deposit in an agreed form to the Historic Environment Record.

Para 136 of the NPPF also states that LPAs should not permit loss of the whole or part of a heritage without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. I suggest that this is also conditioned so that this can be ensured.

### **Recommendation:**

The main concern that I have about the current proposal is the dark core-ten material cladding proposed to be used at high level which might visually make this building seem larger. I have suggested that this material is changed and details of materials are agreed with the Local Planning Authority by condition.

In summary the impact of these proposals on heritage assets have been assessed, those that are impacted upon the most are detailed in the table within this report and are the undesignated heritage assets upon the site proposed to be demolished, the setting of the locally listed Waterside Inn (former Bridge Inn) and in terms of designated heritage assets the setting of the grade II\* listed St Mary's Bridge, setting of the grade II listed Silk Mill and the City Centre Conservation Area (as it includes the Cathedral Green and the Silk Mill).

In my view if there is an impact and significance of effects identified these are negative rather than positive and therefore they are harmful.

The harm to designated heritage assets is classed as 'less than substantial harm' in accordance with the National Planning Policy Framework and recent case law. This means that para 134 comes into play and there is a need to weigh up the harm to heritage assets against any public benefits.

The proposal also has an impact on non-designated heritage assets and as such the NPPF states in para 135 that the effect of the proposals on the significance of the asset should be taken into account and a balanced judgement will be required having regard to the scale of harm or loss and the significance of the asset.

**5.6. Built Environment (Urban Design):**

The proposal is for demolition of existing buildings and erection of 33 apartments in one block, which is a five-storey development, reduced through the earlier 6 storey iteration. The site is close to the edge of the inner ring road and the start of the Little Chester Conservation Area. Following negative conservation comments, the proposal was revised to a simpler design with less steps in the building and introduced red / brown brickwork and rustic materials to suit the urban context and mill architecture.

The earlier pre-application submissions omitted important views and context, and did not for example analyse the height/mass/materials of the proposal as it appears adjacent to the grade II\* St Mary's Bridge and bridge chapel, or the UNESCO views towards the World Heritage Site. Later visualisations showing the relationship to the bridge, submitted in May, demonstrated that the height is more appropriate to the context.

I support the townscape emphasis on architectural articulation of the north apex and through terracing of the west elevation. This gives welcome views across the city/river from the flats. The feature framed glazed bookend to the south-west is a good point of orientation, as it is carried out by subtle change of form without over-dominating: it does not need to form a "gateway" to the conservation area. As mentioned previously, this building needs to be recessive and not shout as a landmark building.

The predominant use of red/brown brick is welcomed, with some render to give relief to the brick, and form the break between the brick and feature cladding to the top floors and ground floor. From the listed bridge and St Marys Church the proposal offers a feature framed glazing in the rustic cladding facing the vista, which provides a book end to the main street elevation. The regular rhythm of the windows is welcomed.

The detailing for the green walls and other greenery, around the blank ground floor spaces in particular, should be conditioned, as well as all external architectural details. Highest quality of architectural detail and workmanship will be required in this location.

**Recommendation**

In my opinion, the visualisations showing the relationship to the bridge, submitted in May, satisfactorily demonstrate that the height is acceptable: the development could sit successfully in its context, and not over-dominate the setting.

There will be some unfortunate lack of "active edge" at ground floor level, which is likely to be an issue for any development on this site due to flooding and highway issues, but in terms of activity the residential nature will offer some activity which is an improvement to the existing site. The exact detail of windows at ground floor and "defensible space" between the building and highway will help with a feeling of some "eyes on the street".

**5.7. Derbyshire County Council Archaeologist:**

With regard to below-ground archaeology this document provides an acceptable summary of archaeological potential, including historic map regression, and meets the information requirements of NPPF para 128. The site is some way outside the area of Roman activity associated with the Little Chester fort and settlement, and lies a little way to the east of the medieval town. Speed's map of 1610 shows no activity on the site, and there appears to have been no development until the mid 19th century, when this area east of the Derwent underwent a rapid industrial expansion. There were buildings on site by the Board of Health map of 1852, and the site appears to have been in small-scale industrial use as a timber yard, a wheelwrights and from the 1920s a small firm of manufacturing confectioners (Derbyshire HER 32128), while the house on the corner of the site (14 Mansfield Road) dates from the last decades of the 19th century.

The surviving industrial buildings on the site are of late 19th and early 20th century date, with some much-altered remnants of the original mid 19th-century buildings. These are of low (local) significance, reflecting a phase in the industrial development of this part of the city, but with very modest architectural and evidential value. The exception to this is the house at 14 Mansfield Road, which makes a positive contribution to the street scene and should perhaps be retained, although somewhat divorced from its original context in terms of surrounding buildings.

Given the low archaeological potential of the site in terms of medieval and Roman remains, and the subsequent 19th century development which would in any case have severely impacted any early remains, I feel that the likelihood of significant below-ground archaeology on the site is negligible, and that there is consequently no need to place an archaeological requirement upon the applicant.

Because the collection of buildings on the site is of local importance I recommend that any buildings to be demolished should first be subject to historic building recording, to English Heritage Level 1, with a brief external and internal photographic record and ground plan, along with a modicum of documentary research to set them in their historic context, leading to a single brief synthetic report. This work should be secured by condition in line with NPPF para 141.

With regard to the setting of designated heritage assets in the vicinity, including the Scheduled Monument at St Mary's Bridge, I defer to the advice of the local planning authority's conservation officer and of English Heritage.

**5.8. Environment Agency:**

The increase in number of apartments means there is an increase in number of people at risk of flooding, this may be something for the emergency planner to consider.

Our comments dated 14th September 2016 in respect of the earlier application remain unchanged.

**Previous comments (September 2016):**

The Environment Agency has recently received additional flood level data from Black & Veatch Consulting which has established the application site can be made safe from the short-term risk of flooding that may occur during the interim period between

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

completion of Packages 1 and Package 2 of the Our City, Our River flood alleviation works. In light of this additional information, the Environment Agency has NO OBJECTION to the proposed residential development subject to imposition of the following planning condition:

**Condition:**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be first occupied until such time as the site benefits from protection against flooding, as provided by 'Package 1' of the Our City, Our River flood alleviation scheme under planning permission code no. DER/02/15/00210 and the geographical extent of which is shown on Drawing 01 Overview Plan – North (Drawing Number 108907 – 900004 Rev A) and Drawing 02 Overview Plan – Derby City Centre (Drawing Number 108907 – 900005 Rev A).

The Environment Agency asks that Derby City Council's Land Drainage Team, as Lead Local Flood Authority, are consulted on the application as statutory planning consultee for surface water drainage at the point of determination of this application.

Future occupants should be encouraged to register with the Environment Agency's free Flood Warning Service by telephoning Floodline on 0345 9881188 or registering at: <https://www.gov.uk/sign-up-for-flood-warnings>. The provision of advance warning of a flood provides valuable time to take action and be prepared. Further information on flooding is available at:

<https://www.gov.uk/topic/environmental-management/flooding-coastal-change>

### **5.9. Highways (Land Drainage):**

**Revised comments in response to submitted flood evacuation plan (November 2017):**

This section has now received some outputs from a flood modelling exercise undertaken on behalf of the OCOR team. The modelling indicates that the site, if built as proposed, has the possibility of providing a dry access/egress during the 1 in 100 year plus 30% climate change allowance following the completion of Package 1 of OCOR.

The dry escape for residents would be from the far south-western corner of the development adjacent to the junction of Mansfield Road, Phoenix Street and Sowter Road. The ground levels at this point would facilitate dry or very low risk exit towards Ford Street and to higher ground.

For this escape route to be possible, amendments to the existing design would be necessary. The south elevation as illustrated on the 'Elevations and Sections' drawing '922:P10 Rev.B) indicates that an escape staircase is proposed from first floor to ground level. This would need extending towards the road side or to a level above that of the 1 in 100 year plus climate change flood levels post-Package 1 as provided by OCOR, whichever is highest. A raised walkway could also be provided above this design flood level. This would enable people to access and egress the site during the design flood. At present this isn't possible, but a modest adjustment could change this and make the design suitable.

Residual risk still needs to be investigated, in line with the requirements of Paragraph 103 of the NPPF, for the development to be determined as safe. In particular, the following questions need to be addressed:

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

1. What measures will be put in place in the event of an exceedance flood (i.e. one exceeding the 1 in 100 year plus 30% climate change design flood)? The use of a flood evacuation plan is one of these, as was previously recommended for a condition which would still be required on any permission. However some people, for a number of unforeseen reasons, may not leave the building and their welfare needs to be protected. For this reason, in line with Planning Practice Guidance Paragraph 045 Reference ID: 7-054-20150415, essential services to the building should be protected in exceedance events.
2. What are the impacts of a flood defence breach on this building and its occupants? This could cause dangerous flows of water with little or no prior warning to remove people from the building. In line with Planning Practice Guidance Paragraph 045 Reference ID: 7-054-20150415, an assessment of the structural safety of the building in a worst case breach scenario should be made by a suitably qualified assessor. In addition, similar to point 1, essential services should be maintained for those that have no opportunity to leave the building in a defence breach event, and the possibility and manner of doing so needs to be secured.

Only once these questions surrounding residual risk have been answered can I review the mitigation measures and determine whether or not this development is safe. When there is further information supplied on residual risk, I can review the mitigation proposed by the applicant, where required, and provide our opinion on the suitability of this development.

I would not recommend that this application is determined by the committee without the required information being submitted. If adequate and appropriate evidence is provided then I would require the conditions recommended in my response dated 19th September 2017 to be imposed on the planning permission.

### **Original comments (September 2017):**

The development has been reviewed by the Environment Agency who has reviewed the risk of fluvial flooding to the development in line with their statutory duty. At the time of this application the Lead Local Flood Authority, were not a statutory consultee on any aspect of flood risk management and consequently were not involved in the emergence of this development. The Environment Agency has requested a condition which precludes the development from being inhabited prior to the completion of Phase 1 of the OCOR Project. As a result, it is assumed that the site is protected by the OCOR defences from fluvial flooding up to the 1 in 100 year event, with the potential to increase the defence height to account for climate change at a later date.

However, the site is still vulnerable to residual flood sources, namely overtopping of defences or breach. This application was submitted prior to the planning permission for OCOR being given and as such at that time it would have been difficult to evaluate the risks of breach and overtopping to the development. However, it is noted that the Environment Agency has determined this application appropriate in this location and have removed previous objections.

Given the residual risk of overtopping or breach, I recommend that a flood warning and evacuation plan be produced for this development to ensure that it can operate safely for the life of the development. A condition should be placed on the

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

development to ensure such a plan is produced, approved by the LPA, implemented and kept up to date for as long as the development is in operation. I would also insist that the statutory services to the building are protected from flooding in the event that people are left inside due to not heeding flood warning and evacuation procedures or in the event of breach of the flood defences. The reason for this is the possibility that people, should they not leave the building on a warning or in the event of breach, may be left in the building for several days during which time they will need basic services such as heating and water. It is noted that the building's plant room is on the ground floor and this would therefore be at residual flood risk. To protect this vital service, the plant rooms should be made water resistant or moved to upper floors.

No specific details of a proposed drainage scheme for the new development have been proposed and as such I would recommend that this is confirmed prior to commencement of the development. A scheme should be submitted that restricts the post development surface water runoff rate to as close as reasonably practicable to the equivalent greenfield runoff rate, as stated in the non-statutory technical standards for SuDS and wider best practice. A fully funded and robust maintenance arrangement should also be provided for the life of the development. This can be discussed further at detailed design stage, but a condition would be required to ensure that a suitable surface water drainage scheme is in place on the development.

As such, I would recommend that conditions are imposed on the planning permission to control details of flood warning and evacuation, protection of statutory services from risk of flooding and a surface water drainage scheme for the development.

### **5.10. Derbyshire Wildlife Trust:**

The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

It is understood that there are proposals to demolish the existing buildings and construct 33 new apartments. The planning application is supported by a bat survey report produced by RammSanderson Ecology Ltd in July 2014.

The survey report states that four of the five buildings have negligible potential to support roosting bats and that one building, B5 has low bat roosting potential. A dusk emergence bat survey was undertaken during July and no bats were recorded emerging from the building. Nesting house sparrow were recorded within some of the buildings on site.

Whilst the survey work is nearly three years old and there is often a requirement to ensure that the most of up to date survey information is available concerning protected species, it is considered that in this instance, given the results of the 2014 survey work and the low probability of bat presence that further survey work prior to determination is not required; however pre-commencement survey work will still be required.

It is noted from reviewing the proposed drawings that a roof top garden is proposed and this is welcomed. It is recommended that in order to maximise the biodiversity benefit of the garden that native species are selected and that bat and bird boxes are installed in close proximity to the garden.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

Paragraph 109 of the 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, contributing to the Government’s commitment to halt the overall decline in biodiversity”.

If the Council are minded to grant planning permission for the proposed development it is recommended that the following conditions are attached:

- Prior to the commencement of development a dusk emergence bat survey of B5 should be undertaken between May and August by an appropriate number of experienced and licensed bat surveyors. The results of this survey work should be submitted to and approved in writing by the Council. If bats or evidence of bats is identified then further bat surveys and a mitigation/compensation strategy will be required.
- No buildings shall be demolished that may be used by breeding birds 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 vegetation is cleared 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 the local planning authority.
- Prior to the commencement of development a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. Such approved measures must be implemented in full and maintained thereafter.

We would also request that if the proposed development includes any external lighting, that there is a requirement for the applicant to submit lighting details so that there is the opportunity to ensure that these do not provide any unnecessary illumination or potentially interfere with the use of bird and bat boxes. This should be secured through a suitably worded condition.

### **5.11. Police Liaison Officer:**

Comments related to access and enclosure, matters which haven't been moved on, consequently original comments are posted in brackets below for re-consideration:

“I'd repeat that there are no objections in principle, and the detail required to resolve comments could I expect easily be resolved by expanding details of boundary treatment or by a condition of approval.

There are no objections to the application in principle, nor to the majority of detail. We would ask that access control provision and enclosure are fleshed out, either as amendments to the submitted plans or as conditions of approval.

In respect of access control there will be need to keep the communal car park, lobby, cycle store and bin store secure for resident access only. Within this there will also be a need for residents to vet visitors at the main entrance. For a development of this size our advice would be for both audio and visual vetting and the facility for residents to release the communal entrance remotely, all from within the confines of each private apartment.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

The triangle of land situated to the rear of the plant buildings and lift will need to be secured with an acceptable form of enclosure. This land is not well overlooked and has the potential to be a generator of nuisance for residents. There is some form of enclosure indicated on 3D plans, but this isn't made clear on the site plan."

### **5.12. Historic England:**

Thank you for your letter of 12 April 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any further comments but note that there has been positive engagement between your authority and the applicant. We suggest therefore that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### **5.13. Derwent Valley World Heritage Site Panel:**

The design had been revised in response to previous comments, in part, from the Derwent Valley Mills World Heritage Site (DVMWHS) Partnership. The reduction in height to five storeys represents an improvement over the previous proposals and will lessen the impact on the World Heritage Site. As previously acknowledged, the design is uncompromisingly contemporary, which, in principle, is the preferred approach to meet the requirement for authenticity. The massing has been handled in a more convincing manner and the palette of materials revised to include a larger area of contextual brickwork cladding, significantly less render and a potential interest in the 'corten' cladding to the top storey and end elevations. The tall vertical bookend elements provide focal point interest generated by the irregular shaped site, though the expression of the southern feature, facing the bridge, could be strengthened further, it is considered.

Some concerns of the previous proposals remain. The proposed building will still be viewed in the round, as determined by nearby Landau Forte College, with its less appropriate city scale. However, the east elevation receives less attention in terms of surface articulation and reduces the quality of the building as a whole. Furthermore, the building's contribution to the public realm at pedestrian level is negligible and would prohibit any engagement with this significant presence within the urban scene.

On balance, it is considered the revised design would not harm the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site and the setting of significant heritage assets that contribute towards the Site's significance. However, aspects of the design could be developed and refined further to respect its larger sensitive context. Its contribution to the public realm at pedestrian level is still negligible and would prohibit any engagement with this significant presence within the urban scene.



## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

### **6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

#### **Derby City Local Plan Part 1 - Core Strategy (2017)**

CP1a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC2	Delivering City Centre Renaissance
AC7	River Derwent Corridor
AC8	Our City Our River
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

#### **Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development – general criteria
E19	Listed Buildings and Buildings of Local Importance
E18	Conservation Areas
E21	Archaeology

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy ADOPTED DEC%202016 V3 WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

- 7.1. Policy Context
- 7.2. Heritage Impacts and Urban Design
- 7.3. Highways Implications and Parking
- 7.4. Environmental Impacts
- 7.5. Section 106
- 7.6. Planning balance and conclusion

**7.1. Policy Context**

This full application is for the redevelopment of a former industrial site at the corner of Mansfield Road and Fox Street in the Chester Green area of the city. The site is just to the north of the city centre and Inner Ring Road (St. Alkmunds Way). It is a relatively small brownfield site, which is in a prominent location, being at the junction of various principal roads approaching the centre and in close proximity to the River Derwent. It currently affords views from across the river corridor and from the Inner Ring Road. The industrial buildings which are on the site are vacant and comprise a group of two storey and single storey buildings.

The area surrounding this site is characterised by a mix of commercial, residential and education uses, in this edge of city centre location. There are buildings of varying scale and heights in the immediate locality. Landau Forte college building is two storey but with a large footprint. The 'Prime' building to the north of the site is four storeys and of substantial proportions and the apartment building opposite at the junction of City Road is up to six storeys in height.

The proposal is for demolition of existing buildings on the site and development of 33 apartments, in the form of a five storey building, which wraps around the edge of the site. The building would comprise undercroft parking area and servicing with accommodation on the four upper floors.

The design and form of the building has evolved significantly during the course of the application, in response to concerns about adverse impacts of the development on the historic environment in proximity to the site. Since the original submission, the scale and height of the building have been reduced and its appearance and materials have been revisited. The amended scheme has increased the number of units from 28 to 33 apartments despite the building's scale being reduced.

**Local Plan Policies**

The site is not allocated for any particular use in the adopted Local Plan – Part 1 although it is located in a historically sensitive area of the city, adjacent to the Derwent Valley World Heritage Site and its Buffer Zone and close to the Conservation Areas at Little Chester, City Centre and Nottingham Road. The site also sits alongside an Archaeological Alert Area. There are a number of statutory listed buildings and structures and a locally listed building in the immediate area

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

around the site, including the Grade II\* listed and scheduled St Mary's Bridge, the adjacent grade I and II St Mary's Bridge Chapel and House and locally listed Waterside Inn.

Heritage Policies CP20 of the adopted Local Plan and saved Policies E18, E19 and E21 of the adopted City of Derby Local Plan Review (CDLPR) relate to the protection and enhancement of the historic environment and are all relevant to this proposal, in association with the restrictive heritage policies in the NPPF. AC9 seeks to preserve, protect and enhance the special character of the World Heritage Site. Development outside the World Heritage Site and its Buffer Zone should not have an adverse effect on the Outstanding Universal Value (OUV) or its setting.

The Central Business District (CBD) abuts the southern edge of the site, which under Policy AC2, provides the main focus and concentration for economic and leisure activity within the city centre. Within this area, "city centre living" will be promoted through new development or re-use of existing buildings.

The site is in Flood Zone 3, being at high risk of flooding from the River Derwent and is adjacent to the Our City Our River corridor which runs along the River Derwent. Policy AC7 relates to the River Derwent Corridor, which affects this site, due to its proximity to the river and the flood risk which it is exposed to. The policy encourages development proposals within the corridor, which help to implement the Our City Our River (OCOR) programme. Policy AC8 is specifically concerned with OCOR, which is the programme to reduce flood risk by means of implementing new flood defences and making space for water. The application site, lies just outside the defined OCOR corridor, although it is impacted by the flooding and would benefit from the OCOR programme in the event that the scheme is implemented in this part of the city.

The Our City Our River flood defence development project, which was granted permission in December 2015 (DER/02/15/00210), would provide flood protection for this location as part of "package 2" of the permitted scheme. The current works being carried in Chester Green to form the flood defences along the River Derwent are being delivered under "package 1" of the development. The "package 2" works have not yet commenced and will only be undertaken after the completion of the current construction works.

In terms of general design principles, adopted Local Plan – Part 1 policies CP1a), CP2, CP3 and CP4 all apply. Saved policies GD5 and H13 of the CDLPR are also relevant. These collectively are policies which seek to ensure a sustainable and high quality form of development is provided. Development proposals are required to respect the character and context of their location and safeguard local amenity, by ensuring an appropriate design, layout and scale is provided, which relates positively to its surroundings.

Policy CP2, relating to effects of climate change, seeks to ensure that development is sustainable in its design, construction and its location. It also requires that flood risk is managed appropriately and encourages the use of sustainable drainage systems. This edge of city centre site is highly sustainable and accessible in its location for residential development, subject to the flood management and drainage issues being satisfactorily dealt with.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

Saved Policy GD5 set out the amenity requirements of developments in order to safeguard nearby properties and future occupants and Policy H13 applies design criteria to residential development to provide a high quality living environment and a suitable form and layout of development which respects the local urban context.

### **Policy Conclusions**

Having regard for the general policy context, the principle of residential development is considered appropriate on this vacant brownfield site, given its highly sustainable location. The provision of 33 apartments would also make a contribution to the city's overall housing need, in close proximity to the city centre.

Matters such as the height, scale, massing and form of the development will need to be considered in the context of the relevant Local Plan policies and the framework policies, particular in relation to the impacts on the historic environment, including the nearby World Heritage Site, Conservation Areas and the setting of identified listed and locally listed buildings in proximity to the site. Careful consideration has been given to the design and form of the proposed building, in the context of the surrounding townscape and important views of the building from key vantage points in the local area. Any adverse impacts on the historic environment must then be weighed in the planning balance as part of the decision making process.

## **7.2. Heritage Impacts and Urban Design**

### **Policy and Legislative background**

Whilst there are no designated heritage assets on the development site, the proposal would impact on such heritage assets in close proximity to the site, including the Derwent Valley Mills World Heritage Site (DVMWHS), the nearby Conservation Areas of Little Chester, Strutts Park, Nottingham Road and City Centre and Grade II\* listed and schedule monument St. Marys Bridge, Grade I and II listed St. Marys Bridge Chapel and House and locally listed Waterside Inn. The Silk Mill industrial museum is Grade II\* listed and whilst it is further away from the site, being to the south of the Inner Ring Road, its setting is likely to be affected views of the development.

In determination of this application decision makers must engage Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires the local planning authority to:

- have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Harm to the significance of designated heritage assets is a matter to which considerable importance and weight should be given in any planning balance.

Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be less than substantial.

The proposal must also be considered under the new adopted Local Plan – Part 1 (DCLP) policies and those saved Local Plan Review policies (CDLPR) which are still relevant.

Local Plan – Part 1 Policy CP20 seeks the protection and enhancement of the city's historic environment, including listed and locally buildings, Conservation Areas and

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

the World Heritage Site, Scheduled monuments and Archaeological Alert Areas. CP20 c) requires development proposals which impact on heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate, siting, alignment, use of materials, mass and scale.

Policy AC9 in the Local Plan – Part 1, seeks to protect, preserve and enhance the Derwent Valley Mills World Heritage Site. Development proposals outside the World Heritage Site and its Buffer Zone should not have an adverse effect on the Outstanding Universal Value (OUV) or its setting.

Saved Policies E18 and E19 of the CDLPR seek to preserve and enhance the character and appearance of Conservation Areas and historic listed and locally buildings and protect them from development which is harmful to their significance. Saved Policy E21 seeks to protect the potential archaeological interest of sites within the Archaeological Alert Area. These policies continue to complement the newly adopted Policy CP20.

In addition to the impacts on the historic environment, the development must also be considered against the wider design principles in the DCLP - Policies CP2, CP3 and CP4 and saved policies H13 and GD5 of the adopted CDLPR, which are also applicable. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. CP3 specifically sets out place making principles, which require developments to be well integrated into their setting and respond positively to heritage assets. Policy CP4 then sets out the key considerations that will be taken into account when assessing the response of a proposal to local character and context.

When considering the impact of a development proposal on the significance of a designated heritage asset (such as a listed building, Conservation Area and World Heritage Site) paragraph 132 of the NPPF advises that:

- great weight should be given to the asset's conservation;
- the more important the asset the greater weight should be given;
- the significance of an asset can be harmed through alteration, destruction or development within its setting;
- harm or loss requires clear and convincing justification.

Guidance in the NPPF provides that proposed developments involving substantial harm to or loss of designated heritage assets should be exceptional and in the case of heritage assets of highest significance such as World Heritage Sites and Grade I and II\* listed buildings should be wholly exceptional. In the case of other designated heritage assets such should only be permitted if either the loss or harm is necessary to achieve substantial public benefit that outweigh the loss or harm caused by the development or if the specific tests set out in paragraph 133 are met.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

In cases where the harm to the designated asset is considered to be less than substantial, paragraph 134 of the NPPF provides that the “harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. Causing less than substantial harm is not to be equated to a less than substantial objection to the granting of planning permission. Even less than substantial harm should be given considerable importance and weight.

In relation to non-designated heritage assets, which include buildings on the Council’s Local List, paragraph 135, requires that effects on the significance of the asset, then when weighed in the balance, a balanced judgement will be required having regard for the scale of the harm or loss of the asset and its significance.

### **Impacts on Heritage Assets**

The development site lies just outside the Derwent Valley Mills World Heritage Site (DVMWHS) and its Buffer Zone, which runs along the river corridor to the west of Mansfield Road. The listed buildings and Scheduled monument at St. Marys Bridge and Chapel are opposite the site on the river and the locally listed Waterside Inn is on the opposite side of Mansfield Road. The nearby Conservation Areas are all within 200 metres (approximately) of the site. The 19<sup>th</sup> Century buildings on the site are identified as being of historic interest although they are not subject to any designation.

Given the proximity of the proposed apartment building to these various heritage assets, there would clearly be a visual impact on the setting and significance of those historic features, which needs to be considered in the context of the legislative background and planning policies. The impact on each of the heritage assets would differ according to their relative importance and relationship with the development site.

The World Heritage Site is afforded the highest degree of significance, due to its international as well as national importance and the impacts are likely to be significant due to its close proximity to the site. The Grade I and II\* statutory listed buildings and Scheduled monument have a high level of national significance. Grade II listed buildings and Conservation Areas are of national significance. Buildings on the Council’s Local list are of lesser historical significance than the designated heritage assets.

The applicant submitted a Heritage Statement (October 2014) in support of the application, which has subsequently been updated following submission of the revised scheme, most recently at the end of October 2017. The assessment has been revised to rectify inaccuracies and amend the methodology for assessing the impacts on the various heritage assets. The Statement identifies the historic buildings and structures in the surrounding area, which are considered to be affected by the development and the potential impacts on these identified heritage assets are assessed, in the context of the townscape context in this part of the city. I note the comments of the Conservation Officer, in relation to the methodology used in the Statement, to assess the World Heritage Site. However, the Officer does not raise concerns about outcomes arising from the assessment and therefore I am satisfied that the revised Heritage Statement is a suitably robust document, which can be given weight in the consideration of the heritage impacts.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

The most substantial effects on historical significance are identified as being substantial and moderate impacts to the buildings on the site itself and to the setting of the locally listed Waterside Inn, opposite the site. The Conservation Officer as shown on in the table of impacts, set out in the consultation section, categorises the impacts to those heritage assets, which having regard for the lesser degree of historic significance of those buildings, are assessed as being an intermediate to minor impact on the significance of those assets.

The Derwent Valley Mills World Heritage Site (DVMWHS) and its Buffer Zone lie directly adjacent to the site and have the highest degree of significance due to its international importance. The DVMWHS lies immediately to the west of the site and views of the development along the river corridor would be principally be visible from the western bank of the river from Duke Street and from the Silk Mill and Cathedral Green, which are all within the WHS. The proposed development would have a visual impact on the setting of the World Heritage Site, which the Statement assesses as being a slight impact on the Outstanding Universal Value of the WHS. The Statement considers that the “change to the setting would not be overly intrusive or overly diminish the context” of the WHS. The Conservation Officer and World Heritage Site Panel are both of the view that the revised apartment scheme would have negligible impacts on the OUV of the WHS, which are classed as minor harmful effects on the to the significance of the asset.

The Panel is supportive of the contemporary design and general massing of the building and the palette of materials. Whilst they have raised specific issues with the parts of the elevational treatment to the rear elevation and ground floor frontage, the Panel considers that the development as a whole would not harm the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site and the setting of heritage assets that contribute towards the Site’s significance

The World Heritage Site includes various key listed buildings which contribute to its setting and also have a high level of significance in their own right. The Grade I Bridge Chapel and II\* listed St. Marys Bridge are located close to the site, alongside the river. The Bridge House is Grade II listed. They are all significant historic features in this part of the city and also have importance also as a group. The 18<sup>th</sup> Century Bridge, which is also a scheduled monument, is directly opposite the site and would be viewed form the river corridor in the context of the development, to the east. The Bridge Chapel is of the highest national significance, dating originally from the 13<sup>th</sup> Century with later additions in 14<sup>th</sup> Century, alongside the Chapel House, which is 17<sup>th</sup> Century and has historical association with the Chapel. The setting of the Chapel and Chapel House would be affected by the proximity and scale of the proposed building, although the revisions to the scheme, by reducing the scale and the use of a more complementary palette of materials, would lessen the impact and the harm to the significance of those heritage assets. The harm to the listed Chapel and Chapel House is assessed as being negligible, whilst the harm to the Bridge would be slight.

The Silk Mill industrial museum, is Grade II\* listed and is some 200 metres distant from the site, located in the city centre and is separated from the development by the St. Alkmunds Way flyover. It is a significant former industrial building, dating from the 18<sup>th</sup> Century, which also has importance as part of the World Heritage Site, as well as in its own right. The impacts on this important listed building arise from the long range

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

views which are afforded of the development and are assessed as amounting to slight harm.

The Conservation Officer agrees with the Heritage Statement that the impacts on the setting of all of these listed structures would range from negligible to slight harm, similar in significance to the effects on the WHS, which are assessed as minor to intermediate in their significance.

There are three Conservation Areas in close proximity to the site which would be affected by the development, in terms of visual impacts on their setting and character. The City Centre Conservation Area lies to the south of St, Alkmunds Way and includes the Silk Mill museum and the impacts are considered to amount to slight harm, which is assessed as being minor in terms of significance. The nearby Conservation Areas of Little Chester and Nottingham Road which are to the north and east of the site would see a negligible impact on their character, which is assessed as being a neutral effect on their significance.

The locally listed Waterside Inn (former Bridge Inn) would see a more significant impact on its setting due to the proximity of the site and scale of the apartment building, opposite to the historic public house. The visual impacts on its setting are considered to be moderately harmful, which is assessed as minor to intermediate effects on its significance, although the context of the building has been considerably altered by modern development in the immediate area. The building has lesser historical importance than the designated heritage assets, which are affected by the scheme and therefore the harm to its setting must be balanced against its relatively lesser degree of historic significance. The Conservation Officer concurs with this approach.

Taking into account the impacts of the development on the various heritage assets in the immediate vicinity of the site, the Conservation Officer is of the view that the effects are generally at the lower end of the scale in terms of harm, from slight to moderate (substantial for the buildings to be demolished on the site). The heritage assets which would be adversely affected the most by the development are the undesignated heritage assets upon the site, the setting of the locally listed Waterside Inn (former Bridge Inn) and in terms of designated heritage assets the setting of the listed St Mary's Bridge, and Silk Mill and the City Centre Conservation Area (as it includes the Cathedral Green and the Silk Mill). Although the Officer does not raise objections to the proposal, in respect to the identified harm, it is acknowledged that the harm is 'less than substantial' and therefore the requirements of para. 134 of the NPPF come into play, in terms of the need to weigh the harm in the planning balance. The impacts on the non-designated heritage assets, which include the buildings on the site and the locally listed Waterside Inn must be given due weight in a balanced judgement, as stated in NPPF para.135.

Whilst the Conservation Officer and World Heritage Site Panel do not raise any substantive concerns about the revised apartment scheme, the Conservation Area Advisory Committee maintains objections to the development. Their concerns are that the existing historic buildings on the site should be retained and incorporated in to the development and that the scale and massing of the proposed scheme would be harmful to the setting of the listed Bridge and Bridge Chapel, and the locally listed Bridge Inn.



## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

Historic England has not raised any concerns with regard to the revisions to the apartment scheme.

Having regard for the consultee comments and the heritage assessment, submitted in support of the application, I consider that the revised development scheme would result in 'less than substantial' harm, as per the NPPF, to the setting of the Grade II\* listed St Mary's Bridge, setting of the grade II listed Silk Mill and the City Centre Conservation Area and therefore the significance of those heritage assets. In regard to the degree of that less than substantial harm, which would impact on those assets, I agree with the Conservation Officer's advice, that the harm would be slight and minor to intermediate in its significance, such that it would to a limited degree.

In heritage terms, the proposed development is strictly speaking contrary to the intentions of adopted Policy CP20 of the DCLP – Part 1 and saved policies E18 and E19 of the CDLPR, due to the acknowledged harm to the setting of the identified listed buildings and City Centre Conservation Area.

In the context of para. 134 of the NPPF, the identified harm to the setting of the heritage assets, to the listed buildings and conservation area, must be weighed against the public benefits of the proposed development. Those benefits are considered to be as follows:

1. The delivery of new housing, to contribute towards the city's housing need in a highly accessible and sustainable location, in close proximity to the city centre.
2. The physical regeneration of a brownfield site, which has been the subject of long term vacancy with a high quality residential development
3. Formation of a strong built frontage and provision of a striking architectural form, contributing to the townscape in this key edge of city centre location
4. Introduction of new residential units into a currently vacant plot and bring natural surveillance of the streetscene
5. Delivery of affordable housing, public open space and contributions towards delivery of new flood defences along the river corridor, to support delivery of OCOR and providing direct benefits for the development, to be secured through Section 106 Agreement.

I am of the opinion that these amount to considerable social, environmental and economic benefits which should be afforded significant weight in the planning balance. These benefits would outweigh the less than substantial harm to the setting of the identified listed buildings and conservation area, arising from the visual impacts of the development on their significance.

The non-designated heritage assets are to be considered under para.135 of the NPPF, which requires a balanced judgement, taking into account the scale of the harm to the asset. In this case, there is moderate harm to the setting of the locally listed Waterside Inn and substantial harm resulting from the demolition of the historic buildings on the site. These adverse impacts, need to be weighed in the balanced judgement against the public benefits which are set out above. In the balance, the lesser degree of historic significance which these buildings have in the overall scale of heritage assets must be taken into consideration. Whilst, the harm to these non-

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

designated assets is greater than that which would affect the statutorily protected features, the significant public benefits are still considered to outweigh the harm to the locally listed public house and the non-designated historic buildings on the site.

### **Design and Amenity**

In considering the design and form of the proposed apartments, appropriate weight must be given to the design principles in Policy CP3 and CP4 of the adopted DCLP – Part 1 and in saved policy H13 of the CDLPR.

The proposed apartment development has been amended during the life of the application, in response to substantial concerns about the scale, massing, height and design of the original building and the significant harm to the significance of various heritage assets in the vicinity of the site.

The revised scheme would be a five storey apartment building, which wraps around three sides of the triangular shaped site. The built form would front onto the Mansfield Road frontage, with accommodation at first floor and above and undercroft parking at ground floor level. The building would have a strong presence in the streetscene, of Mansfield Road, with a narrow vertical glazed feature on the end elevation fronting the junction with Fox Street. Consideration has been given to the elevational treatment of the building and the palette of materials, which gives appropriate proportion to the building and visually breaks up the massing and scale of the built form. The main external material to be used for the building is brick with some render and a feature rustic cladding.

The Design & Access Statement states that the building design is intended to be “a modern mill like structure with large flat facades and rhythmic structural openings.” The building would have considerable presence in the surrounding area, although it would not in my view have a dominating appearance, relative to the immediate urban context, which is characterised by a mix of old and modern buildings, up to four and five storeys in height. The building narrows considerably to the northern end elevation, which has a slender appearance when viewed from the north on Mansfield Road.

The fourth floor of the building would be recessed back from the principal elevations, which also relieves some of the mass of the building. The introduction of projecting feature corner elevations to the Fox Street elevation and the southern end of the façade fronting Mansfield Road, would book end the building and give orientation to the development, with views towards the river and the local streetscene. These projecting features give vertical emphasis to the built form and overcome some of the horizontal mass of the principal west and south facing facades. The differing window proportions across the elevations also help to break up the potential massing and bulk of the building. The use of dark metal effect cladding has given rise to some concern by the Conservation Officer about the precise type of material to be used for this element, although the use of a modern feature cladding is considered appropriate, subject to details of the material being agreed via a suitable planning condition.

The ground floor elevation has a limited active frontage, which is due to the ground floor being primarily undercroft car parking and servicing. This is a mitigation requirement to address the risk of flooding and therefore raise living accommodation

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

to the upper floors. The entrance lobby is served off Mansfield Road and there is an entrance canopy feature which provides a focal point at street level. The introduction of a green living wall has been added to the elevational treatment of the street frontage in order to enhance the appearance and landscape planting on the principal elevation.

The southern elevation is predominantly brick and raised on stilts, due to the undercroft parking. An external fire escape stair case is located to the first floor on this elevation and is required to provide escape in the event of flooding as well as fire. This elevation fronts onto the side of Landau Forte College and the lower section of the building would be screened by the college building and tree cover, which is adjacent to the site boundary.

The east elevation of the building, which faces towards Landau Forte College, has a more simple appearance, being primarily brick facades and comprising of projecting blocks. The top floor would be set back from the elevation which faces onto the college. There is a short section of external corridor to apartments which would be partially screened and recessed from the site boundary. This element of the scheme would not in my view be clearly visible from the nearby street frontage on Fox Street or from adjacent college. This elevation would therefore have the least impact on the immediate area, in terms of visual amenities of the immediate area.

In addition to the submitted details of the proposal, the applicant has provided 3D images of the development and long distance view analysis of the building in context, using the Council's 3D Tall Buildings model. The proposed views are accepted as being verified views, which reflect the views from street view. The submitted views consider the visual effects of the development on key views from the World Heritage Site and impacts on the identified heritage assets including the Silk Mill and St. Marys Bridge and Chapel.

Views of the building from these view points would be seen against the backdrop of St. Marys Bridge and the Waterside Inn in particular, as well as existing modern development and road infrastructure, which is also a feature of the immediate area. There would be clear views of the building from Mansfield Road and City Road to the north. It would be seen against the adjacent four storey St. James House on Mansfield Road which is of comparable height and scale to the proposed, whilst the City Walk apartments on the junction of City Road are five to six storeys in scale. Views of the proposed apartment building would be partly screened by these structures and in the context of the given street views, would not appear materially higher in the surrounding area, than the existing buildings and structures.

The submitted views are, in my opinion, satisfactory to show that the revised apartment development would sit comfortably in the local streetscene and within the wider urban context, including views from the city centre.

I agree with the Council's Urban Designer that the views using the 3D model, which illustrate the relationship of the proposed building to St. Marys Bridge and the river corridor, satisfactorily demonstrate that the height of the building is acceptable and the development as a whole would not over-dominate the setting of these townscape features and the building context. She is also satisfied that the use of a green wall on

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part of the ground floor frontage would enhance the appearance of the blank elevation.

Due consideration has been given to the design of the elevations and the use of external materials for the scheme. Subject to conditions to agree details of appropriate materials and window/ door joinery and any roof structures, I am satisfied that the proposal represents a high quality residential development which would make a positive contribution to the appearance of the townscape in this prominent urban context. It would also bring a long term vacant site into viable reuse. Overall it is considered that the development would respond to and integrate into the local street scene and the wider city centre, accordingly it complies with the design policies CP3 and CP4 of the adopted DCLP – Part 1 and saved policy H13 of the CDLPR.

In terms of impacts on amenity, Landau Forte College has raised objections to the application in regards to concerns about overlooking of the college from some of the apartments on the east elevation. They have concerns about views into classrooms of the college, which is a single and two storey building with large footprint. There are college windows on the east and north facing elevations of the building, which would be affected by the residential units on the south eastern corner of the development. The closest habitable rooms to the college building are at a distance of approximately 11 to 15 metres and are to bedrooms and living rooms of apartments on first, second and third floors. The windows to the living rooms, which are the end elevations fronting the college could be classed as secondary openings, since there are also windows on the other elevations facing north and south respectively. There are a set of bedroom windows which are single openings. Since there would be a potential for some overlooking of the college classrooms at a relatively close distance, I consider that it is reasonable in this case to require these windows to be obscure glazed. This would address some of the concerns of the college and ensure that the amenities of the college and the future occupants of the apartments are maintained for the life of the development.

There are no other properties, in the immediate locality either commercial or residential which would be adversely affected by the proposed apartments and accordingly I am satisfied that the amenity requirements of saved Policy GD5 of the CDLPR are adequately addressed.

### **7.3. Highways Implications and Parking**

The application site is a former industrial site and has an existing access onto Mansfield Road, close to the junction with Sowter Road and Phoenix Street, which is not currently in use. The traffic implications arising from the residential development, of 33 apartments is not likely to be materially different from the permitted industrial use of the site. Although the proposal has been amended from 28 apartments, this change is minimal in terms of trip generation and I note that no concerns have been raised by the Council's Highways team in respect to the likely impacts on the local highway network.

The proposed apartment building would incorporate under croft parking and servicing at ground floor, served by a vehicular access, which would be in a similar position to the existing entrance. The access to the development would utilise an established access location, with no significant change in traffic generation. As a result there are

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

not considered to be any adverse highway safety implications arising from the proposal. The revised scheme has 33 units, although the parking provision for the apartments has been retained at 26 spaces, including 2 disabled bays. The undercroft would also include an internal cycle store and bin storage area alongside the entrance lobby to the building.

The Highways Officer has not raised any objections to the amount or layout of car parking within the site. A reduced level of parking is considered acceptable in this central and highly accessible location, which is close to the city centre. The provision of secure cycle parking is also welcomed and provides for alternative travel for the occupants of the apartments. The servicing arrangement for the apartment building is also considered satisfactory. The visibility splay at the proposed access onto Mansfield Road has been improved at the request of the Highways Officer due to the proposed entrance canopy on the principal elevation encroaching into the splay. A revision to the design of the canopy feature has been carried out and revised plans submitted, to ensure that the visibility for drivers entering the highway on Mansfield Road is not obscured by the front elevation of the building.

Overall, the access and parking arrangement, is therefore considered to be acceptable in terms of traffic impacts and highway safety and is in accordance with adopted Policy CP23 of the DCLP- Part 1 and saved Policy T10 of the CDLPR.

### **7.4. Environmental Impacts**

#### **Flood Risk**

The application site is in close proximity to the River Derwent corridor and falls within Flood Zone 3a), which according to the NPPF Technical Guidance are areas at a high risk of flooding in a 1 in 100 year flood event. The flood zone, which encompasses the site, extends along the river corridor through Chester Green and parts of the city centre, including the area known as North Riverside. The proposed apartment scheme would potentially be exposed to a high flood risk in this location and therefore a key consideration in assessing this proposal is the provision of a safe form of development for the occupants of the site, given the high flood risk which affects this site.

The application site lies just outside the area which is subject to the Our City Our River (OCOR) programme. OCOR is a shared vision with the Environment Agency, which seeks to reduce flooding by providing improved flood defences, creating space for water and allowing opportunities for new development along the River Derwent through the city. Policy AC8 makes provision for the delivery of the OCOR programme and requires development proposals within the identified area to contribute towards implementing of the OCOR programme, by provision of flood defence works within the scheme. The Policy states that *"the OCOR programme is a major flood alleviation scheme that will reduce overall flood risk within the River Derwent Corridor and facilitate the regeneration of key riverside sites."* The policy also provides for the Council to investigate opportunities to seek contributions from development that benefit from the OCOR programme, in situations where they are not providing new flood defences.

Policies CP2 (Responding to Climate Change) and AC7 (The River Derwent Corridor) both promote the delivery to the OCOR programme, to reduce flood risk

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

through development of sites along the River Derwent corridor. AC7 in particular encourages development along the river corridor, including those which help to implement the OCOR programme.

Whilst the proposed apartment scheme is not sited within the OCOR area, it does constitute a regeneration site, close to the river, which is affected indirectly by the flood alleviation works being proposed as part of the OCOR programme. The development would also directly benefit from the formation of new flood defences along the river corridor, once they are fully delivered through the permitted OCOR scheme. The delivery of Packages 1 and 2 would provide improved flood protection for properties at flood risk from the River Derwent which is within the OCOR corridor. The development site, lies just outside the OCOR corridor, but it would be afforded some benefit from the delivery of the new flood defence works, in a 1 in 100 year flood event with a 30% allowance for climate change. However, the site would still be vulnerable to flooding at ground floor level, although the delivery of OCOR will improve public safety in a flood event, by enabling a safer means of access and egress to be provided for the development. A potential safe egress route could be achieved to the surrounding high ground, despite the site not being fully protected in a 1 in 100 year event. The proposed fire escape staircase has been amended and extended to link with Mansfield Road, in order to provide a dry safe egress, as requested by the Council's Land Drainage team.

The completion of Package 1 alone will give a degree of flood protection for the development site in the short term. Package 1 of the programme has full planning permission and is currently under construction through Chester Green to the north of the Silk Mill. Package 2 has outline permission and will extend the programme through the city centre, including North Riverside. A detailed scheme of flood protection for this part of the programme is still to be finalised and this will then be subject to a further reserved matters application, prior to being implemented.

The application was held in abeyance, until the OCOR programme was granted planning permission in December 2015, due to the high risk of the development being exposed to flooding, in the absence of a deliverable flood defence strategy and the absence of any identified safe evacuation routes for the future occupants. Extensive negotiations were carried out with the Environment Agency and the applicant during this period, and following planning permission being given for OCOR, in order to address the flood risk issues relating to the site and to allow the development to be brought forward, with the provision of the safe living environment for the life of the development. Until such time as the flood defences in Package 1 are fully complete, the concern is that the development would not be protected against an extreme flood event, representing a risk to life and property. Without a suitable means of safe access/ egress for the apartments being demonstrated in the event of flood, then the proposal was considered to represent an unacceptable flood risk.

In order to overcome these concerns, the applicant has agreed to the following mitigation measures, in order to reduce the risk of flooding to the development and thereby provide a safe access/ egress for the future occupants and ensure that the site benefits from an appropriate level of flood protection, before occupation:

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

- 
1. A Grampian style condition to prevent occupation of the development until the site benefits from flood protection implemented under the Package 1 works (which are currently being constructed and due for completion in 2018)
  2. A site specific flood evacuation plan for the apartments to ensure safe access and egress in a flood event.
  3. Agreement to contributions towards the delivery of a component of the Package 2 works, within North Riverside, which would provide flood protection benefits for the development.

The Environment Agency subsequently withdrew their objection in September 2016, to the development on the basis of a planning condition, in line with 1) above being attached to the permission and subject to 3) being secured through a Section 106 Agreement. A contribution towards the delivery of flood defence works for Package 2 of the OCOR programme would assist with the implementation of this next part of the programme of works in North Riverside and would provide direct benefits for the flood protection of the development. The applicant is willing to provide such a contribution and this would be secured through a Section 106 Agreement along with other obligations required for this development.

The Environment Agency has since re-assessed its position in relation to the potential residual flood risk to the development, which relates to the impacts of a breach or over topping of the flood defences, delivered under OCOR. Residual risk should be properly investigated, in line with the requirements of Paragraph 103 of the NPPF, for the development to be determined as safe for its lifetime and to ensure that it does not increase flood risk to third parties. This firstly requires an analysis of the effects of a breach of the defences on the proposed building and secondly inclusion of flood resilience measures to be incorporated into the development to protect the occupants and enable the building to function in the event of a flood, where people are still in the building. Essential services, including heating, lighting etc. would need to be protected against potential flooding, so that if for whatever reason residents do not evacuate the building or are unable to do so due to disabilities or illness, etc. the building would still be able to maintain basic services. The plant room in the apartment building is currently proposed to be on the ground floor. In order to protect the services from flooding it may mean that the plant room will need to be located on upper floors, or a raised position relative to flood levels on the ground floor.

The applicant is currently in the process of undertaking further flood risk assessment work to address the residual flood risk to the development and consider the provision of flood resilience and resistance measures within the development. These works are on-going in consultation with the Council's Land Drainage team and the resultant work will be reported to the committee along with relevant consultee responses. Providing that it can be demonstrated that the development can be made safe for its lifetime then it is considered that it would not increase flood risk and accordingly the requirements of Policy CP2 of the DCLP- Part 1 and overarching NPPF guidance would be satisfactorily met.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

A safe access/egress for the building would then be required to be implemented before occupation of the apartments, by means of an agreed flood warning and evacuation plan, which can be secured by a suitable planning condition.

The preparation of a flood evacuation and warning plan has been undertaken, following discussions with the Council's Land Drainage team and Emergency Planner in 2016. A Flood Emergency Plan was submitted in September 2017. This has subsequently been revised following comments received from the relevant consultees. An appropriate warning and evacuation plan is required for the development to ensure that it can operate safely for the life of the development and provide a mitigation scheme in the event of possible overtopping or breach of the OCOR flood defences. In the event that an appropriate evacuation plan is not provided and agreed prior to determination of the application, then a planning condition is recommended to secure an agreed flood evacuation and warning plan, to be implemented for the life of the development.

The proposal is for a "more vulnerable" use in the form of a residential development on the site. In order to be satisfied that such a development is acceptable in this location, the NPPF Technical Guidance requires the Sequential Test to be applied to site selection. This considers if there are other sequentially available sites within areas of lower flood risk, appropriate for this type of development. This test has been applied by the applicant and it is accepted that there are no other reasonably available brownfield sites, which would meet the requirement to contribute towards the city's housing need. The Environment Agency also concurs with this approach and so in order to confirm that the development is acceptable in flood risk terms, the NPPF Guidance requires the Exceptions Test to also be met.

The two criteria to be met under the Exceptions Test require:

1. the development to provide sustainability benefits, which outweigh flood risk and
2. the flood risk assessment to demonstrate the development would be safe for its lifetime, without increasing flood risk.

In line with 1) the development is considered to be highly sustainable, in terms of its location, housing supply and regeneration benefits. In relation to 2) the delivery of the OCOR project, in particular Package 1 of the scheme is a key factor in passing this element of the test, through the provision of new flood defences to give 1 in 100 year flood protection, with climate change to give an appropriate level of flood protection for the development. The Environment Agency and Land Drainage team have agreed that OCOR will provide a degree of flood mitigation for the site, although this also needs to be accompanied by assessment of residual flood risk and delivery of an effective flood warning and evacuation plan, as described above, to ensure safe access and egress in times of flood.

Overall, subject to these assessments and flood mitigation being put in place I am of the opinion that the Exceptions Test can be appropriately met and the proposed residential development would be acceptable in terms of minimising flood risk to the occupants and providing a safe form of development for the future residents..



## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

A suitable surface water drainage scheme will be required for the development, to minimise flood risk to the wider area. No details have been provided with the application, so an appropriate planning condition will be attached to secure implementation and maintenance of an appropriate drainage scheme for the site.

### **Ecology**

The site contains various vacant industrial and residential buildings, which are to be demolished as part of the development and may be a source of bat activity. The application is supported by a bat survey report to assess the site for the presence of bats roosting in the buildings. The survey did not find evidence of bat activity and I note that Derbyshire Wildlife Trust is satisfied with the results of the report and do not recommend any further surveys.

They consider that pre-commencement bat surveys will be required and this can reasonably be secured by a suitable planning condition.

There are some opportunities for biodiversity enhancement within the development, mainly through the landscaping proposals, which include the installation a “green living” wall on the front wall of the undercroft car park facing Mansfield Road. This can also be secured by means of a landscaping planning condition. Overall, there are not likely to be any adverse impacts on ecology or green infrastructure as a result of the development and on this basis it is considered to comply with the intentions of adopted Policies CP16 and CP19.

### **Noise and Air Quality**

The site lies on a busy transport corridor and in close proximity to the Inner Ring Road. It is also close to Landau Forte College and public house. On this basis the Environmental Health team have raised some concerns that the future occupants may be exposed to high noise levels from the nearby road network and general activities. The apartments are all located above ground floor level and an enhanced sound insulation scheme is considered adequate to reduce the noise impacts on resident's amenity. A noise mitigation scheme can be appropriately secured by a suitable planning condition, to be implemented as part of the development.

The site lies within an Air Quality Management Area (AQMA) which extends along the Inner Ring Road transport corridor and the apartment occupants would therefore be potentially exposed to high levels of air pollution, from traffic emissions. An Air Quality Assessment was submitted in support of the application, which concluded that poor air quality at the development would be below the objective levels. The Environmental Health team accept the conclusions of the assessment and consider that there would be no significant air quality issues arising for the occupants of the proposed apartments.

## **7.5. Section 106**

With regard to paragraph 204 of the NPPF, planning obligations have been agreed with the applicant to mitigate the impacts of the development. Off-site contributions which have been agreed in principle would be secured through a Section 106 agreement. These include the provision of a contribution towards the delivery of flood defences through Package 2 of the OCOR programme, which would provide mitigation of flood risk in the North Riverside area of the city centre. This would also

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

secure further flood protection for the future occupiers of the development. The agreed Section 106 package is as follows;

- Provision of affordable housing
- Improvements to public open space at Derwent Park and improvements to the riverside path between Cathedral green and Derby River gardens
- Improvements to public transport, cycling and pedestrian facilities in the Mansfield Road, City Road, Nottingham Road, Derwent Street and St Mary's Bridge part of the Sir Frank Whittle Road Transport Corridor
- The provision of flood mitigation measures in the North Riverside section (Package 2) of the Our City Our River (OCOR) programme.

### **7.6 Planning balance and conclusion**

In coming to a decision on the proposed residential development, regard must be given to the harm which it causes, including the less than substantial harm to the significance and setting of the historic buildings and environment in the surrounding townscape.

The development would result in less than substantial harm to designated heritage assets, which include the Grade II listed St. Marys Bridge, Grade II\* Silk Mill and the City Centre Conservation Area, in which the Silk Mill museum is located. These impacts must be considered in accordance with para.134 of the NPPF and balanced against the public benefits of the proposal. There would also be harm to the non-designated assets; including the locally listed Waterside Inn and period buildings on the site itself and these must be considered with regard to para. 135 of the NPPF, where a balanced judgement is to be made taking into account the scale of harm and significance of the asset.

Whilst there is acknowledged to be some harm to the various historic features, it is considered to be of a limited degree overall, identified as slight and minor in significance by the Council's Conservation Officer.

There are considered to be significant public benefits which would result from this proposal and these include the physical regeneration of a vacant brownfield site in a highly sustainable and prominent location on the edge of the city centre. Other benefits also include the delivery of new housing, including affordable housing to contribute towards the city's five year housing supply, the delivery of a high quality residential scheme, making a positive contribution to the townscape and enhancing natural surveillance of the streetscene and provision of contributions towards flood mitigation works in the vicinity of the site which would afford direct benefits to the development.

There is acknowledged conflict with Policy CP20 and saved policies E18 and E19 due to the adverse impacts on the specified heritage assets, however the development is considered to be in accordance with the relevant policies of the adopted DCLP – Part 1 and saved policies of the City of Derby Local Plan Review when taken as a whole.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

In terms of other material considerations, the impacts on noise, flood risk, protected species and highway safety are all considered to be satisfactorily addressed subject to compliance with recommended conditions and in the case of flood mitigation, the submission of further information to demonstrate that the development would be safe from flooding for future occupiers.

In weighing up the impacts of the proposal, in terms of harm to the various identified heritage assets, the harm is considered to be outweighed by the significant benefits arising from the scheme.

The social, economic and environmental benefits which would result from the development are considered to outweigh the harm to the setting and significance of the identified listed buildings, conservation area and non-designated heritage assets, including a locally listed building.

Under paras. 134 and 135 of the NPPF I conclude that the planning benefits associated with the development, would decisively outweigh the harm to the heritage assets and overall the development would be a high quality residential scheme, which meets the sustainability credentials, in terms of housing delivery and its highly accessible location.

### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

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

#### **8.2. Summary of reasons:**

The proposed residential development, in the form of an apartment building, would deliver new housing which contributes to the city's housing supply and amounts to a physical regeneration of a long term vacant employment site on the edge of the city centre and close to the River Derwent. The proposal is of a high quality design and form, which would make a positive contribution to the townscape in this part of the city. The development would result in less than substantial harm to the City Centre Conservation Area and the listed St. Marys Bridge and Silk Mill and would also harm the significance of the locally listed Waterside Inn and non-designated buildings on the site. The harm is considered to be outweighed in the planning balance by the significant public benefits of the proposal. The development is exposed to high flood risk from the river and would be afforded some flood protection from the new flood defences to be delivered under OCOR. Subject to implementation of agreed mitigation measures and appropriate safe access/egress for the future occupants the development would be safe for its lifetime from the impacts of flooding. Subject to conditions there would be no adverse impacts in terms of highway safety, local amenity, noise or ecology.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

### **8.3. Conditions:**

1. Standard condition (Three year time limit)
2. Standard condition (Specified approved plans)
3. Standard condition (Details of external materials to be submitted, including mortar mix and finish, cladding, eaves and fascia details)
4. Standard condition (Window and door joinery details to be submitted)
5. Details of landscape planting, hard surfacing, including the green wall on the principal elevation, to include biodiversity enhancement features and planting to be submitted and agreed.
6. Landscaping approved under condition 5 to be implemented on before completion and maintenance schedule for the green wall to be submitted and agreed.
7. Standard condition (Details of boundary treatment and any gates)
8. Details of any vents and flues on external elevations of the building and to require any other such features to be internal only.
9. Restriction of any plant or servicing equipment on the roof of the building and to require details to be agreed.
10. Historical recording of existing buildings prior to demolition of buildings.
11. Details of acoustic insulation and noise reduction measures to be included in the building to be submitted and agreed.
12. A flood warning and evacuation plan to be undertaken for the development, submitted and agreed and then implemented and monitored for life of development.
13. Details of measures to protect statutory services from the risk of flooding, to include water, electricity and gas for the residential units, to be submitted and agreed.
14. Details of surface water drainage scheme for the development to include SuDs solution where practical and maintenance arrangement to be submitted and agreed.
15. No occupation of the development until the site benefits from protection against flooding, provided by Package 1 of the Our City Our River flood alleviation scheme.
16. Dusk emergence bat survey of the part of the site to be undertaken before development commences, between May and August.
17. Secure cycle parking in the development to be provided in accordance with the submitted drawings before occupation.
18. Car parking areas to ground floor of development to be made available for use in accordance with submitted drawings before occupation.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

---

19. Windows to the east end elevation to living rooms and bedrooms on the south east corner of the building to be installed with obscure glazing before occupation of the development.

### **8.4. Reasons:**

1. In accordance with relevant Town and Country legislation.
2. For avoidance of doubt
3. To ensure a satisfactory form of development and protect the special character of the historic environment.
4. To ensure a satisfactory form of development and protect the special character of the historic environment.
5. To safeguard the visual amenities of the area and protect the special character of the local area.
6. To ensure the implementation and maintenance of the landscaping, in the interests of visual amenity.
7. To ensure satisfactory form of development and safeguard residential amenity.
8. To safeguard the visual amenities of the area and protect the special character of the local area.
9. To safeguard the visual amenities of the area and protect the special character of the local area.
10. To safeguard any archaeological and historical interest within the site.
11. To minimise the impacts of noise disturbance to the occupants.
12. To ensure the development remains safe from flooding and safeguard the occupants in event of a flood.
13. To ensure the development remains safe from flooding and safeguard the occupants in the event of a flood.
14. To ensure satisfactory drainage arrangement for the site and to minimise flood risk.
15. To ensure the development is safe from flooding and to safeguard the occupants in event of a flood.
16. To safeguard any potential bat activity on and around the site.
17. To encourage alternative sustainable means of transport.
18. To ensure appropriate provision of car parking for the development to prevent on-street parking.
19. To avoid unreasonable overlooking of the classrooms at the adjacent college.

## **Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**

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### **8.5. Informative Notes:**

Future occupants should be encouraged to register with the Environment Agency's free Flood Warning Service by telephoning Floodline on 0345 9881188 or registering at: <https://www.gov.uk/sign-up-for-flood-warnings> The provision of advance warning of a flood provides valuable time to take action and be prepared. Further information on flooding is available at:

<https://www.gov.uk/topic/environmental-management/flooding-coastal-change>.

No buildings should be demolished that may be used by breeding birds 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 vegetation is cleared 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.

### **8.6. S106 requirements where appropriate:**

Contributions towards:

- Off-site affordable housing
- Improvements to public open space at Derwent Park and to riverside path between Cathedral Green and River Gardens
- Improvements to public transport, cycling and pedestrian facilities in the Mansfield Road, City Road, Nottingham Road, Derwent Street and St Mary's Bridge part of the Sir Frank Whittle Road Transport Corridor
- Flood mitigation measures in the North Riverside section of the Our City Our River project

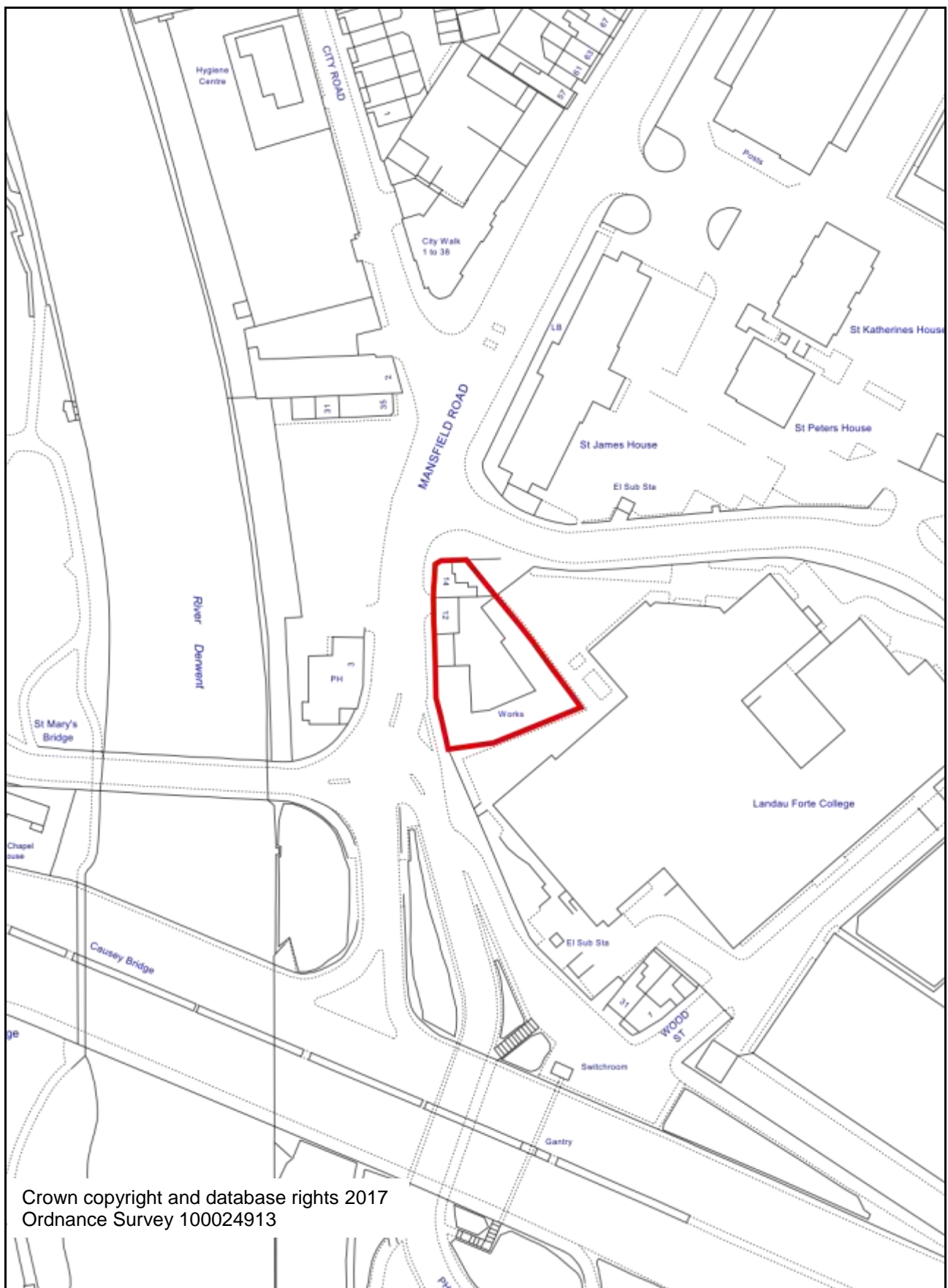
### **8.7. Application timescale:**

The target date for determination of the application has been extended until 8 December to allow for it to be decided by the planning committee.

**Committee Report Item No: 4**

**Application No: DER/12/14/01708**

**Type: Full**  
**Application**



## **Committee Report Item No: 5**

**Application No:** DER/03/17/00322

**Type:** Variation of Condition

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### **1. Application Details**

**1.1. Address:** 230 Derby Road, Chellaston.

**1.2. Ward:** Chellaston

**1.3. Proposal:**

Variation of conditions 2 (approved plans) and 3 (obscure glazing to particular windows) of previously approved planning permission DER/06/15/00837.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/03/17/00322>

**Brief description**

The site is located on the east side of Derby Road in Chellaston, accessed off a private driveway and enclosed between surrounding residential properties on all sides. The existing house is set within a large plot set back from the highway and accessed via a private drive over 50 metres long. The original dwelling is a 19<sup>th</sup> century period two storey building. As a result of the 2015 planning permission a substantial extension has been built in the form of a contemporary style, two storey and single storey addition, to the side and rear of the original dwelling.

To the immediate north of the application building is No.10 and 12 Chestnut Avenue (detached two storey dwellings), at some 500mm lower ground level and No.28 Chestnut Avenue which is a dormer bungalow borders the north east boundary. The rear curtilage of No.7 South Avenue is situated beyond the north east boundary, with its garden area bordering the rear of the site. To the south No's 3 and 5 South Avenue are detached bungalows.

**The proposal**

The proposed development seeks permission to vary condition 2 which relates to the list of approved plan drawings and condition 3 relating to obscure glazing to the main windows serving bedrooms 3 and 4. The proposal relates to changes to alterations to the window design, position and extent of obscure glazing only. The details of those changes are as follows:

**North west elevation** – first floor bedroom 2: new window (walk in wardrobe), obscure glazed and top opening

- First floor clear glazed opening to bedroom 3; changed from single pane to a double pane window
- Ground floor utility: obscure glazed changed from a single pane to 3 pane
- Ground floor library: changed from a single pane to 4 pane window, clear glazing

**North East elevation** – position and size of rooflight window, centralised on the roof plane

- Remove window at first floor to sauna room



## **Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**

- Ground floor living/ kitchen area: 2 sets of bi-fold doors, now shown as a 6 panel narrower in profile

South East elevation – ground floor, entrance hall: change from a long rectangular upper pane to an 8 square window panel

- First floor bedrooms 4 and 5: change from single pane to 3 individual square window panels
- Bedroom 4: change from single pane to double pane window

South West elevation – ground floor and first floor (bedroom 5 and living room): full glazed panels replaced by slightly narrower glazed 6 panels

- Further single panel glazing panel abutting original house replaced by 3 panel window.
- Full glazed panel to corner elevation replaced by single pane window

### **2. Relevant Planning History:**

<b>Application No:</b>	06/15/00837	<b>Type:</b>	Full
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	26/11/15
<b>Description:</b>	Two storey and single storey side and rear extensions to dwelling		

Condition 3 reads: “Before the first occupation of the extension hereby permitted the windows to serve bedroom 3 at the northwest elevation and all first floor windows at the south eastern elevation of the proposed extension to bedrooms 4 and 5 shall be fitted with obscured glazing and permanently retained for the life of the development”

### **3. Publicity:**

Neighbour Notification Letters to surrounding neighbouring properties

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

### **4. Representations:**

Six objections have been received to the application including one from Councillor Grimadell. The main points raised include:

- Windows on south east elevation would invade privacy of nearby residents
- Concerns about overlooking from opening windows.
- The tall windows were originally supposed to be full height glass but now they are divided into three panes.
- The intervening 16 months has seen the development being constructed with a substantial number of changes.
- Windows are tinted not obscured
- The detailed consideration of obscured glazing needs some further comment

## **Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**

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- In addition, the horizontal window on the first floor of the SE elevation is an opening window, which slides to reveal 50% of the opening to the room within. This completely negates the purpose of Condition 3
  - All the south eastern elevation windows invade privacy of No.7 South Avenue
  - Both windows in the north east elevation are clear glazed opening
  - All south east elevation windows have openings and would overlook
  - Obscure window condition was set by the Planning Committee for good reason in the first place if that means corrective action needs to be taken in order to fully observe condition 3 so be it.
  - direct loss of privacy to No.12 Chestnut Avenue

### **5. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

#### **Derby City Local Plan Part 1 - Core Strategy (2017)**

CP4 Character and Context

#### **Saved CDLPR Policies**

GD5 Amenity

H16 Housing Extensions

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%2017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.*

## **Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**

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### **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.

#### **6.1. Amenity implications**

The extension works to the property have been implemented and the physical build is near completion. A number of internal alterations have taken place resulting in a re-configured internal layout and subsequent revised arrangement to the window design, position and type of obscure glazing. For purposes of clarity the form, design, footprint and scale of extensions are not the subject of this planning application, as the development benefits from a previous extant permission. In turn, the changes to each elevation and consequent impacts can be described as the following:

##### **North West elevation**

The North West elevation is positioned some 2m from the common boundary to No.10 and No.12 Chestnut Avenue. At ground floor there are two separate windows: one is 4.5m wide serving a utility room and the other is a double window serving a library/bedroom. The windows have already been accepted under the previous planning application decision. The long rectangular utility window is obscure glazed (as observed from my site visit) and non-opening, thus no direct overlooking toward the rear aspect of No's 10 and 12 would ensue. Another window is positioned 1.5m further along the wall and is changed from a single to a 4 pane window with clear glazing, serving a library /bedroom space. It is a slightly wider but shorter window with top opening panels. This particular window is clear glazed and would afford direct views beyond the curtilage boundary upon the rear aspect of No.12. This is due to the lower land level (approximately 0.5m) of No.12, 1.8m fence height and the size of window. However, the main difference between this proposed opening and the approved window is that it would be top opening. While some increased height of boundary treatment would be advisable, the effect of that window is not materially greater in terms of views toward No.12. A condition requiring its obscuration is suggested to minimise potential overlooking to the neighbouring property. At first floor level, an obscure glazed opening walk- in wardrobe window is proposed. This is an additional window and is relatively slim in profile. Given its size and being of obscure glazing, no direct overlooking views would be evident.

The first floor window serving bedroom 3 would be altered from a single to double pane window, although it is a similar size of opening. From my site visit it is evident that this window is obscure glazed, thus preventing direct overlooking to neighbouring properties.

##### **North East elevation**

The changes to this elevation are relatively minor in so far as the position and size of rooflight window is more centralised on the roof plan; a first floor window has been removed and the ground floor bi-fold doors are now shown as a 6 panel narrower profile. No.28 Chestnut Avenue and No.7 South Avenue are situated beyond the north east elevation and I am satisfied that the changes to the window arrangement would not present any further amenity impacts over and above the extant planning permission.

## **Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**

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### **South East elevation**

The south east elevation windows are proposed to change in their design. The windows as originally proposed are full height with a single pane, which would be amended to be full height with 3 glass panels. The bottom 2 panels would be obscure glazed while the top panel would be clear glazed (serving 2 en-suite rooms and bedroom 5). As the top panels are approximately 2m from floor level they would not create any direct overlooking toward No.5 or No.7 South Avenue. Furthermore, the window serving bedroom 4 is shown as changing from a single pane to a 2 pane window and would be obscure glazed, thus minimising direct overlooking beyond the south east elevation. The other change relates to the rectangular shaped upper windows upon the ground floor wall that are simply re-designed with vertical glazing bars, in clear glazing. As these are high level windows some 2m from floor level the amenity impact is minimal.

### **South West elevation**

The south west elevation is the main front elevation of the extension and it faces the interior of the site. The changes would comprise minor changes to ground floor and first floor window panels (bedroom 5 and living room). Full height opening panels would be replaced by slightly narrower glazed 6 panels. Also, the single panel glazing panel abutting original house is to be replaced by 3 panel window at ground floor level. Collectively, the alterations are minimal in nature and only deviate slightly from the previously consented scheme.

### **Summary**

The overall changes to the windows and door panels, as proposed, would be acceptable in terms of the impact on the design and appearance of the extended part of the property. The dwellings bordering the site on South Avenue and Chestnut Avenue are affected by the proximity of some of the windows upon the elevations of the extension. However, the actual changes to the openings are generally very limited, with only one additional obscure glazed window and removal of another window. The impacts on residential amenity would not be materially increased as a result of the amendments, with only the alterations to windows to the north west elevation having a greater impact. These potential impacts on privacy can be satisfactorily addressed by installation of obscure glazing to be controlled by planning condition.

While some of the new windows appear to be tinted, the windows shown as obscure glazed are in fact obscure glazed from the inside and outside. With conditions in place, the proposed window changes would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and would be in accordance with the amenity requirements of saved policies H16 and GD5. Therefore, a recommendation to approve a variation of conditions 2 (plan drawings) and 3 (obscured windows) of the previous permission is given.

## **Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**

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### **8. Recommended Decision and Summary of Reasons:**

#### **8.1. Recommendation:**

To grant planning permission with conditions.

#### **8.2. Summary of reasons:**

The changes to the windows, as proposed here-in, would be acceptable in terms of the overall design and appearance of the extended part of the property. The dwellings bordering the site on South Avenue and Chestnut Avenue would experience the proximity of a number of windows upon the elevations of the application property. While some of the windows appear to be tinted, the windows shown as obscure glazed are in fact obscure glazed from the inside and outside. With conditions in place, the proposed window changes would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and would not be contrary to saved policy GD5. Therefore, a recommendation to vary conditions 2 (plan drawings) and 3 (obscured windows) of the previous permission is given.

#### **8.3. Conditions:**

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans: G4/ND/113 REVISION B)

Before the first occupation of the extension hereby permitted all windows to serve ground and first floor windows on the north west elevation and all first floor windows up to 2 metres above floor level at the south east elevation shall be fitted with obscured glazing and permanently retained for the life of the development.

#### **8.4. Reasons:**

1. Standard reason (to accord with the relevant legislation)
2. Standard reason ( avoidance of doubt )
3. Standard reason (to preserve the amenities of adjoining residents)

#### **8.5. Informative Notes:**

The means of enclosure and boundary treatment along the north west, north east and south east should be increased in height and landscaping/planting introduced.

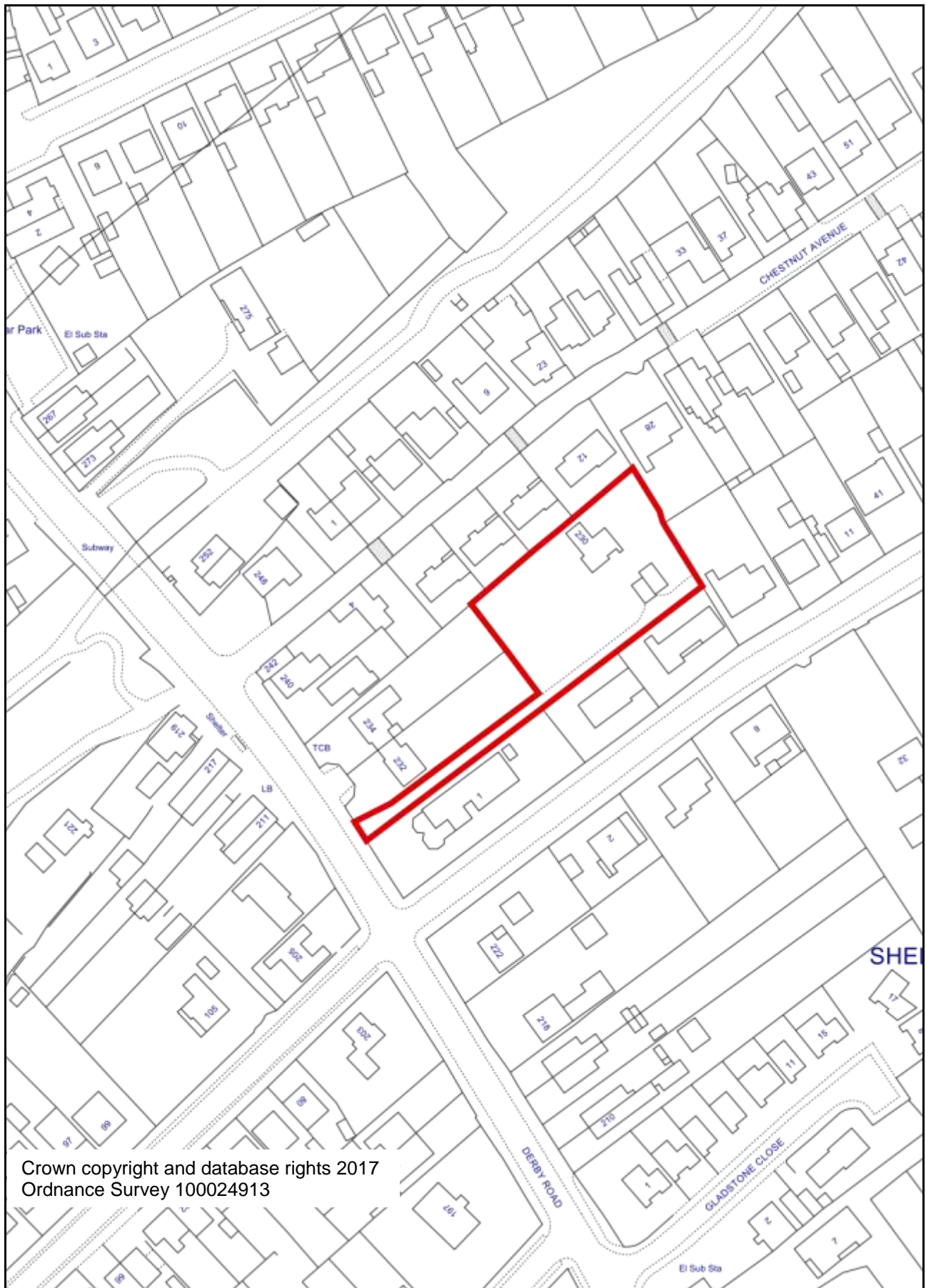
#### **8.6. Application timescale:**

The 8 week target date expired on 19 May 2017.

**Committee Report Item No: 5**

**Application No: DER/03/17/00322**

**Type: Variation of Condition**



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## **Committee Report Item No: 6**

**Application No:** DER/04/17/00426

**Type:** Full Planning  
Permission

### **1. Application Details**

**1.1. Address:** 1, 3 & 5 Cowley Street, Derby.

**1.2. Ward:** Darley

**1.3. Proposal:**

Change of use of 1, 3 & 5 Cowley Street from Residential (Use class C3) and retail (Use class A1) to 3 houses in multiple occupation (Sui Generis Use) and retail use (use Class A1).

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan//04/17/00426>

**Brief description**

The residential/retail properties at 1, 3 and 5 Cowley Street are located in a prominent position on the corner of Cowley Street and Watson Street at the junction with Mackworth Road. The buildings are currently at the end of a row of terrace housing, with no off-street parking.

The proposal includes the conversion of both the ground floor and first floor living space of three existing dwellings into two houses in multiple occupation (HMO) with the retail unit (A1 use) retained at ground floor level (at no.1 Cowley Street). The proposal would involve the formation of additional bedrooms to create 11 bedrooms with ensuite bathrooms. There are limited external alterations proposed to the building, to form a couple of additional window openings.

### **2. Relevant Planning History:**

<b>Application No:</b>	DER/11/01/01463	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	09/01/2002
<b>Description:</b>	Alterations to shop front and installation of security shutters		

<b>Application No:</b>	DER/03/95/00403	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Refused	<b>Date:</b>	04/07/1995
<b>Description:</b>	Erection of security shutters to shop front		

<b>Application No:</b>	DER/09/94/01214	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted	<b>Date:</b>	30/11/1994
<b>Description:</b>	Alterations and extensions to shop and living accommodation and resiting of staircase to rear.(retention)		

<b>Application No:</b>	DER/07/90/01069	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted	<b>Date:</b>	06/09/1990
<b>Description:</b>	Extension to living accommodation (1st floor bedroom)		

<b>Application No:</b>	DER/07/86/00768	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted	<b>Date:</b>	11/09/1986
<b>Description:</b>	Extension to shop premises (erection of store room)		

## **Committee Report Item No: 6**

**Application No: DER/04/17/00426**

**Type: Full Planning  
Permission**

<b>Application No:</b>	DER/12/89/01978	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted	<b>Date:</b>	11/06/1990
<b>Description:</b>	Alterations, extensions and change of use of premises to shop		

### **3. Publicity:**

Neighbour Notification Letter – 6 letters

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:**

Seven neighbour objections have been received in regards to the following issues:

- Overcrowding- The use would result in overcrowding of the properties. (Although living spaces may appear small, all relevant legislation in regards to acceptable amenity standards have been adequately met).
- Traffic Congestion/Parking- Increase in parking from the proposed use and other existing developments in the local area.
- Overflowing bins
- Change in nature of the property/area- Loss of family housing to HMOs.
- Desirability of likely tenants
- Non-compliance with housing regulations

Three comments also received in favour:

- Refurbishment would enhance the buildings and street scenes
- Applicants have assured non- car owners only

Formal objection from Cllr Eldret which reads as follows:

Having spoken with local residents I share their concerns that this proposed change of use would be detrimental to the local area.

It could significantly increase the existing parking problems on Cowley Street and neighbouring streets and could also lead to increased noise, traffic and congestion.



**5. Consultations:**

**5.1. Highways Development Control:**

The site is at the junction of Cowley Street, Watson Street and Mackworth Road. The junction is protected by a "no waiting at any time (double yellow lines) parking restriction (predominantly along the Cowley Street frontage).

The proposals make no provision for off-road parking, and make no provision for cycle parking. The floorplan shown on Drawing:A100 shows that the three existing dwellings have been made into two by "knocking through numbers 1 and 3.

In highways terms, this constitutes a cosmetic arrangement; and could easily be reversed (without the need for consent); therefore the existing units are considered to be three residential and one commercial. As the commercial element remains it is the conversion of the dwellings which is material.

Drawing A200 shows the conversion of the three dwellings into eleven units.

Whilst it is likely that some of the occupiers of the dwellings will own vehicles; so too would the occupants of the residential dwellings. The site is in close proximity to a local shop, and is a short distance away from bus services using Kedleston Road. Therefore it is considered to be in a sustainable location.

Any additional highway parking in the vicinity as a result of the proposals, whilst perhaps constituting a nuisance to nearby residents would not necessarily constitute a highway safety concern; more a residential amenity issue which is not a material highways consideration.

I do however note that the applicant/developer is apparently not proposing to make provision for cycle storage within the development. Developers should be encouraged to make such provision in order to further promote access by sustainable means. The Highway Authority considers that 3 cycle spaces would be appropriate; such provision could be made in the yard to the rear.

**Recommendation:**

If the Local Planning Authority is minded to approve, it is recommended that the suggested condition be imposed to secure cycle parking for the use.

**5.2. Highways (Land Drainage):**

**Revised comments received in relation to amendments submitted:**

The applicant has submitted a July 2017 revision of the previously submitted flood risk assessment with the provision of flood resilience/resistance measures within it. This has included flood resistant doors and building resilience built in (raised sockets, water resilient plaster, etc. In line with my previous comment this is ok for this development as our Integrated Urban Drainage Model indicates the risk of flooding to ground floors in this area of the street is low in the 1 in 100 year plus climate change event and safe access/egress is likely to be possible. However, because the EA's surface water flood maps indicate there is an increased risk of surface water flooding in this location, I think flood resilience/resistance is required. As such, provided the measures included in the FRA for flood resilience/resistance is implemented when the development goes ahead, I have no objections to the application, subject to

## **Committee Report Item No: 6**

**Application No: DER/04/17/00426**

**Type: Full Planning  
Permission**

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condition. Having a planning condition, I believe, would make it more likely that the flood protection measures will be implemented and maintained.

### Initial comments received

The proposed change of use will increase the number of dwellings in the building and in particular on the ground floor. This will increase the vulnerability of the development to flooding, something which the FRA has not addressed clearly. For low risk depths, according to the Environment Agency's surface water flood maps, are likely to be 300mm to 900mm in depth which has the potential to flood the ground floor, in which more dwellings will be situated. The low risk flood depths shown can be reasonably associated with the 1 in 100 year plus climate change extreme event. Having evaluated this, the FRA does not suggest any reasonable flood risk mitigation measures, including flood resilience/resistance measures on the properties. I would prefer the development to have increased resilience to account for the increased vulnerability, so I would not support the development until the applicant/developer has endeavoured to provide any required measures such as kitemarked flood doors, air brick covers and brick treatments, etc. that are particularly designed for flood protection installed by a competent professional. The development does not appear to increase the impermeable paved surface area of the existing property so will not increase surface water flood risk for third party property. For these reasons I would like to see further assurances about flood resilience prior to supporting the application.

### **5.3. Resources and Housing (HIMO):**

#### Revised comments received in relation to amendments submitted:

(amendments include the removal of en-suite facilities therefore increasing habitable floor spaces of each of the affected units)

I have now looked at the re-submitted plans. My original comments were focused on amenities and space (size of bedrooms and proximity of shared amenities) as well as fire safety. The developer was to take the comments made into account and there is no reason why these should now differ.

#### Initial comments received

I have viewed the proposed plans and, from a housing standards perspective, will make comments. Regarding room size, three of the rooms are 7 square metres which is marginally above the recent legal limit of a minimum of 6.5 square metres. One is slightly bigger at 8 square metres and two are 9 square metres. Also all rooms have en-suites included so I must emphasise that if the room is 7 square metres then this cannot include the area of the en-suite as this will make any remaining living space extremely cramped. Same applies to the other smaller rooms. Also from a fire safety perspective the containment between the commercial unit and the residential units must be a minimum of one hour without the need for interlinked smoke detectors or 30 minutes with interlinked smoke detectors. There is also sufficient lounge/dining area to supplement the living area within each bedroom. Overall the plans are acceptable taking into account the comments above.

**6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

**Derby City Local Plan Part 1 - Core Strategy (2017)**

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP23 Delivering a Sustainable Transport Network

**Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential Development – General Criteria
- H14 Reuse of underused buildings
- H16 Housing Extensions

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

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<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%2017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

**7.1.** Ability to create a satisfactory level of amenity for future occupants

**7.2.** Highway implications

**7.3.** Impact upon neighbours

**7.1. Ability to create a satisfactory level of amenity for future occupants**

The proposal is for the creation of an eleven bedroom HIMO property, with two communal living areas and bedrooms, which each have ensuite bathrooms. Some of the room sizes are on the small side small, however further to receipt of revised floor plans, each of the proposed bedrooms/shared living spaces are now considered to provide adequate living and bathroom facilities for future occupants and this has been confirmed by the Council's Housing Standards team in their revised comments.

Although objections from local residents have been received in regards to possible 'overcrowding' and 'non-compliance to legislation' in regards to the proposed change of use, I am satisfied that the proposed living space which would be provided accords with the Council's housing standards. The proposed layout of accommodation is also considered to form a pleasant and secure living environment for the occupants as required by saved policies GD5 and H13.

The existing building at 1 Cowley Street is currently used for mixed purposes, residential and retail. Although the proposal would intensify the residential use of this building, there would be no alterations to the amount of retail space (Use Class A1) at ground floor.

**7.2. Highway implications**

In regards to highway implications, concerns have been raised by third party objectors in regards to existing parking and traffic issues within the locality. The site is at the junction of Cowley Street, Watson Street and Mackworth Road and it is noted that the junction is protected by a "no waiting at any time" (double yellow lines) parking restriction (predominantly along the Cowley Street frontage). Any additional highway parking in the vicinity as a result of the proposals, would not necessarily constitute a highway safety concern, since existing residents and customers of the shop unit would park on the street. The site is in close proximity to a group of local shops and a bus route on Kedleston Road. Therefore it is considered to be in a sustainable location. The Highways Officer is generally satisfied with the absence of on-site car parking and considers it to be more of a residential amenity issue and not a material highways consideration. The potential for a limited addition to on-street parking in the local area, as a result of the proposed HIMO use is not considered to have adverse highway safety impacts on the local road network. The Highway Authority considers that cycle parking should be provided on the site and such provision could be made in the yard to the rear. This detail can be obtained by way of a suitable planning condition. Taking this into consideration, the proposed use would

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therefore not have any adverse impacts on highway safety and accords with the provisions of adopted transport Policy CP23.

**7.3. Impact upon neighbours**

In regards to residential amenity saved policy GD5 states that “permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas”. With this in mind it is considered that the proposed introduction of a more intensive type of residential use in this location, by forming a HIMO would not result in any undue material impact to neighbouring residents on Cowley Street or within the locality, by way of loss of privacy, increased noise, disturbance or resultant additional parking implications. The use of the dwellings as an eleven bed HIMO would not in my opinion be an unreasonably harmful use of the properties, bearing in mind the size of the properties and the building context of a relatively high density residential area.

Concerns raised by neighbouring residents, in relation to issues arising from the proposed use of the property as a HIMO, such as possible antisocial behaviour from occupants, disposal of rubbish, increased visitors to the development and the desirability of possible tenants, are not considered to be issues to be addressed through the planning system.

Overall it is felt that the proposal is acceptable by way of use, size, form, character and design, and residential amenity would not be unreasonably affected. Although a number of representations have been received as a result of the neighbour consultations, all relevant planning matters have been adequately addressed within the officers report. The proposal reasonably satisfies the requirements of the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included within this report.

**8. Recommended decision and summary of reasons:**

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed residential use and extension to form HIMO is acceptable in terms of impacts on residential amenity, on visual amenities of the local streetscene and on highway safety. The proposal would also form a pleasant, safe and secure environment for the occupants of the buildings.

**8.3. Conditions:**

1. Standard condition for three year permission.
2. Standard condition to carry permission in accordance with the approved plans:
3. No part of the development hereby permitted shall be brought into use 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

## **Committee Report Item No: 6**

**Application No: DER/04/17/00426**

**Type: Full Planning  
Permission**

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Planning Authority. The cycle stands shall be covered, and that area shall not thereafter be used for any purpose other than the parking of cycles.

4. The development shall not be brought into use until such a time as the property is provided with a scheme of flood resistance/resilience measures as described in the accompanying Flood Risk Assessment by Ramm Sanderson (referenced RSE\_1002\_L1\_V2, 7th July 2017), plus any additional measures later deemed beneficial, has been provided for the ground floor of the development.

### **8.4. Reasons:**

1. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To promote sustainable travel and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.
4. To ensure the provision of adequate flood risk arrangements and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

### **8.4. Notes to applicant**

The consent granted will result in alterations to buildings which may need renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing unit numbers, location in relation to existing land and property, and the placement of front doors or primary access.

### **8.5. Application timescale:**

Target for determination of application expired 03/07/2017 and is brought to committee at Cllr Eldrets request.

**Committee Report Item No: 6**

**Application No: DER/04/17/00426**

**Type: Full Planning  
Permission**



## **Committee Report Item No: 7**

**Application No:** DER/09/17/01208

**Type:** Variation of Condition

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### **1. Application Details**

**1.1. Address:** Site of 10 Farley Road, Derby.

**1.2. Ward:** Abbey

**1.3. Proposal:**

Demolition of dwelling and erection of replacement dwelling house - variation of conditions 2 & 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/09/17/01208>

**Brief description**

This application is a further resubmission of planning application reference DER/12/14/01690. It seeks to vary Condition 2 and Condition 4 imposed on the earlier permission which relate to the approved plans for the development and details of boundary treatment. The approved scheme granted planning permission for the demolition of the existing dwelling at No. 10 Farley Road and the erection of a replacement dwelling on the site. It was considered by Members at the Planning Control Committee meeting held on 14th May 2015.

The main changes between the scheme approved under application reference DER/12/14/01690 and the development now before you is the introduction of a short landing area 1m in depth (approximately 1.2m x 6.7m) beyond the rear of the family/dining room central to the dwelling and plot, with its associated steps down to the garden level and the introduction of replacement planting scheme of shrubs and trees in the rear garden to mitigate for the removal of trees and vegetation which was previously within the rear curtilage.

There is a marked fall in the land levels from the front to the back of the application site and as a result, a raised plateau (approx. 2.2m above the former garden levels) has been created to provide a level plot to enable the approved building to be built at one level, and at the rear of the dwelling the ground floor doors are some 1.5m above the made up ground level. The proposed 1m deep landing area, which can be accessed from the property's main living area, would be the transition or stepping out area before steps descend into the garden beyond. This landing and steps did not form part of the original approval and is the primary subject of this application.

To help address privacy concerns side facing ground floor to ceiling windows to the family room and dining room projection are now proposed as obscure glazing. This obscuration would continue to the side of the landing area to maintain privacy. In addition previously approved patio/bi-fold doors on the rear elevation to the kitchen and lounge areas, that are closer to the side boundaries, are removed replaced by windows. The applicant seeks permission to retain this arrangement.

Some Members undertook a site visit on 30th March 2017 which resulted in amendments to revised plans which were subsequently refused by Committee. The current application proposes further revisions to that refused scheme principally by:



## **Committee Report Item No: 7**

**Application No:** DER/09/17/01208

**Type:** Variation of Condition

- Replacing the previously considered unacceptable patio, this projected some 4m beyond the rear of the building allowing seating and activity, with the 1m deep landing area. Bi-fold doors would project into this space making it a functional space rather than a sitting out area.

### **2. Relevant Planning History:**

(Type in table below or add the site history table direct from Acolaid)

<b>Application No:</b>	01/17/00103	<b>Type:</b>	Variation of Conditions
<b>Decision:</b>	Refused	<b>Date:</b>	23/06/2017
<b>Description:</b>	Demolition of dwelling and erection of replacement dwelling house - Variation of Conditions 2 & 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works.		

#### **Reason for refusal:**

*In the opinion of the Local Planning Authority the development would have a detrimental effect on the amenity of neighbouring properties, significantly impacting on their outlook, privacy and enjoyment. The raised patio would in particular impact on outlook and privacy, dominating and overlooking the neighbouring properties thereby creating an oppressive and enclosed atmosphere. For these reasons it is considered that the development fails to comply with policy CP3 of the adopted Derby City Local Plan Part 1: (Core Strategy) and saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.*

Committee also resolved to take enforcement action to secure removal of unauthorised works

<b>Application No:</b>	12/14/01690	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	20/05/2015
<b>Description:</b>	Demolition of dwelling and erection of replacement dwelling house		

<b>Application No:</b>	12/13/01481	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Refused	<b>Date:</b>	13/02/2014
<b>Description:</b>	Extensions to dwelling house (garage, study, kitchen, sitting room, dining room, porch, 2 bedrooms, enlargement of bedroom, en-suites and balcony		

### **3. Publicity:**

Neighbour Notification Letter – 7 letters

Site Notice - Yes

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

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

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### **4. Representations:**

Two neighbour objection letters have been received following consultation on the proposal. Objections have also been received from Nelsons Solicitors, on behalf of the occupiers of 2a Cathedral View.

The issues raised are summarised below:

- The raised patio will result in overlooking
- The development will have a detrimental effect on the amenity of neighbouring properties, significantly impacting on their outlook, privacy and enjoyment
- All of the trees and shrubbery, which formed the original planning conditions, have been removed. There appears to be no effort to replace these and no real action from the council regarding this breach.
- The proposal will be overbearing and will significantly impinge on the privacy, outlook and enjoyment of 2A Cathedral View.
- The terrace will entirely overlook the rear lounge and dining area at ground floor level as well as the full extent of 2A Cathedral View's garden area.
- The proposed glazed panels are oppressive, overbearing and stark in appearance. The glazed panelling will not assimilate well with its surrounding and will be an unsightly feature to neighbouring properties and detrimental to visual amenity.
- The raised terrace remains open across the majority of the east elevation and as a result, there is no protection in terms of loss of privacy from this part of the raised terrace.

### **5. Consultations:**

#### **5.1. Highways Development Control:**

The Highway Authority has no objections to the proposals.

#### **5.2. Natural Environment:**

No comments to make.

### **6. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

*Derby City Local Plan Part 1 - Core Strategy (2017)*

- |     |                              |
|-----|------------------------------|
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles       |
| CP4 | Character and Context        |

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

---

CP16 Green Infrastructure  
CP19 Biodiversity  
CP23 Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

GD5 Amenity  
H13 Residential Development – General Criteria

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%2017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

*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.

#### **7.1. Background context**

#### **7.2. Impact on the amenity of neighbours**

#### **7.1. Background context**

Following Members refusal earlier this year and the resolution to take enforcement action against perceived unauthorised work at the property I sought advice from our barrister. I specifically asked him to advise whether the replacement dwelling has been / is being constructed in accordance with the extant permission (code no. DER/12/14/01690). I have provided the thrust of his opinion below which concludes that...

...My instructions ask me to consider what enforcement action might be appropriate (the Act requires the Council to consider what is necessary and expedient) and proportionate. It follows from my conclusions above that there is not much that can be enforced against.

1. I am asked to advise whether the replacement dwelling has been / is being constructed in accordance with the Permission.

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

2. The Permission provides the approved plans and submitted documentation. The permission is subject to pre-commencement conditions which were eventually discharged.
3. The site slopes from SW to NE to the extent that it would be impossible to place the slab of the new building level without alteration to ground levels
4. The Design and Access Statement ("D&AS") with the application included a photograph of the (then) existing rear elevation which does show a retaining wall in the rear garden indicating that the land falls to the rear:



5. The raised terrace / patio was mentioned in the D&AS:  
"4.4 Landscaping  
The landscaping scheme to the rear will be as existing apart from the area directly adjacent to the dwelling where a raised patio area is proposed level with the internal finished floor level."
6. On the approved plans the front elevation facing the street (the so-called west elevation) is at about 101.600 AOD. The floor slab as constructed then projects horizontally back from that line so that the rear (east) elevation of the house is now 2.2.m above the original level of 99.400 AOD. Additional brickwork below the horizontal has been used on the side elevations
7. In addition, a terrace / patio / balcony (proposed to be surrounded by obscured glazing panels) projects further back and is 2.4m above the original ground level at its eastern extreme. A terrace / patio does appear to be shown on the original approved plans.
8. The question now arises as to whether all or any part of the development 'as built' is unauthorised and can be enforced against. Any enforcement notice is

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

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likely to be faced with an appeal under ground (c) – that the development (or the vast majority of it) is authorised by the grant of the Permission.

9. The starting point is that planning permission is granted for the development contained in a permission, subject to the conditions (and if permitted development, any limitations) contained in it. Some works that amount to “development” may be necessarily implicit in a permission.
10. In *R v Basildon District Council, ex p Martin Grant Homes Ltd* (1987) 53 P & CR 397 at 409 Mr Justice McCowan considered a “levels” issue.
11. The Judge concluded (emphasis added):

“It also seems to me to make good sense to say that the planning authority must have intended that all necessary and reasonable works for the implementation of the permission were being incorporated within the general grant of consent. Otherwise, in the circumstances of this case, the planning permission would—as Mr. Bagnall succinctly put it— make something of a nonsense. It is of great significance, in my judgment, that this was a full planning consent. There was moreover no condition prohibiting the applicant adjusting the site road to the necessary levels and putting in the necessary footings.

Indeed, I impute to the respondent knowledge of what had in fact been permitted by the engineering department some few weeks earlier and, it seems to me, the applicant is right in submitting that the works it has carried out are generally within the ambit of the planning permission granted.”

12. In the current case my conclusions are as follows:
  - a. What is permitted by the Permission is that which is authorised:
    - (1) By the grant of planning permission; and
    - (2) By the discharge of conditions; and
    - (3) All necessary and reasonable works to implement the approved development.
  - b. the discharge of conditions post-dated the grant, the principle is the same: “all necessary and reasonable works” to implement the permission are authorised, and the Council can be imputed to have knowledge of the site conditions.
  - c. The Permission (and the details approved by the discharge of conditions) are not to be interpreted so as to result in “something of a nonsense” – ie so as to make it impossible to implement.
  - d. The approved plans show a dwelling with a horizontal floor slab. On this site that could only practically be constructed with “cut” or “fill” or a combination of both.
  - e. It is clear that the point of reference for the finished slab level is the street frontage; this means that the building is to project horizontally from this point without any “cut” but with “fill” as necessary towards the rear:

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

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- (1) The D&AS and Officer Report To committee (ORTC) were clear that the proposed street elevation was acceptable.
  - (2) The existing building did so, and the D&AS photograph (above) showed a supporting wall and falling ground.
  - (3) The rear patio proposal was said to extend out at the same level as the floor slab.
  - (4) The approved landscaping plan (condition 6) showed “banking” at the rear beyond the patio.
13. The question then becomes whether, on the facts of the case, the raising of levels was done in a way that was “necessary and reasonable”. For the reasons set out above, I am of the opinion that it was necessary to raise the levels in a way that allows the house to be built (no doubt this was considered under building control regime) and for the patio to be supported. It seems to me that the only real planning issue is whether it was necessary and reasonable for the side elevations below the horizontal to be finished as they have been. Should, for example, the supporting ‘walls’ to the patio have been banking finished with grass; or the finish to the house below the horizontal been of something other than brick?
14. It appears that some trees/hedges may have been removed in breach of condition. This does not affect the lawful implementation of the Permission as the condition precedent on the original permission was discharged before development commenced. Their removal does not mean that the whole development is unauthorised. The June 2017 ORTC suggests ways of dealing with this.
15. From reading the ORTC of June 2017 it would seem that the 2m high obscured glazing screens round the patio / balcony and the steps down from it to the lawn have not yet been put in place nor approved, but have been suggested by the applicant as being preferable to the ‘approved scheme’ in the interest of the amenity of the neighbours. I assume that the Council takes the view that the addition of the screen and steps better than not having them at all.
16. My instructions ask me to consider what enforcement action might be appropriate (the Act requires the Council to consider what is necessary and expedient) and proportionate. It follows from my conclusions above that there is not much that can be enforced against.

Construction work on the approved development to erect a replacement dwelling on this site has nearly finished. The detached dwelling which had previously occupied the plot has been demolished and the replacement dwelling is now virtually complete. The newly erected dwelling is a contemporary brick-built two-storey property with a forward projecting gable. The development integrates acceptably with the character of the streetscene along Farley Road in terms of its siting, scale and external appearance, and the scheme, as amended, would be visually acceptable when viewed from public vantage points. In terms of its visual appearance and impact on the character and appearance of the locality the development is still deemed to be acceptable.

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

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Within the front garden area of the application site there is a large Oak tree protected by a Tree Preservation Order (T39 of TPO No: 279). As per the previous application, and subject to tree protection measures, the development remains acceptable in terms of its impact upon the protected Oak tree.

### **7.2. Impact on the amenity of neighbours**

The key issue to be considered in this particular instance is the impact that the proposed amendments will have on the amenity of neighbouring properties. To the north the site abuts the garden areas of No's 2 and 2A Cathedral View. No. 2A Cathedral View, in particular, has a fairly shallow garden and is situated at a lower level compared to the application site. To the south the site abuts No. 8 Farley Road. Objections have been received from the occupiers of all three of these properties which are outlined within Section 4 of this report. The main concerns relate to overlooking/loss of privacy from windows within the development and the raised landing, together with overbearing impact/loss of outlook and concerns about the visual appearance of the development.

Sadly the applicant has removed a substantial amount of vegetation within the rear garden area during the course of the building works, including the hedging/trees along the northern site boundary which had assisted in screening views from No. 2A Cathedral View. In order to address this issue a replacement landscaping scheme has been submitted and a number of trees have already been planted at the site. I will seek to control the implementation and retention of this new planting through a suitable planning condition.

Due to the elevated nature of the proposed rear landing, in the absence of any screening in place, there is potential for some overlooking of neighbouring properties to occur. The submitted plans propose 2 metre high obscure glazed panels set in from the side walls of the main dwelling along the northern and southern side of the landing area. With these obscure glazed screens in place, together with a condition which ensures they are retained for the life of the development, the landing area is considered to be acceptable in terms of its impact on neighbour amenity. It would after all be a stepping out landing rather than the previously proposed deep terrace area which would have afforded much more activity. In my judgement the reduction and change from a deep patio to a 1m deep landing will assist in minimising the impact on the neighbouring properties. In addition to this a condition is recommended to control the use of obscure glazing within the side facing kitchen, family room and dining room windows, to further prevent overlooking of the garden areas at No.2 Cathedral View and 8 Farley Road. These are offered on the submitted plans.

Following the decision for the previous application and in light of concerns about the status of works already completed on-site I duly sought independent advice from a barrister. Taking on board this advice the dwelling as built is within the expectation of the planning permission granted.

Although there is some impact on neighbours and the new dwelling is visible from neighbouring gardens, this is a large plot and, with the suggested measures in place - including the tree and shrub planting scheme in the process of being implemented on the site, then I am satisfied that the development would be acceptable in terms of its impact on neighbour amenity and accord with the relevant policies of the adopted

## **Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of Condition**

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Derby City Local Plan – Part 1 and saved policies of the City of Derby Local Plan Review. In my judgement there are no reasonable or defensible planning grounds to resist the revisions in this proposal.

### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

**To grant** planning permission with conditions.

#### **8.2. Summary of reasons:**

It is considered that the proposal would be acceptable in terms of its impact upon the character and appearance of the street scene and neighbouring amenities. Subject to conditions the proposal is also deemed to be acceptable in terms of its impact upon the health of the nearby protected oak tree, parking and highway safety. Subject to safeguarding conditions, the proposal is deemed to be a reasonable development in this context.

#### **8.3. Conditions:**

1. Standard 3 year time limit
2. Standard approved plans reference condition
3. Condition controlling external materials of construction
4. Condition controlling details of boundary treatment, to include fencing along northern site boundary.
5. Condition controlling hard surfacing and layout details.
6. Condition controlling the landscaping scheme.
7. Condition controlling implementation of the landscaping scheme.
8. Condition controlling tree protection measures.
9. Condition controlling surfacing and details of construction adjacent to the protected oak tree on-site.
10. Condition controlling the implementation of the protected species survey.
11. Condition controlling obscure glazing details.

#### **8.4. Reasons:**

1. Standard reason for time limit.
2. For the avoidance of doubt.
3. To preserve the character and appearance of the area.
4. To preserve the character and appearance of the area.
5. To ensure the satisfactory provision of drainage arrangements.
6. To safeguard and enhance visual amenities.
7. To safeguard and enhance visual amenities.



**Committee Report Item No: 7**

**Application No: DER/09/17/01208**

**Type: Variation of  
Condition**

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8. To safeguard the protected oak tree.
9. To safeguard the protected oak tree.
10. To safeguard protected species.
11. To protect the amenity of neighbours.

**8.5. S106 requirements where appropriate:**

None

**8.6. Application timescale:**

The 8 week target timeframe for determination of the application expired on 14th November. An extension of time has been agreed with the agent to enable a committee determination.



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## Derby City Council

Delegated decisions made between 01/09/2017 and 31/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/16/00944/PRI	Outline Planning Permission	Land north of Goodsmoor Road Industrial Estate, Sinfin, Derby	Outline planning application with access (all other matters reserved) for the erection of up to 85 dwellings, including associated landscaping, and a new vehicular access onto Goodsmoor Road	Refuse Planning Permission	31/10/2017
10/16/01285/PRI	Full Planning Permission	Garages adjacent Lilac Court, Lilac Close, Alvaston, Derby	Erection of two bungalows (use class C3)	Granted Conditionally	21/09/2017
11/16/01362/PRI	Listed Building Consent - alterations	35-36 St. Marys Gate, Derby, DE1 3JU	Internal alterations to include the installation of 'pod' en-suite bathrooms and sanitary accommodation to the basement. Retention of light and post box on The Coach House, key pads and relocation of gates.	Granted Conditionally	19/10/2017
11/16/01444/PRI	Works to Trees under TPO	9 Thorndon Close, Mickleover, Derby, DE3 5LL	Felling of a Lime Tree protected by Tree Preservation Order No. 250	Withdrawn Application	03/10/2017
12/16/01508/PRI	Full Planning Permission	Land at 50 Thorndike Avenue, Alvaston, Derby, DE24 8NY	Erection of a dwelling house (use class C3)	Granted Conditionally	19/09/2017
01/17/00049/PRI	Variation/Waive of condition(s)	Land at Holmleigh Way, Chellaston, Derby	Variation of condition 1 of previously approved planning permission Code No. DER/08/13/00941 to amend the approved plans (substitution of houses types)	Granted Conditionally	25/10/2017
01/17/00083/PRI	Full Planning Permission	39 Corn Market, Derby, DE1 2DG	Change of use of first, second and third floors from offices/staff facilities to seven flats (use class C3) and sub-division of the ground floor to form two retail units (use class A1)	Granted Conditionally	30/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00132/PRI	Full Planning Permission	1 Cotswold Close, Littleover, Derby, DE23 7FE	Single storey side extension to dwelling (living area) and raising of the roof height, installation of roof lights to the rear elevations and a dormer to the front elevation to form rooms in the roof space (two bedrooms and shower room)	Granted Conditionally	29/09/2017
02/17/00210/PRI	Works to Trees under TPO	Tree adjacent footpath entrance to Southgate Retail Park, Normanton, Derby, DE23 6UQ (between 166 and 170 Normanton Road)	Reduce the main horizontal stem to give 1m clearance of the footpath of an Ash tree protected by Tree Preservation Order No. 570	Granted Conditionally	01/09/2017
02/17/00244/PRI	Prior Approval - Offices to Resi	First floor, Derwent Valley Medical Centre, 16 St. Marks Road, Derby, DE21 6AH	Change of use of first floor from offices (use class B1) to five apartments (use class C3)	Prior Approval Approved	21/09/2017
03/17/00282/PRI	Full Planning Permission	First Floor, 51-59 Abbey Street, Derby, DE22 3SJ	Change of use from restaurant (use class A3) to a mixed use of restaurant, bar and night club (use classes A3, A4 and Sui Generis)	Granted Conditionally	02/10/2017
03/17/00399/PRI	Full Planning Permission	Land at the side and rear of 66 Chestnut Avenue, Mickleover, Derby	Erection of a dwelling house and detached garage (use class C3)	Granted Conditionally	19/10/2017
03/17/00401/PRI	Full Planning Permission	85 Field Rise, Littleover, Derby, DE23 7DF	Alterations to the roof including raising the height of the gable end and installation of two dormer windows to the front elevation to form rooms within the roof space (two bedrooms and bathroom)	Granted Conditionally	03/10/2017
03/17/00420/PRI	Full Planning Permission	Site of 18-20 Hatfield Road, Alvaston, Derby, DE24 0BU	Erection of two bungalows (use class C3)	Granted Conditionally	04/10/2017
04/17/00447/PRI	Full Planning Permission	141 Morley Road, Oakwood, Derby, DE21 4QY	Two storey side and single storey rear extensions to dwelling house (w.c, utility, enlargement of kitchen, porch, en-suite and enlargement of bathroom and bedroom)	Granted Conditionally	01/09/2017
04/17/00453/PRI	Full Planning Permission	2 Spoonleywood Court, Heatherton, Derby, DE23 7SZ	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	11/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
04/17/00455/PRI	Advertisement consent	Unit rear of 4 Poplar Avenue, Spondon, Derby	Display of one internally illuminated fascia sign	Granted Conditionally	06/09/2017
04/17/00457/PRI	Full Planning Permission	19 Rowley Lane, Littleover, Derby, DE23 7FT	Raising of the existing roof height, installation of dormers to the front and rear elevations, two storey and single storey extensions to dwelling house and installation of glazing to the front elevation	Refuse Planning Permission	04/09/2017
04/17/00459/PRI	Full Planning Permission	Harrington Arms, London Road, Derby, DE24 8QP	Installation of new shopfront, alterations to elevations and change of use from car park to car sales, storage and car wash (Sui Generis use)	Granted Conditionally	10/10/2017
04/17/00462/PRI	Full Planning Permission	116 Burton Road, Derby, DE1 1TG	Change of use of ground floor from retail (use class A1) to hot food takeaway (use class A5)	Granted Conditionally	01/09/2017
04/17/00490/PRI	Full Planning Permission	St. Werburghs House Nursing Home, Church Street, Spondon, Derby, DE21 7LL	Erection of a smoking shelter and boiler house	Granted Conditionally	05/10/2017
04/17/00491/PRI	Full Planning Permission	58 Friar Gate, Derby, DE1 1DF	Change of use from office (use class B1a) to one dwelling house (use class C3)	Granted Conditionally	05/10/2017
04/17/00502/PRI	Full Planning Permission	75 Sunnyhill Avenue, Derby, DE23 7JR	Single storey rear extension to dwelling house (verandah) including the raising of ground levels and alterations to the roof design of the single storey rear extension previously approved under Code No. DER/12/15/01559	Granted Conditionally	15/09/2017
04/17/00510/PRI	Full Planning Permission	39 Whittlebury Drive, Littleover, Derby, DE23 7BF	Two storey front extension to dwelling house (gym, bedroom, en-suite and enlargement of hall)	Granted Conditionally	02/10/2017
04/17/00511/PRI	Full Planning Permission	The Old Maltings, Forman Street, Derby, DE1 1JQ	Change of use of ground floor from business (use class B1) to a place of religious worship (use class D1)	Granted Conditionally	15/09/2017
04/17/00513/PRI	Full Planning Permission	79 Palmerston Street, Derby, DE23 6PF	Retention of the change of use from dwelling house (use class C3) to a house in multiple occupation (Sui Generis use)	Granted Conditionally	15/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
04/17/00519/PRI	Full Planning Permission	Site of 574 Burton Road, Littleover, Derby	Erection of retirement living housing for the elderly, including 37 apartments and 8 houses, communal facilities, landscaping and car parking	Granted Conditionally	01/09/2017
04/17/00524/PRI	Full Planning Permission	6 Trenton Drive, Chaddesden, Derby	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	06/10/2017
04/17/00525/PRI	Full Planning Permission	4 Blakebrook Drive, Chellaston, Derby, DE73 1PA	First floor side extension to dwelling house (bedroom)	Granted Conditionally	19/09/2017
04/17/00530/PRI	Works to Trees under TPO	Burton House, 83 Burton Road, Derby	Re-pollarding of 10 Lime Trees protected by Tree Preservation No. 112	Granted Conditionally	02/10/2017
04/17/00541/PRI	Prior Approval - Offices to Resi	161-163 Chaddesden Lane, Derby, DE21 6LJ	Change of use of first floor from offices (use class B1) to two apartments (use class C3)	Prior Approval Approved	26/09/2017
04/17/00548/PRI	Full Planning Permission	Springfield Primary School, West Road, Spondon, Derby, DE21 7AB	Siting of a double decker bus for use as a library	Granted Conditionally	11/09/2017
05/17/00584/PRI	Full Planning Permission	Unit 7, Endland Industrial Estate, Parcel Terrace, Derby, DE1 1LY	Change of use from business (use class B1) to vehicle repairs with MOT station (use class B2)	Granted Conditionally	12/09/2017
05/17/00586/PRI	Full Planning Permission	3 Serina Avenue, Derby, DE23 6JT	Two storey side and single storey rear extensions to dwelling house (w.c., study, bathroom, kitchen living room and enlargement of bedroom)	Granted Conditionally	09/10/2017
05/17/00593/PRI	Full Planning Permission	Site of 2D Henry Street, Derby, DE1 3BQ	Demolition of garage and erection of one dwelling to planning application - amendments to previously approved planning permission Code No. DER/11/15/01351 to make the rear annexe two storey	Granted Conditionally	14/09/2017
05/17/00595/PRI	Variation/Waive of condition(s)	Long and West Mill, Darley Abbey Mills, Darley Abbey, Derby, DE22 1DZ	Change of use of mill buildings from light industrial use (Use Class B1 ) to hospitality venue within West Mill (Use Class D2) and office accommodation within Long Mill (Use Class B1) - Variation of condition of condition 2 of previously approved permission Code No. DER/12/13/01514 to amend internal layout.	Granted Conditionally	12/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/17/00611/DCC	Advertisement consent	17-24 Victoria Street, Derby, DE1 1ET (Former Debenhams)	Display of four advertisement hoardings	Granted Conditionally	15/09/2017
05/17/00618/PRI	Full Planning Permission	96 Traffic Street, Derby, DE1 2NL	Change of use from retail (use class A1) to beauty salon with retail sales (Sui Generis use / use class A1)	Granted Conditionally	21/09/2017
05/17/00624/PRI	Full Planning Permission	113 High Street, Chellaston, Derby, DE73 1TG	Two storey side and single storey front extensions to dwelling (porch, kitchen/diner, two bedrooms & bathroom) and installation of two dormer windows to the front elevation existing roof to form an additional bedroom in the roof space	Granted Conditionally	15/09/2017
05/17/00625/PRI	Full Planning Permission	Public open space at Sussex Circus Local Housing Office, adjacent to Perth Street, Derby	Formation of 10 parking bays	Granted Conditionally	20/09/2017
05/17/00626/PRI	Full Planning Permission	Public open space, Green Acres, Littleover, Derby	Formation of 3 parking bays	Granted Conditionally	20/09/2017
05/17/00627/PRI	Listed Building Consent - alterations	Long and West Mills, Darley Abbey Mills, Darley Abbey, DE22 1DZ	Variation of condition 2 of previously approved planning application No. DER/12/13/01515/PRI Internal alterations in connection with change of use of mill buildings from light industrial use (Use Class B1) to hospitality venue within West Mill (Use Class D2) and office accommodation within Long Mill (Use Class B1) - To amend the approved plans	Granted Conditionally	12/09/2017
05/17/00651/PRI	Variation/Waive of condition(s)	Unit 5, Wyvern Retail Park, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Variation of condition 3 of previously approved planning permission Code No. DER/12/15/01525 and condition 7 of Code No. DER/02/89/00286 to permit the sale of a wider range of goods	Granted Conditionally	18/09/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/17/00665/PRI	Full Planning Permission	16 Cleveland Avenue, Chaddesden, Derby, DE21 6SB	Two storey and single storey rear extensions to dwelling house (utility room, kitchen/dining room, bedroom and en-suite) and installation of a new window to the first floor side elevation	Granted Conditionally	13/10/2017
05/17/00667/PRI	Works to Trees under TPO	Unit 3, The Normanton Centre, Normanton Road, Derby, DE23 6WL (Home Bargains)	Cutting back of overhanging branches by 5-8 metres and crown lift by 2 metres of a London Plane tree protected by Tree Preservation Order No.327	Granted Conditionally	27/09/2017
05/17/00669/PRI	Full Planning Permission	545 Burton Road, Littleover, Derby, DE23 6FT	Change of use from dwelling house (use class C3) to health and beauty salon (Sui Generis use)	Granted Conditionally	21/09/2017
05/17/00671/PRI	Advertisement consent	Northcliffe House, Meadow Road, Derby, DE1 2BH (Wowcher Ltd)	Display of three non-illuminated fascia signs	Granted Conditionally	01/09/2017
05/17/00685/PRI	Full Planning Permission	14 Corbel Close, Oakwood, Derby, DE21 2DB	Two storey and first floor rear and single storey front extensions to dwelling house (porch, family room, two bedrooms and en-suite) and installation of new first floor windows to the side elevations	Granted Conditionally	10/10/2017
05/17/00706/PRI	Full Planning Permission	16 Nunsfield Drive, Alvaston, Derby, DE24 0GG	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	04/10/2017
05/17/00716/PRI	Outline Planning Permission	Land adjacent to 37 Glossop Street, Derby, DE24 8DW	Residential development (one dwelling)	Refuse Planning Permission	31/10/2017
05/17/00717/PRI	Full Planning Permission	202 Boulton Lane, Derby, DE24 0BA	Two storey side and single storey side and extensions to dwelling house (garage, two bedrooms, en-suite and enlargement of kitchen/family area)	Granted Conditionally	15/09/2017
05/17/00719/PRI	Full Planning Permission	139 Normanton Lane, Littleover, Derby, DE23 6LF	First floor rear extension to dwelling house (bedroom, bathroom and en-suite)	Granted Conditionally	12/09/2017
05/17/00723/PRI	Works to Trees in a Conservation Area	4 Mill Cottages, Darley Abbey Mills, Darley Abbey, Derby, DE22 1DZ	Crown reduction of a Sycamore tree by 3m and crown reduction of a Conifer tree by 2.5m within the Darley Abbey Conservation Area	Raise No Objection	21/09/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/17/00724/PRI	Full Planning Permission	17 Domain Drive, Chellaston, Derby	Single storey front and rear extensions to dwelling house (porch, family room and enlargement of kitchen and utility room) and erection of a detached garage - amendment to previously approved planning permission Code No. DER/09/16/01107 to alter the location of the garage	Granted Conditionally	10/10/2017
06/17/00744/PRI	Full Planning Permission	91 Melbourne Street, Derby, DE1 2GF	Change of use from bed and breakfast (use class C1) to a house in multiple occupation (sui generis use)	Granted Conditionally	01/09/2017
06/17/00751/PRI	Full Planning Permission	First Floor, 61 Canal Street, Derby, DE1 2RJ	Change of use from education (use class D1) to business (use class B1)	Granted Conditionally	06/09/2017
06/17/00754/PRI	Full Planning Permission	31 The Hollow, Mickleover, Derby	Single storey side extension to dwelling house (utility/boot room) to link the dwelling to the existing garage	Granted Conditionally	08/09/2017
06/17/00765/PRI	Full Planning Permission	Unit in South West corner of Pride Park Stadium, Pride Park, Derby, DE24 8XL	Installation of a new shop front	Granted Conditionally	06/09/2017
06/17/00766/PRI	Advertisement consent	Unit in South West corner of Pride Park Stadium, Pride Park, Derby, DE24 8XL	Display of an internally illuminated fascia sign and an internally illuminated freestanding sign	Granted Conditionally	06/09/2017
06/17/00767/PRI	Variation/Waive of condition(s)	Land west of Belmore Way, Alvaston, Derby, DE21 7AY	Variation of condition 2 of previously approved planning application code Nos. DER/11/14/01517 and DER/02/16/00146 to amend the approved plans in respect of unit 10	Granted Conditionally	08/09/2017
06/17/00768/PRI	Works to Trees under TPO	15 Station Road, Chellaston, Derby, DE73 1SU	Crown reduction by 5m to the top and 2.5m to the sides of four Yew trees protected by Tree Preservation Order no. 532	Granted Conditionally	10/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/17/00785/PRI	Full Planning Permission	137 Pear Tree Road, Derby, DE23 6QF	Change of use from dwelling house (use class C3) to photography services sales area and retail area (use class A2) at ground floor with one flat above (use class C3), installation of a shopfront, roller shutters and a single storey rear extension (bathroom)	Granted Conditionally	08/09/2017
06/17/00796/PRI	Full Planning Permission	338 Uttoxeter Road, Mickleover, Derby	Two storey side extension, two storey and single storey rear extensions and installation of a rear dormer to convert a dwelling house to two flats (use class C3)	Granted Conditionally	27/09/2017
06/17/00799/PRI	Variation/Waive of condition(s)	Sainsburys Supermarket Ltd, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Variation of condition1 of previously approved planning permission Code No. DER/10/06/01723 to amend the restrictions on the range of goods sold on the premises	Granted Conditionally	08/09/2017
06/17/00801/PRI	Full Planning Permission	1 Gregory Walk, Littleover, Derby	Single storey side and rear extensions to dwelling (kitchen, bedroom and en-suite)	Granted Conditionally	11/09/2017
06/17/00804/PRI	Listed Building Consent - alterations	Museum & Art Gallery, The Strand, Derby, DE1 1BS	Internal works to rooms 29 and 30 to include alterations and removal of display cases	Granted Conditionally	22/09/2017
06/17/00805/PRI	Non-material amendment	Unit 5-8, Newmarket Drive, Derby, DE24 8NW	Subdivision into 4 units and change of use from bank/offices to individual trade counter units (sui generis use) - non-material amendment to previously approved planning permission DER/04/14/00459 to amend the internal layout and the location of windows and doors	Granted	19/09/2017
06/17/00811/PRI	Full Planning Permission	34 Cowley Street, Derby, DE1 3SN	Enlargement of garage	Granted Conditionally	26/09/2017
06/17/00812/PRI	Full Planning Permission	11 East Close, Darley Abbey, Derby, DE22 2BS	Single storey side extension to dwelling (lounge, bedroom and en-suite)	Granted Conditionally	01/09/2017
06/17/00828/PRI	Full Planning Permission	32 Sutton Avenue, Chellaston, Derby, DE73 1RJ	Single storey side extension to dwelling house (kitchen)	Granted Conditionally	12/09/2017
06/17/00837/PRI	Full Planning Permission	26 Station Road, Chellaston, Derby, DE73 1SU	First floor side extension to dwelling house (two bedrooms and en-suite)	Granted Conditionally	24/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/17/00850/PRI	Full Planning Permission	21 Stoney Lane, Spondon, Derby, DE21 7QH	Erection of 1.8m high boundary gates	Granted Conditionally	01/09/2017
06/17/00851/PRI	Full Planning Permission	59 Osmaston Road, Derby, DE1 2JH	Installation of a new shop front	Granted Conditionally	23/10/2017
06/17/00853/PRI	Works to Trees under TPO	10 Priory Gardens, Oakwood, Derby, DE21 4TG	Removal of epicormic growth, deadwood, crown clean and cutting back overhanging branches by up to one metre of an Oak Tree protected by Tree Preservation Order No.124	Granted Conditionally	18/09/2017
06/17/00860/PRI	Full Planning Permission	215 Porter Road, Derby	Two storey side and two storey and single store rear extensions to dwelling house (wash room, store, kitchen, dining room, two bedrooms and bathroom) together with formation of rooms in the roof space including the installation of a rear dormer (two bedrooms and bathroom)	Refuse Planning Permission	06/09/2017
06/17/00861/PRI	Full Planning Permission	57 Morley Road, Chaddesden, Derby, DE21 4QU	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, utility room, cloakroom, dining/sitting area, en-suite, balcony and enlargement of dining room and three bedrooms), installation of cladding and render, and erection of an outbuilding (garage and annexe accommodation)	Granted Conditionally	04/10/2017
06/17/00865/PRI	Full Planning Permission	17 Fairway Close, Allestree, Derby, DE22 2PD	Single storey front extensions to dwelling house (bay window and porch)	Granted Conditionally	12/09/2017
06/17/00866/PRI	Full Planning Permission	11 Burlington Way, Mickleover, Derby, DE3 5BB	First floor side and rear extension to dwelling house (bedroom), infilling of ground floor recess and installation of a pitched roof and bay window to the existing side projection	Granted Conditionally	01/09/2017
06/17/00867/PRI	Full Planning Permission	32 Bank View Road, Derby, DE22 1EJ	Single storey side and rear extensions to dwelling house (conservatory)	Granted Conditionally	19/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/17/00873/PRI	Full Planning Permission	London Road Community Hospital, London Road, Derby, DE1 2QY	Installation of replacement bay windows at second and third floor levels	Granted Conditionally	11/09/2017
07/17/00875/PRI	Works to Trees under TPO	16 Boylestone Road, Littleover, Derby, DE23 7PL	Crown clean, removal of deadwood and crown thin to a maximum of 10% of an Oak tree protected by Tree Preservation Order no. 36	Granted Conditionally	02/10/2017
07/17/00876/PRI	Full Planning Permission	Derwent Valley Medical Centre, 16 St. Marks Road, Derby, DE21 6AH	Single storey side extension to medical centre (office)	Granted Conditionally	05/10/2017
07/17/00878/PRI	Full Planning Permission	6 Royal Buildings, Victoria Street, Derby, DE1 1ES	Change of use from financial and professional services (use class A2) to restaurant/cafe (use class A3)	Granted Conditionally	11/09/2017
07/17/00879/PRI	Listed Building Consent - alterations	6 Royal Buildings, Victoria Street, Derby, DE1 1ES	Alterations in association with the change of use from financial and professional services (use class A2) to restaurant/cafe (use class A3) to include formation of a kitchen area and w.c.	Granted Conditionally	11/09/2017
07/17/00882/PRI	Full Planning Permission	7-11 Ashbourne Road, Derby, DE22 3FQ	Change of use from music school (use class D1) to retail/ financial and professional services unit at ground floor level (use class A1/A2 ) and four flats (use class C3) at first and second floors including installation of two rooflights and a door	Granted Conditionally	24/10/2017
07/17/00885/PRI	Variation/Waive of condition(s)	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) - variation of condition 2 of previously approved planning permission Code No. DER/06/15/00724 to include a balcony, timber cladding and change the window colours	Granted Conditionally	06/09/2017
07/17/00886/PRI	Advertisement consent	Pets At Home, Meteor Centre, Derby, DE21 4SY	Display of various signage	Granted Conditionally	11/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00889/PRI	Full Planning Permission	27 Rowsley Avenue, Derby, DE23 6JZ	Two storey side and first floor and single storey rear extensions to dwelling house (hall, cloak room, sun lounge, bedroom and enlargement of bedroom)	Granted Conditionally	08/09/2017
07/17/00890/PRI	Advertisement consent	Meteor Centre Retail Park, Mansfield Road, Derby	Display of various freestanding signs	Granted Conditionally	01/09/2017
07/17/00891/PRI	Full Planning Permission	96 Traffic Street, Derby, DE1 2NL	Installation of roller shutters to the front elevation	Granted Conditionally	21/09/2017
07/17/00892/PRI	Full Planning Permission	21 Rosamonds Ride, Derby, DE23 6JS	Retention of the installation of a mezzanine level to an existing annexe building and retention of an outbuilding (store, garden/play room and w.c.)	Granted Conditionally	01/09/2017
07/17/00896/PRI	Full Planning Permission	30 Chevin Road, Derby, DE1 3EX	Single storey side and rear extensions to dwelling house (office, utility room and enlargement of living space and kitchen)	Granted Conditionally	21/09/2017
07/17/00897/PRI	Full Planning Permission	7 Stratford Road, Derby, DE21 4DP	Single storey rear extension to dwelling house (dining room and w.c.)	Granted Conditionally	04/09/2017
07/17/00901/PRI	Full Planning Permission	29 Walnut Avenue, Alvaston, Derby, DE24 0PP	Single storey side and rear extensions to dwelling house (kitchen and store)	Granted Conditionally	01/09/2017
07/17/00904/PRI	Works to Trees under TPO	570 Burton Road, Littleover, Derby, DE23	Crown lift over the footpath to 3m and over the road to 5m, cutting back of branches to give 3m clearance of the building and removal of deadwood of a Pine tree protected by Tree Preservation Order no. 37	Granted Conditionally	08/09/2017
07/17/00907/PRI	Full Planning Permission	60 Uttoxeter Road, Mickleover, Derby, DE3 5GE	Two storey side and rear and single storey rear extensions to dwelling house (kitchen, living room, utility room, bedroom and en-suite)	Granted Conditionally	04/09/2017
07/17/00908/PRI	Full Planning Permission	11 Drewry Lane, Derby, DE22 3QS	Sub-division of dwelling house to form two flats (use class C3)	Granted Conditionally	19/09/2017
07/17/00909/PRI	Full Planning Permission	48 Drewry Lane, Derby, DE22 3QP	Sub-division of dwelling house to form two flats (use class C3) and installation of double doors to the rear elevation	Granted Conditionally	04/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00913/PRI	Full Planning Permission	Units 2 and 2A, Meteor Centre, Mansfield Road, Derby, DE21 4SY	Sub-division and extensions to retail unit, installation of new shop fronts and alterations to the car parking layout	Granted Conditionally	21/09/2017
07/17/00914/PRI	Full Planning Permission	Meteor Centre, Mansfield Road, Derby	Erection of cafe/retail pod (Use Classes A3 and A1) with "drive through" facility and associated works	Granted Conditionally	22/09/2017
07/17/00915/PRI	Advertisement consent	37 Corn Market, Derby, DE1 2DG (Subway)	Display of one externally-illuminated hand painted fascia sign and one non-illuminated hanging sign	Granted Conditionally	23/10/2017
07/17/00916/PRI	Advertisement consent	1 London Road, Derby, DE1 2PN (Poundland)	Display of one internally illuminated fascia sign and window vinyls	Granted Conditionally	11/09/2017
07/17/00917/PRI	Full Planning Permission	18 Freesia Close, Mickleover, Derby, DE3 5NJ	Single storey side and rear extensions to dwelling house (enlargement of kitchen/family room)	Granted Conditionally	15/09/2017
07/17/00918/PRI	Full Planning Permission	570 Duffield Road, Derby, DE22 2ES	Erection of outbuilding (triple garage and storage)	Granted Conditionally	03/10/2017
07/17/00921/PRI	Full Planning Permission	9 Onslow Road, Mickleover, Derby, DE3 5JJ	Single storey front extension to dwelling house (hall, bedroom and en-suite)	Granted Conditionally	04/10/2017
07/17/00923/PRI	Full Planning Permission	27 Steeple Close, Oakwood, Derby, DE21 2DE	Two storey side and single storey rear extensions to dwelling house (porch, study, w.c, utility room, living space, two bedrooms and enlargement of kitchen)	Granted Conditionally	06/09/2017
07/17/00924/PRI	Full Planning Permission	Ground Floor, 50-51 Friar Gate, Derby, DE1 1DF	Change of use from offices (use class B1) to beauty salon and hairdressers (sui generis use/use class A1) and installation of two soil pipes to the rear elevation	Granted Conditionally	15/09/2017
07/17/00925/PRI	Listed Building Consent - alterations	Ground Floor, 50-51 Friar Gate, Derby, DE1 1DF	Alterations in association with the change of use from offices (use class B1) to beauty salon and hairdressers (sui generis use/use class A1) including installation of two soil pipes to the rear elevation and internal refurbishment	Granted Conditionally	15/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00927/PRI	Full Planning Permission	Bemrose Community School, Uttoxeter New Road, Derby, DE22 3HU	Erection of three storey teaching block (Use Class D1), associated landscaping, phasing and temporary accommodation, the provision of eight additional parking spaces and the re-surfacing of the multi use games area.	Granted Conditionally	19/10/2017
07/17/00929/PRI	Full Planning Permission	12 Elms Avenue, Littleover, Derby, DE23 6FG	Two storey side and rear extensions, single storey front extension and conversion of dwelling house to form two flats (use class C3)	Refuse Planning Permission	13/10/2017
07/17/00931/PRI	Listed Building Consent - alterations	1 St. Peters Street, Derby, DE1 2AE (HSBC)	Installation of a replacement fire door	Granted Conditionally	14/09/2017
07/17/00932/PRI	Full Planning Permission	Bemrose Community School, Uttoxeter New Road, Derby, DE22 3HU	Installation of replacement doors and windows to the main teaching block	Granted Conditionally	29/09/2017
07/17/00933/PRI	Full Planning Permission	2 Hobkirk Drive, Sinfin, Derby, DE24 3DT	Single storey front and rear extensions to dwelling (porch, bay window and lounge) and raising of the garage roof	Granted Conditionally	08/09/2017
07/17/00934/PRI	Full Planning Permission	463 Osmaston Park Road, Derby, DE24 8DD	Retention of a single storey rear extension to dwelling house (kitchen/dining room) and single storey side extension (w.c)	Granted Conditionally	19/09/2017
07/17/00935/PRI	Works to Trees under TPO	81 Bishops Drive, Oakwood, Derby, DE21 2BA	Crown clean and cutting back of branches to give 3 metres clearance from structures of an Oak tree protected by Tree Preservation Order No. 24	Granted Conditionally	08/09/2017
07/17/00936/PRI	Full Planning Permission	Fernleigh House, 10 Uttoxeter Road, Mickleover, Derby	Change of use from office (use class B1) to a dental practice (use class D1) including the installation of air conditioning units to the side and rear elevations, installation of a replacement door to the rear elevation, replacement hard surfacing and erection of a boundary wall	Granted Conditionally	16/10/2017
07/17/00938/PRI	Full Planning Permission	15 Mayfield Road, Chaddesden, Derby, DE21 6FX	Single storey rear extension to dwelling house (kitchen and sun room)	Granted Conditionally	15/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00939/PRI	Works to Trees under TPO	63 Smalley Drive, Oakwood, Derby, DE21 2SF	Crown reduction by 2.5m and crown lift to 5m of an Oak tree protected by Tree Preservation Order no. 376	Granted Conditionally	08/09/2017
07/17/00940/PRI	Works to Trees in a Conservation Area	146 Duffield Road, Derby, DE22 1BG	Felling of Leylandii trees within the Strutts Park Conservation Area	Raise No Objection	20/09/2017
07/17/00941/PRI	Outline Planning Permission	Land at the rear of 43 Grasmere Crescent, Sinfen, Derby, DE24 9HS (access off Grampian Way)	Residential development (one dwelling)	Refuse Planning Permission	19/10/2017
07/17/00942/PRI	Full Planning Permission	45 Lincoln Avenue, Derby, DE24 8QY	Two storey rear and single storey side extensions to dwelling house (kitchen, diner, utility, hall, w.c. and two bedrooms) and installation of a new first floor window to the side elevation	Granted Conditionally	19/09/2017
07/17/00943/PRI	Full Planning Permission	Land adjacent to 166 Westbourne Park, Derby, DE22 4HB	Erection of a dwelling house (use class C3)	Refuse Planning Permission	11/09/2017
07/17/00946/PRI	Works to Trees under TPO	8 Willowbrook Grange, Chellaston, Derby, DE73 1TR	Felling of an Elm tree protected by Tree Preservation Order No 81	Granted Conditionally	20/09/2017
07/17/00947/PRI	Full Planning Permission	The Old Nursery, 63 Nottingham Road, Spondon, Derby, DE21 7NG	Retention of change of use from day nursery (use class D1) to dwelling house (use class C3) and proposed single storey front, side and rear extensions (porch, garden store, utility room and enlargement of kitchen/dining area)	Granted Conditionally	13/09/2017
07/17/00948/PRI	Full Planning Permission	5 Richmond Close, Littleover, Derby, DE23 3UH	Single storey rear extensions to dwelling house (garden room and enlargement of dining room)	Granted Conditionally	04/10/2017
07/17/00950/PRI	Full Planning Permission	273 Lambourn Drive, Allestree, Derby, DE22 2UA	Erection of an outbuilding (garage)	Granted Conditionally	16/10/2017
07/17/00952/PRI	Works to Trees under TPO	29 Stonehill Road, Derby	Crown reduction by 1.5 metres to be carried out every 2-3 years and removal of epicormic growth up to 3m as and when required for a ten year period of two Lime Trees protected by Tree Preservation order No. 10.	Granted Conditionally	10/10/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00954/PRI	Full Planning Permission	Littleover Dental Practice, 106 Littleover Lane, Derby, DE23 6JJ	Two storey and single storey extensions to dental practice, external alterations, installation of an external staircase and formation of a car parking area	Refuse Planning Permission	26/09/2017
07/17/00955/PRI	Full Planning Permission	4 Shireoaks Close, Littleover, Derby, DE23 7TP	Two storey front extensions to dwelling house (lobby/porch and enlargement of landing)	Granted Conditionally	15/09/2017
07/17/00956/PRI	Full Planning Permission	16 Hamblin Crescent, Sinfin, Derby, DE24 9PL	Retention of single storey rear extension to dwelling house (living area and wet room) and a raised decking area	Granted Conditionally	15/09/2017
07/17/00957/PRI	Full Planning Permission	39 Stocker Avenue, Alvaston, Derby, DE24 0QS	Two storey side and single storey front extensions to dwelling house (porch, sitting room, bedroom, bathroom and enlargement of garage and utility room)	Granted Conditionally	13/09/2017
07/17/00958/PRI	Full Planning Permission	38 Beeley Close, Allestree, Derby, DE22 2PX	Single storey rear extension to dwelling (shower room and utility room)	Granted Conditionally	16/10/2017
07/17/00960/PRI	Full Planning Permission	64 Wood Road, Chaddesden, Derby, DE21 4LY	Two storey side and single storey front extensions to dwelling house (porch, study, w.c., utility room and two bedrooms)	Granted Conditionally	04/10/2017
07/17/00961/PRI	Full Planning Permission	2 Hereford Road, Chaddesden, Derby, DE21 4EH	Single storey rear extension to dwelling house	Granted Conditionally	13/09/2017
07/17/00962/PRI	Works to Trees in a Conservation Area	91 Belper Road, Derby, DE1 3ER	Removal of the lowest branch of a Corsican Pine tree, reduction to guttering height of a row of Leylandii, cutting back of branches of a Copper Beech tree to give 2m clearance from house and those extending from the main canopy by 1-2m and re-pollarding of a Maple tree within the Strutts Park Conservation Area	Raise No Objection	20/09/2017
07/17/00965/PRI	Works to Trees under TPO	39 Highfield Road, Derby, DE22 1GX	Crown lift to 4 metres, crown reduction of lateral branches by 1.5 metres and cutting back of branches around telephone wires to give 0.5m clearance of a Cedar Tree protected by Tree Preservation Order No.'s 258 & 92	Granted Conditionally	15/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00966/PRI	Variation/Waive of condition(s)	4 Victoria House, Victoria Street, Derby, DE1 1ES	Variation of condition 3 of previously approved application code No. DER/10/16/01220 to amend the approved opening hours	Granted Conditionally	25/09/2017
07/17/00967/PRI	Full Planning Permission	418 Burton Road, Derby, DE23 6AJ	Change of use from residential care home (use class C2) to aesthetic treatment clinic (use class D1) including alterations and enlargement of the parking area and associated tree works - amendments to previously approved planning permission Code No. DER/02/17/00259 to include an external staircase and amend the fenestration	Granted Conditionally	15/09/2017
07/17/00969/PRI	Certificate of Lawfulness Proposed Use	10 Rydal Close, Allestree, Derby, DE22 2SL	Single storey rear extension to dwelling	Granted	18/09/2017
07/17/00970/PRI	Full Planning Permission	3 Whitaker Road, Derby (The Coach House)	Change of use and conversion of coach house to include extensions, raising of the roof height and installation of new windows and doors to form a dwelling house (use class C3)	Refuse Planning Permission	30/10/2017
07/17/00971/PRI	Full Planning Permission	47 West Bank Road, Allestree, Derby, DE22 2FY	Single storey side and rear extensions to dwelling house (kitchen/dining area and a covered way)	Granted Conditionally	18/09/2017
07/17/00972/PRI	Prior Approval - Householder	5 St. Cuthberts Road, Derby, DE22 3JX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.6m, maximum height 3.25m, height to eaves 2.1m) to dwelling house	Prior Approval Not required	11/09/2017
07/17/00973/PRI	Full Planning Permission	276 Duffield Road, Derby, DE22 1EP	Two storey side and single storey rear extensions to dwelling house (study, cloakroom, utility room, bedroom, en-suite and enlargement of kitchen/dining room) and erection of a detached garage	Granted Conditionally	19/10/2017
07/17/00974/PRI	Advertisement consent	6-7 Iron Gate, Derby, DE1 3FJ	Display of various signage	Granted Conditionally	30/10/2017
07/17/00975/PRI	Full Planning Permission	81 Nottingham Road, Spondon, Derby, DE21 7NG	Single storey rear extension to dwelling house (dining room, lounge and w.c.)	Granted Conditionally	22/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00976/PRI	Full Planning Permission	4 Nesfield Close, Alvaston, Derby, DE24 0QT	Single storey front and rear extensions to dwelling house (porch and enlargement of living room)	Granted Conditionally	20/09/2017
07/17/00977/PRI	Works to Trees under TPO	187 Duffield Road, Derby, DE22 1JB	Cutting back of overhanging branches by 3 metres of a Cherry tree and three Sycamore trees protected by Tree Preservation Order no. 431	Granted Conditionally	20/09/2017
07/17/00978/PRI	Works to Trees in a Conservation Area	Tree at Cathedral Car Park, St. Michaels Lane, Derby	Various works to trees within the City Centre Conservation Area	Raise No Objection	05/09/2017
07/17/00980/PRI	Full Planning Permission	First Floor, 11-12 Brick Street, Derby	Change of use from office (use class B1) to dwelling house (use class C3(c))	Granted Conditionally	22/09/2017
07/17/00983/PRI	Full Planning Permission	116 Kedleston Road, Derby	Erection of a detached garage	Granted Conditionally	20/09/2017
07/17/00985/PRI	Works to Trees in a Conservation Area	27 Mickleover Manor, Mickleover, Derby	Felling of a Sycamore tree within the Mickleover Conservation Area	Raise No Objection	18/09/2017
07/17/00986/PRI	Full Planning Permission	58 Sandown Avenue, Mickleover, Derby	Two storey side and single storey rear extensions to dwelling house (w.c, utility, dining/family room, bedroom & en-suite)	Granted Conditionally	19/09/2017
07/17/00987/PRI	Full Planning Permission	105 Locko Road, Spondon, Derby	Single storey front extension (entrance hall) and side/ rear extension to dwelling house (utility room/storage, living/dining area, shower room and family room) to link the dwelling to the existing garage. Formation of a roof terrace, basement storage area, erection of a shed and retention of the erection of an outbuilding	Granted Conditionally	13/10/2017
07/17/00988/PRI	Prior Approval - Householder	48 Station Road, Chellaston, Derby, DE73 1SU	Single storey rear extension (projecting beyond the rear wall of the original house by 5.96m, maximum height 3.98m, height to eaves 2.98m) to dwelling house	Prior Approval Not required	11/09/2017
07/17/00989/PRI	Prior Approval - Householder	45 Glendevon Way, Chellaston, Derby, DE73 1WG	Single storey rear extension (projecting beyond the rear wall of the original house by 4.8m, maximum height 3.5m, height to eaves 2.3m) to dwelling house	Prior Approval Not required	11/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00991/PRI	Full Planning Permission	30 Heron Way, Mickleover, Derby	Single storey rear extension to dwelling house (bedroom) and external works to include installation of a retaining wall, steps and access ramp	Granted Conditionally	20/09/2017
07/17/00993/PRI	Full Planning Permission	Site of 1192 London Road, Alvaston, Derby	Erection of an apartment block - nine apartments (use class C3)	Refuse Planning Permission	06/10/2017
07/17/00995/PRI	Outline Planning Permission	Land at the side of 91 Wingfield Drive, Chaddesden, Derby	Residential development (one dwelling)	Refuse Planning Permission	11/10/2017
07/17/00997/PRI	Certificate of Lawfulness Proposed Use	103 Shardlow Road, Alvaston, Derby	Change of use from residential (use class C3) to residential with care (use class C3b)	Granted	20/09/2017
07/17/00998/PRI	Advertisement consent	82 St. Peters Street, Derby	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Granted Conditionally	22/09/2017
07/17/00999/PRI	Variation/Waive of condition(s)	Site of and land at Kingsway Hospital, Kingsway, Derby	Residential Development (580 Dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments) -- removal of condition 12 of previously approved permission Code No. DER/07/08/01081	Withdrawn Application	18/09/2017
07/17/01000/PRI	Prior Approval - Householder	103 Rosehill Street, Derby, DE23 8FX	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 3m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	11/09/2017
07/17/01001/PRI	Advertisement consent	East Tower, University of Derby, Kedleston Road, Derby	Display of one internally illuminated advertising screen	Refuse Planning Permission	22/09/2017
07/17/01003/PRI	Works to Trees in a Conservation Area	20 Park Road, Spondon, Derby	Felling of three Ash trees and one Poplar tree within the Spondon Conservation Area	Raise No Objection	20/09/2017
07/17/01005/PRI	Prior Approval - Householder	34 North Avenue, Mickleover, Derby,	Single storey rear extension (projecting beyond the rear wall of the original house by 3.6m, maximum height 3.74m, height to eaves 2.68m) to dwelling house	Prior Approval Not required	01/09/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/01006/PRI	Full Planning Permission	21 Corinium Close, Alvaston, Derby,	Single storey rear extension to dwelling house (dining area)	Granted Conditionally	05/10/2017
08/17/01008/PRI	Full Planning Permission	17 Leven Close, Sinfen, Derby	Two storey side extension to dwelling house (w.c., bedroom, en-suite and enlargement of kitchen)	Granted Conditionally	26/09/2017
08/17/01009/PRI	Full Planning Permission	7 Huntley Avenue, Spondon, Derby	Two storey side and single storey storey rear extensions to dwelling house (car port, kitchen/dining area, bedroom, bathroom and en-suite)	Granted Conditionally	06/10/2017
08/17/01010/PRI	Full Planning Permission	2 Cobden Street, Derby	Change of use from nursing home (use class C2) to five apartments (use class C3)	Granted Conditionally	29/09/2017
08/17/01011/PRI	Full Planning Permission	30 Strathmore Avenue, Alvaston, Derby	Two storey side and two storey and single storey rear extensions to dwelling house (garage, family room and enlargement of kitchen/dining room and bathroom)	Granted Conditionally	05/10/2017
08/17/01012/PRI	Full Planning Permission	2-4 Dulwich Road, Derby	Change of use from residential care home (use class C2) to three dwelling houses (use class C3)	Granted Conditionally	27/09/2017
08/17/01013/PRI	Works to Trees under TPO	40 Tredegar Drive, Oakwood, Derby	Crown reduction by 1.5-2m (using thinning techniques) of an Oak tree protected by Tree Preservation Order no. 31	Granted Conditionally	26/09/2017
07/17/01014/PRI	Full Planning Permission	73 Devonshire Drive, Mickleover, Derby	Change of use from retail (use class A1) to veterinary surgery with retail sales (use classes D1 and A1) including installation of a new window to the front elevation and bricking up of windows and a door to the side elevation	Granted Conditionally	27/09/2017
08/17/01015/PRI	Full Planning Permission	33 Carrington Street, Derby	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	27/09/2017
08/17/01018/PRI	Full Planning Permission	Derby College, The Roundhouse Complex, Roundhouse Road, Pride Park, Derby,	Erection of catering marquee for temporary period (September 2017 to January 2018)	Granted Conditionally	09/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01019/PRI	Full Planning Permission	138 Normanton Lane, Littleover, Derby	Two storey side and single storey rear extensions to dwelling house (kitchen/family room, utility room, store, shower room and two bedrooms)	Granted Conditionally	04/10/2017
08/17/01020/PRI	Full Planning Permission	226 Chellaston Road, Derby	Erection of a detached garage - amendments to previously approved planning permission Code No. DER/09/16/001175 to include a covered canopy	Granted Conditionally	27/09/2017
08/17/01024/PRI	Works to Trees under TPO	Land at the junction of Church Walk and, Siddals Lane, Allestree, Derby	Cutting back of branches overhanging the boundary of 6 Siddals Lane of a Yew tree protected by Tree Preservation Order no. 390	Granted Conditionally	02/10/2017
08/17/01025/PRI	Full Planning Permission	403 Duffield Road, Derby	Two storey side extension to dwelling house (garage, cloak room, sitting room, two bedrooms and shower room)	Granted Conditionally	03/10/2017
08/17/01027/PRI	Prior Approval - Householder	57 Dewchurch Drive, Sunnyhill, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 4.8m, maximum height 4m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	19/09/2017
08/17/01028/PRI	Full Application - disabled People	10 Pear Tree Crescent, Derby	Two storey and single storey rear extensions to dwelling house (kitchen, study and play room)	Granted Conditionally	27/09/2017
08/17/01035/PRI	Full Planning Permission	54 Carsington Crescent, Allestree, Derby,	Single storey side and rear extensions to dwelling (dining room/snug area)	Granted Conditionally	24/10/2017
08/17/01037/PRI	Full Planning Permission	21 Gurney Avenue, Sunnyhill, Derby	Single storey rear extension to dwelling (conservatory)	Granted Conditionally	03/10/2017
08/17/01040/PRI	Prior Approval - Householder	27 Chaddesden Lane, Chaddesden, Derby, DE21 6LQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.85m, height to eaves 2.35m) to dwelling house	Prior Approval Not required	18/09/2017
08/17/01043/PRI	Full Planning Permission	7 Beech Court, Spondon, Derby,	Erection of single storey front extension (enlargement of dining room)	Granted Conditionally	16/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01045/PRI	Full Planning Permission	1 St. Pauls Road, Derby	Single storey rear extension to dwelling house (enlargement of kitchen) including raising of the existing flat roof and installation of a roof light	Granted Conditionally	23/10/2017
08/17/01046/PRI	Full Planning Permission	112 Locko Road, Spondon, Derby	Single storey side and rear extensions to dwelling house (store, shower, utility room and enlargement of dining area)	Granted Conditionally	10/10/2017
08/17/01048/PRI	Works to Trees under TPO	Elm House, Old Hall Avenue, Littleover, Derby,	Crown lift to give 6m clearance and crown thinning by 15% of 8 Lime trees and a Sycamore tree, crown lift to give 5m clearance and cutting back of branches by 3m of an Oak tree and removal of a branch within the crown of a Sycamore tree all protected by Tree Preservation Order No 181	Granted Conditionally	06/10/2017
08/17/01049/PRI	Advertisement consent	298 Sinfin Lane, Sinfin, Derby (One Stop)	Display of various signage	Granted Conditionally	09/10/2017
08/17/01054/PRI	Full Planning Permission	43 Willson Avenue, Littleover, Derby	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, garage, kitchen, bedroom, two en-suites and enlargement of bedroom) and erection of outbuilding (garage and garden shed)	Granted Conditionally	05/10/2017
08/17/01055/PRI	Full Planning Permission	1 Ivernias Close, Sunnyhill, Derby	Two storey side and single storey rear extensions to dwelling house (living space, w.c. and bedroom)	Granted Conditionally	10/10/2017
08/17/01057/PRI	Certificate of Lawfulness Proposed Use	346 Kedleston Road, Derby	Single storey rear extension to dwelling house (family room)	Refuse Planning Permission	09/10/2017
08/17/01060/PRI	Listed Building Consent - alterations	First Floor, 3-4 Iron Gate, Derby	Installation of three stud walls	Granted Conditionally	16/10/2017
08/17/01062/PRI	Full Planning Permission	49 Sandringham Drive, Spondon, Derby,	Single storey side and rear extensions to dwelling house (dining room, shower room, utility and enlargement of kitchen)	Granted Conditionally	10/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01066/PRI	Full Planning Permission	80 Caxton Street, Derby, DE23 8BE	Two storey and single storey rear extensions to dwelling house (kitchen/dining room, bedroom and enlargement of bathroom) and installation of a dormer to the rear elevation	Granted Conditionally	10/10/2017
08/17/01067/PRI	Full Planning Permission	137 Western Road, Mickleover, Derby	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, utility room, family room, bedroom and en-suite)	Granted Conditionally	28/09/2017
08/17/01068/PRI	Full Planning Permission	190 Blagreaves Lane, Littleover, Derby	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	06/10/2017
08/17/01069/PRI	Non-material amendment	Plot C, Derby Commercial Park, Fernhook Avenue, Derby,	Erection of 2 warehouse units with flexible B1 B/C, B2 or B8 use together with associated ancillary office accommodation, means of access, parking, service, ancillary structures and landscaping - Non Material amendment to previously approved application DER/10/16/01253 to amend internal layout, site plan, east elevation, location of safety line and parking layout	Granted	14/09/2017
08/17/01070/PRI	Full Planning Permission	Unit 8 Tomlinson Industrial Estate, Alfreton Road, Derby	Change of use from light industrial (Use Class B1) to general industrial (Use Class B2)	Granted Conditionally	16/10/2017
08/17/01071/PRI	Full Application - Article 4	33 Drage Street, Derby	Installation of replacement windows and door to front elevation	Granted Conditionally	10/10/2017
08/17/01075/PRI	Full Planning Permission	82 Otter Street, Derby	Formation of rooms in roof space and installation of front and rear dormers	Granted Conditionally	13/10/2017
08/17/01076/PRI	Prior Approval - Householder	18 Worcester Crescent, Derby, DE21 4EQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.28m, maximum height 2.84m, height to eaves 2.26m) to dwelling house	Prior Approval Not required	27/09/2017
08/17/01077/PRI	Full Planning Permission	1 Watermeadow Road, Alvaston, Derby	Single storey rear extension to dwelling house (utility room and sitting room)	Granted Conditionally	12/10/2017
08/17/01078/PRI	Works to Trees in a Conservation Area	57 Belper Road, Derby	Felling of a Rowan tree within the Strutts Park Conservation Area	Raise No Objection	24/10/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01084/PRI	Works to Trees in a Conservation Area	All Saints Church, Etwall Road, Mickleover, Derby	Pollarding of six Lime trees on a 3 year cycle and annual epicormic removal up to 3m within the Mickleover Conservation Area	Raise No Objection	02/10/2017
08/17/01087/PRI	Works to Trees under TPO	8 Kirkstead Close, Oakwood, Derby	Crown lift to 5 metres, crown thin by 10%, deadwood and cutting back of branches overhanging the roof by 1.5 metres of an Oak tree protected by Tree Preservation Order No. 42	Granted Conditionally	16/10/2017
08/17/01089/PRI	Full Planning Permission	First Floor, 29/31 Ashbourne Road, Derby	Change of use from a gym (use class D2) to offices (use class B1)	Granted Conditionally	24/10/2017
08/17/01093/PRI	Full Planning Permission	12 Charnwood Street, Derby	Change of use from doctors surgery (use class D1) to an eight bedroom house in multiple occupation (Sui Generis use)	Granted Conditionally	12/10/2017
08/17/01094/PRI	Full Planning Permission	35 Mount Carmel Street, Derby	Change of use from bedsits to a single dwelling house (use class C3)	Withdrawn Application	06/09/2017
08/17/01095/PRI	Full Planning Permission	150 Western Road, Mickleover, Derby	Single storey side and rear extensions to dwelling house (storage/garage, games room, utility room, w.c. and enlargement of kitchen)	Granted Conditionally	12/10/2017
08/17/01096/PRI	Full Planning Permission	98 Fairfield Road, Derby	Single storey rear extension to dwelling house (enlargement of utility room/w.c.)	Granted Conditionally	19/10/2017
08/17/01101/PRI	Full Planning Permission	95 The Hollow, Littleover, Derby	First floor side and single storey rear extensions to dwelling house (bedroom/study, utility room and dining area) and installation of first floor window to the side elevation	Granted Conditionally	13/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01103/PRI	Non-material amendment	32 Princes Drive, Littleover, Derby	Two storey and single storey front, side and rear extensions to dwelling house (garage, wet room, utility room, bathroom, three bedrooms and enlargement of kitchen and lounge) - non-material amendment to previously approved planning permission DER/03/16/00317 to omit the porch, set-back and alter the depth of the side extension and replace the french doors to the rear extension with a window	Refuse Planning Permission	25/09/2017
08/17/01106/PRI	Advertisement consent	Units 9, 10 and 11 Albion Street, Derby	Display of two internally illuminated projecting signs, one internally illuminated fascia sign and two sets of LED lights to the shopfront window	Granted Conditionally	19/10/2017
08/17/01109/PRI	Works to Trees under TPO	1 Thurstone Furlong, Chellaston, Derby	Crown lift to 3m, crown thin by 20% and cutting back of branches to give 2m clearance from the house of a Turkey Oak tree protected by Tree Preservation Order no. 55	Granted Conditionally	19/10/2017
08/17/01115/PRI	Works to Trees under TPO	14 Orchard Street, Mickleover, Derby, DE3 5DF	Crown reduction by 1.5m of Sycamore tree protected by Tree Preservation Order No.194 to give 1m clearance from building	Granted Conditionally	23/10/2017
08/17/01118/PRI	Prior Approval - Householder	47 Blackmore Street, Derby, DE23 8AY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	09/10/2017
08/17/01120/PRI	Works to Trees in a Conservation Area	65 Belper Road, Derby	Pollarding of 7 Lime Trees and crown reduction of White Willow tree to a height of 3 metres and a spread of 2 metres within Strutts Park Conservation Area	Raise No Objection	11/10/2017
08/17/01122/PRI	Full Application - disabled People	10 Bowland Close, Mickleover, Derby, DE3 5SP	Single storey front extension to dwelling house (bedroom)	Granted Conditionally	06/10/2017
08/17/01127/PRI	Full Planning Permission	101 Station Road, Mickleover, Derby, DE3 5FP	Single storey rear extension (enlargement of kitchen)	Granted Conditionally	13/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/17/01134/PRI	Full Planning Permission	6 Woodhall Drive, Littleover, Derby, DE23 7RS	First floor rear extension to dwelling house (enlargement of two bedrooms)	Granted Conditionally	16/10/2017
08/17/01135/PRI	Works to Trees in a Conservation Area	99 Friar Gate, Derby	Felling of an Ash Tree within the Friar Gate Conservation Area	Raise No Objection	11/10/2017
08/17/01137/PRI	Works to Trees in a Conservation Area	Trees on South Street and junction of Vernon Gate, Derby	Various works to 4 London Plane Trees within Friar Gate Conservation Area	Raise No Objection	13/10/2017
08/17/01138/PRI	Works to Trees under TPO	419 Burton Road, Derby, DE23 6AN	Felling of Cedar Tree Protected by Tree Preservation Order No. 150	Granted Conditionally	24/10/2017
08/17/01139/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH	Cutting back of branches and crown reduction by 2 metres of Oak Tree Protected by Tree Preservation Order No. 78	Granted Conditionally	20/10/2017
08/17/01141/PRI	Prior Approval - Householder	11 Radcliffe Avenue, Chaddesden, Derby, DE21 6NN	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.8m, height to eaves 2.3m) to dwelling house	Prior Approval Not required	09/10/2017
09/17/01142/PRI	Full Planning Permission	21 Carter Street, Allenton, Derby	Single storey front and side extension to dwelling house (porch)	Granted Conditionally	30/10/2017
09/17/01154/PRI	Advertisement consent	111- 113 Pear Tree Road, Derby (Famous Shop)	Retention of the display of an internally illuminated ATM surround	Granted Conditionally	31/10/2017
09/17/01161/PRI	Prior Approval - Householder	12 Coronation Avenue, Alvaston, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.2m, height to eaves 2.3m) to dwelling house	Prior Approval Not required	24/10/2017
09/17/01180/PRI	Non-material amendment	18 Chain Lane, Mickleover, Derby	Two storey side extension to dwelling house (kitchen, sitting room, two bedrooms and en-suite), formation of rooms in roof space (bedroom and en-suite) and installation of rear dormer - non-material amendment to previously approved planning permission DER/03/16/00253 to re-position the rear kitchen door to the side elevation and alter the location of the rear kitchen window	Granted Conditionally	10/10/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/17/01184/PRI	Prior Approval - Householder	47 Northumberland Street, Derby, DE23 6UB	Single storey rear extension (projecting beyond the rear wall of the original house by 5.1m, maximum height 3.6m, height to eaves 2.6m) to dwelling house	Prior Approval Not required	20/10/2017
09/17/01207/PRI	Prior Approval - Householder	158 Abingdon Street, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	30/10/2017
09/17/01227/PRI	Prior Approval - Householder	46 Aylesbury Avenue, Chaddesden, Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.44m, height to eaves 2.76m) to dwelling house	Prior Approval Not required	31/10/2017
10/17/01269/PRI	Non-material amendment	12 Brunton Close, Mickleover, Derby	First floor side and single storey side extensions to dwelling house (two bedrooms, bathroom and utility room) - non-material amendment to previously approved planning permission DER/03/17/00403 to alter doors to windows and amend the single storey side extension roof design	Granted Conditionally	30/10/2017
10/17/01388/PRI	Temporary COU (from 30/05/2013)	6 South View, Burton Road, Littleover, Derby, DE23 6FP	Change of use from retail (use class A1) to restaurant and cafe (use class A3) for temporary period of two years, commencing 11 September 2017	Prior Approval Not required	11/09/2017