



PLANNING CONTROL COMMITTEE
24 November 2016

ITEM 9

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Applications to be Considered

SUMMARY

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

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

SUPPORTING INFORMATION

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

OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

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

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Planning Control Committee 24 November 2016

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1	1 - 13	04/16/00412	Land at the rear and site of 126 Drewry Lane, Derby.	Demolition of outbuildings. Alterations and extensions to the existing property and erection of apartment block to house 14 apartments (use class C3).	To grant planning permission with conditions
2	14 - 28	06/16/00717	Land south of the Brindley Park Development, off Woodgate Drive, Chellaston.	Erection of 34 dwelling houses and associated access.	To grant planning permission with conditions
3	29 - 47	06/16/00795	Land at Severn Trent Water Plc, Derby Sewage Treatment Works, Megaloughton Lane, Spondon.	Erection of anaerobic digestion facility.	To grant planning permission with conditions
4	48 - 51	09/16/01158	23 Fairbourne Drive, Mickleover.	Crown reduction by 3m and crown raise to 4m of Oak tree, crown reduction to reduce branch extension over garden by 3-4m, height by 1-2m and crown raise to 6m of 3 Ash trees and crown reduction of a Hawthorn by 2m all protected by Tree Preservation Order no. 172.	To grant consent with conditions.

Application No: DER/04/16/00412

Type: Full Planning
Application

1. Application Details

Address: Land at the rear and site of 126 Drewry Lane, Derby.

Ward: Abbey

Proposal:

Demolition of outbuildings. Alterations and extensions to the existing property and erection of apartment block to house 14 apartments (use class C3)

Further Details:

Web-link to application:

<https://docs.derby.gov.uk/paserver/index.aspx?caseref=04/16/00412>

Brief Description:

The full planning application seeks permission for the erection of 14 apartments on land to the rear of 126 Drewry Lane along with alterations to no. 126 Drewry Lane.

The application site is located on land to the rear of terraced properties on Drewry Lane. Drewry Lane is typically a two storey terraced street with on-street parking. There have been recent additions to the street including Laverstoke Court at the junction of Drewry Lane and Peet Street which is a three storey modern student accommodation block. A small mews of two storey townhouses have also been constructed on land adjacent to the application site, two are visible from the street scene and six are located to the rear behind the parking court.

The application site comprises of no. 126 Drewry Lane and a series of outbuildings which are barely visible from the public domain. The outbuildings are currently vacant and have been the subject of vandalism. The outbuildings would be demolished in order to facilitate development.

No. 126 Drewry Lane

No.126 Drewry Lane is an existing terraced property benefiting from an undercroft providing access to land to the rear. The current access width is approximately 2.6 metres wide. The application seeks to widen the undercroft to allow vehicular access to the proposed apartments to the rear. This will result in the narrowing of the existing ground floor of the property by some 1.1 metres providing a vehicular access width of 3.7 metres.

The property will benefit from a living room, kitchen/dining room at ground floor and three bedrooms and a bathroom at first floor. The property will retain a private garden with a depth of approximately 6.8 metres and an existing detached outbuilding in the rear garden is shown on the submitted site layout plan for demolition. Whilst the undercroft will be widened the general appearance of the house, its setting and relationship with the street scene will remain largely unchanged.

Proposed Apartments

Amended plans have been received during the life of the application which:

- Reduce the number of apartments from 20 to 14

- Alter the external appearance of the apartments by removing the traditional two storey design and replacing with rooms in the roof which are served by dormers.
- Further amendments have been provided which allows pedestrian access to the rear of properties on Drewry Lane, no's 128 -134.

The application will be determined on the basis of the amended plans.

The proposed apartments are to be located behind no's 120 – 134 Drewry Lane. The application seeks to provide two disabled persons car parking spaces, a service vehicle parking space and a 10 metre x 10 metre turning space. The site would be accessed through the widened undercroft access directly off Drewry Lane. A bin store is located adjacent to the rear boundary of no. 126 Drewry Lane. Cycle storage is also proposed in two locations within the site.

The apartments would benefit from open space to the rear which would be shared with properties on Uttoxeter New Road. These properties are within the same ownership and form part of the red edged application site.

The apartment block would comprise of 14 apartments each benefiting from a bedroom, bathroom, living room and kitchen. Those apartments on the ground floor have a main entrance through the main building and also have feature doors opening onto the open space. Two stairwells are provided at either end of the block, within the building.

The apartment block is essentially split into two elements; the first is a more traditional two storey design which occupies the south-western corner of the site at 90° to the rear boundaries of the neighbouring dwellings which front Drewry Lane. Secondary windows serving bathrooms and a kitchen are located on the side elevation. Primary windows are located on the front and side elevations, overlooking either the private amenity space or turning area.

The main block is one and a half storeys in scale, with rooms within the roof space. The first floor apartments have dormer windows serving the bedrooms and rooflights serving the kitchen/living room, corridor and stairwells.

2. Relevant Planning History:

Application No: 08/15/01017

Type: Full Planning Permission

Status: Withdrawn Application

Date: 12/04/2016

Description: Demolition of outbuildings. Alterations and extensions to the existing property and erection of apartment block to house 20 apartments (use class C3)

3. Publicity:

Initial Consultation

Neighbour Notification Letters sent to 75 neighbouring properties

Site Notice displayed 13 April 2016

Statutory Press Advert published 15 April 2016

Second Consultation

Neighbour Notification Letters sent to 83 neighbouring properties

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

4. Representations:

The application has attracted 16 letters of representation, 1 letter of comment, 14 letters of objection and a petition.

The petition is undersigned by 19 local residents of Drewry Lane, 7 of these residents provide no reason/comment for signing the petition and 12 state parking issues as their reason for signing the petition.

The letter of comment and the letters of objection are summarised as follows:

- Increasing student numbers in this location will have an impact on rental income of existing accommodation
- The proposal will have an impact on the value of property
- Providing no parking is unrealistic, it should not be assumed that no one in 14 units will not need or want a car
- There are concerns about illegal parking, parking on-street without a parking permit or parking on landscaped areas within the development
- Concerns regarding congestion both during construction and as a result of the development
- Concerns regarding the collection of refuse particularly due to the limited narrow access and the narrowing of Drewry Lane due to parked cars
- Concerns in respect of the over development of the site. It is not felt that the reduced number of units from 20 to 14 has addressed previous concerns
- Proposal does not comply with National Planning Policy Guidance and parking policies
- Would more rental units lead to a sustainable community?
- The proposal does not include any sustainable or renewable technologies
- Impact on the privacy and security of existing properties
- No consideration of the Party Wall Act
- The rear access to no's 128-134 appears to have been removed
- This is not in-keeping with the locality and its general appearance
- The height of the undercroft access is restrictive and is unlikely to allow access for emergency vehicles which could be detrimental to surrounding homes
- Lack of parking will displace cars onto surrounding streets including Peet Street,
- Concerns over who owns the access

- There are concerns about anti-social behaviour, bins left out on the street
- There are other un-developed sites that the developer could build upon
- Concerns over the living environment that is being created for future residents

5. Consultations:

Highways DC:

The development is located to the rear of 126 Drewry Lane and the applicant proposes to demolish a number of existing buildings and construct a car free two storey apartment block containing 14no apartments.

Vehicular access to the development site exists in the form of a narrow driveway adjacent to 126 Drewry Lane; the dwelling also bridges the driveway thereby restricting headroom. The applicant plans to alter 126 Drewry Lane in order to provide a wider vehicular access with improved headroom. The driveway will lead to a 10 metre square turning head located adjacent to the apartment block.

It's noted that the applicant is also in control of No 67 to No 73 Uttoxeter Road.

The development is located within walking distance of the City centre and would be considered a sustainable one. Regular bus services operate on Uttoxeter Road providing convenient access to the City centre. Presently the only access to the development is via the driveway leading from Drewry Lane. In view of this, it would be helpful to future residents for the applicant to provide pedestrian access between the development and Uttoxeter Road.

Drewry Lane and the surrounding area are predominantly residential terraced streets where parking is at a premium. Drewry Lane is within a Permit Parking Area and owing to the car free nature of the development, residents would not be entitled to parking permits.

Due to the car free nature of the development it is likely that some residents will own pedal cycles, the applicant has shown secure cycle storage for 20 cycles. The capacity is acceptable however the storage does need to be covered.

The applicant has also shown 2no disabled parking spaces adjacent to the development for use by residents or visitors, in addition, a space suitable for a service vehicle to park. These features are acceptable. Refuse and recycling bins should be located within 25 metres of the public highway; the applicant has indicated the location of refuse storage which is also acceptable.

The applicant proposes to alter 126 Drewry Lane to provide improved vehicular access and the applicant has indicated that the driveway will be widened to 3.7 metres wide with improved headroom.

Despite the nature of the shared pedestrian/vehicular access to the development, in view of the car free nature of the development and likely vehicle movements compared with that of its present use, I consider that this is acceptable.

Land Drainage:

I have reviewed the application and it appears that no consideration has yet been given to drainage of the site. However, I am of the opinion that this could be managed thorough the imposition of a planning condition.

The application makes no detailed account of the proposed drainage provision for the site. At present the site is at relatively low risk of surface water flooding. However it is not clear whether the development will lead to an increase in surface water runoff, which if unmanaged would lead to an increase in surface water flood risk. Therefore there is a need for a more detailed drainage scheme to be submitted prior to full support for this application being given. Required detail includes:

- Confirmation of where the site will drain to, by demonstration of the drainage hierarchy, preferring where possible drainage via infiltration to the ground over watercourses and sewers.
- Unless infiltration can drain the site in its entirety, the rate at which surface water will be discharged off site to the local sewers.
- Where reasonably practical, a sustainable drainage system.
- Demonstration by calculations or similar that the proposed drainage scheme has appropriate capacity to avoid flooding from the system for rainfall up to and including the 1 in 30 year event. Surface water should be retained safely on site for the 1 in 100 year rainfall event.

Overall the planning application requires further information however this can be secured by condition.

Derbyshire Wildlife Trust:

Basis for response

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

- Bat Survey Report Ref: CLE20268/005/001, Clear Environmental Consulting Engineers, September 2015)

Results of assessment

From our searches we are not aware of any nature conservation interest at the site.

This current application is supported by a Bat Building Assessment and Nocturnal Survey prepared by Clear Environmental Consulting Engineers of September 2015 that presents the results of a daytime assessment of the building and subsequent nocturnal surveys of buildings considered having low potential to support roosting bats. The assessment was carried out by a suitably qualified and licensed ecologist on 16th September 2015 in line with current best practice guidance.

The inspection found no evidence of bats and was sufficiently comprehensive and robust to conclude the buildings on site as having negligible to low potential for roosting bats. The nocturnal survey identified three species of bats foraging/commuting across the site and no bats were found roosting on site.

We concur with the results of the assessment and advise that it is likely that the assessment that has been undertaken for bats meets Government guidance within

Circular 06/2005 and, as such, sufficient information regarding these protected species has been supplied to enable the Council to make an informed decision in accordance with the guidelines and to discharge its legal obligation to have regard to the requirements of the Habitats Directive. In summary, no evidence of bats was found and we therefore advise the Council that there should be no ecological constraints associated with the proposed development.

We support the recommended precautionary measures in respect of bats as set out in section 5.3 and Appendix C of the Bat Survey report which should be implemented in full as a condition of any consent.

Police Liaison Officer:

The main change from our perspective is that the supporting design and access statement now suggests that an additional dedicated pedestrian access route into the site from Uttoxeter Road will be created.

If this is seen as necessary for safe and convenient circulation then it should have the same provision as the access routes through the sites from the Drewry Lane side, to be enclosed for use by residents only, to secure the private gardens and prevent the site becoming a cut-through for non-residents.

This is in accordance with previous advice, but has not been detailed on plans at any stage in the application process.

It's noted that the building now has communal access points to both front and side elevations, so the securing of what should be private space, with accompanying access control provision should be feasible.

6. Relevant Policies:

Saved CDLPR policies:

GD3	Flood Protection
GD4	Design and Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
T4	Access, Car Parking and Servicing
T7	Provision for Cyclists
T10	Access for Disabled People
E7	Protection of Habitats
E17	Landscaping Schemes
E19	Listed Buildings and Buildings of Local Importance
E23	Design

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version can be viewed at:

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

Derby City Local Plan Part 1 - Core Strategy:

CP1(a)	Presumption in Favour of Sustainable Development
CP4	Character and Context

Whilst the CDLPR remains the Development Plan for the purposes of decision making, the Derby City Local Plan Part 1 – Core Strategy is at the advanced stages of Examination in Public and the policies can therefore be accorded weight in the decision making process.

The Core Strategy was submitted to the Secretary of State in December 2015 and the formal hearing sessions took place during April/May 2016. The Inspector has recommended main modifications to the plan, which he considers necessary to make the plan sound/legally compliant. Consultation on these changes concluded on 27th October 2016. It is anticipated that the Inspectors report will be received before the end of 2016.

Upon receipt of the Inspectors report, Cabinet will be asked to consider the Inspectors conclusions, agree the main modifications to the plan and recommend to Full Council that the Plan be adopted. Members will be kept updated of progress towards adoption at future meetings.

In advance of adoption, paragraph 216 of the NPPF enables us to give weight to relevant policies in emerging plans, according to the stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. A number of the Core Strategy policies have no unresolved objections and can therefore carry significant weight in the decision making process. In relation to the current application, these include CP1(a) and CP4. The implications for the decision making process are discussed further in the key issues section of this report.

The policies of the Derby City Local Plan Part 1 – Core Strategy (including proposed modifications) can also be viewed at:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_MODIFICATIONS_AUG16%20Track%20changed.pdf

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:

- Existing site and ensemble of buildings
- Design and Street Scene
- Residential Amenity
- Access and Car Parking

The above issues are addressed in turn within the following officer appraisal.

This full planning application seeks permission for the erection of 14 apartments on land to the rear of no. 126 Drewry Lane and alterations to no.126 Drewry Lane. Drewry Lane has been subject to various types of development over recent years from extensions to dwellings, residential development and the erection of student

accommodation. I therefore feel that the original character and appearance of this street scene has evolved from its traditional terraced form to a more varied street scene pattern.

Some members will recall from the Members site visit, the character, position and appearance of the existing garages and outbuildings. The majority of these buildings are sited in close proximity to the rear boundary of those properties on Drewry Lane. Unfortunately, these buildings have not been maintained however if these buildings had been maintained then they could realistically be brought back into use. It is in my opinion that the re-use of these given their proximity to existing residential properties would have a greater impact on the residential amenity currently enjoyed by those properties on Drewry Lane. Therefore I feel that the demolition of these buildings and the setting back of the proposed apartments would greater a higher quality living environment for existing residents. Furthermore the removal of the garages and outbuildings and development of the apartments will consolidate the building footprints allowing for a more useable amenity space on land between the properties on Drewry Lane and Uttoxeter New Road.

The proposed alterations to no. 126 Drewry Lane, which facilitate a wider access to land to the rear, are considered to be acceptable. These alterations will not, in my opinion, have a detrimental impact on the character and setting of the street scene or the existing property. Given the location of the alterations there would not, in my opinion, be any impact on the residential amenity afforded to the neighbouring properties, no's 124 and 128 Drewry Lane.

In respect of the proposed apartment block, the development is located to the rear of the existing properties and therefore will be barely visible from Drewry Lane, with the exception of a slight view from over the car park of the mews development to the east of the site. Whilst I accept the character and appearance of the proposed differs from surrounding units I do not consider this a reason to resist the proposal. As discussed above, the proposed apartment block is considered in two elements, one element being two storeys in scale and the main component being one and a half storeys. The apartments will have a uniform appearance through the use of materials, similar window design and proportions and the overall scale of the development was reduced in order to limit the impact on surrounding properties. I am now content with the distance between the proposal and surrounding properties, the scheme provides a distance of approximately 11.2 metres from the front elevation of the main block to the rear boundaries of the neighbouring dwellings fronting Drewry Lane. Whilst in some circumstances this may not be considered sufficient in this instance, due to design of the proposal and the inclusion of high level rooflights serving the communal corridor facing these properties, I feel that this relationship is acceptable.

In respect of those properties on Drewry Lane the two storey element is sited approximately 14.4 metres from the rear elevation of no. 134 Drewry Lane. I consider this to be acceptable particularly as the proposed facing elevation accommodates only secondary obscurely glazed windows. The main block is located some 19.4 metres from the closest rear elevation of those properties on Drewry Lane (no. 128 Drewry Lane). This distance is considered to be acceptable in terms of overlooking, massing and overshadowing.

Whilst I accept the introduction of these apartments will represent a change to the living environments of those neighbouring properties on both Drewry Lane and Uttoxeter New Road I do not feel this change would be unduly detrimental to their living environment in terms of the scale, layout and design of the apartments.

Whilst a number of the objections received have raised concerns over direct impacts of the proposal in respect of overlooking, massing, character etc. the majority of objections have related to the lack of parking proposed by the scheme and the impact that this will have on existing residents and their ability to park. Concerns have also been made in respect of congestion and access to Drewry Lane.

The full comments of the Council's Highways Development Control Officer are provided above. The Council encourages car free scheme where sites are considered to be sustainable and well served by alternative modes of transport. In respect of this site, Uttoxeter New Road is home to the most frequent bus services in the City. Furthermore, the site is within walking distance of the City Centre. I therefore feel the site is sustainable. Car parking has been provided for disabled persons and the exact details of the proposed cycle storage will be secured by condition. It is felt that at least 14 cycle spaces should be provided, if not more for visitors.

Where car free developments are proposed in close proximity to resident only parking schemes, the residents of this scheme will not be eligible for resident parking permits. Therefore the level of on-street parking on Drewry Lane should remain. I therefore feel it would be unreasonable to resist the scheme due to lack of off-street parking.

A number of objections raised by the objectors are not considered to be material planning considerations and those that have been, in my opinion, satisfactorily addressed within this report.

At this stage, as detailed above within the Relevant Policy Section of this report, in policy terms, we are in a position whereby we are yet to adopt the Derby City Local Plan Part 1 – Core Strategy. Until such a time as this plan is adopted the Council does not have a 5 year housing supply and therefore in determining applications for residential development we should consider the National Planning Policy Framework (NPPF) which states in the decision making process that there should be a “presumption in favour of sustainable development”. In respect of this application the site is considered to be in a sustainable location, will bring forward previously developed land and will assist in meeting the housing supply.

In light of the above, following the submission of further amendments, I consider the merits of the proposal outweigh any negative implications and I consider this proposal to be acceptable in policy terms.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed residential development is considered to be acceptable in design terms following amendments to the scheme. The number of units on this site is considered to be acceptable and will create a satisfactorily living environment for future occupants. Furthermore, the layout of the scheme seeks to limit impacts on those existing surrounding properties. The site is located within a sustainable location and the provision of no car parking spaces is therefore considered acceptable.

Conditions:

1. Standard condition 100 (Approved Plans)
2. Standard condition 03 (Time Limit)
3. Condition ensuring the open space to the rear of the development is retained for communal use, in perpetuity.
4. Condition securing landscaping details of the communal open space, including seating, paved areas, etc.
5. Standard condition 27 (External Materials)
6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be constructed and maintained in accordance with the approved details
7. Condition ensuring the scheme is delivered in accordance with Section 5.3 and Appendix C of the submitted Bat Survey.
8. Standard condition 19 (Means of enclosure – this condition will also secure pedestrian access to those properties on Drewry Lane, 128 – 134, along with securing access to the undercroft adjacent to no. 126 Drewry Lane and pedestrian link to Uttoxeter New Road)
9. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.
10. No part of the development hereby permitted shall be brought into use until the driveway is constructed with provision to prevent the discharge of surface water on 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.
11. 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

Planning Authority. The cycle stands serving the development shall be covered and that the area shall not thereafter be used for any other purpose other than the parking of cycles.

12. Condition requesting the submission of a demolition method statement considering:
 - i) Hours of working
 - ii) The parking of vehicles of site operatives and visitors
 - iii) Measures to control the emission of dust and dirt during construction
 - iv) Noise management procedures
 - v) A scheme for recycling/disposing of waste resulting from demolition
13. Condition requesting the submission of a construction management plan considering:
 - i) Hours of working
 - ii) The parking of vehicles of site operatives and visitors
 - iii) Measures to control the emission of dust and dirt during construction
 - iv) Noise management procedures
 - v) A scheme for recycling/disposing of waste resulting from construction works
14. Standard Condition 22 (landscaping maintenance)
15. Condition requiring the submission of a photographic recording of the site and its buildings prior to any demolition taking place.

Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14 ... GD4, GD5
4. Standard reason E07 and in order to mitigate the impacts of the development in open space terms.
5. Standard reason E14... Policies GD4, GD5 and H13
6. To prevent the increase of surface water run off association with the development and in accordance with policy GD3.
7. In the interests of preserving ecology ... E7
8. In the interests of residential amenity ... GD5
9. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) ... T4
10. To ensure surface water from the site is not deposited on the public highway causing dangers to road users... T4
11. To promote sustainable travel... T7
12. In the interests of residential amenity ... GD5
13. In the interests of residential amenity ... GD5
14. Standard reason E14... Policies GD4, GD5 and H13

15. In the interest of heritage assets

Informative Notes:

The development makes it necessary to alter an existing vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Contact maintenance.highways@derby.gov.uk Tel. No. 03332 006981

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 in the Drewry Lane area.

The consent granted will result in the construction of a new building which needs 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 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 on each plot.

S106 requirements where appropriate:

Whilst a Section 106 would normally be secured due to the number of residential units being proposed, the contribution the Local Planning Authority would be securing would be in respect of incidental open space and public realm. Given the level of open space being proposed to the rear of the apartments it is felt this can be satisfactorily secured through conditions.

Application timescale:

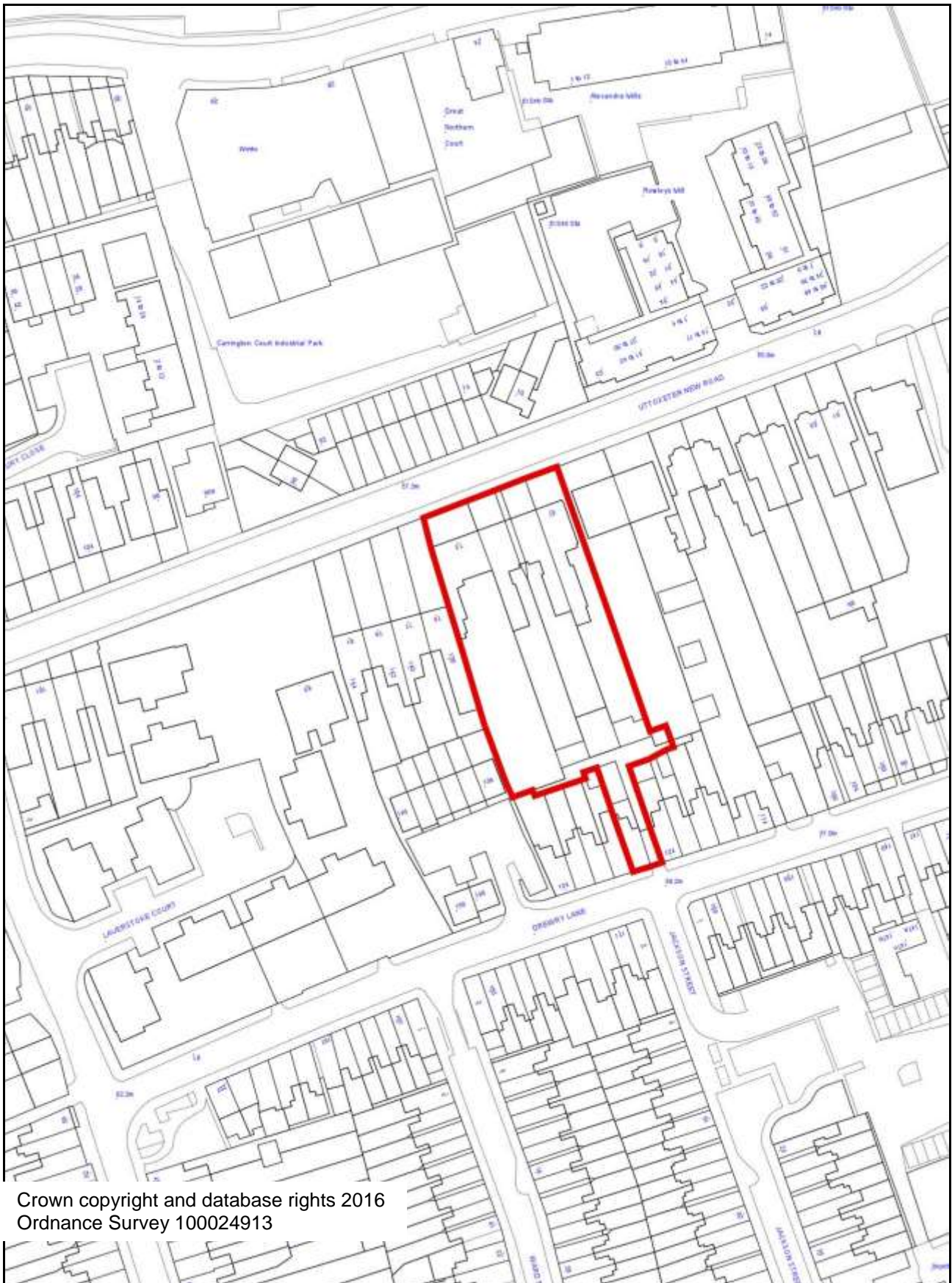
The application was submitted on 12 April 2016. Due to negotiations the application was not determined within 13 weeks. However the applicant/agent has worked with the Local Planning Authority in order to progress the scheme to determination. The applicant/agent has agreed an extension of time until 31 December 2016.

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/04/16/00412

**Type: Full Planning
Application**



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Ordnance Survey 100024913

Classification: OFFICIAL

1. Application Details

Address: Land south of Brindley Park residential development, off Woodgate Drive, Chellaston.

Ward: Chellaston

Proposal:

Formation of vehicular access associated with the erection of 34 dwelling houses.

Further Details:

Web-link to application:

<https://docs.derby.gov.uk/paserver/index.aspx?caseref=06/16/00717>

Brief Description

Members will recall that this application was deferred for a site visit at the last committee meeting. The site visit took place on the 2 November 2016 and Members had opportunity to view the traffic situation on Woodgate Drive, as well as the proposed route of the access into the South Derbyshire site.

A full application has been received for the erection of 34 dwellings and associated vehicular access and infrastructure on land which lies south of Chellaston, accessed off the residential development currently under construction, known as Brindley Park. The land lies primarily to the south of the city's boundary in South Derbyshire and only the principal vehicular access from the Brindley Park development is located within the city. This application is a duplicate for one which has been submitted to South Derbyshire District Council, although the only matters which are for consideration by this committee are related to the proposed means of access to serve the development. The bulk of the development proposed is on a greenfield site, within South Derbyshire and is for the determination of that Local Planning Authority.

The proposal is to form an extension to the approved residential development to the north of the site, (land off Woodlands Lane), which is in the city and was granted reserved matters approval in 2015. That development is currently under construction. In order to access the current application site, the access road in the approved scheme would be extended to serve the new development of 34 detached and semi-detached dwellings. There is a length of approximately 20 metres of proposed access road within the city, before it enters the development site. A diverted section of public right of way would run along the section of access road within the city and then join an existing footpath route across the field to the east of the site. A length of hedgerow is proposed to be removed along the northern boundary of the site. The development also includes the provision of public open space and surface water balancing pond.

The application is accompanied by a full set of technical documents and a Design and Access Statement, which relate to the whole residential development of the site. Of particular relevance for the consideration by this committee are the Transport Statement and Travel Plan. In September, a revised Drainage Note and Geo-physical archaeological survey were received in response to comments made by consultees.

Committee Report Item No: 2

Application No: DER/06/16/00717

Type: Full

2. Relevant Planning History:

South Derbyshire District Council application:

9/2016/0583 – Erection of 34 dwellings along with associated drainage infrastructure works and provision of public open space, Land off Woodgate Drive, Chellaston, current application.

Derby City Council applications:

Application No: 01/15/00131

Type: Reserved Matters

Status: Granted conditionally

Date: 15/05/2015

Description: Approval of reserved matters for the erection of 54 dwellings and associated access - appearance, landscaping, layout and scale.

Application No: 08/12/00945

Type: Outline Planning Permission

Status: Granted conditionally

Date: 04/10/2013

Description: Residential development for up to 56 dwellings with associated access

3. Publicity:

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:

Five objections have been received to the application from local residents and Ward Members Ingall and Grimadell. The main issues raised are as follows:

- The main access to the development is narrow and on a sharp bend and there is insufficient parking on existing driveways. Additional housing would increase the traffic hazard to road users.
- Roads in Chellaston are already busy. Additional housing will increase traffic congestion.
- Schools and medical facilities in the area are already at capacity.
- Surface drainage is insufficient for additional housing.
- Woodgate Drive is not designed for additional traffic.
- Loss of further green space to housing.

5. Consultations:

Highways Development Control:

The proposed access road would connect to an adoptable road which is currently under construction and under agreement through Section 38 of the Highways Act.

Paragraph 32 of the National Planning Policy Framework advises that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" From the Transport Assessment provided by the applicant, the Highway Authority is satisfied that the impact of the development upon the city's highway network will not be "severe".

In principle therefore the City Highway Authority does not object to the proposals.

Whilst approval of the development falls within the boundary of South Derbyshire District Council, there is one potential issue which will affect the City. The primary road into the site is linear and therefore it is likely that vehicular speeds would be in excess of 20mph for much of its length. A 2.4m x 43m visibility splay taken north from the junction with the cul-de-sac crosses through plots 1 & 2, and also through plot 28 of the adjacent development; and should not therefore be acceptable. If one assumes a 20mph design speed, this would require a splay of 25 metres, which crosses through the curtilage of plot 2; and should generally be within the adoptable highway. The Highway Authority would also suggest that a pedestrian link be provided between the hammerhead near plots 7-10, joining with the turning head of the adjacent development, thus aiding the ease of access for pedestrians and encouraging access by sustainable means.

Following a revised layout drawing being received the comments are as follows:

No objections raised to the revisions. The visibility splays over Plots 1 and 2 would be controlled by County Highways and secured under a Section 38 Agreement.

Environmental Services (Health – Pollution):

Land Contamination

I note the submission of a soils and agricultural land quality report with the application (Land Research Associates Ltd, dated 15th August 2014). This report does not include any assessment of potential land contamination on site.

Given the nature of the proposed development, I would recommend that conditions are attached, should it be granted, requiring submission of the full suite of land contamination assessments from a Phase I Desk Study right through to post-completion Site Validation requirements.

Noise

The proposed development is considered a 'sensitive' land use with respect to potential effects from noise. Consequently, a Noise Assessment has been submitted with the application (Rodgers Leask, dated 22 March 2016), in order to consider potential impacts upon future residents of the development from the existing noise levels at the location. I can comment on the report as follows:

Ambient noise levels were measured at the site on the 8th January 2015 (a Thursday). Although the measurements were taken some time ago, there is no reason to suggest that local ambient noise will have changed significantly since this

time. I agree with the conclusion that consideration of noise levels from traffic increases generated by the development is not necessary, given the relatively small scale of the development.

The monitoring demonstrates that the site experiences relatively high levels of traffic-related noise from the nearby A50, particularly towards the southern end of the site.

The assessment's methodology and reasoning is both logical and in accordance with relevant guidance and I would accept the report's conclusions, namely that:

- Standard thermal double glazing should provide a sufficient degree of insulation to proposed dwellings (when the windows are kept closed);
- South facing external living areas (i.e. gardens) at the southern boundary of the development will require acoustic fencing in order to achieve accepted noise levels.

It should be noted however that unacceptably high noise levels are likely to be experienced by future residents should windows be kept open, particularly at night. Consequently, an alternative means of passive/mechanical ventilation should be incorporated into dwellings within the southern portion of the site, in order to allow future residents to keep their windows closed.

Conclusions on Noise

Based on the information provided, the Environmental Protection Team has no objections to the application on noise amenity grounds. I would however strongly recommend that the following conditions are attached, should it be granted:

- Boundary acoustic fencing shall be provided to all southward facing external living areas along the southern perimeter of the site. Detailed plans shall be submitted to the LPA for approval and the development cannot be occupied until the fencing has been fully installed in accordance with the agreed plans.
- Alternative means of acoustically treated ventilation shall be provided to all dwellings in the southern half of the development, unless further agreed noise impact assessment can demonstrate otherwise. Details of the ventilation scheme shall be first agreed with the LPA and the development cannot be occupied until the ventilation has been fully installed in accordance with the agreed plans.

Air Quality

I note the submission of an Air Quality Statement (Rodgers Leask, 31 March 2016) with the application. I can comment on the report and its findings as follows.

The statement is limited in scope and does not include any detailed air quality assessment or modelling. Given the nature of the location and the scale of the proposed development, this is deemed acceptable.

The report does include some traffic data, which predicts around 210 additional daily vehicle movements arising from the development. In air quality terms, this is a relatively insignificant number of additional vehicle movements.

The report concludes that "the effects noted from the development are negligible and show that the local air quality will be relatively unaffected and remain well within national standards".

Whilst the report does not include detailed emission predictions to enable such a precise conclusion, the overall judgement that the development is likely to give rise to negligible impacts is reasonable given the circumstances.

Air Quality Conclusions

The Environmental Protection Team has no objections to the application on air quality grounds.

Construction Dust and Noise

Neither the Noise Assessment nor the Air Quality Statement includes any consideration of construction related impacts arising from the development.

Given the scale of the development and its proximity to existing residential dwellings, there is a risk of noise and dust causing nuisance to local residents during ground enabling and construction works. I would therefore strongly recommend that both construction noise and construction dust management plans are submitted for approval to be secured by planning condition.

The management plans will need to provide detailed proposals for the control of dust, PM10/PM2.5 and other air emissions from the site, having regard to relevant guidance, for example that produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012). Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards.

These land contamination, noise and air quality issues impact on the development of the site for housing, which is being dealt with by South Derbyshire District Council and such considerations are a matter for that Authority.

Derbyshire County Council Archaeologist:

The comments below are most relevant to the bulk of the site within South Derbyshire, but I include them here for consistency.

The site of c2.1ha is only 80 metres from a Scheduled Monument comprising dense archaeological cropmarks of late prehistoric and/or Romano-British date. These features show as cropmarks because of an isolated patch of glacio-fluvial sand and gravel which is conducive to their formation. This deposit also extends into the south-eastern corner of the proposal site, beyond which it is replaced by mudstone clays and glacial till/clay extending to the west. Although the focus of this activity is within the Scheduled Monument, the cropmark plots suggest that there are some features which are likely to extend beyond this field to the north, east and west, and there is potential for this site to extend into the proposal area.

The applicant's desk-based assessment omits mention of the Roman and prehistoric archaeology excavated as part of the ongoing housing development immediately west of the proposal site. A Roman enclosure has been excavated c300 metres west (HER 27043), along with prehistoric land boundaries and a double pit alignment which may well extend into the current proposal site.

The site therefore has a high potential for buried archaeological remains of later prehistoric/Roman date in particular. Although the applicant has submitted an archaeological desk-based assessment this is rather inaccurate and to meet the

requirements of NPPF para 128 that archaeological significance be established, some site-based field evaluation (geophysical survey and trial trenching) is required.

Further comments in response to the submitted Geo-physical Survey for the South Derbyshire part of the site:

The survey has not detected substantial or significant archaeological remains of the type suggested by the cropmarks on the nearby Scheduled Monument, or the Romano-British enclosures detected by geophysical survey on the neighbouring Chellaston Fields housing development. Some possible archaeological features are noted towards the site's eastern boundary. The archaeological work on the neighbouring site also suggests that there is potential for more extensive prehistoric activity not detected by geophysics, such as land boundaries and pit alignments; there is even a possible ploughed-down round barrow a little way south of the current site.

There remains a requirement for archaeological work to investigate and record these features. Because of the unspectacular nature of the geophysics I am persuaded that this is best addressed through a post-consent scheme secured by conditions, rather than through further pre-determination work. The post-consent scheme should involve some trial trenching to sample the geophysical features and assess the potential for prehistoric archaeology missed by geophysics. There would then be a second phase of work if trial trenching identifies areas of significance.

Derbyshire Wildlife Trust:

We are aware of great crested newts within 500m of the site, veteran tree (ash) present on the southern boundary of the site within a hedgerow and Chellaston Brickworks Local Nature Reserve 100m from the site boundary.

Potential impacts

The development has an adverse impact on hedgerows due to the construction of access road and removal of 80m of hedgerow1.

The conversion of the grassland to residential may affect great crested newts, foraging and commuting bats. Foraging badgers and nesting birds. There could be minor impacts in terms of loss of foraging or obstacles to movement between foraging areas.

No other impacts on protected species have been confirmed, but there is a possibility that bats could be affected if any mature trees were felled. Lighting across the site has the potential to affect foraging and commuting bats (as well as other fauna).

Proposed Mitigation on Impacts:

Scattered trees (including veteran trees) and hedgerows are present on site. The hedgerow habitats meet the definition of UK BAP priority and, as such, we would expect the retention of the hedgerows wherever possible, with any removal compensated for by replacement planting to ensure there is no net loss of priority habitat as a result of the proposed development. The proposals illustrate the removal of over half of hedgerow 1 and no mitigation has been provided. To accord with the objectives set out in section 9 of the National Planning Policy Framework (NPPF) in pursuance of sustainable development we would advise that the proposed development needs to demonstrate how it will move from a net loss of biodiversity to

achieve a net gain for nature. Replacement hedgerow on a like for like basis is required to ensure there is no net loss of biodiversity. Where the loss of significant features is unavoidable the local authority may require by condition, or seek to negotiate a planning obligation to secure suitable mitigation to compensate for that loss.

We advise that all hedgerows and trees should be retained and incorporated within the development design together with additional hedgerow and tree planting as part of a landscaping scheme. Any new landscape planting, including the infilling of existing hedgerows and tree planting, should use native species appropriate to the corresponding landscape character area to be of maximum benefit for wildlife.

All retained habitats should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the site as a condition of any consent.

The design and access statement discuss a 30m buffer will be incorporated along the eastern boundary of the site. Additional detailed information on planting, future maintenance and funding will be required.

A balancing pond/SuD is proposed on the south west corner, it would be welcomed to incorporate an additional pond on the eastern boundary to provide additional habitat for newts.

Bats are known to occur locally and bats were recorded foraging and commuting along the site boundaries. Two trees were assessed as low and moderate potential in accordance the BCT guidelines. It is understood that these trees are retained and incorporated as part of the green space within the development and will not be affected by the works. Lighting should be directional and away from trees and hedgerows to ensure foraging and commuting activity for bats are not affected by the works.

Great crested newt surveys have been undertaken of six water bodies to determine their presence or absence. It is understood that the survey work has identified the presence of great crested newts. The closest pond with great crested newts was located within 230 metres of the development site.

The grassland habitats and hedgerows within the site are considered likely to provide suitable terrestrial habitat for great crested newt. The suitability of these grassland habitats for newts does not appear to have been taken into account as part of the impact assessment. However, the ecology report has provided a method statement (Section 4.53-4.60), detailing TAF along the eastern boundary and hand/destructive search.

Various conditions are recommended to control landscaping proposals, external lighting, the protection of great crested newts and management of construction impacts on bio-diversity.

These ecological issues primarily impact on the development of the site for housing which is being dealt with by South Derbyshire District Council and such considerations are a matter for that Authority.

Highways (Land Drainage):

Further comments in respect to the Drainage Technical Note, submitted in relation to the surface water drainage proposals on the South Derbyshire part of the site:

The majority of the site slopes towards the southwest (away from the city boundary). The proposed development will discharge surface water into the Phase 1 development (the approved scheme DER/01/15/00131 in the city), towards the highest north east corner of the site. This is against the natural greenfield flow of water and will result in a catchment transfer, with the site contributing surface water to the city which previously wouldn't have flowed there. This would be in contravention of the NPPF as it would result in an increased flood risk to Derby.

An updated strategy would need to be presented that demonstrates that no additional water would enter the city, i.e. that 8l/s maximum (the presently approved rate) leaves Phase 1 into the local surface water sewers.

I have also not seen any information to demonstrate how surface water will be passed back through the development from the Phase 2 pond towards the outfall into Phase 1. There would seem to be a number of site constraints, particularly site gradient, in directing this connection through the development.

Finally, should the rate of surface water discharge be revised down to mitigate against the catchment transfer, the level of the Phase 1 pond water level during intense storm events would be increased well above that previously approved during the Phase 1 discussions. This leads to a public safety hazard associated with this site drainage. The half-drain time of the pond will also need looking at to ensure, given the revised rate of allowable surface water discharge, that the pond empties in a short enough period of time to manage subsequent rainfall effectively.

In summary I would recommend that an alternative drainage destination (i.e. another watercourse or sewer) is found within the catchment in which most of Phase 2 sits.

The drainage issues raised primarily impact on the development of the site for housing which is being dealt with by South Derbyshire District Council and such considerations are a matter for that Authority..

Police Liaison Officer:

Whilst the scale of this application falls below our current 50 unit threshold, it's noted that it forms part of the wider Brindley Park development. It's also noted that site is almost entirely within South Derbyshire District.

Irrespective of these two points there are no objections or comments we would wish to make in respect of the documents and plans submitted with this application.

Natural Environment:

In relation to public rights of way, the proposed road link between the two developments isn't in line with the recently made Public Path Diversion Order for Public Bridleway 3 Chellaston. As shown in the north east corner of the submitted site layout for 06/16/00717, it may not be satisfactory for horse riders to come off Bridleway 3 Chellaston on to the carriageway and then go off on to Bridleway 10 Swarkestone in South Derbyshire. When the Order was first considered this was not

envisaged. South Derbyshire District Council/Derbyshire County Council may wish to consider if this is acceptable.

6. Relevant Policies:

Saved CDLPR policies

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Infrastructure
GD9	Implementation
E4	Nature Conservation
E16	Development close to important open land
E23	Design
T1	Transport Implications of new development
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for Public Transport
T10	Access for Disabled people
T14	Public rights of way
T15	Protection of footpath, cycleways and routes for horseriders

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

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

Local Plan Part 1: Core Strategy:

CP1 (a)	Principle of Sustainable Development
CP4	Placemaking Principles
AC24	South of Chellaston

The policies of the Derby City Local Plan Part 1 – Core Strategy (including proposed modifications) can also be viewed at the following web-link.

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_MODIFICATIONS_AUG16%20Track%20changed.pdf

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.

List issues and use the list to frame the section:

- Policy Context
- Highways and Access implications
- Other Environmental Matters
- Planning Obligations - Section 106

Policy Context

This is a full duplicate application for residential development on land which is just south of the city boundary, within South Derbyshire District.

Only the principal access to the development is located in Derby City and this is the only matter, which is being considered under this application. The rest of the development including the design and layout of all the proposed housing plots, the associated public open space and surface water drainage pond are sited in South Derbyshire's area and being considered by the District Council under a separate application, yet to be determined.

Whilst the adopted Local Plan Review (CDLPR) remains the Development Plan for the purposes of decision making, the Derby City Local Plan Part 1 – Core Strategy is at the advanced stages of Examination in Public and the policies can therefore be accorded weight in the decision making process.

The Core Strategy was submitted to the Secretary of State in December 2015 and the formal hearing sessions took place during April/May 2016. The Inspector has recommended main modifications to the plan, which he considers necessary to make the plan sound/legally compliant. Consultation on these changes concluded on 27th October 2016. It is anticipated that the Inspectors report will be received before the end of 2016.

Upon receipt of the Inspectors report, Cabinet will be asked to consider the Inspectors conclusions, agree the main modifications to the plan and recommend to Full Council that the Plan be adopted. Members will be kept updated of progress towards adoption at future meetings.

In advance of adoption, paragraph 216 of the NPPF enables us to give weight to relevant policies in emerging plans, according to the stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. A number of the Core Strategy policies have no unresolved objections and can therefore carry significant weight in the decision making process. In relation to the current application, these include CP1(a) and CP4.

At a strategic level, both South Derbyshire and Derby City Councils have agreed, that the land to the south of Chellaston will be a location for new housing growth in the next Local Plan period.

This proposed housing site is part of a wider housing allocation in South Derbyshire's Local Plan Part 1, which has recently been adopted by the District Council. The allocation, known as 'Chellaston Fields', covers a large area of agricultural land between the A50 and the urban extent of Chellaston and the policy provides for the delivery of around 500 new dwellings.

Part of the Chellaston Fields allocation has outline planning permission for up to 450 dwellings and associated uses, granted in January 2015. A reserved matters application for the first phase of 200 dwellings and associated infrastructure has also been granted and construction has now commenced on land adjacent to Swarkestone Road.

The current application for a further 34 dwellings forms part of the 500 dwelling allocation in South Derbyshire and lies in the north eastern corner of the Chellaston Fields site. This site did not form part of the outline approval for 450 dwellings on Chellaston Fields. The current proposal would be served by a single vehicular access from the housing site off Woodgate Drive, which is located in the city. Reserved Matters approval was granted in 2015, under ref: DER/01/15/00131 for 54 dwellings on this site and it is currently under construction.

The land which is being developed for 54 dwellings, is not allocated for any purpose in the adopted Local Plan Review, although it is allocated in the Derby City Local Plan Part 1: Core Strategy for residential development under Policy AC24. It forms part of a strategic cluster of cross-boundary sites to the south of Chellaston (Policy AC24), which includes Chellaston Fields. One of the reasons for treating these small but adjoining sites on either side of the city boundary as a strategic allocation in the respective Local Plans, is to address the cumulative effects of development in this location, particularly around school places and financial contributions to new education facilities.

In terms of policy AC24, it is worth noting that one of the main modifications which have been made to the policy following the close of the formal hearing sessions relates to heritage assets to the south east of the City's site. The new criterion requires development to "protect and enhance the setting of heritage assets, including the Scheduled Monument (SAM) to the south east of the site at Woodlands Farm". The SAM is in the South Derbyshire part of the site and is therefore being considered as part of the application which relates to their area.

The principle of residential use on this site is therefore established through South Derbyshire's Local Plan Part 1 and is consistent with policies in the emerging Derby City Local Plan Part 1. The proposal site lies between two permitted housing developments, one in South Derbyshire (Chellaston Fields) and one in the City (Land off Woodlands Lane). When all of the developments are complete, they would form a comprehensive, sustainable urban extension to the south of Derby, in line with the objectives of both Authorities' Core Strategies.

It is important to note, that although the proposed housing application is part of the South Derbyshire strategic allocation, no vehicular access is proposed through to the outline approved Chellaston Fields development in South Derbyshire. This outline is approved with means of access, which serves the development solely from a new access junction onto Swarkestone Road.

Instead, the principal vehicular access to the development is proposed to be taken from the approved housing scheme to the north, served off Woodgate Drive, which lies in Derby city.

The current proposal would effectively be a phase 2 development to the permitted 54 dwellings in Derby city, which is currently being developed. It is a full application for 34 dwellings, with all details to be agreed. However, the only part of the scheme, which the City Council is able to consider, is the proposed access into the development to the north of the South Derbyshire site. This includes the provision of pedestrian as well as vehicular linkages to the proposed 34 dwellings from the development in the city to ensure that the proposal is an integrated urban extension to Derby.

Highways and Access Implications

The proposed vehicular access, which is for determination under this application is a short section of highway about 20 metres in length, which forms an extension to the approved access road, serving 54 dwellings to the north of this site. It provides the single point of access for the proposed development of 34 dwellings in South Derbyshire. The main policy considerations are adopted Local Plan policies T1 and T4, in relation to traffic impacts on the local road network and the requirement to provide a safe and suitable access for the development.

The proposed access would serve 34 dwellings from an already approved scheme for 54 dwellings. This is a relatively small number of residential units and the traffic impacts of the additional trips over and above the existing housing in the local area are considered to be very low.

The Highways Officer has not raised any concerns about the implications of the proposal for traffic flows on the surrounding road network in Chellaston.

In regard to highway safety, the design and layout of the access road within the city, is considered to be a safe and suitable access to the proposed development and there would be no adverse safety implications arising from the proposal. The only issue which was raised by the Highways Officer was about visibility onto the access road from a proposed cul-de-sac in the South Derbyshire site, being obscured by the new dwellings on Plots 1 and 2.

The site layout has since being revised to safeguard a visibility splay onto the primary access across the frontage of these plots. This is to the satisfaction of the city's Highways Officer and he has confirmed that there are no further concerns with the layout of the access.

Overall, the access to the proposed development does not conflict with the provisions of the adopted Local Plan policies T1 and T4 in regard to highways impacts.

The proposed access into the South Derbyshire site, coincides with a public bridleway route, which runs from Woodlands Lane to the north, to the north eastern boundary of the application site and then across fields to the east. Policies T14 and T15, seek to protect public rights of way routes, including bridleways from being adversely affected by development. The bridleway (Chellaston 3) from the north, enters the South Derbyshire site at the point of access and runs diagonally across the retained open field to the east. This bridleway has been the subject of a diversion order through the approved development for 54 dwellings in the city to alter the route through the open space to the east of the site. A revised site layout drawing was submitted prior to the last meeting to clarify the route of the public bridleways on both the Derby city and South Derbyshire parts of the site. I note that some concern has been raised by the Council's Natural Environment team about the potential egress of the bridleway onto the new access road, before entering the existing path towards the east. There may be a need for a further diversion of the bridleway, between the city and South Derbyshire in order to avoid using the access road. This would require a separate diversion order application, to be dealt with outside of the planning process. Whilst the bridleway route as proposed may be somewhat inconvenient for horseriders, it would not prejudice access to the public right of way for any users of the path through the development. I am therefore satisfied that the requirements of Policies T14 and T15 would be adequately met by the proposal.

Access for pedestrians and cyclists to the development would also be satisfactorily provided for by the proposed extension of the access road within the city. This accords with the requirements of adopted policies Policies T6 and T7.

Other Environmental Matters

The bulk of proposed development is within South Derbyshire and the District Council is dealing with the consideration of the rest of the application, which relates to housing design and layout and associated landscaping and surface water drainage. These are matters which are for South Derbyshire to consider and include an assessment of the principle of housing on this greenfield site, having regard for the national and local planning context and the social, environmental and economic impacts of the development on the wider Chellaston area.

Impacts on flood risk and surface water drainage, ecological and landscape features, noise, air quality and archaeological features on and around the site, are issues for South Derbyshire to consider as part of their assessment of the housing development and associated infrastructure. Consultation responses on these environmental impacts have been supplied to the case officer for South Derbyshire to be addressed as part of their consideration of the application.

In regard to the Scheduled Ancient Monument, which lies to the south of the application site, the County Archaeologist is satisfied that the geo-physical survey which has been carried out, during the course of the application, demonstrates that there are no significant archaeological remains near to the protected site. Any impacts on below ground archaeology could be appropriately dealt with by conditions attached to South Derbyshire's application.

Planning Obligations – Section 106

South Derbyshire District is negotiating a package of Section 106 contributions, which would need to be secured for the proposed housing scheme. The City Council would be a signatory to the Section 106 Agreement, and is currently discussing potential contributions to be secured for education provision and sports facilities in the city. These negotiations are still ongoing and the final Section 106 Agreement will be completed as part of the South Derbyshire application.

The siting and layout of the principal access is in accordance with adopted and emerging Local Plan policies and the overarching guidance in the NPPF and the application has a positive recommendation.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions

Summary of reasons:

The proposed residential development to be served by a new vehicular access via approved housing development in the city, is considered to be acceptable in terms of both highway safety and traffic impacts on the wider road network. All other environmental, social and economic impacts of the new housing are for the consideration of South Derbyshire District Council, as the bulk of the site is within their area.

Conditions:

1. Standard condition (3 year time limit)
2. Standard condition (Specify approved plans)
3. Before development commences a construction management plan for construction of the access to be submitted for approval, to include details of measures to control noise and dust emissions from the works.

Reasons:

1. Accordance with Town & Country Planning legislation
2. For the avoidance of doubt.
3. For the protection of the amenities of nearby residential properties – Policy GD5

Informative Notes:

N1 The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the City Highways Authority. The new roads and any highway drainage will be required to be provided in accordance with Highway Control's requirements of Derby City Council acting as highway authority.

N2 In order to carry out a Highway Condition Survey the applicant / developer should in the first instance contact StreetPride at Derby City Council Streetpride@derby.gov.uk Tel: 03332 006981

Application timescale:

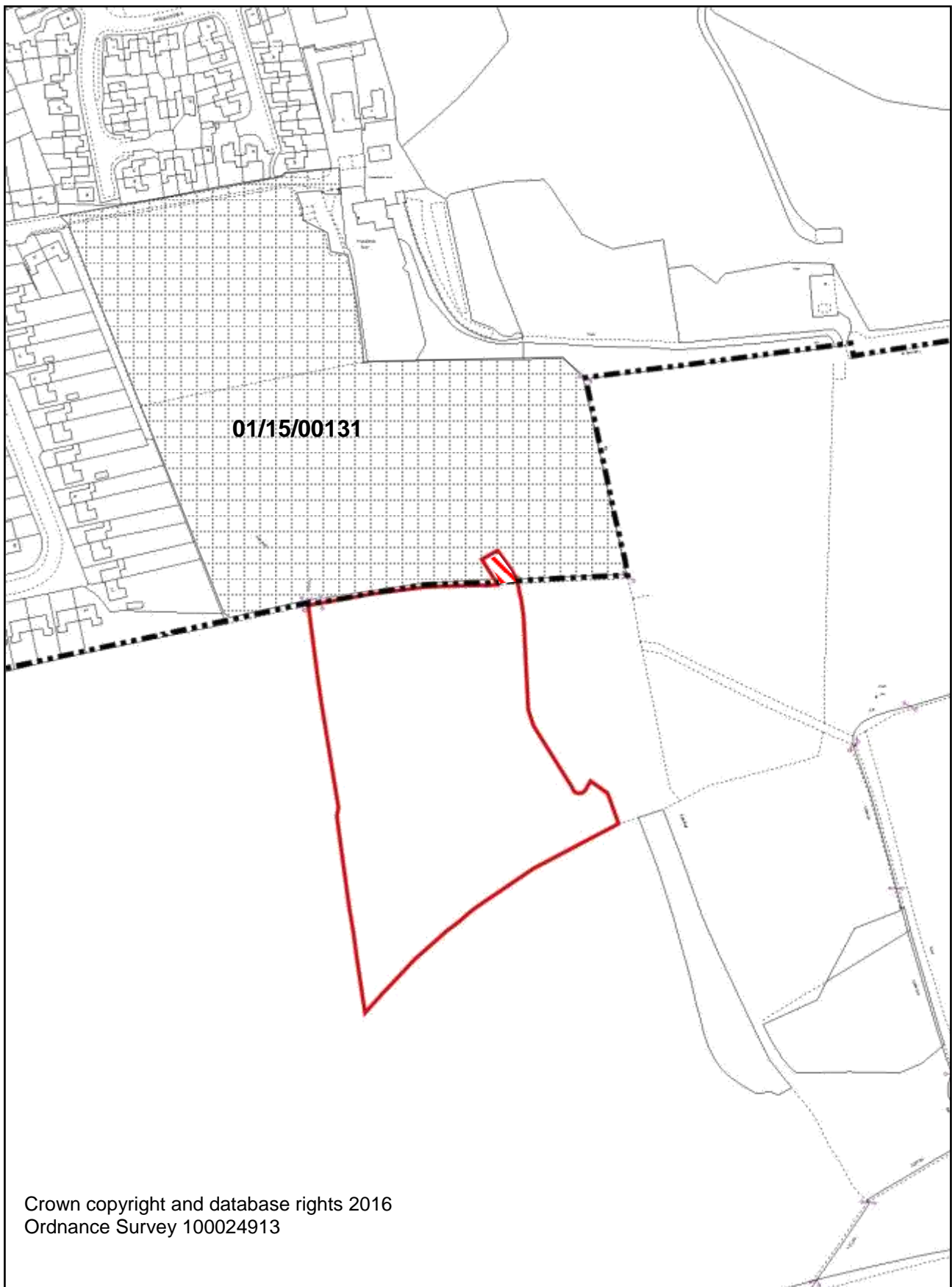
The application has an agreed extension of time target until 17 October 2016 and is brought to committee at the request of Ward Members.

Classification: OFFICIAL

Committee Report Item No: 2

Application No: DER/06/16/00717

Type: Full



Classification: OFFICIAL

1. Application Details

Address: Land at Severn Trent Derby Sewage Treatment Works, Megaloughton Lane, Spondon.

Ward: Spondon

Proposal:

Erection of Anaerobic Digestion Facility.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/06/16/00795>

Brief description

The Derby Sewage Treatment Works is located on the eastern edge of the city, east of Raynesway (A5111) and south of Megaloughton Lane. It is a large site of approximately 148 ha, which lies in the flood plain of the River Derwent and between the neighbourhoods of Spondon and Alvaston. It currently comprises water reclamation works, sewage sludge digesters, settlement ponds and sludge drying beds.

Full permission is sought for an anaerobic digestion facility to be sited on about 2.4Ha of currently vacant land, which is in the south western corner of the treatment works site. It lies adjacent to the river, which runs along the western boundary of the site. Part of the application site has previously been developed and has most recently been subject to earth moving and land clearance. The southern part of the site is in the Green Wedge and is open grassland and scrub.

There is already an anaerobic digestion facility on the site for sewage, which generates renewable energy which is currently used on the site, for combined heat and power. The sewage works, also currently has two wind turbines and solar panels.

The proposed anaerobic digestion facility (AD) would be located alongside the existing sewage digestion plant and sludge beds. The development includes a reception building, measuring approx. 49 metres x 38 metres in area and 13 metres in height, 3 digestion tanks, approx. 21 metres in height, 2 digestion and storage tanks, approx. 16.5 metres in height, a 23 metre high gas flare stack and 2 gas boilers, gas storage area and associated infrastructure. The AD facility would have the capacity to receive approximately 48 500 tonnes of biodegradable organic waste per annum. This is intended to be primarily food waste, transported to site from commercial sources, including food manufacturers, retailers, schools and hospitals. The facility is expected to generate about 54 HGV movements per day with the process operating 24 hours a day.

The AD process involves the biological treating of organic waste, by heating in the absence of oxygen. The product is a bio gas, which is cleaned of impurities and upgraded to form mostly methane in a gas to grid plant, before being injected into the national grid network or used elsewhere on the sewage treatment works. The remaining end product is used to produce organic fertiliser for use on farmland.

The AD facility is to be accessed via a weighbridge and vehicular access onto the existing internal service road within the sewage works site, which is served from the main entrance onto the Eastern Service Road. 10 parking spaces for staff and visitors are proposed within the site.

The application is accompanied by various supporting technical documents, which include a Landscape and Visual Assessment, Flood Risk Assessment, Transport Statement, Ecological Assessments, Assessments for Air Quality, Bioaerosol, Noise and Odours and a Heritage Statement.

2. Relevant Planning History:

Application No: 04/16/00441

Type: Full Planning Permission

Status: Current Application

Date:

Description: Installation of a biomethane gas to grid plant

3. Publicity:

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:

Two objections have been received to the application, which raise the following concerns:

- Noise and odour assessments have insufficient information.
- Too close to residential areas.
- More residents should have been consulted.
- Public health assessment should have been submitted.

The applicant has provided a written response to the objections raised which can be viewed at:

<https://docs.derby.gov.uk/paserver/showimage.aspx?index=76208743>

5. Consultations:

Highways Development Control:

The Transport Assessment provided in support of the application demonstrates that the proposals will not have a significant effect upon the adjacent highway network.

However, given that the majority of movements to and from the site will also be via the adjacent network maintained by Highway England, it is suggested that the Local Planning Authority may wish to consult also with Highways England.

No objection to the proposals.

Highways England:

No objections.

Natural Environment:

There are no Tree Preservation Orders within the site and no comments to make on the application.

Environmental Services (Health – Pollution):

Bioaerosol Risk Assessment

The report concludes that the overall bioaerosol impacts from the site are not significant.

Odour Assessment

The report concludes that the overall odour impacts from the site are not significant.

Noise Impact Assessment

The report concludes that the calculated noise levels fall below the lowest median background noise levels and that internal noise levels at the nearest non-residential receptor fall below the relevant noise level criteria.

Conclusions

The studies and conclusions of all the above reports have been reviewed and appraised. It is considered that, overall, the reports establish that the proposed anaerobic digestion facility will not have a detrimental effect on the surrounding environment, with regards to odour, bioaerosol and noise. As the site will be subject to environmental permitting controls, planning conditions are therefore not recommended in these respects.

Comments on the updated Air Quality Assessment (September 2016):

The submitted report addresses the concerns raised by the previous comments. Specifically, these related to VOC dispersion modelling using an assumed value of 100% benzene, and the exceedance of an arguably best practice Air Quality Objective (AQO) at three receptors.

The updated report provides comparison data which qualifies the likely actual percentage of benzene in site emissions, and models the impact on the receptors, and accordingly concluding no exceedances of the putative AQO will be evident.

The submitted report concludes that the proposed anaerobic digestion facility will not have a detrimental effect on the surrounding environment, with regards to air quality. Therefore, planning conditions or further investigations are not recommended in these respects.

Environment Agency:

We have no objections to the proposed development.

From the reports and plans submitted it does not appear that any part of the development will be below ground. Drawing no. 1000P003 indicates that all tanks and storage facilities will be located above ground level.

Conditions are recommended to control the remediation of any site contamination not previously identified and the construction of the 450mm pipework passing through the perimeter bund.

Highways – Land Drainage:

Comments on the revised Flood Risk Assessment:

The revised FRA has addressed most of the previous comments, as per the description below. The final point still needs addressing. However, I see that this can be addressed through a planning condition (as recommended).

1. The FRA has now noted that the sewers running in close proximity of the site are 2m lower than the finished site and shouldn't present an issue to the development. This is accepted.
2. The floodplain loss for events including and in excess of the 1 in 100 year plus climate change Derwent flows has been addressed by the installation of a number of 450mm pipes at an appropriate level on the bund. This will allow flood water to fill the bunded area and be used in the AD process, so the previously stated 50,000m³ of storage will not be lost.
3. The 1 in 100 year plus climate change flood scenario has been considered and accounted for. Exceedance of the bund has also been accounted for.
4. Because of the bund no longer offering the protection it would have done previously to the development (because of the pipes noted in 2. above) the danger to the site occupants has been increased in comparison to the previous submission. As such, I would recommend the following condition to be imposed:
...Prior to the development being first brought into use, the owner/occupant of the facility shall sign up to the Environment Agency's Flood Warnings Direct Service and establish an appropriate flood evacuation plan. Both shall be maintained for the lifespan of the development.

Derbyshire Wildlife Trust:

Comments on updated badger assessment:

It is noted that it is intended to close the existing badger sett under a Natural England licence and provide a replacement sett.

It is disappointing that, given the size of the site, the layout of the facility could not have been designed to avoid impacting the sett in line with recommendation R1 of the Badger Survey report and the mitigation hierarchy set out in paragraph 118 of the National Planning Policy Framework.

Now that a proposed layout of the facility has been put forward we would advise that the details of measures to mitigate impacts on badger should be set out in a Badger Mitigation Strategy to be submitted to and approved in writing by the local planning authority prior to the commencement of work

Comments on Preliminary Ecological Assessment:

The badger survey concluded that badgers are active on the site and that an active badger sett was identified in the vicinity of the site in the banks of a scrub covered pond. However, the report states that the detailed design of the facility was unknown at the time of production of the report and it is therefore unclear if the development has subsequently been designed to avoid impact to the active badger sett. We would advise that clarification is therefore required with regard to the location and design of the facility in relation to the location of the active badger sett. Such information in the

form of a plan clearly showing the footprint of the facility in relation to the badger sett is outstanding and needs to be provided.

Notwithstanding the submission of further information in respect of badgers we would advise that the development should be carried out in strict accordance with the recommendations R2, R3, R6 and R8 of the Preliminary Ecological Assessment prepared by Middlemarch Environmental dated January 2016 and R1 and R3 of the Badger Survey report prepared by Middlemarch Environmental dated January 2016 as a condition of any consent.

We would advise that sufficient survey work has been carried out to identify that the proposed development is unlikely to have an adverse impact on great crested newt and reptiles.

6. Relevant Policies:

Saved CDLPR policies:

GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
EP11	Development in Existing Business and Industrial Areas
EP14	Employment with Potential Off-site effects
E2	Green Wedges
E4	Nature Conservation
E7	Protection of Habitats
E10	Renewable Energy
E14	Development in Proximity to Existing Operations
E16	Development close to important open land
E17	Landscaping schemes
E23	Design
T1	Transport Implications
T4	Access and Servicing
T10	Access for disabled people

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

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

Derby and Derbyshire Waste Local Plan:

W1b	Need for the development
W2	Transport principles
W4	Precautionary principle
W5	Identified interests of environmental importance
W6	Pollution and related nuisances
W7	Landscape and other visual impacts
W8	Impact of the transport of waste
W9	Protection of other interests
W10	Cumulative impact

Derby City Local Plan Part 1 – Core Strategy:

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding of Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP10 Employment Locations
- CP18 Green Wedges
- CP23 Delivering a Sustainable Transport Network

Whilst the CDLPR remains the Development Plan for the purposes of decision making, the Derby City Local Plan Part 1 – Core Strategy is at the advanced stages of Examination in Public and the policies can therefore be accorded weight in the decision making process.

The Core Strategy was submitted to the Secretary of State in December 2015 and the formal hearing sessions took place during April/May 2016. The Inspector has recommended main modifications to the plan, which he considers necessary to make the plan sound/legally compliant. Consultation on these changes concluded on 27th October 2016. It is anticipated that the Inspectors report will be received before the end of 2016.

Upon receipt of the Inspectors report, Cabinet will be asked to consider the Inspectors conclusions, agree the main modifications to the plan and recommend to Full Council that the Plan be adopted. Members will be kept updated of progress towards adoption at future meetings.

In advance of adoption, paragraph 216 of the NPPF enables us to give weight to relevant policies in emerging plans, according to the stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. A number of the Core Strategy polices have no unresolved objections and can therefore carry significant weight in the decision making process. In relation to the current application, these include CP1(a) – Presumption in favour of Sustainable Development and CP4 – Placemaking Principles. These are both overarching policies for the purposes of design and amenity. The rest of the Core Strategy policies referred to above, still have unresolved objections. The implications for the decision making process are discussed further in the key issues section of this report.

The policies of the Derby City Local Plan Part 1 – Core Strategy (including proposed modifications) can also be viewed at the following web-link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_MODIFICATIONS_AUG16%20Track%20changed.pdf

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

7. Officer Opinion:

Key Issues:

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

- Policy Principles
- Flood Risk and Drainage
- Pollution and amenity
- Highways implications
- Landscape and Visual impacts
- Ecology and Habitat

- Policy Principles

Waste management

The Derby sewage treatment works is a large site, to the east of Raynesway which is largely within an area designated under Policy EP11 in the adopted Local Plan as an existing business and industrial area.

The proposed anaerobic digestion (AD) facility is a type of waste treatment facility and so falls to be considered against the Derby and Derbyshire Waste Local Plan (March 2005) as well as the adopted Local Plan and the over-arching NPPF. In national policy waste management is specifically covered by the NPPF for Waste (NPPFW) published in October 2014. The NPPFW sets out the waste hierarchy as being pivotal to delivering waste management, by moving waste up the hierarchy through re-use and recovery before considering disposal and land fill. The reduction in biodegradable waste going to landfill would also assist in the reduction of greenhouse gas production.

Central government set out its support for anaerobic digestion (AD) in the Waste Management Plan for England (2013). This is due to its value in dealing with organic waste and avoiding greenhouse gas emissions associated with disposing it to landfill. The digestion process also recovers energy and produces bio fertiliser. The Management Plan set out the government's commitment to increasing the energy from waste produced from AD. It identified AD as the best currently available technology for treating food waste which is one of the waste streams proposed to be treated.

The policy objectives of the Waste Local Plan reflect the intentions of the NPPFW in regard to the movement of waste management up the waste hierarchy and this is outlined in Policy W1b of the Plan, which allows for new types of waste development where it would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. Anaerobic digestion is acknowledged in the Waste Local Plan as being a potentially suitable form of waste management and recovery.

Policy W4 introduces the precautionary principle, to minimise the adverse impacts of waste management on the environment. It states that where there is reasonable concern that a proposed waste development presents a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless precautionary measures are taken to minimise and seek to prevent such damage and, the risk of such damage is outweighed by the potential benefits of the development.

Identified interests of acknowledged environmental importance are protected by W5. Proposals which might affect such interests will be assessed in light of the level of protection merited by the character and status of the interest and the likely impact of the development. Development will only be permitted if, in the context of the assessment, it would not materially harm the identified interests.

The environmental impacts of waste development are dealt with by Policies W6 (Pollution & Related Nuisances), W7 (Landscape & Visual impacts) and transport impacts by W2 (Transport principles) and W8 (Impacts of Transport of Waste). These policies seek to minimise the adverse effects of waste management on the local environment, townscape and amenity. These policies also mirror the requirements of the adopted CDLPR policies with regards to amenity, design and highways matters.

The protection of other interests, including flood risk is covered under W9, which seeks to ensure that the impact of waste development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community.

The proposed AD facility is a form of waste recovery scheme which would divert a large volume of biodegradable organic waste from landfill and use the waste as a resource to form renewable energy and fertiliser. It would move waste up the waste hierarchy in accordance with the objectives of national and local waste planning policies and the proposal is therefore acceptable in principle, subject to assessment of the environmental and highways impacts on the local area.

Renewable Energy

The NPPF supports the delivery of developments which generate renewable and low carbon energy and associated infrastructure, in paragraph 93 of the Framework. Paragraph 98 states that applicants should not be required to demonstrate an overall need for the renewable energy development. It also requires Local Planning Authorities to approve renewable development, if its impacts are and can be made acceptable, unless material considerations indicate otherwise.

The adopted CDLPR Policy E10 also supports development for renewable energy generation subject to there being no material adverse effects on the natural or built environment, that development potential of land for other uses is not inhibited and that the benefits of securing renewable energy would outweigh any adverse effects. Full weight is also given to the extent to which proposals would help to reduce greenhouse gas emissions.

The emerging Local Plan Part 1: Core Strategy policy CP2 (Responding to Climate Change) reflects the objectives of the adopted Plan and the Waste Local Plan, by promoting the use of renewable energy sources, to minimise the adverse impacts of

climate change. It also encourages the production and use of energy which is consistent with the waste hierarchy.

The proposed AD facility would produce approximately 5.6MW of bio- gas and part of this would be used elsewhere on the treatment works in a combined heat and power plant (CHP). The remaining gas is to be upgraded, via the proposed Biomethane Gas to Grid Plant, (which is subject to a separate planning application, ref: DER/04/16/00441) before being injected into the national grid giving renewable energy benefits. The by-product of the digestion process is also to be used to make bio-fertiliser. The proposal would therefore have benefits in securing energy from a renewable source and reducing greenhouse emissions in line with the adopted and emerging plan policies. The key tests are whether the adverse effects of the development would be outweighed by those recognised benefits.

Green Wedge

Part of the development site lies within the Green Wedge. This consists of part of 'Tank 5', the site office and car parking, the weighbridge and access road, which are located in the southern edge of the site. Policy E2 only allows for development within a Green Wedge, which are within certain categories and these do not include what is in effect an industrial plant. The main aim of the policy is to maintain the openness and undeveloped character of the Green Wedges. This part of the scheme is therefore effectively contrary to the intentions of E2 and so other material considerations must be taken into account in the planning balance.

The part of the site which is in the Green Wedge would be, apart from part of one of the tanks, relatively low level development with a potentially limited impact on the openness of the Wedge as a whole. However, the proposal would introduce a bulky form of development on the edge of the Wedge that could have an adverse impact on its open character with regards to the requirements of Policy E16. The boundary of the Wedge in this location does not follow any particular features on the ground. E16 only allows for development close to important open land, including Green Wedges, if adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected. There is opportunity for landscape planting around the southern boundary of the site to provide some additional screening of the plant, whilst trees and the bund along the western edge also help to limit the visual impact on the Wedge. A further factor which must be weighed against the adverse impact on the Wedge, is the locational requirements of the AD facility, which to be sited alongside the complementary sewage digestion facility and water treatment works. The plant would also be located a substantial distance from the nearest residential properties in Spondon and Alvaston and the site is obscured from the surrounding townscape by mature trees and vegetation alongside the river corridor, which helps to minimise impacts of the development on residential and visual amenity.

A further material consideration to be considered, which outweighs the loss of Green Wedge in this location, is that the proposal would move waste up the waste hierarchy in line with the requirements of Government and local planning policies. There would also be benefits in terms of reducing greenhouse gas emissions due to the reduction

in biodegradable waste going to landfill, production of renewable energy and an organic fertiliser product from the process.

Consideration must be given to whether the advantages of the proposal in terms of its locational requirements, limited landscape and visual impacts and wider policy benefits, in terms of reduction of greenhouse emissions, outweigh the adverse effects on the open and undeveloped character of the Green Wedge in this location. On balance, the social, economic and environmental benefits of the development are considered to outweigh the limited loss of the Wedge, consistent with Policy E2 and the over-arching NPPF.

- Flood Risk and Drainage

The site of the proposed AD facility is on the River Derwent's flood plain, which is a defended area, identified as Flood Zone 2 under the EA maps and Zone 2/3 on the Council's Strategic Flood Risk Assessment. There is an existing flood defence bund along the river corridor and the proposal would extend this to a height of approx. 1.5 metres to enclose the AD plant and provide adequate flood protection in the event of a 1 in 100 year event. No further flood risk mitigation measures are proposed for the development to minimise flood risk to users of the site.

A Flood Risk Assessment has been submitted in support of the proposal to assess the potential flood risk impacts. The assessment concluded that the proposal would not result in an increase in surface water run-off or increase flood risk in the wider area.

The responses from the Environment Agency and the Council's Land Drainage team, do not raise any objections to the proposal on flood risk or drainage grounds, although the Land Drainage Officer has noted that the proposed defence bund, would have a gap for the access road to enter the plant. This may allow flood water into the site, so a flood evacuation plan for the users of the development is recommended to address any potential flood risk. This can be secured by a suitable planning condition.

The Environment Agency is also satisfied that the development would not result in contamination of the water environment, due to the structures being constructed above the existing ground level.

Overall, I am satisfied that despite the sites proximity to the river there are no significant flood risk concerns, arising from the proposal and it therefore is in accordance with the provisions of adopted Policies W9 and GD3.

- Pollution and Amenity

The anaerobic digestion process is an enclosed waste treatment process, which is undertaken in a sealed system, intended to ensure that any odours, dust and noise emissions are minimised. Waste is imported via covered HGVs and treated within the reception building, which would have air extraction systems to remove odours. The waste material is then transferred for processing through pipe work to the sealed digestion and storage tanks. Bio gas which is produced by the process is captured in the tanks to prevent odour release and injected into the gas to grid plant to be exported the national grid.

The proposed would incorporate measures to minimise potential disturbance to nearby properties and particularly residential properties, from any odours and air borne pollutants. The development would be subject to the Environment Agency's Permit, which controls the environmental impacts of the processes on air quality and the environment, to minimise any emissions on the wider area.

Under the permitting regime, the Environment Agency ensure control of odour management and emissions from the plant. The permit would also ensure protection of water courses and ground water from any potential contamination.

The principal sources of dust emissions would normally be from the HGV movements to and from the AD facility, although since the site is located some distance from the entrance to the sewage works, the main impacts of dust would be on the internal road network and would not have a significant effect on the public highway.

In support of the application, assessments to deal with any noise, air quality and polluting emissions from the development have been undertaken and submitted.

Air Quality

The potential impacts of emissions from the plant have been assessed on air quality at nearby sensitive receptors, which include commercial premises and residential properties in the surrounding area. The nearest dwellings to the development site, are approximately 700 – 800 metres away at Holme Lane and Station Road, Spondon and in the residential areas of Cherry Tree Hill to the north of the A52 and Alvaston to the south of the A5111 Raynesway. Dispersion modelling has been carried out of the potential pollutants from the plant and the impacts on nearby sensitive receptors have been quantified. The main impacts of emissions on air quality would be to towards the west and north west of the plant, which primarily affects other areas within the treatment works site. The results of the Air Quality Assessment and the addendum concluded that there would be no excessive concentrations of air quality at the affected receptors in the vicinity of the site. The Environmental Health Officer has considered the air quality reports and is satisfied that the emissions from the AD plant would not have a significant adverse effect on the local environment for nearby business premises and residential properties in the wider area.

Bioaerosols and Odours

Bioaerosols are defined as micro-organisms, which exist in the atmosphere and include mould, bacteria and fungus, which come from organic matter, including plants and animals. The proposed AD facility is for the processing of organic waste, which is comprised of these organisms and therefore has the potential to generate bioaerosol emissions. A Bioaerosol Risk Assessment has been undertaken to assess the likely impacts of any emissions from the plant. Due to the nature of the AD processes which are proposed, particularly in terms of a being a sealed system and the mitigation measures which are proposed to minimise any emissions of such pollutants, the report concludes that the impacts on the local environment would not be significant.

Potential sources of odours from the AD process include those from the delivery of waste to the reception building and from any expelled air during the filling of the tanks. The submitted Odour Assessment, measures the likely emission of odours and

its impacts on nearby receptors, including businesses and residential properties. The most significant odours have been modelled as affecting only areas in the treatment works site and no significant levels would impact on dwellings or businesses in the local vicinity.

The Council's Environmental Health Officer is satisfied with the conclusions of both of the assessments for bioaerosols and odours, that there would be no significant impacts on the amenities of residents and commercial properties in the surrounding area.

Noise impacts

In order to assess the potential noise disturbance to nearby residential properties from the operation of the proposed AD facility, a Noise Impact Assessment was undertaken, which considered the likely impacts on those properties. The existing background noise levels around the site were taken into account, which include traffic noise from the A52 and A5111 and from the main railway line north of the treatment works. The conclusions of the assessment are that the noise levels from the proposal would be less than the current background levels, at the nearest affected residential properties to the north of the site. The noise impacts of the development on resident's amenity and living environment would therefore be very limited and no noise protection measures would be required.

In terms of pollution, noise and any adverse health effects which may cause harm to the natural environment and any residential and business properties from the AD process, the application demonstrates that the proposal would not have significant adverse effects on human health, amenity and the local environment. The development therefore accords with the provisions of the Waste Local Plan Policies W5 and W6 and Local Plan Policies E12 and GD5.

- **Highways Implications**

The majority of traffic movements to and from the proposed AD facility would be HGV and tanker traffic, carrying waste to the site and exporting the fertiliser by-product, which is produced by the process. The sources of waste are to be primarily commercial premises and institutions. Staff and visitor trips would be very low in number, with an anticipated three full time staff on the development.

Access to the facility is via the sewage work's internal service road, and served off the main entrance onto the Eastern Service Road. Due to the location of the proposal within the sewage works, the access and egress for vehicles is onto a private road and would not result in direct impacts on the public highway, in terms of servicing and highway safety.

A Transport Statement has been submitted in support of the application, which indicates that there would be an average of 54 HGV movements per day associated with the facility and about 6 staff movements. Most of these movements would feed directly onto the A5111 and A52 trunk roads, via the Eastern Service Road, which are major transport routes in the city. The predicted traffic movements arising from the proposed AD facility are considered to be relatively low compared to the overall volumes of traffic which use the local road network, particularly the A5111 and A52, which are managed by Highways England. Highways England has not raised any concerns about the transport impacts of the development on the trunk road network.

The Council's Highways Officer is also satisfied that the proposal would not result in a significant adverse impact on the local highway network and no conditions have been recommended to mitigate any highway impacts.

The traffic impacts of the proposal are therefore considered to be limited and acceptable and in accordance with the Local Plan transport policies T1 and T4 and Waste Local Plan policies W6 and W8.

- Landscape and Visual impact

In regard to design and visual impact, the proposed AD facility is akin in its appearance and scale to the water treatment plant and associated structures which are already located on the sewage works site. The digestion tanks and gas flare are around 20- 25 metres in overall height and the development overall is of substantial scale, occupying approx. 2 ha of the overall site. Due to the proposed position of the development on the edge of the Green Wedge and close to the site boundary with the River Derwent, there are potential for adverse visual impacts on the local landscape and particularly from Raynesway. Adopted CDLPR design policies GD4 and E23 are relevant and require high quality design, which respect the streetscape and the Waste Local Plan policies W5, W6 and W7 all require waste development, to minimise harm to the landscape and visual amenity.

The proposed buildings and structures on the AD facility are designed for their operational purpose and functionality and are grouped together alongside the existing sewage digestion plant, which is of a comparable scale and appearance. Due to the relatively remote location of the treatment works in the context of the river corridor and the industrial character of this part of the city, the development would not be prominent or even particularly visible from many public vantage points in the surrounding townscape. This area of the city has a relatively low landscape quality, due to the presence of various industrial and business premises and major transport corridors.

The submitted Landscape and Visual Appraisal illustrates the limited visual impact, which there would be of the structures, including the various tanks and flare stack. The most significant views of the larger structures would be from the riverside footpath to the east of business premises on Raynesway. It is a permissive path which runs along the river bank and is the closest public vantage point to the site. This view is partially obscured by mature trees and vegetation along the river corridor, which are outside the treatment works site. Existing tanks and plant on the treatment works can currently be seen from this location. Other nearby locations on Raynesway and the strategic cycle route/ footpath to the south of the river would afford only glimpsed and limited views of the proposal due to the dense tree cover alongside the river corridor and existing commercial development and uses along the trunk road. Overall, the proposed facility would have a very limited visual impact on the wider area, particularly beyond the immediate vicinity of Raynesway and the river side cycle route. Additional landscape planting and bunds enclosing the development would further assist in providing screening from the nearby viewpoints.

The visual effects of the AD plant on the wider area would not be unduly harmful and there would be no significant concerns about the design or form of the development

on visual or landscape grounds, in line with Policies GD4, E23 and Waste Local Plan policies W5, W6 and W7.

- Ecology and Habitat

The site of the proposed AD facility is located adjacent to the River Derwent and Sewage Farm Lagoons Local Wildlife Site, which is identified under adopted Local Plan Policy E4 as a locally important area for nature conservation. The southern part of the site is also in the Green Wedge and there are areas of undisturbed habitat to the south of west of the site, including a number of small ponds.

A Preliminary Ecological Assessment was carried out of the site, which covers habitat and surveys of protected species including badgers, reptiles and great crested newts. No evidence of reptiles or great crested newts were found on the site, during the survey and Derbyshire Wildlife Trust is satisfied that there are unlikely to be adverse impacts on those protected species as a result of the proposed development.

The badger survey revealed that a badger sett in the vicinity of the site, would be directly affected by the siting of the development. Further clarification was received from the applicant on the likely impacts on badger activity in the area and this confirmed that the sett is proposed to be moved to accommodate the development. Whilst this is not ideal, I note that the operational and siting requirements of the AD plant require the scheme to be in this location and there is therefore a need for the sett to be relocated, to a different part of the sewage works site. Badgers and their setts are protected under the Protection of Badgers Act 1992, although it is possible to relocate a badger sett under a licence from Natural England, which would need to be obtained before any development commences. I note the comments which have been made by Derbyshire Wildlife Trust (DWT) in regard to the impacts on badgers and I am satisfied that the impacts are unavoidable and can be satisfactorily mitigated by an appropriate mitigation strategy which can be secured by a suitable planning condition.

The nearby local wildlife site, which runs along the river corridor to the west of the site boundary, is separated from the site by a flood defence bund. The submitted assessment does not highlight any significant potential impacts on the river habitat, arising from the development, particular due the 8 metre easement which would be maintained by the flood defence.

Having regard for the comments of DWT, I am satisfied that the proposed development would not have significant adverse impacts on the ecological value and protected species on and around the site. Subject to suitable landscaping and mitigation measures, particularly for badgers, which can be secured by conditions, the proposal would protect the nature conservation interests on the site, in line with the Waste Plan Policies W5 and W6 and Local Plan policies GD2, E4 and E7.

- Conclusion

The proposed anaerobic digestion facility is a significant waste recovery scheme, which would process organic food waste from a city wide catchment and also provide a source of renewable energy for the national grid. The facility meets national and local planning objectives in terms of dealing with organic waste near the top of the waste hierarchy and diverting from landfill. It would also contribute towards targets in

Derby and Derbyshire for the recycling of waste. The waste is to be brought onto site from commercial sources and institutions in the city and the wider area, so that the proposal would be in a sustainable location.

The proposal would also meet government aspirations for increasing the generation of renewable energy and reducing greenhouse gas emissions. The main product of the digestion process, which is bio methane gas would be used to generate electricity and power for use of the treatment works site.

The recycling of waste and production of renewable energy are substantial benefits of the development which must be weighed against the adverse impacts of the scheme, which are primarily on the openness and character of the Green Wedge and on a badger sett within the site. The impacts on the Wedge, would affect a small area on the edge of the sewage works, which has been previously developed. On balance, the loss of this small part of the Green Wedge which is within the treatment works, would not cause significant detriment to the open character or unduly narrow the Wedge in this location. The encroachment into the Wedge is therefore considered to be an acceptable impact, which is outweighed by the benefits of the development. The impacts on badger activity on the site can be mitigated satisfactorily by the proposed relocation of the sett in accordance with the relevant wildlife legislation. This would ensure that there would not be significant harm to protected species and the ecological value of the site would be protected. The proposal would therefore result in limited harm to the local environment, which can be suitably addressed by use of planning conditions and this harm is outweighed by the benefits of the development, which accords with paragraph 14 of the NPPF.

The proposed waste facility would on balance, meet the requirements of the relevant adopted Waste Local Plan and CDLPR Policies and the overarching NPPF and government waste strategies. It would not have significant detrimental impacts on visual and residential amenity, highway safety the local environment and would be an acceptable form of development in this location.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed waste recovery facility is for the recycling of waste and production of renewable energy, which would move waste up the waste hierarchy and meet local and national targets for the reduction of waste to landfill and reducing greenhouse gas emissions. It would be sited in an industrial context, with operational connections to the existing sewage treatment works and limited traffic impacts on the wider transport network and no highway safety implications. The processing of waste on the site would not have any significant detrimental impacts on amenity or air quality for nearby properties, arising from noise, odours and bioaerosol emissions. Whilst there would be development in a small part of the Green Wedge, it would affect an area of previously developed land within the treatment works and development is not considered to undermine the functions of the Wedge. There would be an adverse impact on badger activity within the site, which is a protected species, although it is accepted that the impacts cannot be avoided and can be satisfactorily mitigated by a

relocation of the sett, under Natural England licence. The impacts on ecology and important habitat would not therefore cause significant harm to the local environment.

Conditions:

1. Standard condition (3 year time limit)
2. Standard condition (Accordance with specified approved plans)
3. During development, any site contamination present on the site, which has not been previously identified, to be subject to a remediation strategy...
4. Before development, a scheme to detail the construction and operation of 450 mm pipework passing through the perimeter bund to be submitted for approval..
5. Before development is brought into use, an appropriate evacuation plan, including sign up to the advance flood warning service to be submitted for approval.
6. Before development, details of a badger mitigation strategy to be submitted for approval in writing and implemented as approved.
7. Details of landscaping scheme for the site, to include biodiversity enhancement measures on the bunds and around the site boundary, incorporating new planting of native species and grassland and wildlife nesting/ roosting features, to be submitted for approval.
8. The landscaping scheme agreed under condition 7 to be implemented and maintained in accordance with an agreed timetable.
9. There shall be a minimum buffer of 8 metres maintained from the bank top of the River Derwent, free from any development and maintained as such at all times.
10. Any open excavations or open pipework on the site during construction of the development, which are retained for any period of time, to be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

Reasons:

1. In accordance with relevant Town and Country Planning legislation.
2. For avoidance of doubt.
3. For the protection of controlled waters and users of the development in the interests of public health and the local environment – Policies GD3 & GD5
4. To minimise flood risk for users of the development and the wider area – Policy GD3
5. To minimise flood risk for users of the development – Policy GD3
6. To ensure protection of protected species and their habitat in the interests of biodiversity – Policies GD2, E4 & E7
7. To protect and preserve the ecological value of the site and the surrounding area and provide mitigation for loss of habitat and natural environment – Policies GD2, E4 & E7

8. To protect and preserve the ecological value of the site and the surrounding area and provide mitigation for loss of habitat and natural environment – Policies GD2, E4 & E7
9. To maintain a buffer alongside the river corridor, to minimise any adverse impacts on the habitat of protected species, including otters – GD2, E4 & E7
10. To ensure the protection of wildlife on and around the site during construction, to safeguard ecological interest of the site – Policies GD2, E4 & E7

Informative Notes:

Highway safety

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

Environmental Permitting Regulations:

The activity described within this planning application would require an environmental permit under the Environmental Permitting Regulations and would likely fall under an installation permit based on the information provided.

Due to the proximity of sensitive receptors, including residential properties a stringent odour management plan will be required to mitigate against potential odour issues.

Within the odour assessment submitted there is no mention of the potential for odour from the external clamp should energy crops be used as a feedstock. It states that all potential odorous activities will be contained. Clamps can be a serious source of odour and should be taken into consideration.

Proposed site infrastructure should be demonstrated to be in compliance with CIRIA guidance.

Surface water containment and reuse has been touched on within the planning application, further details would be required for the permit application.

Any clamp built for the purpose of storing energy crop will likely be required to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations.

There is no detail with regards to the specification of the biofilter, or if secondary abatement will be provided. Further detailed information would be required as part of any permit application.

Protected Species

Vegetation and building clearance should only be undertaken outside the nesting bird season, which generally extends between March and September inclusive. If this is not possible then any vegetation/ buildings which are removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting then any works which may affect them would have to be delayed until young have fledged and the nest has been abandoned.

S106 requirements where appropriate:

None required.

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/06/16/00795

Type: Full

Application timescale:

The target date for determination of the application has been extended until 28 November 2016, in agreement with the applicant. It is brought to committee due to its strategic importance to the city and for Member's interest.

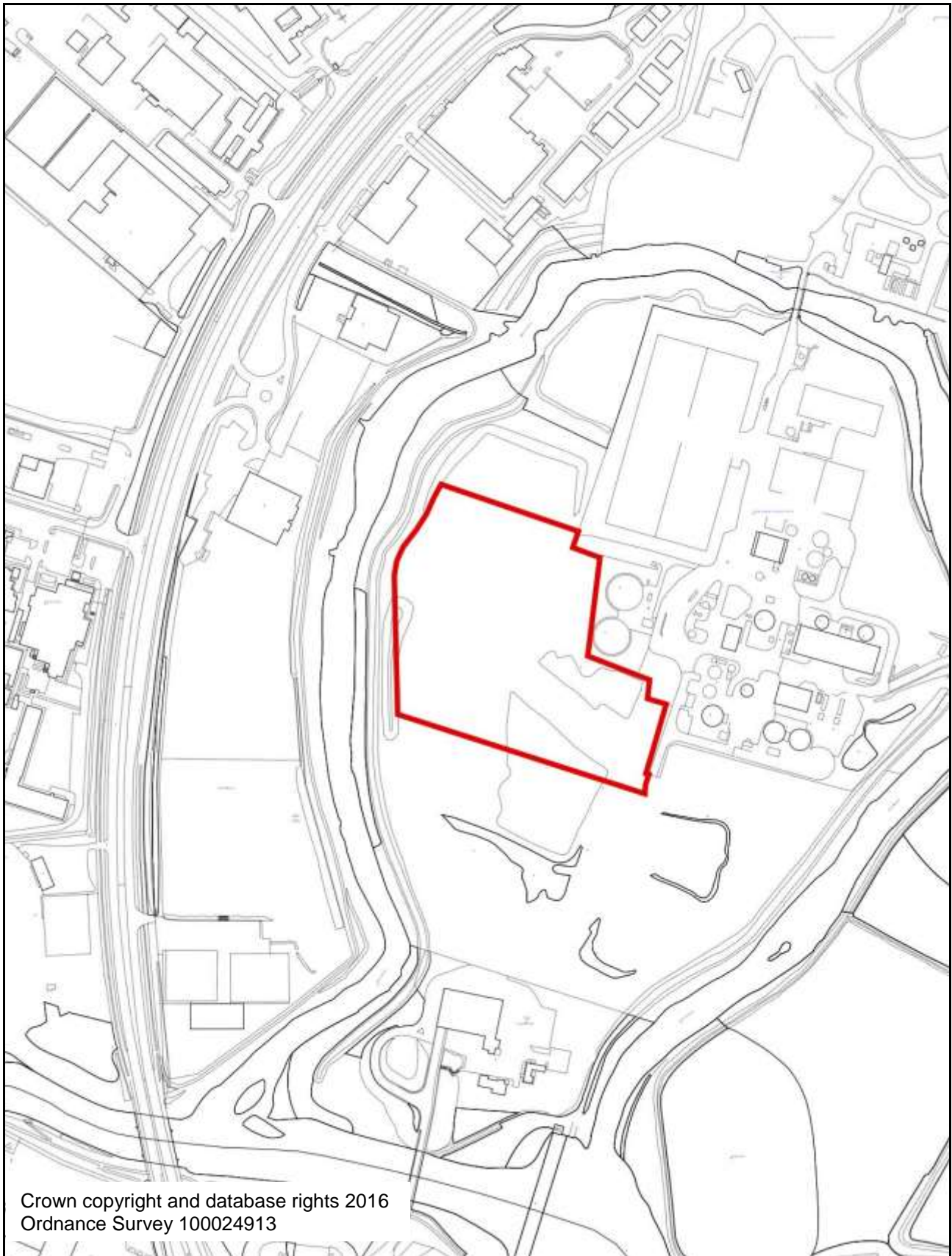
Classification: OFFICIAL

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/06/16/00795

Type: Full



Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/09/16/01158

**Type: Works to Tree
Under TPO**

1. Application Details

Address: 23 Fairbourne Drive, Mickleover.

Ward: Mickleover

Proposal:

Crown reduction by 3 metres and crown raise to 4 metres of Oak tree, crown reduction to reduce branch extension over garden by 3-4 metres, height by 1-2 metres and crown raise to 6 metres of 3 Ash trees and crown reduction of a Hawthorn by 2 metres.

Further Details:

Web-link to application:

<https://docs.derby.gov.uk/paserver/index.aspx?caseref=09/16/01158>

Brief Description:

Number 23 is a detached property situated on the north side of Fairbourne Drive, Mickleover.

The trees that are the subject of this application are in the rear garden of the property. They are large mature trees that are protected by Tree Preservation Order number 172 (land adjacent Fairbourne Drive).

The area to the rear of the property is heavily wooded, with various trees and is significant to the character of the local area.

This application is brought to Planning Control Committee at the request of Councillor Keith.

2. Relevant Planning History:

Application No: 07/10/00852

Type: Works to Trees under TPO

Status: Granted conditionally

Date: 06/09/2010

Description: Crown lift to 4 metres and crown reduction of Oak tree, crown lift to 6 metres, crown clean, branch removal, deadwooding and reduction in height by 4 metres of 2 Ash trees, crown reduction by 30% of hawthorn and crown lift to 6 metres, branch pruning and removal of deadwood of Ash tree protected by Tree Preservation Order 1998 No 172 (Land adj Fairbourne Drive Mickleover)

3. Publicity:

Site Notice

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 4 representations, including a letter from Councillors Keith and Holmes, regarding this proposal, they are summarised as follows:

Committee Report Item No: 4

Application No: DER/09/16/01158

**Type: Works to Tree
Under TPO**

- The trees are healthy
- The trees are not dangerous to the applicant
- They do not pose a danger to the house
- The impact on the community
- The trees benefit wildlife
- This proposal is an assault on the Tree Preservation Order
- The applicant knew the trees were protected when they moved in, and should move rather than undertake work to the trees
- Approving these works will make a mockery of the Tree Preservation Order

5. Consultations:

Arboricultural Officer:

Comments to be reported orally at the meeting.

6. Relevant Policies: *Saved CDLPR policies*

E9 Trees

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

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

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

7. Officer Opinion:

Key Issues:

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

- The health of the protected trees
- The amenity value provided by the protected trees

This application has been submitted by a tree specialist on behalf of the applicant. They have indicated in the application that the works to the Oak tree, which includes crown raising and crown reduction are to reduce the load on a heavily loaded union due to a on sided crown.

They also indicate the works to the Ash trees, which are in line with the previous consent granted in 2010 and works to the Hawthorn tree, which are to manage its size and shape.

I note the objections raised against this proposal. It does appear that some objections are concerned about any works to protected trees, whether or not they are necessary for good arboricultural practice. The proposed works would affect similar

trees to the TPO application, which was granted in 2010 (DER/07/10/00852) and require a comparable level of pruning works. On the basis, that the current proposals are proportionate with the consented works in 2010, I do not believe that these works would damage the health or condition of the trees or significantly reduce their significant amenity value to the surrounding area.

Overall, I consider that the works proposed in this application are reasonable and acceptable and justified in term of arboricultural practice. It is therefore recommended that consent be granted subject to conditions.

8. Recommended decision and summary of reasons:

To grant consent with conditions.

Conditions:

1. Standard condition 65 (time period for works limited to 2 years)
2. All tree works should be carried out in accordance with the guidance and recommendations detailed within British Standards 3998:2010 'Tree Work – Recommendations.
3. The work authorised shall be carried out in strict accordance with the schedule of works specified in Section 7 of the application form.

Reasons:

1. Beyond the time period a further justification for the works may be required.
2. For avoidance of doubt and good arboricultural practice.
3. For avoidance of doubt and in interests of visual amenity and tree health.

Application timescale:

This application was submitted in September 2016 and the target date for a decision is 1 December 2016.

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/09/16/01158

**Type: Works to Tree
Under TPO**



Classification: OFFICIAL

Derby City Council

Delegated decisions made between 01/10/2016 and 31/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/14/00288/PRI	Full Planning Permission	Go Dive, Nottingham Road, Spondon, Derby, DE21 7NP	Change of use of land to provide container storage facility	Granted Conditionally	26/10/2016
08/14/01103/PRI	Prior Approval - Shop / Bank to Resi	1A Bramble Street, Derby, DE1 1HU	Change of use from retail (Use Class A1) to residential (Use Class C3)	Prior Approval Approved	26/10/2016
08/15/01075/PRI	Non-material amendment	32 Evans Avenue, Allestree, Derby, DE22 2EJ	Single storey rear extension to dwelling house and alterations to patio - Non material amendments to previously approved planning permission code No. DER/04/14/00494	Granted Conditionally	05/10/2016
02/16/00226/PRI	Advertisement consent	1 Etwall Road, Mickleover, Derby, DE3 5DL (The Masons PH)	Display of various signage	Granted Conditionally	25/10/2016
03/16/00264/PRI	Local Council own development Reg 3	Kedleston Road Training and Development Centre, 184 Kedleston Road, Derby, DE22 1GT	Extension to training centre and alterations to car parking area to form additional spaces and other minor changes to the car park	Granted Conditionally	20/10/2016
05/16/00593/PRI	Full Planning Permission	University of Derby, Kedleston Road, Derby, DE22 1GB	Alteration of former sports hall to provide office accommodation. Demolition of 'Estates Building 2' and the formation of associated new car parking and vehicle washing canopy	Granted Conditionally	25/10/2016
05/16/00610/PRI	Works to Trees under TPO	Land adjacent to Broadeaves, Aston Lane, Chellaston, Derby, DE73 1TT	Felling of selected Sycamore trees protected by Tree Preservation Order No.104	Granted Conditionally	10/10/2016
05/16/00662/PRI	Full Planning Permission	144 Stenson Road, Derby	Formation of vehicular access and engineering works to the front garden	Refuse Planning Permission	21/10/2016
06/16/00742/PRI	Certificate of Lawfulness Proposed Use	28 Chestnut Avenue, Mickleover, Derby, DE3 5FT	Conversion of existing attached garage into living space	Granted	10/10/2016
06/16/00751/PRI	Full Application - disabled People	37 & 38 Madeley Street, Derby, DE23 8EY	Single storey rear extension to dwelling houses (enlargement of kitchen) and installation of a dormer to the rear elevation	Granted Conditionally	20/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/16/00797/PRI	Full Planning Permission	Site of builders yard and land to west of Wincanton Close, Derby	Erection of storage and distribution facility for motor vehicles with workshop	Granted Conditionally	18/10/2016
07/16/00885/PRI	Full Planning Permission	6 Andrew Close, Littleover, Derby, DE23 7AU	Single storey front extension to dwelling house (enlargement of hall and lounge) and retention of a detached outbuilding (store)	Granted Conditionally	14/10/2016
07/16/00887/PRI	Full Planning Permission	44 Midland Road, Derby, DE1 2SP (Mr Booze)	Retention of the installation of an ATM	Refuse Planning Permission	07/10/2016
07/16/00888/PRI	Advertisement consent	44 Midland Road, Derby, DE1 2SP (Mr Booze)	Retention of the display of an internally illuminated ATM surround	Refuse Planning Permission	07/10/2016
07/16/00901/PRI	Full Planning Permission	8 Birches Road, Allestree, Derby, DE22 2HY	Two storey side extension to dwelling house (office, store, bedroom and cupboard) and erection of outbuilding (shed and log store)	Granted Conditionally	14/10/2016
07/16/00914/PRI	Full Planning Permission	8 Shrewsbury Close, Oakwood, Derby, DE21 2RW	Two storey side extension to dwelling house (bedroom and kitchen)	Granted Conditionally	14/10/2016
07/16/00927/PRI	Full Planning Permission	GK Seat Group, Locomotive Way, Pride Park, Derby, DE24 8PU	Alterations to landscaped area (installation of hardsurfacing)	Granted Conditionally	06/10/2016
07/16/00933/PRI	Full Planning Permission	39 Autumn Grove, Chaddesden, Derby, DE21 6PY	First floor rear extension to dwelling house (bedroom) and installation of two roof lights to the side elevations	Refuse Planning Permission	14/10/2016
07/16/00938/PRI	Full Planning Permission	1 Deacon Close, Oakwood, Derby, DE21 2BJ	Retention of 2.2m high boundary fence and gate	Granted Conditionally	19/10/2016
08/16/00945/PRI	Full Planning Permission	45-46 Sadler Gate, Derby	Installation of a new shop front	Granted Conditionally	14/10/2016
08/16/00946/PRI	Advertisement consent	45-46 Sadler Gate, Derby	Display of one externally illuminated fascia sign and one externally illuminated projecting sign	Granted Conditionally	14/10/2016
08/16/00954/PRI	Listed Building Consent - alterations	6 Friar Gate, Derby, DE1 1BU	Various internal alterations to include the formation of a new structural opening and installation of a bar and alterations to the external front elevation	Granted Conditionally	27/10/2016
08/16/00957/PRI	Full Planning Permission	51 West Bank Road, Allestree, Derby, DE22 2FY	Two storey side and first floor side and rear extensions to dwelling house (bedroom and enlargement of w.c., bedroom and bathroom)	Granted Conditionally	10/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/00966/PRI	Full Planning Permission	44 Bridgeness Road, Littleover, Derby, DE23 7UJ	Two storey side and single storey rear extensions to dwelling house (utility room, w.c., kitchen, bedroom and en-suite)	Refuse Planning Permission	21/10/2016
08/16/00967/PRI	Advertisement consent	6 Friar Gate, Derby, DE1 1BU	Display of one internally illuminated lantern sign and two non-illuminated window vinyls	Granted Conditionally	27/10/2016
08/16/00969/PRI	Full Planning Permission	13 Sheridan Street, Sinfin, Derby, DE24 9HG	Single storey front and two storey side extension to dwelling house (porch, lounge, two bedrooms and bathroom)	Granted Conditionally	13/10/2016
08/16/00970/PRI	Full Application - disabled People	98 Blagreaves Lane, Littleover, Derby, DE23 7FP	Two storey and single storey rear extensions to dwelling house (wet room, two bedrooms, bathroom and enlargement of lounge/dining room, kitchen, and bedroom) and installation of a dormer window to the side elevation - amendment to previously approved planning application 01/16/0048 to include an additional single storey rear extension (bedroom), a new window to the ground floor side elevation, alterations to the internal layout and the installation of bi-fold doors to the proposed lounge/dining room	Refuse Planning Permission	14/10/2016
08/16/00972/PRI	Variation/Waive of condition(s)	54 Dairyhouse Road, Derby, DE23 8HL	Extensions to Public Place of Worship and Religious Instruction - variation of condition 2 of previously approved planning permission DER/04/14/00492 to include the installation of additional windows to the rear elevation, an increase in the eaves height and a reduction in the ridge height of the roof	Granted Conditionally	07/10/2016
08/16/00976/PRI	Hazardous substances consents	Reckitt Benckiser UK Ltd, Sinfin Lane, Sinfin, Derby, DE24 9GG	Amendments to application DER/10/92/01115 (Continuation of use of site for storage of Hazardous Substances)	Granted Conditionally	31/10/2016
08/16/00977/PRI	Full Planning Permission	61 Kedleston Road, Derby, DE22 1FL	Change of use of first floor from showroom to four apartments (use class C3) and alterations to the elevations	Granted Conditionally	11/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/00979/PRI	Full Planning Permission	115 Alvaston Street, Alvaston, Derby, DE24 0PA	Single storey rear extension to dwelling house (lounge and enlargement of kitchen)	Granted Conditionally	06/10/2016
08/16/00983/PRI	Variation/Waive of condition(s)	Derby College, The Roundhouse, Roundhouse Road, Pride Park, Derby, DE24 8JE	Erection of catering marquee for temporary period (from May to July 2016 and from September 2016 to February 2017) - variation of condition 1 of previously approved planning permission code No. DER/03/16/00301 to permit the use of the marquee from May to July 2016 and from September 2016 to March 2017	Granted Conditionally	03/10/2016
08/16/00986/PRI	Full Planning Permission	33 Marina Drive, Spondon, Derby, DE21 7AF	Two storey side and front and single storey front and rear extensions to dwelling house (porch, garage, utility/storage area, family room, kitchen, office, bedroom and en-suite)	Refuse Planning Permission	10/10/2016
08/16/00990/PRI	Full Planning Permission	40 St. Marys Gate, Derby, DE1 3JZ	Change of use from office (use class B1) to residential (use class C3) and installation of three replacement windows to the rear elevation and a boundary wall - Amendments to previously approved planning permission code No. DER/10/15/01286 to include screen walls	Granted Conditionally	14/10/2016
08/16/00991/PRI	Listed Building Consent - alterations	40 St. Marys Gate, Derby, DE1 3JZ	Various alterations in association with change of use from office (use class B1) to residential (use class C3)	Granted Conditionally	14/10/2016
08/16/00995/PRI	Advertisement consent	Land at Traffic Street, Derby (adjacent M&S, Intu)	Display of internally illuminated freestanding double sided advertising unit	Granted Conditionally	24/10/2016
08/16/00996/PRI	Advertisement consent	Land at Traffic Street, opposite Liversage Street, Derby	Display of internally illuminated freestanding double sided advertising unit	Granted Conditionally	21/10/2016
08/16/00997/PRI	Advertisement consent	Land in front of 14 Albion Street, Derby	Display of internally illuminated freestanding double sided advertising unit	Granted Conditionally	21/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/01000/PRI	Full Planning Permission	61 Canal Street, Derby, DE1 2RJ	Change of use of ground floor from non-residential institution (use class D1) to business (use class B1)	Granted Conditionally	04/10/2016
08/16/01002/PRI	Full Planning Permission	3 Carson Road, Chaddesden, Derby, DE21 6JU	Single storey front extension to dwelling house (porch)	Granted Conditionally	10/10/2016
08/16/01003/PRI	Full Planning Permission	54 Green Lane, Derby, DE1 1RP	Installation of a new shop front	Granted Conditionally	07/10/2016
08/16/01005/PRI	Full Planning Permission	4 West Bank Avenue, Derby, DE22 1AP	Single storey rear extension to dwelling house (garden room, utility room and wet room)	Granted Conditionally	06/10/2016
08/16/01007/PRI	Full Planning Permission	82 Wiltshire Road, Derby, DE21 6EZ (Broomhalls Off Licence)	Retention of the installation of an ATM	Granted Conditionally	04/10/2016
08/16/01008/PRI	Advertisement consent	82 Wiltshire Road, Derby, DE21 6EZ (Broomhalls Off Licence)	Retention of the display of an internally illuminated ATM sign and surround	Granted Conditionally	04/10/2016
08/16/01011/PRI	Full Planning Permission	76 Friar Gate, Derby, DE1 1FN (The Greyhound PH)	Erection of a glazed canopy to the existing courtyard	Granted Conditionally	14/10/2016
08/16/01012/PRI	Listed Building Consent - alterations	76 Friar Gate, Derby, DE1 1FN (The Greyhound PH)	Erection of a metal framed glazed external canopy with retractable fabric roof panels formed within the existing courtyard	Granted Conditionally	14/10/2016
08/16/01014/PRI	Listed Building Consent - alterations	3 Vernon Street, Derby, DE1 1FR	Removal of the fire place, tile surround and hearth and installation of a multi-fuel stove and new hearth	Granted Conditionally	21/10/2016
08/16/01015/PRI	Full Planning Permission	15 Auckland Close, Mickleover, Derby, DE3 5LH	Single storey front and first floor side extensions to dwelling house (porch, garage and bedroom)	Refuse Planning Permission	06/10/2016
08/16/01016/PRI	Full Planning Permission	109 Brighton Road, Alvaston, Derby, DE24 8SZ	Change of use from dwelling house to two apartments (use class C3)	Granted Conditionally	04/10/2016
08/16/01018/PRI	Outline Planning Permission	Land at the side of 20 Leeway, Spondon, Derby, DE21 7GG	Residential development (one dwelling)	Refuse Planning Permission	10/10/2016
08/16/01020/PRI	Full Planning Permission	50 Station Road, Chellaston, Derby, DE73 1SU	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	06/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/01023/PRI	Full Planning Permission	35 Crawley Road, Alvaston, Derby, DE24 9GA	Two storey side and single storey front and rear extensions to dwelling house (porch, utility room, family room, bedroom and shower room)	Granted Conditionally	10/10/2016
08/16/01024/PRI	Full Planning Permission	14 Church Lane, Darley Abbey, Derby, DE22 1EW	Two storey and single storey rear extensions to dwelling house (kitchen/dining area and bedroom)	Granted Conditionally	12/10/2016
08/16/01025/PRI	Full Planning Permission	4 Stowmarket Drive, Derby, DE21 4SN	Single storey side extensions to dwelling (two bedrooms, bathroom, en-suite and enlargement of sitting room)	Granted Conditionally	12/10/2016
08/16/01027/PRI	Full Planning Permission	12 Queensway, Derby, DE22 3BE	Retention of the change of use of two garages and an external paved area to store cars in connection with a wedding car hire business	Granted Conditionally	12/10/2016
08/16/01028/PRI	Full Planning Permission	22 South Avenue, Littleover, Derby, DE23 6BA	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	03/10/2016
08/16/01029/PRI	Full Planning Permission	28 Railway Terrace, Derby, DE1 2RU	Retention of the installation of an ATM	Refuse Planning Permission	11/10/2016
08/16/01030/PRI	Advertisement consent	28 Railway Terrace, Derby, DE1 2RU	Retention of the display of an internally illuminated ATM surround	Refuse Planning Permission	11/10/2016
08/16/01032/PRI	Full Planning Permission	23 Parkstone Court, Mickleover, Derby, DE3 5RJ	Two storey side extension to dwelling house (hallway, cloak room, kitchen, bedroom and en-suite)	Granted Conditionally	25/10/2016
08/16/01034/PRI	Full Planning Permission	1 Olive Grove, Chaddesden, Derby, DE21 6SR	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	11/10/2016
08/16/01035/PRI	Local Council own development Reg 3	Highway verge adjacent 25 - 31 Laurie Place, Allenton, Derby	Formation of 5 parking bays	Granted Conditionally	11/10/2016
08/16/01036/PRI	Full Planning Permission	8 Pentewan Close, Darley Abbey, Derby, DE22 2BL	Two storey front and side extensions to dwelling house (store, w.c., bedroom and enlargement of kitchen, bedroom and bathroom)	Granted Conditionally	19/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/01037/PRI	Works to Trees under TPO	571 Burton Road, Littleover, Derby, DE23 6FW	Reduction of height by 4m of conifer trees protected by Tree Preservation Order No. 254	Granted Conditionally	05/10/2016
08/16/01038/PRI	Advertisement consent	6 East Street, Derby, DE1 2AU	Display of one externally illuminated fascia sign, one projecting sign and one wall sign	Granted Conditionally	11/10/2016
08/16/01041/PRI	Full Planning Permission	70 Kings Drive, Littleover, Derby, DE23 6EY	Two storey side extension to dwelling house (cloakroom, w.c, utility and enlargement of dining room, bedroom and bathroom)	Granted Conditionally	06/10/2016
08/16/01043/PRI	Full Planning Permission	29 Glendale Drive, Spondon, Derby, DE21 7DX	Two storey side and rear extensions to dwelling house (utility, w.c, enlargement of kitchen/diner, bathroom, en-suite and enlargement of bedroom)	Granted Conditionally	17/10/2016
08/16/01044/PRI	Full Planning Permission	Units A to C Chequers Business Park, Chequers Lane, Derby DE21 6AW	Enlargement of door opening and cladding of gable to building	Granted Conditionally	18/10/2016
08/16/01045/PRI	Full Planning Permission	Ground and Part of First Floor, 4-8 Osmaston Road, Derby, DE1 2HR	Change of use of ground and part first floor of IT Training Centre (use class D1) to Ice Cream Sales/ Dessert Cafe (mixed use)	Granted Conditionally	18/10/2016
08/16/01049/PRI	Local Council own development Reg 3	Warwick House, Bonsall Avenue, Derby, DE23 6JW	Installation of a two storey external platform lift at the rear of Warwick House	Granted Conditionally	18/10/2016
08/16/01050/PRI	Full Planning Permission	35 Bass Street, Derby, DE22 3BS	Change of use from a 6 bedroom HMO (use class C4) to a 7 bedroom HMO (sui generis use)	Granted Conditionally	17/10/2016
08/16/01054/PRI	Certificate of Lawfulness Proposed Use	148 Shardlow Road, Alvaston, Derby, DE24 0JS	Installation of rear dormer window	Granted	18/10/2016
08/16/01058/PRI	Full Planning Permission	6 Foxbrook Close, Littleover, Derby	Single storey rear extension to dwelling house (family room)	Granted Conditionally	18/10/2016
08/16/01060/PRI	Non-material amendment	58 Woodford Road, Derby, DE22 4EG	Amendment to previously approved application No. DER/02/16/00245 First floor side extension and single storey front and side extensions to dwelling house (garage, utility room, enlargement of bedroom and roof terrace) - to alter the roof design	Granted	06/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/01062/PRI	Full Planning Permission	84 Rosehill Street, Derby, DE23 8FZ	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	25/10/2016
08/16/01064/PRI	Advertisement consent	Wm Morrison Supermarkets Plc, Wheatcroft Way, Derby, DE21 4RY	Display of various internally illuminated and non-illuminated signage	Granted Conditionally	25/10/2016
08/16/01068/PRI	Full Planning Permission	1 Rochley Close, Oakwood, Derby, DE21 2AU	Single storey side extension to dwelling (garage) and erection of detached garage and part boundary fence	Granted Conditionally	17/10/2016
08/16/01071/PRI	Full Planning Permission	37 Station Road, Mickleover, Derby, DE3 5GH	Single storey front extensions to dwelling house (porch & WC)	Granted Conditionally	19/10/2016
09/16/01075/PRI	Full Planning Permission	37 Valley Road, Littleover, Derby, DE23 6HR	Single storey side and rear extension to dwelling house (w.c and enlargement of kitchen)	Granted Conditionally	18/10/2016
09/16/01076/PRI	Full Planning Permission	233 Osmaston Park Road, Derby, DE24 8BT	Single storey and two storey rear extension to dwelling house (3 bedrooms)	Granted Conditionally	18/10/2016
09/16/01078/PRI	Full Planning Permission	124 Vicarage Road, Mickleover, Derby, DE3 5EG	First floor extension to form two flats above hot food shop	Granted Conditionally	25/10/2016
09/16/01082/PRI	Works to Trees in a Conservation Area	Hayle Leigh, 174 Duffield Road, Derby, DE22 1BH	Crown reduction by 1.5m of Magnolia tree and re-pollarding of Cherry tree to 3m within the Strutts Park Conservation Area	Raise No Objection	06/10/2016
09/16/01083/PRI	Works to Trees under TPO	Trees at Greenwich Drive South, Mackworth, Derby, DE22 4LR	Crown lift to 3m of 5 Willow Trees and reduction of laterals by 2.5m protected by Tree Preservation Order No. 560	Granted Conditionally	27/10/2016
09/16/01089/PRI	Works to Trees under TPO	4 Fairview Close, Littleover, Derby, DE23 7SF	Crown reduction of Oak tree by 1-1.2m Protected by Tree Preservation order No. 30	Granted Conditionally	20/10/2016
09/16/01090/PRI	Full Planning Permission	25 Wardwick, Derby, DE1 1HA	Change of use from upper floor offices (use class B1) to escape room game centre (sui generis use)	Granted Conditionally	25/10/2016
09/16/01091/PRI	Full Planning Permission	7 Reculver Close, Sunnyhill, Derby, DE23 7WN	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	19/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/16/01094/PRI	Works to Trees under TPO	Trees adjacent to 2-6 Coppice Close, Darley Abbey, Derby, DE22 1EH	Various works to trees protected by Tree Preservation Order No. 58	Granted Conditionally	25/10/2016
09/16/01095/PRI	Works to Trees in a Conservation Area	35 Etruria Gardens, Derby, DE1 3RL	Felling of a Silver Birch tree within the Little Chester Conservation Area	Raise No Objection	05/10/2016
09/16/01097/PRI	Listed Building Consent - alterations	7-9 Green Lane, Derby, DE1 1RS	Alterations to construction of gable, including addition of stone coping	Granted Conditionally	25/10/2016
09/16/01100/PRI	Works to Trees in a Conservation Area	12 Arboretum Square, Derby, DE23 8FN	Felling of Holly Tree within Arboretum Conservation Area	Raise No Objection	05/10/2016
09/16/01105/PRI	Prior Approval - Householder	34 Dairyhouse Road, Derby, DE23 8HL	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	04/10/2016
09/16/01108/PRI	Non-material amendment	82 Carlton Road, Derby, DE23 6HD	Installation of side and rear dormers and ground and first floor extensions to dwelling (dining room, kitchen, wet room, three bedrooms, bathroom and en-suite) - non-material amendments to previously approved planning permission DER/03/16/00361 to amend the dining room doors, increase the depth of the study and alterations to the fenestration and roof lights	Refuse Planning Permission	10/10/2016
09/16/01110/PRI	Full Planning Permission	22 & 24 Colwyn Avenue, Derby, DE23 6HG	Two storey side extension to dwelling house (garage, two bedrooms, bathroom, en-suite and enlargement of kitchen and sitting room) to 22 Colwyn Avenue and two storey side and rear extension to dwelling house (lounge, sitting room, kitchen, dining room, utility room, three bedrooms, two en-suites and bathroom) to 24 Colwyn Avenue	Granted Conditionally	19/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/16/01111/PRI	Full Planning Permission	137 Moorside Crescent, Sinfin, Derby, DE24 9PT	Two storey side and single storey rear extensions to dwelling house (sitting room, utility room, wet room, conservatory, two bedrooms and shower room)	Granted Conditionally	20/10/2016
09/16/01117/PRI	Full Planning Permission	77 Kedleston Road, Derby, DE22 1FR	Single storey rear extension to dwelling house (utility/cloakroom and enlargement of kitchen)	Granted Conditionally	20/10/2016
09/16/01118/PRI	Works to Trees under TPO	157 Chaddesden Park Road, Derby, DE21 6HP	Felling of three Ash trees protected by Tree Preservation Order no. 489	Granted Conditionally	27/10/2016
09/16/01122/PRI	Local Council own development Reg 3	Highway verge at the rear of 23-29 Cromarty Close, Sinfin, Derby	Formation of six parking bays	Granted Conditionally	18/10/2016
09/16/01124/PRI	Local Council own development Reg 3	Highway verge either side of garage block, Dunoon Close, Sinfin, Derby	Formation of two parking bays	Granted Conditionally	18/10/2016
09/16/01126/PRI	Local Council own development Reg 3	Land adjacent, 37-45 Rothesay Close, Sinfin, Derby, DE24	Formation of six parking bays	Granted Conditionally	20/10/2016
09/16/01127/PRI	Local Council own development Reg 3	Public open space at the rear of 57-65 Sinclair Close, Sinfin, Derby	Formation of six parking bays	Granted Conditionally	20/10/2016
09/16/01133/PRI	Full Planning Permission	42A Reginald Road South, Chaddesden, Derby, DE21 6ND	Change of use from residential (use class C3) to financial and professional services (use class A2)	Granted Conditionally	21/10/2016
09/16/01134/PRI	Prior Approval - Householder	31 Haydn Road, Chaddesden, Derby, DE21 4HS	Single storey rear extension (projecting beyond the rear wall of the original house by 4.3m, maximum height 3.75m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	10/10/2016
09/16/01141/PRI	Listed Building Consent - alterations	43 Iron Gate, Derby, DE1 3FT (Lloyds Bank)	Installation of two wi-fi units with associated cabling and the installation of a sign to an existing stud wall	Granted Conditionally	26/10/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/16/01149/PRI	Full Planning Permission	2 Stroma Close, Sinfin, Derby, DE24 9LB	Extension to dwelling house (enlargement of bedrooms and en-suite) and erection of garage and store	Granted Conditionally	21/10/2016
09/16/01161/PRI	Full Planning Permission	28 Park Lane, Allestree, Derby, DE22 2DT	Erection of detached outbuilding (double garage and office)	Granted Conditionally	21/10/2016
09/16/01164/PRI	Works to Trees under TPO	45 Tredegar Drive, Oakwood, Derby, DE21 2RA	Crown reduction by 1-2m and cutting back of branches to give 2m clearance of the building of an Oak tree protected by Tree Preservation Order No 31	Granted Conditionally	26/10/2016
09/16/01168/PRI	Works to Trees in a Conservation Area	All Saints Church, Etwall Road, Mickleover, Derby	Pollarding of seven Lime trees within the Mickleover Conservation Area	Raise No Objection	19/10/2016