



**PLANNING CONTROL COMMITTEE**  
**25 February 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:

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

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 20	06/15/00809	Oaklands, 103 Duffield Road, Derby.	Demolition of former coach house and outbuilding. Alterations and change of use of building from clinic (Use Class D1) to dwelling house (Use Class C3) and erection of nine dwelling houses with associated access.	<p><b>A. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>
2	21 - 30	12/15/01478	Springfield Primary School, West Road, Spondon.	Formation of new pedestrian footpath along school playing field.	<b>To grant</b> planning permission with conditions
3	31 - 43	10/15/01277	19 Cornhill, Allestree.	Erection of dwelling house.	<b>To grant</b> planning permission with conditions
		10/15/01278	19 Cornhill, Allestree.	Part demolition of front boundary wall and erection of detached dwelling house.	<b>To grant</b> consent conditionally
4	44 - 49	09/14/01216	Land at Brook Farm, north of Oregon Way, Chaddesden. (access from Acorn Way)	Residential development of up to 275 dwellings with associated infrastructure and public open space.	<p><b>A. To authorise</b> the Director of Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
5	50 - 57	11/15/01463	Public Open Space opposite Mackworth District Centre, Prince Charles Avenue, Mackworth.	Formation of 40 car parking spaces, extension of existing footpath and ancillary works.	<b>To refuse</b> planning permission.
6	58 - 62	01/16/00046	193 Rykneld Road, Littleover.	Extensions to dwelling house (bedroom, en-suite, walk in wardrobe and enlargement of kitchen/dining room, family room, lounge, storage room) formation of rooms in roof space (bedroom, ensuite and storage) and erection of detached double garage - amendment to previously approved planning permission to enlarge the side extension.	<b>To grant</b> planning permission with conditions

**1. Application Details**

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

**Ward:** Darley

**Proposal:**

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

**Further Details:**

Web-link to application:

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

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

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

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

The Oaklands would be converted from the current office use, into a single dwelling with six bedrooms. It was originally built as a dwelling and is proposed to be converted to residential use with minimal alterations to the fabric of the building. A detached double garage is to be sited to the rear of the building, accessed from the driveway from Duffield Road. It would be a brick and slate construction, with a hipped roofline and timber doors and measures approx. 6.8 x 6.3 metres in area.

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**Application No: DER/06/15/00809**

**Type: Full**

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

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

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

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

**2. Relevant Planning History:**

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

**3. Publicity:**

Neighbour Notification Letter – 83 households

Site Notice - Yes

Statutory Press Advert - Yes

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

**4. Representations:**

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

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

**5. Consultations:**

**CAAC:**

No objections.

**Highways Development Control:**

The development proposes to build a terrace of nine dwellings, which will be served by a private road. Consequently, the development has been assessed on the basis that it should be 'fit for purpose' rather than to an adoptable standard. A 'fit for

purpose' standard means that it is considered that the layout will serve the residents adequately in terms of parking, servicing etc. It does not meet full adoptable design standards will therefore never be maintained by the Council. The cost of maintenance of the roads will need to be met by the residents using a private contractor.

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

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

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

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

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

*"Plans and decisions should take account of whether:*

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

Therefore it has to be determined if the proposed access is considered safe and suitable and if the impact will be severe? Given that it is not considered that overspill parking is likely to be an issue, the two elements to be considered are congestion and safety.

In terms of congestion the level of traffic likely to be generated by the 9 dwellings is determined by multiplying the number of dwellings with the peak hour traffic generation derived from the industry standard TRICS database. The empirical evidence from the database says that the peak hour 2-way traffic generation will be approximately 0.77 trips per dwelling. Therefore the likely peak hour traffic generation from 9 dwellings will be in the region of 7 trips in the peak hours ( for

clarity this means 7 two-way trips in the period of say 8am to 9am clearly the development will generate other trips either side of this period i.e. before 8am and after 9am, this is similar in the pm peak). Clearly this is a very low level of traffic generation which is unlikely to cause severe congestion.

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

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

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

**Highways Land Drainage:**

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

**Natural Environment:**

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

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

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

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

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

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

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

**Derbyshire Wildlife Trust:**

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

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

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

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

We would therefore advise that it likely that the assessment that has been undertaken for bats meets Government guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has now been supplied to enable the Council to make an informed decision in accordance with the guidelines and determine the application. In addition, the submission of the revised report now gives the Council confidence that a planning decision can be made having fully taken European Protected Species into account and that the Council has given regard to their obligations as set out within the Habitats Regulations 2010. In summary, no evidence of bats was found and we therefore advise the Council that no impacts on bats are anticipated as a result of the proposed development.

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

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

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

**Police Liaison Officer:**

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

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

**Historic England:**

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

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

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

Oaklands is an imposing red brick villa with a rendered façade dating from the mid 19<sup>th</sup> Century and is built in an Italianate style. The building sits in substantial landscaped grounds which include the former stables to the north-west and is located in a prominent position on the Duffield Road. In our view both the Villa and associated former stable buildings are of architectural and historic interest in the local context and both the associated grounds and ancillary buildings contribute to the overall significance Oaklands derives from its setting.

The Villa is located within the Strutts Park Conservation Area, the character of which in this area mainly derives from large villas set in landscaped grounds set back from the street and are typically enclosed by stone boundary walls. Many are fronted by

trees. Oaklands is one of these villas, which have collective group value and the villa along with its former stables and associated landscaped grounds all make a significant positive contribution to both the streetscene and Strutts Park Conservation Area.

**Impact**

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

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

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

**Policy**

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

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

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

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

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

**6. Relevant Policies: *Saved CDLPR policies***

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

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

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

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

**7. Officer Opinion:**

**Key Issues:**

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

- Policy context
- Heritage impacts

- Residential amenity
- Highways implications
- Trees and Ecology

**Policy Context**

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

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

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

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

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

A previous application (DER/12/14/01747), which was for demolition of the Oaklands and redevelopment of the whole site, with eleven detached dwellings and garages was withdrawn in March 2015. This scheme was proposing the removal of all buildings and a large number of trees from the site, which was considered to be unacceptable in the context of the conservation area, the impact on the setting of the World Heritage Site and the visual amenities of the local area.

The National Planning Policy Framework (NPPF) is very relevant to this application, since it relates to the delivery of new housing, which is a key objective of the Framework. Paragraph 14 of the NPPF provides for a “presumption in favour of

sustainable development” and paragraph 47 sets out the government’s objective to “boost significantly the supply of housing”. Sustainable development should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” or where policies in the NPPF “indicate development should be restricted.

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

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

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

#### Heritage impacts

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

Oaklands is a substantial two storey villa with a rendered façade, which dates from the mid-19<sup>th</sup> Century and is built in an Italianate style. The building sits in landscaped grounds, which comprises lawn and groups of mature trees and includes the former stables to the rear of the main building. The original grounds appear to have been truncated by 20<sup>th</sup> Century development and the western half has been hard surfaced to form a car park. The site is located in a prominent position on Duffield Road, which is key part of the Conservation Area, although the principal façade of Oaklands faces into the site and is largely obscured from the street view, by the mature trees on the site. The former villa and its associated former stable buildings are of architectural and historic interest in the Conservation Area and are an important and distinctive element of the Duffield Road street scene. They have historical significance in the local context as a good example of a Victorian villa set within landscaped grounds,

which characterise this area of Strutts Park. The buildings and the remaining landscaped garden, which is associated with the former villa make a positive contribution to the character of the Conservation Area.

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

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

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

This part of the site also contains ancillary buildings, including a former stable building, which is a substantial two storey brick building with close association to the original villa. This building is therefore of historical significance and makes a positive contribution to the character of the Conservation Area. It lies to the rear of the Oaklands, when viewed from Duffield Road and is partially obscured by the main building. It has clearly been disused for a long period of time and an application to demolish the building was refused in 2007, due to insufficient supporting evidence to demonstrate that the building could not be reused.

The proposed development includes demolition of the stable building and the other single storey ancillary building, to accommodate the housing scheme. In regard to the stable building, a structural survey, a costs report for refurbishment and an estate agent's valuation appraisal for conversion of the building to one and two dwellings have been submitted to justify the demolition of the building. The findings of the structural survey are that there is significant movement in the external walls of the

building. The costs information and valuations supplied suggest that refurbishment and conversion to residential use would not be economically viable. I note the comments of Historic England and the Council's Conservation Officer in respect to the condition of the building and the need to accord with para. 132 of the NPPF. This states that the supporting information should provide clear and convincing justification for the loss of the historic building. Having regard for the condition of the building and its significance as an ancillary building to the principal Oaklands building, I am satisfied that sufficient evidence has been provided to demonstrate that the stable building is not suitable for a viable residential conversion. Demolition of the building would amount to less than substantial harm to the character of the Conservation Area and there is convincing justification in this instance to justify the harm. The loss of the stable building would not in my opinion amount to a significant harm to the setting to the Oaklands or to the special character of the Conservation Area.

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

In accordance with para.134 the proposed development and loss of the former stable building would result in less than substantial harm to the special character of Conservation Area and the setting of the World Heritage Site. The harm needs to be weighed against the public benefits of the development, including securing its optimum viable use. There are benefits arising from the proposals, in terms of delivery of new high quality housing, to address a significant need for housing in the city; contributions towards public open space, public realm and the A6 transport corridor secured through a Section 106 Agreement; provision of a landscaping and planting scheme to enhance the visual quality and character of the site and the

removal of an unsightly car park and hard surfaced area which currently detracts from the significance of the Oaklands. The scheme would also include the formation of a defensible boundary for the retained Oaklands and its curtilage, which would provide for its residential re-use as a single dwelling. These are public benefits of the development proposal, which are material considerations in the determination of this scheme. A viable re-use of the principal building and its grounds would be delivered, allowing the site to be brought back into use. Overall, the harm to the character of the Conservation Area and setting of World Heritage Site would be satisfactorily outweighed by the specified benefits of the development. There are also substantial benefits of the scheme, in the proposed restoration of the residential use of Oaklands, with its retained landscaped grounds. The proposals are therefore considered to be in accordance with the policies of the NPPF and the saved Policies E18, E20 and E29.

**Residential Amenity**

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

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

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

29 Queen Mary Court would be adjacent to Plot 1 of the terraced row, although it is the side elevation and garage of that property, which front onto the site. The side wall of Plot 1 has window openings to toilet and landing which would face towards No.29. These are secondary windows to non-habitable rooms, which would not lead to a loss of privacy to the neighbouring property, particularly if they are obscure glazed. Obscure glazing could be secured by a suitable planning condition and would ensure a minimal loss of amenity to the residents on Queen Mary Court.

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

Highways implications

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

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

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

There has been some discussion between the applicant's highways consultant and the Highways Officer in relation to a short narrow section of highway on Queen Mary Court, just before the proposed access, which is 3.85 metres wide. Since the width of this section does not allow two cars to pass each other, a widening of the carriageway, by introducing a shared surface on this section has been suggested by the Council's Highways Officer. The highways consultant has responded that such off-site works to the highway are not necessary due to the low level of traffic to be generated by the development and because the narrow section of Queen Mary Court acts as a traffic calming measure. I note that the Highways Officer is not recommending that these works must be carried out in order to make the development acceptable in the interests of highway safety. The access provision off Queen Mary Court is considered acceptable in terms of traffic generation and highway safety, without any widening of the carriageway on Queen Mary Court being undertaken. The suggested highway improvements are optimal works, to bring this section of Queen Mary Court up to adopted standard, but they are not a requirement of a planning permission being given for the development.

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

**Trees and Ecology**

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

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

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

Two bat surveys of the buildings on the site, including an evening emergence survey for any bat activity within the buildings, have been carried out and reports submitted to accompany the application. These surveys found no evidence of bats roosting within the buildings and low potential for bats to occupy the buildings. Derbyshire Wildlife Trust (DWT) is satisfied with the findings of both reports and concludes that there is no requirement for further work to be undertaken in regard to bats, as part of the application. The submitted surveys have fulfilled the requirements of the Habitat Regulations and the NPPF, in assessing the potential for protected species, which may be affected by the proposal. The objectives of Policies E5 and E7 would also be satisfactorily met by the proposal.

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

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

- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

**Summary of reasons:**

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

**Conditions:**

1. Standard condition (three year time limit)
2. Standard condition (specified approved plans)
3. Standard condition (external materials to be agreed for the garage and new housing development)
4. Details of window and door joinery for the housing development to be submitted for approval.
5. Standard condition (boundary treatment, including details of retaining walls within the development)
6. Standard condition (landscaping scheme, including details of surfacing of shared driveway, native species planting and hedge planting along boundary between housing development and Oaklands)
7. Standard condition (implementation and maintenance of landscaping scheme, approved under condition 6)
8. Tree protection and Constraints plan for all trees and vegetation to be retained in line with BS5837:2012 to be submitted and approved and implemented before development commences and retained for the period of construction.
9. Before demolition of ancillary buildings, including stable building, a scheme of building recording of those buildings to be carried out and the recording report to be submitted for approval.
10. Surface water drainage scheme for the development, to include details of SUDs features, to be submitted to and approved before development commences.
11. Construction Management Plan to be submitted for approval

12. The side elevation windows to Plot 1 to be obscure glazed and retained for life of development.
13. Construction details for the driveway and access onto Queen Mary Court to be submitted for approval.
14. No dwelling to be occupied until parking and turning areas for the nine dwellings have been laid out and made available for use and only to be used for parking, turning and unloading.
15. Parking and turning areas to be constructed with provision to prevent discharge of surface water from the driveway, parking and turning areas onto the highway.
16. No dwelling to be occupied until visibility splays are provided as shown on the approved plan and to be kept free of obstruction at all times.

**Reasons:**

1. As required by Sections 91-92 of the Town and Country Planning Act 1990
2. For the avoidance of doubt.
3. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
4. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
5. To ensure a satisfactory external appearance of the development and preserve the character of the conservation area – Policies GD4, E18 & E23
6. In the interests of visual amenity and to enhance the character and appearance of the surrounding townscape and the conservation area – Policies GD4, E17, E18 & E23
7. In the interests of visual amenity and to enhance the character and appearance of the surrounding townscape and the conservation area – Policies GD4, E17, E18 & E23
8. To protect trees and other vegetation on and adjoining the site during the course of construction to preserve the character and appearance of the conservation area – Policies GD2, E9 & E18
9. To safeguard historic and architectural interest of the ancillary buildings on the site, which are of significance to the character of the conservation area – Policy E18
10. To provide satisfactory drainage arrangements to minimise flood risk for users of the site and the wider area – Policy GD2 & GD5
11. To protect the amenities of nearby residential properties – Policy GD5
12. To protect the amenities of adjacent residential properties Queen Mary Court – Policy GD5
13. In the interest of highway safety – Policy T4

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**Type: Full**

14. To ensure parking and turning provision is available for occupiers of development to prevent parking on the highway – Policy T4
15. To ensure surface water is not deposited on the highway in interest of highway safety – Policy T4
16. In the interest of highway safety – Policy T4

**S106 requirements where appropriate:**

Agreed Section 106 contributions are as follows:

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

**Application timescale:**

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

**Classification: OFFICIAL**

**Committee Report Item No: 1**

**Application No: DER/06/15/00809**

**Type: Full**



**Classification: OFFICIAL**

**1. Application Details**

**Address:** Springfield Primary School, West Road, Spondon.

**Ward:** Spondon

**Proposal:**

Formation of new pedestrian footpath

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 99138>

This application relates to Springfield Primary School, located off West Road and to the west of Marina Drive in Spondon. The school occupies a large site set predominantly to the rear of the residential properties located along West Road and Marina Drive. It is accessed via a private driveway located off West Road of which leads to a large car park to the front of the school. The school building is located in the south eastern corner of the site, with the sports playing field directly adjoining the school building. To the far northern end of the site is an open field separated off from the school. While the northern field is owned by the school it serves no formal use for outdoor recreation by the school, but appears to be unofficially accessed from a break in the fence line off the adjacent public footpath. This area of land is mostly unmaintained grass and scrub land with vegetation along the perimeter boundaries. The public footpath (off Royal Hill Road) - known as 'Spondon No.7' - runs parallel to the northern site boundary.

Land levels generally slope down from a southerly to northern direction. The northern field is approximately 2m lower than the southern field with a distinct land bank feature separating the two areas. At this land bank juncture is a green weld mesh 2.5m height fence running the entire width of the site that divides the northern and southern fields. The southern field is the main sports field used by the school and is an area of maintained grass with sports pitch markings. Along the eastern boundary of the northern field, the means of enclosure comprises of a 2.5m high mesh fence with scrub vegetation growing and covering up to 1- 1.5m of the fencing. To the southern field, the mesh fence continues along the eastern boundary, adjacent to the rear curtilages of Marina Drive properties. This area of the application site is generally more open with far less vegetation along the boundary and low level fencing and trellising directly behind the school mesh fencing.

**Proposal**

Full planning permission is sought for the formation of 190 linear metres and 1.8m width of new pedestrian footpath to serve Springfield Primary School only. The proposed footpath will run approximately 6m from the east boundary and connect to the Spondon No.7 footpath from the north and continue up to the main school building to the south. The proposed path also includes a 25m section of upgrade to the main public footpath, to be widened, levelled and re-surfaced. The footpath surface finish will be tarmac with concrete edgings to match existing footpaths

**Committee Report Item No: 2**

**Application No: DER/12/15/01478**

**Type: City Council  
Development**

within the school grounds. Due to the site topography (between the north and south fields) an area of cut and fill ground works would be necessary, creating a gradient of 1:10, as shown on the layout and section plan drawing number 33484-05.001 A.

The proposed pedestrian path would not be a public footpath, rather the intended use is for an alternative access point for parents/carers dropping off and collecting pupils from school. A lockable gate would be incorporated where the existing weld mesh fence exists between the northern and southern fields. This would be opened at the start and end of the school day (between 08:35 – 09:05 and 15:10 – 15:40 only).

**2. Relevant Planning History:**

<b>Application No:</b>	03/14/00315	<b>Type:</b>	Local Council own development Reg 3
<b>Status:</b>	Granted conditionally	<b>Date:</b>	10/06/2014
<b>Description:</b>	Erection of classroom block (4 classrooms), formation of parking spaces and play area.		
<b>Application No:</b>	02/12/00140	<b>Type:</b>	Local Council own development Reg 3
<b>Status:</b>	Granted conditionally	<b>Date:</b>	05/09/2012
<b>Description:</b>	Extension to school (classroom), formation of car park, access, playground and landscaping		
<b>Application No:</b>	07/08/01082	<b>Type:</b>	Local Council own development Reg 3
<b>Status:</b>	Granted conditionally	<b>Date:</b>	16/09/2008
<b>Description:</b>	Extension to school (office, toilets and waiting area)		
<b>Application No:</b>	01/07/00010	<b>Type:</b>	Local Council own development Reg 3
<b>Status:</b>	Granted conditionally	<b>Date:</b>	27/02/2007
<b>Description:</b>	Installation of cycle shelter		
<b>Application No:</b>	06/00/00631	<b>Type:</b>	Local Council own development Reg 3
<b>Status:</b>	Granted conditionally	<b>Date:</b>	30/06/2000
<b>Description:</b>	Extension to school (assembly hall and conversion of existing class room to form servery kitchen)		

**3. Publicity:**

Neighbour Notification Letters to properties surrounding the school site

Site Notice displayed on street furniture

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

**4. Representations:**

37 letters of objection have been received. The main points/comments raised include:

- Inconsiderate parents are the cause of this application
- Traffic survey inadequate
- Scheme will increase parking problems rather than alleviate them
- No mention of traffic management
- Additional parking requirements not addressed
- Council spending 86k is waste of public funds
- The walking bus is by far the best idea
- Royal Hill Road is a narrow and single carriageway
- Already traffic build ups in the locality
- Transference of one chaotic area to another
- Negative impact on traffic flows in Royal Hill Road
- Strict parking restrictions should be applied
- The footpath will cause access problems for surrounding residents.
- Parents parking to pick up and drop off would park thoughtlessly on the road, pavements and grass verges on all three roads to get as close to the gate as possible, compounding the traffic problems
- No road markings around the area would be hazardous
- Additional traffic and congestion
- The general socialisation that occurs before and after school. This presents a most dangerous feature of the proposal a small social area right beside the bend and road junction
- By increasing the streets cars can use, it makes it easier for parents to drive their children to school
- A big thank you to the council for blocking yet another road in Spondon. What a master stroke moving a problem from one area to another
- The surrounding Streets, Locko Road, West Road, Sunningdale, Church Street would suffer increased congestion

Four letters of support have been received, who welcome the provision of the proposed route.

**5. Consultations:**

**Highways Development Control:**

This is just one of the measures that the school are promoting to try and address the concerns of local residents and parents about congestion and inconsiderate parking

on West Road. These issues occur for a short time at the start and finish of each school day, in part due to the proximity of the entrance to West Park School as well as Springfield Primary School. Drawing 33484-05.001 A shows a 1.8m wide path whilst this is not wide enough for two wheelchairs to pass one another comfortably, it is considered acceptable as it is more than wide enough for a pedestrian to pass a wheelchair user or someone with a pushchair.

The drawing also shows a section of the path having a gradient of 1 in 10. There is general agreement that an 8 % or 1 in 12 gradient is the maximum that should be used; anything greater than this will cause difficulties for wheelchair users. It is therefore suggested that the design should be modified to achieve this. It is considered that this path will provide a convenient and attractive pedestrian route for anyone living in this area of Spondon, but because of its length and gradient is unlikely to attract those parents that currently want to drive and park as close as possible to the school entrance. As part of a package of measures it is hoped it will help reduce the pressure on West Road and encourage more walking to school.

Other initiatives to address people's concerns about congestion and inconsiderate parking on West Road include:

- Provision of enforceable 'School Keep Clears' on West Road
- Bollards to prevent footway parking at the junction with Devas Gardens with West Road
- School Parking Campaigns involving Local Councillors, Neighbourhood Officers, Police and Fire Service
- Additional Civil Enforcement Officer time to provide advice, funded by the Neighbourhood Board
- Protective entrance markings to highlight residents' driveways to deter obstruction, part funded by the Neighbourhood Board
- Road safety education and cycle /scooter training in the school

Subject to concerns about the gradient being addressed no objection

**Natural Environment:**

The proposal for the formation of a new pedestrian footpath along school playing field at Springwood Primary School, West Road, Spondon consists of the upgrading of part of the existing Public Footpath Number 7 Spondon and the formation of a permissive school path which connects the public footpath and the school. The upgrading of the public footpath with a surface more suitable for its use is welcomed, along with the provision of a new permissive path which will provide an alternative access to the school which will be more convenient for some pedestrian users.

**Police Liaison Officer:**

All things considered I don't think that establishing a formal footpath here would add to community safety problems, provided that the newly formed access gate is kept secured as stated within the accompanying design statement, and is kept under supervision whilst open. There is evidently some concern regarding access from the

existing adopted footpath into garden land around the end property on Marina Drive. The existing hedging and high chain link fence for properties which back onto the proposed route are seen as adequate for the context. We would usually ask for any newly formed footpath to be brought to adoptable standards, but as this one is for a specific purpose which is unlikely to be widely used out of daylight hours, I don't think it's reasonable to ask for the path to be lit. It appears that the path already forms part of a circular dog walking route, so public access onto the northern field might be seen as partially established. There is a fair amount of dog faeces around the line of the intended pathway, so a condition of approval for a dog waste bin, or bins would be beneficial.

**Sport England:**

Any response will be reported orally at the meeting.

**Land Drainage:**

The footpath will add additional impermeable ground cover and thus will increase the volume of surface water runoff. However, the design has proposed a suitable SUDS scheme to manage the additional runoff in adjacent French drains, to discharge to school fields. This would be the natural runoff destination in the current scenario. The applicant should note however that the French drain is likely to require a degree of maintenance throughout its design life. This may include removing and cleaning the single sized aggregate to ensure that it doesn't become blockade with sediment. As such, the Land Drainage and Flood Defence Team have no objection in principle to this application.

**6. Relevant Policies: *Saved CDLPR policies***

GD1	Social Inclusion
GD4	Design and the Urban Environment
GD5	Amenity
LE1	Protection of Parks and Open Space
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
L6	Sports Pitches and Playing Fields
L1	Protection of Parks and Open Space

*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.

- Visual amenity of the footpath
- Impact on residential amenity
- Impact on sports playing field provision
- Highway Implications

**Context**

The rationale behind the proposal is to address the need for an alternative accessible pedestrian link to the school. Within the submitted Design and Access Statement reference is made to the underlying reason for the scheme: "to alleviate the problem of congestion to the principal school entrance along West Road". During times of school opening and closing, there is significant congestion on or around West Road which is compounded by the fact that West Road also experiences movement of pupils from West Park School. Moreover, St Werburgh's School is also near, off Chapel Street, which contributes to school time parking issues in the locality. A pragmatic approach ought to be taken when determining this application, in so far as the proposed alternative pedestrian access aims to *reduce and disperse* parking away from West Road and surrounding roads. It does this by offering parents/carers another means of access to the school at specified drop off and collection times. What the proposed path would not do is completely solve school time parking congestion in the locality.

**Visual amenity of the footpath**

The proposed footpath across the school fields would be straight in form and economically functional in appearance. The path is required to have a degree of structural permanence, in order to provide for the needs of this specific user group and therefore the surface finish will be tarmacadam with concrete edgings. A route of this length (190m) would inevitably result in some visual intrusion in the open setting of these two fields, but it should be borne in mind that the land which the path would cross is not public open space. However, the path would be partly visible from small sections of the Spondon No.7 public footpath. It would also be seen from within the northern field itself, which appears to be unofficially used by dog walkers. An unrepaired break in the fence line appears to be breached and unofficial access gained where the northern field meets the Spondon No.7 public footpath. Notwithstanding the above, I consider the visual prominence of the footpath is very minimal because of the secluded location of the fields, well screened dense vegetation / trees along the perimeter boundaries and undeviating nature of the footpath.

**Impact on residential amenity**

The physical use of the footpath, for specific periods of time in the morning and afternoon, would result in parents/carers occupying parts of the school grounds that hitherto have remained inaccessible. Due to the proximity of the rear aspects of

properties along Marina Drive to the proposed line of the footpath, amenity impacts are materially relevant. The 6m distance from the footpath edge to the rear curtilages of Mariana Drive properties is required to facilitate a straight and undeviating path line from the rear school block to the public footpath to the north. When used, the section of path occupying the southern field may result in a degree of overlooking to the rear aspects of No's 18-30 Marina Drive. This is because many of those rear curtilage boundaries contain low level fence / trellis boundaries with minimal landscaping or vegetation.

Furthermore, the intersection between the northern and southern field would result in a sloped (1:12) gradient to offset the land height differences between the two fields. As a result, the higher section of the footpath may permit intermittent views toward the rear aspects of Mariana Drive properties, but this would only be partial and glimpsed. Where the section of path would run through the northern field, a margin of land rises upward by 1-2m between the proposed footpath and rear garden boundaries of Mariana Drive properties. Much of this boundary benefits from hedge and vegetation screening, so overlooking issues would be minimal. Consideration should also be given to the actual use of the footpath in context of the amenity impacts. It is proposed to facilitate access during brief periods of time during the morning (08:40 – 09:05) and afternoon (15:20 – 15:35) in accordance with school opening and closing times. Therefore this would not be a continuous footpath through route and so given it's very limited use I do not consider that any undue amenity effects would ensue. Finally, there is currently no requirement for external vertical lighting and it is unlikely to be necessary given the times of use during daylight hours.

**Impact on sports playing field provision**

The development will intrude upon an area which forms part of a playing field, thus Sport England have been consulted. There would be a minor encroachment onto the main usable playing field area from the construction of the footpath. However, subject to the development being implemented in accordance with the submitted details and the extent of intrusion onto the playing field being no greater than that shown on the application drawings, then it is judged that this element of the proposal would not materially compromise the continued use of the school's playing field, and that overall the development would accord with Exception E3 of the playing fields policy.

**Highway Implications**

The submitted plan drawing shows a linkage to the public footpath and upgrading dropped kerb/tactile paving at the Royal Hill Road junction, which are acceptable in highway terms. Where the road bends, there is still good pedestrian visibility in both directions of Royal Hill Road for users to enter and exit the public footpath. While the proposed path would be 1.8m wide and not wide enough for two wheelchairs to pass one another comfortably, this secondary access path is considered acceptable as it is more than wide enough for a pedestrian to pass a wheelchair user or someone with a pushchair. An amended plan drawing now shows the central section of the path at a 1 in 12 gradient, in accordance with recommendations by Highways DC, to enable ease of use.

As stated in section 5 of the report, the proposed footpath is one of a package of measures to help reduce school time parking pressures on West Road and nearby streets, as well as encourage more walking to school. I have noted the objection comments from the neighbour consultation and the wider issues of traffic/congestion along West Road. The existence of both the primary and secondary school in close proximity to one another is an existing situation and the cul-de-sac nature of West Road only serves to accentuate the ad-hoc parking situation at school drop-off and collection times. The extent of vehicular activity is at its most fervent between 08:10 and 08:40 and again between 15:00 – 15:35.

It is worth re-iterating the point that the proposed alternative pedestrian access aims to *reduce and disperse* parking away from West Road and surrounding roads. It does this by offering parents/carers another means of access during specified drop off and collection times. What the proposed path would not do is solve school time parking issues in the locality. Yet, the proposal has the potential to take some parking away from West Road and nearer toward the proposed footpath access. This would not necessarily mean that parking problems are transferred elsewhere, as substantially fewer numbers of parents driving to and from the school are likely to utilise the proposed access path. Practically speaking, the time taken to walk the 230m route and weather conditions will deter a number of people from using the path. Therefore the levels of parking around the Royal Hill Road locality are unlikely to be significantly high. Moreover, if, when and where parents do park in the vicinity of Royal Hill Road, this will be for very short periods of time only. In that sense, it becomes difficult to argue that the proposed pedestrian path would result in significant adverse effects on the local highway network.

On balance, and in my opinion, the qualitative need for a secondary access point to Springfield Primary School outweighs any harm that may arise due to differing levels of traffic and parking near to or on Royal Hill Road. Based on the above assessment, it is considered that the development would be acceptable against the provisions of relevant Local Plan policies and a recommendation is given to grant planning permission.

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

**To grant** planning permission with conditions.

**Summary of reasons:**

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as written above. The proposed pedestrian footpath would be an acceptable form of development that would provide additional access to the school site and is considered to be acceptable, on visual amenity, residential amenity and highway grounds.

**Conditions:**

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved amended plans only)
3. Unique reason (further details of road markings at dropped kerb access point)

**Classification: OFFICIAL**

**Committee Report Item No: 2**

**Application No: DER/12/15/01478**

**Type: City Council  
Development**

**Reasons:**

1. Standard reason E56 (time reason)
2. Standard reason E04 (avoidance of doubt)
3. Standard reason E14 (pedestrian safety)

**Informative Notes:**

None

**S106 requirements where appropriate:**

None

**Application timescale:**

The target date for the determination of the application expired on 15 February 2016. An extension of time has been agreed for the application to be determined by the 29 February 2016.

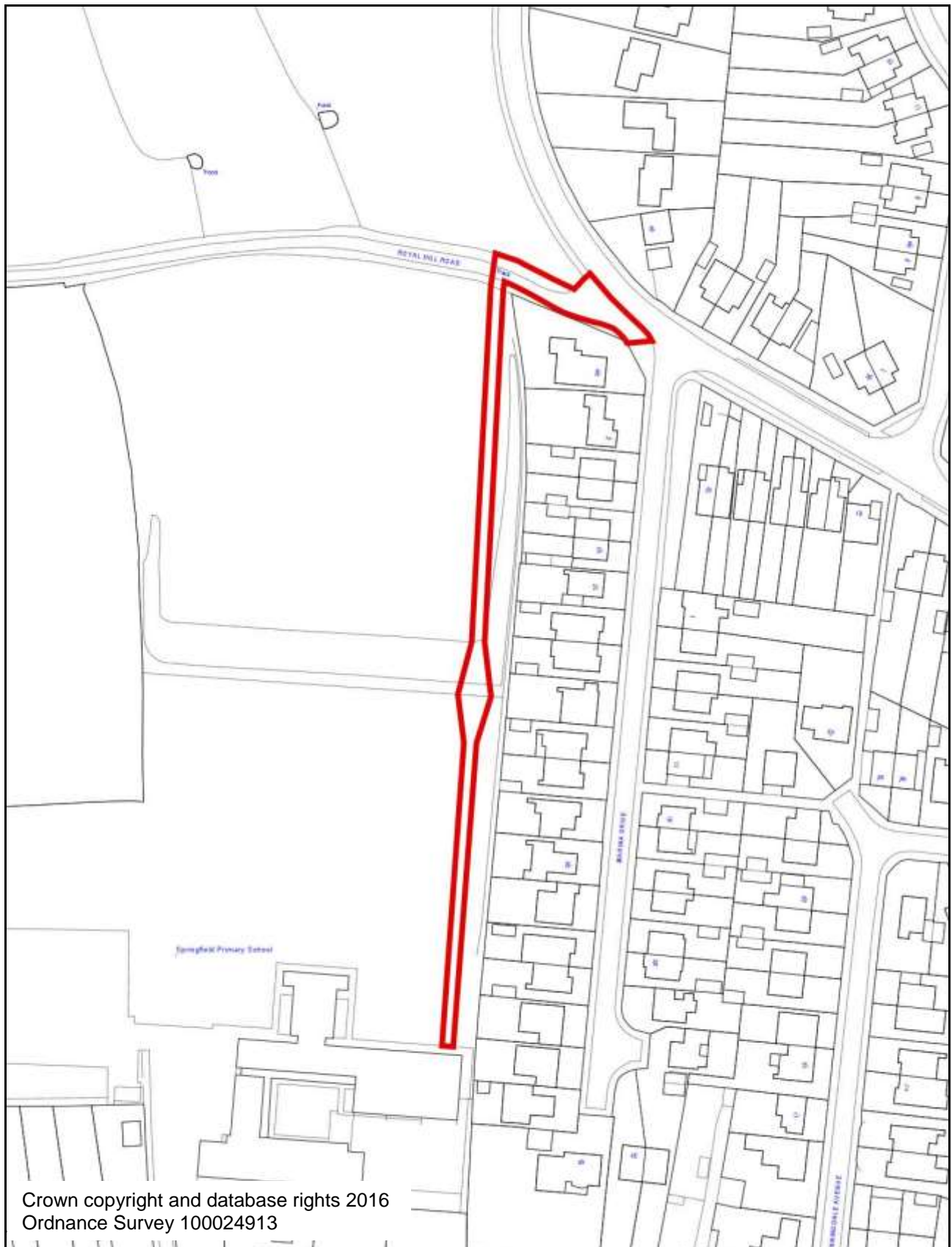
**Classification: OFFICIAL**

**Classification: OFFICIAL**

**Committee Report Item No: 2**

**Application No: DER/12/15/01478**

**Type: City Council  
Development**



**Classification: OFFICIAL**

**1. Application Details**

**Address:** 19 Cornhill, Allestree.

**Ward:** Allestree

**Proposal:**

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

**Further Details:**

Web-link to applications:

**10/15/01277:**

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

**10/15/01278:**

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

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

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

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

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

**Classification: OFFICIAL**

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**

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

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

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

**2. Relevant Planning History:**

**Application No:** 03/15/00307

**Type:** L B C alterations and demolition

**Status:** Not Determined

**Date:**

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

**Application No:** 03/15/00306

**Type:** Full Planning Permission

**Status:** Not Determined

**Date:**

**Description:** Erection of two dwelling houses

**Application No:** 12/14/01634

**Type:** L B C alterations and demolition

**Status:** Withdrawn Application

**Date:** 27/01/2015

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

**Application No:** 12/14/01633

**Type:** Full Planning Permission

**Status:** Withdrawn Application

**Date:** 27/01/2015

**Description:** Erection of two dwelling houses

**Application No:** 12/14/01660

**Type:** Works to Trees in a Conservation Area

**Status:** Raise no objection

**Date:** 20/01/2015

**Description:** Felling of various trees within the Allestree Conservation Area

**3. Publicity:**

Neighbour Notification Letter - 44

Site Notice - Yes

Statutory Press Advert - Yes

Discretionary Press Advert

Other

**Classification: OFFICIAL**

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**

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

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

**5. Consultations:**

**CAAC:**

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

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

**Highways Development Control:**

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

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

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

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**

**Natural Environment:**

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

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

**DCC Archaeologist:**

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

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

**Historic England:**

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

**6. Relevant Policies: *Saved CDLPR policies***

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

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

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

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

**7. Officer Opinion:**

**Key Issues:**

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

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

**Policy Context**

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

Policy E18, seeks to ensure that new development preserves the special character and appearance of the Conservation Area. New buildings should enhance the Conservation Area in terms of their siting and alignment of buildings, materials used and the mass, scale and design. Under Policy E19, development proposals should not have a detrimental impact on the special architectural and historic interest of the character or setting of listed buildings. Proposals for alteration or demolition affected listed buildings, should also not result in a significant loss of historic fabric, unless it has been justified by means of an impact assessment.

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

The NPPF requires Local Authorities to make provision for the development of new housing, where there is an absence of a five year housing land supply. The city does not have a five year supply of available housing land. Under paragraph 14, there is a presumption in favour of sustainable development, unless the benefits are outweighed by significant and demonstrable harm which would result from the development. The development site is in a sustainable location, in the urban area and is located within a residential setting. The principle of developing the site for

housing would be consistent with the objectives in the NPPF provided that there would be no significant harm arising from the proposal. In this case the impact of the development on the heritage assets on and around the site would need to be considered.

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

#### Heritage Impacts

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

The proposed dwelling and garage/ car port is to be sited to the rear of the listed cottage and the adjacent 17 Cornhill and would therefore have an impact on the setting and special character of the group of listed buildings on Cornhill. The development would take up over half of the overall curtilage of the property and the retained garden area for 19 Cornhill would be relatively small. The proposed boundary with the new dwelling would be in line with the rear boundary wall of No. 17. The main test is considered to be whether it is acceptable in principle, to develop the rear garden of the listed cottage for residential development.

The area of garden to be developed does not appear to have any historic significance in its own right, except that it forms the setting of the cottage and the neighbouring listed buildings at 11 to 17 Cornhill. It is primarily made up of lawn, a small group of trees and hedges. There is also a modern detached garage to the side of the main listed building. The retained curtilage for the listed dwelling would be comparable with the size of gardens of the adjacent listed properties and would not in my opinion sever any historic features within the garden from the main building. It is not uncommon for development to occur within the curtilage of listed buildings, where this would not be detrimental to the setting and special character of the building.

The front of the new dwelling would be positioned on a similar alignment to the rear section of the cottage. It would give the appearance of a short row of buildings, stretching back from Cornhill and the new building would not project beyond the

principal elevation of the listed dwelling. Due to the falling land level behind the main building, the finished floor level of the new dwelling would be lower than the existing buildings on Cornhill. It is proposed to be at two levels, to reflect the contours of the site. The proposed garage/ car port would be located in the southern corner of the site, at a lower level again and the furthest distance from the listed cottage.

The design and form of the new proposed dwelling would have the appearance of a traditional cottage, with a linear form and two storey scale. A rear projection would be single storey in height and subordinate to the main building. It is proposed to use brick and tile for the construction and arched brick lintels. The garage and car port would be of a similar form and materials, simple appearance and discretely sited towards the rear of the site.

Objections have been raised to the development by the Council's Conservation Officer and Conservation Area Advisory Committee (CAAC) on the grounds of the adverse impact of the development on the setting of nearby listed buildings and on the character of the Conservation Area. In my opinion, the proposed design, form and layout of the residential development would cause less than substantial harm to the setting of the affected listed buildings. The new buildings are to be located behind the group of listed properties on Cornhill and at a lower floor level, such that they would not significantly detract from their group value and historic significance. The proposed dwelling would be sited a minimum of 25 metres from the road frontage of Cornhill, obscured by the existing two and three storey listed buildings and by the retained trees on the frontage. The development would not be clearly visible from Cornhill and be subordinate in appearance to the nearby listed buildings. The impact of the development on the Conservation Area is therefore likely to be neutral. The impact on the nearby listed buildings on Cornhill would not in my opinion cause significant harm to their historic significance or group value.

The proposed development of the site, would also involve the demolition of a modern garage, adjacent to the main dwelling and removal of part of the stone boundary wall on Cornhill, to widen the vehicular access. The loss of the garage would amount to an enhancement to the setting of the listed cottage, since it is a modern structure and of limited architectural merit. The removal of a section of about 1.2 metres of the stone wall would impact on the historic curtilage of the listed building. These works would cause harm to the special character of the building, since the wall appears to be an historic boundary fronting Cornhill. Objections have been made to the part demolition of the wall, by the Conservation Officer and CAAC on the basis that it is a prominent feature and an important feature of the listed curtilage. However, I note that the proposed demolition would affect a relatively small section of the wall alongside the existing access and part of it would be rebuilt to form visibility splays. It is not uncommon for boundary walls to listed buildings, to be altered to accommodate modern highway standards for vehicular accesses and in this case a large proportion of the wall would not be affected by the proposed works. The overall character and appearance of the stone wall would not in my opinion be undermined by the proposed alterations. This aspect of the proposals would not therefore be detrimental to the character of the Conservation Area and would not cause significant harm to the significance and setting of the listed building.

The statement submitted in support of the application states that the development of the rear curtilage would provide funds to undertake restoration and improvements to the listed cottage on the site. The cottage is vacant and appears to be in a poor condition so its renovation would be welcome. In order to ensure that there is some public benefit, by way of restoration works to the listed building, it is reasonable to attach a planning condition to secure a scheme of works for the cottage, following development being carried out.

Overall, I am satisfied that the proposed residential scheme, due to its siting, scale and design, would not result in a loss of historic significance of the adjacent listed buildings on Cornhill and it would preserve the character and appearance of the Conservation Area, in accordance with the provisions of GD4, E18 and E19. The policies of the NPPF in regard to the protection of built heritage are also considered to be met.

**Residential Amenity**

The development is to be sited on a backland plot to the rear of dwellings on Cornhill and to the north of post-war dwellings on Park View Close. The principal elevations of the building would be positioned at a right angle to the adjacent dwellings on either side of the plot, which reduces the potential for overlooking and loss of privacy to the nearby properties on Cornhill and Park View Close. The front elevation of the building would face towards the shared boundary with 21 and 21a Cornhill, at a distance of approx. 10 to 12 metres. This is an adequate distance from those properties to avoid unreasonable overlooking.

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

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

Highways implications

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

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

Trees

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

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

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

**DER/10/15/01277:**

**To grant** planning permission with conditions.

**Summary of reasons:**

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

**Conditions:**

1. Standard condition (3 year time limit)
2. Standard condition ( approved plans condition)
3. Standard condition (details of external materials)
4. Standard condition (details of means of enclosure, including any retaining walls)
5. Standard condition (landscaping scheme, include retention of trees)
6. Standard condition (implementation and maintenance of landscaping scheme approved under condition 5)
7. Standard condition (tree constraints and tree protection plan for retained trees in accordance with BS5837:2012 to be agreed and implemented during construction)
8. Development shall not be brought into use until pedestrian visibility splays 1 metre x 1 metre at the vehicular access to be provided and areas within the splays to be maintained at no more than 0.6 metres above ground level.
9. The shared driveway to be laid out to a width of no more than 4.25 metres for at least 5 metres back from the highway. Vehicle parking and turning areas shall not be used for any purpose other than for parking and turning of vehicles.
10. The driveway to be constructed to prevent surface water discharging onto the public highway and retained for life of development.
11. The living room window opening on the south facing end elevation of the dwelling to be obscure glazed and retained as such for life of development.
12. Window and door joinery details and sections to be agreed for the proposed dwelling and implemented.

**Reasons:**

1. As required by Sections 91-92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**

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

**Informative Notes:**

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

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

**DER/10/15/01278:**

**To grant** listed building consent with conditions:

**Conditions:**

1. Standard condition 03 (3 year time limit)
2. Standard condition 100 (approved plans)
3. Before any works to the stone boundary wall are carried out, precise details to be submitted of the making good of the retained wall and construction of the new sections of wall, including elevation drawings to a scale of 1:20 or 1:50.

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**

4. Before occupation of the dwelling, a scheme of repair and restoration works for the listed building, 19 Cornhill, to be submitted for approval and implemented in accordance with agreed timetable.

**Reasons:**

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

**Application timescale:**

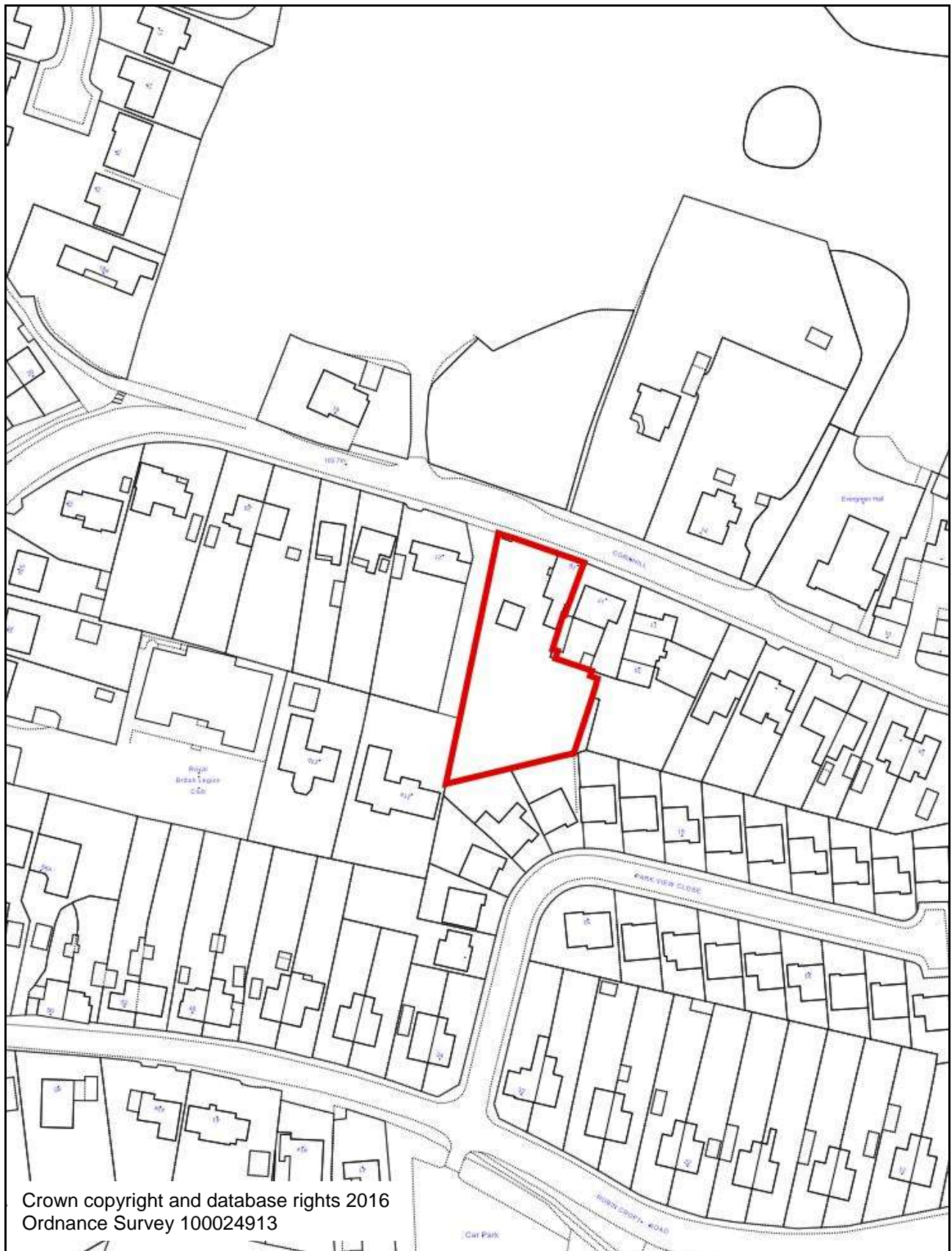
The target date for determination of the applications expired on the 10 December 2015 and an agreed extension of time has been given until 29 February 2016.

**Classification: OFFICIAL**

**Committee Report Item No: 3**

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

**Type: Full & Listed Building**



**Classification: OFFICIAL**

**Committee Report Item No: 4**

**Application No: DER/09/14/01216**

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

**1. Application Details**

**Address:** Land at Brook Farm, north of Oregon Way, Chaddesden.

**Ward:** Chaddesden

**Proposal:**

Residential development of up to 275 dwellings, with associated infrastructure, new vehicular access and public open space

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 97041>

Further to the resolution of the committee on the 14 January 2016 not to refuse outline planning permission for the proposed residential development of up to 275 dwellings, Members of the committee were minded to grant permission, subject to appropriate planning conditions and obligations to be secured via a Section 106 Agreement. A set of recommended conditions and Section 106 Heads of Terms is set out in Section 8 of this report.

The Heads of Terms to secure various financial contributions and on-site provision have been agreed in principle with the applicant. Provided Members are in agreement, the Section 106 Agreement will be finalised prior to the decision being issued.

The previous committee report presented at the last meeting is attached to this agenda. Members are referred to that report for an appraisal of the application.

**2. Relevant Planning History:**

See previous report. (Appendix A)

**3. Publicity:**

Neighbour Notification Letters – 228 letters

Site Notice

Statutory Press Advert

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

**4. Representations:**

See previous report. (Appendix A)

**5. Consultations:**

See previous report. (Appendix A)

**6. Relevant Policies:** See previous report. (Appendix A)

**7. Officer Opinion:**

**Key Issues:**

See previous report. (Appendix A)

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

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

**Summary of reasons:**

The proposed residential development would be acceptable in principle and be capable of forming a satisfactory form of development and high quality living environment on this green field site, , subject to compliance with the attached conditions and the provision of a detailed and comprehensive design and layout for the site. Having regard to the adverse impact on the Green Wedge, the proposal would deliver a significant amount of new housing to contribute towards the city's five year housing need and the site is considered appropriate for residential development. In the opinion of the Local Planning Authority, there are no significant adverse highway safety implications associated with the proposed means of access onto Acorn Way, subject to details of the construction and design being agreed by condition. The environmental impacts of the scheme, in regard to ecology and landscape features, flood risk and drainage and archaeology are not considered to be significant, subject to suitable mitigation to be secured by planning conditions.

**Conditions:**

1. Standard condition (Time scale of three years for outline permission)
2. Standard condition (Reserved Matters details, with exception of means of access)
3. Standard condition (Approval of specified plans)
4. The landscaping details to be approved under Condition 2 to include details of tree and shrub planting, hard surfaced areas, boundary treatments, re-grading or re-contouring of the land, retaining structures and earthworks, signage and street furniture, programme for implementation and phasing.
5. The landscaping details to be approved under Condition 2, to include a landscape management plan. The landscaped areas shall be implemented and then maintained in accordance with the plan. Planting to be replaced during next planting season.
6. A tree and hedgerow protection scheme to include details of protection measures during construction to be submitted for approval and implemented.
7. No tree or hedgerow to be cut down, uprooted or destroyed, topped, lopped or pruned other than in accordance with the approved tree and hedgerow

protection scheme and landscaped management plan. Any removed to be replaced in accordance with agreed details.

8. No development until a detailed scheme of ecological mitigation and enhancement has been submitted for approval.
9. During construction, the ecological scheme to be approved under Condition 8, to include measures for the protection of existing wildlife habitats, including Lees Brook wildlife site, plus a 5 metre buffer zone around that area and measures for avoiding disturbance to protected species and nesting birds.
10. Following completion of the development, the ecological scheme to be approved under Condition 8 to define areas to be retained and managed as wildlife areas, including Lees Brook wildlife site and all retained hedgerows, detailed proposals for the treatment and enhancement of those areas, including landscaping, lighting and public access, with timetable to be agreed for implementing the works and long term management.
11. No development until details of a surface water drainage scheme for the site, based on Sustainable Urban Drainage principles (SUDs), to include details of surface water run off to Lees Brook, not exceeding greenfield run-off rate and details of the long-term management and maintenance of the surface water drainage system to be submitted for approval and implemented.
12. No development until details of a flood plain compensation scheme to prevent an increase in off-site flood risk and include details of the 1 in 100 year plus climate change flood level and details of any building, engineering or other works within that area have been submitted for approval. Within that area no building or enclosure and no ground level shall be raised or obstruction to flood flows created.
13. No development until details showing all existing and proposed ground levels across the site relative to the 1 in 100 year plus climate change flood levels, have been submitted for approval. No residential accommodation to be constructed with finished floor levels less than 600mm above that level or less than 150mm above the proposed finished external ground level.
14. No development or works to take place less than 8 metres from the top of the banks of the Lees Brook. A scheme providing for future access to the river bank for maintenance to be submitted for approval.
15. The proposed access to the site onto Acorn Way and off-site works within the public highway to be laid and constructed in accordance with the approved drawings submitted in support of the application and in accordance with the Design Manual for Roads and Bridges (DMRB).
16. No development until details of a wheel washing facility for the construction period to be submitted for approval and implemented.
17. Details of a Construction Management Plan to include details of routing of construction traffic, to be submitted for approval and implemented.

18. Details to be submitted under Condition 2 to include details of the on-site access road layout, street furniture, footways and highway drainage and a timetable for implementation.
19. No development until details of proposed pedestrian and cycleway connections to Tennesse Road and timing of its provision have been submitted for approval and provided in accordance with an approved timetable.
20. No development until a residential travel plan has been submitted for approval and a timetable for implementation of the plan has been agreed.

**Reasons:**

1. As required by Sections 91-92 of the Town and Country Planning Act 1990.
2. As required by Sections 91-92 of the Town and Country Planning Act 1990.
3. For the avoidance of doubt.
4. To ensure a satisfactory landscaping scheme and form of development in interests of visual amenity – Policies GD4, E17 & E23
5. To ensure a satisfactory landscaping scheme and form of development in interests of visual amenity – Policies GD4, E17 & E23
6. To ensure protection of retained trees and hedgerows on and overhanging the site in the interests of visual amenity and habitat value – Policies GD2, E7 & E9
7. To ensure protection of retained trees and hedgerows on and overhanging the site in the interests of visual amenity and habitat value – Policies GD2, E7 & E9
8. To ensure the protection of ecological features and habitat on and around the site – Policies GD2, E4, E5, E6 & E7
9. To ensure the protection of ecological features and habitat on and around the site – Policies GD2, E4, E5, E6 & E7
10. To ensure the protection of ecological features and habitat on and around the site – Policies GD2, E4, E5, E6 & E7
11. To ensure the provision of a satisfactory drainage arrangement to minimise flood risk to users of the site – Policy GD3
12. To minimise flood risk for users of the site – Policy GD3
13. To minimise flood risk for users of the site – Policy GD3
14. To minimise flood risk and safeguard access to the watercourse – Policy GD3
15. To ensure a suitable junction arrangement is implemented in the interests of highway safety – Policies T1 & T4
16. In the interests of highway safety – Policy T4
17. In the interests of highway safety and to protect the amenities of nearby properties – Policy GD5 & T1

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18. In the interests of highway safety to ensure the proposed road layout is provided - Policies T1, T4, T6, T7 & T8
19. In the interests of highway safety and to ensure the suitable linkages for pedestrian and cyclists to and from development – Policies T4 & T6, T7
20. To promote the use of sustainable transport to and from the development site – Policies T1, T6, T7 & T8

**Informative Notes:**

- 1) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

**Section 106 requirements:**

The agreed draft Heads of Terms are as follows:

- 60 Affordable Housing units provided as part of an extra – care development
- 10% dwellings built to Lifetime Homes standards
- On-site layout and maintenance of incidental open space
- Layout and maintenance of major open space on adjacent land in ownership of applicant
- Layout and maintenance of play areas
- Public art
- Assessment of contribution towards education capacity for primary and secondary school places
- Improvements to public transport, cycling and pedestrian facilities within A52 Nottingham Road corridor
- Contribution towards improvements to Chaddesden Hall Community Centre and/or Chesapeake Community Centre
- Contribution towards improvements to Springwood Leisure Centre
- Contribution towards improvements to health facilities reasonably capable of serving the application site.

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



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**Classification: OFFICIAL**

**Committee Report Item No: 1**

**Application No: DER/09/14/01216**

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

**1. Application Details**

**Address:** Land at Brook Farm, north of Oregon Way, Chaddesden

**Ward:** Chaddesden

**Proposal:**

Residential development of up to 275 dwellings, with associated infrastructure, new vehicular access and public open space

**Further Details:**

Web-link to application:

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=97041>

This is a revised application which was submitted following refusal of the previous outline scheme for residential development at the Planning Control Committee meeting in February (ref: DER/11/13/01284). That application was very similar to the current proposal, with the exception of the means of access, which was to be served off Oregon Way to the south of the site. It was refused on the grounds of the impact of the proposed roundabout access on the junction of Oregon Way and Ellendale Road on highway safety which was considered to be detrimental to pedestrians and vehicles using the local highway network.

In February 2015, an appeal against the refusal of permission was considered at a public inquiry before a Planning Inspector. The Council took the decision not to defend the appeal with the benefit of counsel's advice. The appeal was subsequently allowed in April 2015 and outline permission was granted for the development of the site for up to 215 dwellings and 60 extra care residential units, with means of access to be formed onto Oregon Way. No reserved matters submission has since been made for the outline approval.

The current proposal is for the same number of dwellings on the same development site, as the previous allowed scheme for 275 units. The main difference in this scheme is that the means of vehicular access would be taken from Acorn Way only, rather than Oregon Way as in the previous application. This application does not specify the provision of extra care accommodation, but is for the same number of overall residential units.

The overall application site for this scheme is approximately 10 hectares in area. The land is agricultural, although it has not been actively in agricultural use for some time. The fields are currently open grassland subdivided by overgrown hedgerow, which are unmanaged and there are woodland areas to the north of the site along the Lees Brook watercourse. The site is identified as Green Wedge and designated as proposed public open space in the adopted City of Derby Local Plan Review (CDLPR). It is clearly accessed informally by walkers, although the land is identified as private on the site. It is not currently considered to be public open space, even though it is being used by the public for informal recreation. The site runs east to west alongside Lees Brook to the north of the residential area around Tennessee

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Road and Oregon Way. Chaddesden Park Primary school also lies to the south of the site. To the north of the site is Lees Brook Academy and residential properties off Morley Road. Acorn Way lies to the east with a retained area of open fields which are in the applicant's ownership. The site narrows to the western end, where it meets Chapel Lane, a former vehicular access to the site, which is now closed off. Chapel Lane is a narrow single track road, which contains the former Brook Farmhouse and other housing. The shape of the site is relatively long and narrow, alongside Lees Brook watercourse to the northern boundary. It is also a steeply sloping area of land which extends down to the brook from Tennessee Road and Oregon Way. Lees Brook and its banks are identified as a Local Wildlife Site.

Outline permission is sought for residential development of up to 275 dwellings and associated infrastructure, with means of access to be approved under this application. 60 extra care residential units are not now specifically included in the application, although this is still a potential option for providing affordable accommodation on site, which would be secured under the Section 106 Agreement.

All matters, except for access, would be reserved for future approval. An indicative masterplan has been submitted in support of the application, which shows a concept layout for the development. However, this does not form part of the scheme to be approved at this stage. The indicative layout shows the provision of public open space and surface water attenuation ponds.

The development would be served by a single point of vehicular access formed off Acorn Way. The access arrangement for the development has been amended by submission of three different junction schemes onto Acorn Way, during the course of the application. An access road is proposed across the retained area of open space to the east of the development site to form a single lane dualling junction on Acorn Way. Two pedestrian and cyclist accesses are to be provided to the southern boundary of the development, onto Tennessee Road and Oregon Way. These accesses would also be for use as an emergency access point

In December 2014 the Highways Officer expressed significant concerns about the highway safety implications of the proposed principal access onto Acorn Way and as a result the applicant requested an extension to the time period for determination to allow a revised access arrangement on Acorn Way to be formulated. An amended design for the means of access to form a ghost island junction, was submitted in June 2015, which altered the proposed position of the junction onto Acorn Way by approximately 20 metres to the north of its originally proposed location, to be sited approximately 50 metres from Lees Brook watercourse, which is to the north of the site and is currently culverted under the Acorn Way carriageway. A further amendment to the access was submitted in October and then November 2015, when it was proposed to form a single lane dualling junction design. In order to provide the required extent of visibility splay in both directions on Acorn Way, the carriageway level is proposed to be raised by up to 2 metres approximately, with an associated increase in the height of the embankments on both sides of the highway. The carriageway would be raised for an overall length of approximately 240 metres over the Lees Brook culvert. The proposed junction design is intended to achieve visibility

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splays of up to 215 metres in either direction of the junction. Pedestrian footways are proposed to be formed on either side of the junction along Acorn Way, although they do not extend into the site. The alignment of the proposed access road from the development area has also been amended to reflect the proposed relocation of the access on Acorn Way. The design of the access road would involve the formation of embankments and altered land levels due to the sloping nature of the site.

The current application is supported by various technical assessments and statements which include a Design and Access Statement, a Planning Statement Addendum, Archaeological desk based Assessment and field evaluation results, Phase 1 & Protected Species Survey Report, Flood Risk Assessment, Travel Plan Framework and Arboricultural Survey Report & Method Statement. A Road Safety Audit and Greenhouse Gas Emissions Assessment was submitted to accompany the revisions to the access design, in November 2015.

**2. Relevant Planning History:**

DER/11/13/01284 – Outline application for residential development of up to 215 dwellings and 60 extra care units, associated infrastructure and public open space, Refused permission for following reason:

*In the opinion of the Local Planning Authority the detailed principal access arrangements to serve the development site, in the form of a proposed mini-roundabout at the existing junction of Oregon Way and Ellendale Road, would be injurious to the free and safe movement of vehicles and pedestrians on the public highway. As such, the proposed access arrangements would be to the detriment of highways users on this particular part of the local highway network. Therefore, for this reason, the proposal is contrary to saved policies GD5 and T4 of the adopted City of Derby Local Plan Review.*

An appeal against the refusal of permission was allowed and outline permission granted in April 2015

**3. Publicity:**

Neighbour Notification Letter – 228 letters

Site Notice

Statutory Press Advert

Prior to the original 2013 application, the applicant undertook a public consultation exercise in the local community, which included an exhibition event at Chaddesden Park primary school.

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

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**4. Representations:**

To date 214 objections and comments have been received to the application, including objections from Cllr. Barker and Cllr. Campbell. These objections also include one from Cllr Winter, received prior to becoming a Councillor. The main issues raised are as follows:

- Access would be onto a very busy and fast road. Difficult to turn out of development and likely to cause accidents.
- If road was closed due to accident, how would people access the development.
- Development would cause traffic congestion on Acorn Way and local roads.
- Local schools can't cope with additional pupils.
- High levels of traffic on Acorn Way, which has already had accidents.
- Acorn Way is dangerous and prone to flooding.
- The development would result in the loss of Green Wedge and open space.
- The land is not suitable for development. It is too steep.
- The land is used by the public for walking and recreation.
- The development is likely to worsen flooding in the Lees Brook.
- Sewerage from the development will cause problems for local residents.
- Additional pressure on doctors and other services.
- There would be loss of wildlife and habitat from the site.
- Development should be on brownfield land and empty homes should be re-used.
- The traffic flows from the development would increase CO2 emissions and air pollution.
- The land could be used for food crop production.
- The site has limited access to public transport.
- Loss of amenity for local residents.
- Development would result in increased noise pollution.
- Draft Core Strategy states that Acorn Way would not be used for access to the development.

**5. Consultations:**

**Highways DC:**

**Existing Highway Network**

Acorn Way is a highway maintainable at public expense, which was constructed in the late eighties to provide access to the Oakwood housing development. It is approximately 2.7km long and links the A6005 Derby Road in the south to Morley

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Road in the north. The first 1.5km travelling north from the A6005 lies within the jurisdiction of Derby City Council and the remainder of the route to Morley Road is controlled by Derbyshire County Council. The route is rural in nature with the only existing accesses being to agricultural uses.

Acorn Way has a carriageway width of 7.3m, it is mostly unlit and has no footways along its length. Some lengths of the route have a sub-standard alignment as denoted by the solid single and double white line carriageway marking system on the road. The route is generally subject to the national speed limit with the exception of approximately 660m on the most southerly section within Derby City, which is subject to a 40mph speed limit. The route is subject to a 7.5 T environmental weight limit.

The accident record for the section of Acorn Way within the City covering approximately 150m either side of the proposed access is shown below:

2009	1 slight accident, approximately 150m south of the proposed access location.
2010	2 slight accidents, approximately 35m and 85m south of the proposed access location.
2011	1 slight accident, approximately 20m south of the proposed access location.
2012	1 serious accident, approximately 55m north of the proposed access location.
2013	1 slight accident, approximately 115m south of the proposed access location.
2014	1 serious accident, approximately 45m north of the proposed access location.
2015	No accidents to date
It should also be noted that within the section of Acorn Way controlled by the County Council there was a fatal accident in 2009 approximately 350m north of the proposed access location.	

At paragraph 5.2.4 of the Revised Transport assessment, it explains that the developer recorded the two-way daily flow 9<sup>th</sup> July 2014 as 15779 vehicles and 85<sup>th</sup>ile measured speeds in the vicinity of the proposed junction, as Southbound **53.4mph** (86kph) and Northbound **59.7mph** (96kph).

**The Proposed Junction on to Acorn Way**

The developer is proposing to construct a single lane dualling junction on Acorn Way, which has large solid islands in the centre of the road to provide protection for turning vehicles and prevent overtaking through the junction. Forming this junction involves significantly widening the road to allow a space for the central islands to be formed. Drawing No 9Y1212-SK151 Rev D shows the carriageway on Acorn Way adjacent the proposed access being widened to 15m with a 7m wide central reserve. The developer also proposes to significantly raise the level of Acorn Way i.e. at chainage 100 the level on Drg No 09/14/01216 Rev A, the western side of the road will increase by approximately 1.8m and on the eastern side by 1.3m. This will require a large embankment to be formed to the east of Acorn Way and a smaller to the west of Acorn Way.

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The principle of forming an access to Acorn Way

The 'single lane dualling' junction described above is a very unusual form of junction for Derby. Such junctions are more usually seen on rural trunk roads such as the A17 Newark to Kings Lynn.

This site has been considered previously, under application DER/11/13/01284. This application was refused by members on the basis that they felt access to Oregon Way was unsuitable. The applicants appealed the refusal and the Inspector agreed with the applicants and allowed the appeal for the development to be accessed by means of a mini roundabout off Oregon Way.

During discussions regarding this application DER/11/13/01284 the developer asked the Highways Authority (HA) about accessing the development from Acorn Way as an alternative to an access off Oregon Way. The HA made it clear that there would be an objection to the principle of forming an access off Acorn Way.

Derby City Council subscribes to the 7Cs Design Guide, which is the design guide used by the local highway authorities in Derbyshire, Nottinghamshire and Leicestershire and more recently Blackpool.

Paragraphs 1.29 & 1.31, say:

*1.29 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:*

- *roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;*
- *roads with a speed limit of 40mph or less which are essentially rural in nature;*

*"1.31 If access to a development can be gained off a minor or side road, you should normally consider this option as preferable (with improvements to the junction of the minor side road with the main road as necessary)."*

It is acknowledged that these paragraphs sits under a heading of 'Access to A and B roads' and Acorn Way is an unclassified road, however it is considered that the principle of taking access off a lower speed urban road, where possible, remains sound, particularly in this case, where Acorn Way is an unlit rural route where the measured 85<sup>th</sup>ile speeds are very high.

Paragraph 32 of the National Planning Policy Framework (NPPF) says;

*"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *safe and suitable access to the site can be achieved for all people; "*

The HA believes that it is safer and consequently more suitable to serve the above development from Oregon Way, which is a lit urban road subject to a 30mph speed limit and which has no record of accidents along the site frontage, rather than from a high speed section of Acorn Way, which has a history of injury accidents in the vicinity of the proposed junction. Also by forming an access direct to Acorn Way

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there is a possibility that pedestrians and cyclists from the site could be encouraged to use Acorn Way which is unlit and has no footways and is therefore considered to be an unsuitable route for these modes of travel.

It is generally acknowledged that accidents occur at junctions/accesses, see extract from TD 41/95 below. It must be sensible to form the safest junction possible to any development i.e. to lower speed roads where any accident which does occur is likely to be less severe than one on a high speed road.

TD 41/95 Vehicular Access to All Purpose Truck Roads says at Para 1.9:

*"Accident records for all roads, as set out in **"The Casualty Report" (Road Accidents in Great Britain 1992)** show that in urban areas 70% of accidents now occur at junctions and accesses, and about 38% of accidents in rural areas. In 1980, when **TA 4/80 (DMRB 6.2)** was published, the figures in **Road Accidents in Great Britain 1980** for accidents at junctions and accesses showed 66% in urban areas and 33% in rural areas. In the intervening 12 years, accidents away from junctions have fallen 14% to just under 90,000 in the year. Accidents at junctions and accesses remain almost constant having reduced by only 2% to 143,000. But on trunk roads in rural areas in 1991 there was a higher proportion of accidents at junctions and accesses, 47% of accidents on dual carriageways and 51% on single carriageway occurring there."*

In respect of the effect of speed on the severity of accidents the Royal Society for the Prevention of Accidents (ROSPA) says:

*Higher Speeds Cause More Serious Injuries*

Car drivers are much more likely to be injured in collisions where there is a large change in their vehicle's velocity (which occurs when a vehicle is in a collision). Higher speeds lead to higher changes in velocity during the collision, and so are more likely to result in injuries or death.

*In respect of Rural Road Safety Rospa say "More deaths occur on rural roads than on Urban ones"*

Given the HA's level of concern about the prospect of a junction onto Acorn Way, I sought the views of the Police. Below is an e-mail which was sent to me by Ashley Knott who is the Traffic Management Officer at Derbyshire Police (these comments should not be confused with the crime prevention officer's comments on the planning portal)

It should be noted that the Police would not support the reduction of the speed limit on Acorn Way from 60mph to 40mph.

*"I support your comments below on behalf of the HA.*

*Acorn Way is subject to the NSL –rightly reflecting the nature of this section of the route –as evidenced by your speed survey results.*

*I have serious concerns given the road safety implications in creating a ghost island/protected right turn into a development access off Acorn Way.*

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*I'm aware of the location and the topography of the road at this point means drivers will approach at higher speeds - in a section where visibility is limited – where both traffic is waiting/potentially queuing to turning right into the development and traffic emerging from it. This increases the risk of high speed rear end collisions and 'pull out' collisions.*

*I would not support a lowering of the NSL to accommodate such provision because of the immediate enforcement implications where the road layout is not sufficiently 'self-explaining' to convey the reason for any lower limit to a driver. This is a key factor within the speed limit assessment national framework.*

*Why create this additional access, when as you point out there is a viable access and egress using Oregon Way which does not create such a high road safety risk?*

*A further access to the development from Acorn Way would introduce avoidable road safety implications along this route and for the reasons outlined above I share the HA's concerns."*

The Police Officer maintains his concerns following the change in design of the junction to a single lane dualling proposal:

*"The change to single lane dualling does not address the road safety concerns at this proposed junction. Such a layout in my view would be squeezed in given the road width and still not fully address the risks to turning traffic, including right turners crossing traffic and those drivers emerging from the junction and potentially turning right to travel towards Chaddesden.*

*The topography of the road and reduced visibility within this section plus the traffic volumes, for me, make this a disproportionate and unsafe option.*

*Why increase risks to road safety when there is a perfectly good access/egress away from this high speed rural road?"*

Taking access from Acorn Way rather than Oregon Way also has an additional implication in respect of paragraph 30 of the NPPF, which says, "*Encouragement should be given to solutions which support reductions in greenhouse gas emissions*". By proposing a junction to Acorn Way the developer is not encouraging a solution which supports a reduction in greenhouse gas emissions. The highway network which currently serves the Cherrytree Hill Area is considered adequate to accommodate the traffic from the proposed development. As tested at the recent local inquiry into the refusal of App No DER/11/13/01284. Therefore as Derby lies just to the west of the proposed development it is clear that the City would attract many of the trips generated by the proposed housing development, not only in the peak hours but for all traffic generated by the development. If the trip length from the proposed site to the Sunny Grove/Nottingham Road junction via Ellendale Road and Lexington Road, is compared to a journey to the same point on Nottingham Road via Acorn Way, the journey via Acorn Way is approximately 900m longer (see screen shots at appendix 1). Whilst 900m may not appear very far for a single journey, if this is multiplied by the number of vehicular trips to the City generated by all the occupants from the development over the whole life of the development, it will significantly increase in the generation of greenhouse gas emissions when compared

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to those generated if access was to be taken off Oregon Way, which appears contrary to the aims of NPPF. This is a fairly simple representation of the situation because some journeys would be shorter from the access on Acorn Way. However as the City would be the main destination for trips from the development and the number of trips travelling northwards from the Acorn Way access is likely to be relatively small it is consider it does demonstrate the principle.

#### **Conclusion**

The highway authority believes that it is safer to serve the above development from the consent access off Oregon Way than from Acorn Way, because the severity of an accident at the proposed junction on Acorn Way is likely to be worse than at the consented access off Oregon Way.

#### **Recommendation**

The HA considers the above application is unacceptable and should be refused for the following reasons:

1. in the interest of highway safety, and;
2. it does not support reductions in greenhouse gas emissions suggested by NPPF.

#### **Derbyshire County Council (Highways):**

Due to limited impact on the road network controlled by the County Council, there are no comments on the proposal.

#### **Natural Environment:**

There are no trees protected by a Tree Preservation Order (TPO) within the application site. In relation to the proposed access off Acorn Way though, we are responsible for the road embankment to the west of Acorn Way, which contains a number of trees and shrubs.

Following the recommendations made in the Arboricultural Survey Report and Method Statement, as part of any reserved matters, a scaled Tree Protection Plan showing retained trees and their respective Root Protection Areas in relation to the proposed layout is required for approval to ensure the recommendations made in the Report and Statement are carried forward. Standard conditions are also needed to ensure tree protection measures outlined in the Report and Statement, such as protective fencing is in place before and during construction works and, where necessary, an Arboricultural Method Statement detailing the nature of no-dig surfacing solutions is submitted for approval for any works affecting the root protection area of trees to be retained.

Finally, as long as the recommendations made / advice given in the Extended Phase 1 & Protected Species Survey Report in relation to trees is followed, no further comment to make.

There are no recorded public footpaths running over the area covered by this outline planning application. An application for a modification order submitted in May 2013 to add new public footpaths on the site is currently being considered. The developer should incorporate pedestrian and cycling routes into the final housing layout which

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adequately connect the development site to the adjacent existing housing, while also meeting the desires of local residents.

Some of the paths being claimed in the modification order application are shown on the Sketch Concept Layout submitted by the developer. This includes a route similar to the proposed walkway/cycleway from Tennessee Road, Chaddesden to Locko Road following Chaddesden and Lees brooks that is included in the City of Derby Local Plan and the Rights of Way Improvement Plan 2014-2017. These paths, as well as the footways alongside the carriageways, should provide good connectivity across the site and between the site and the adjacent housing. The developer should also investigate the establishment of a non-vehicular pedestrian / cycleway link through the small housing development on the western edge of the development site. This would connect in with existing public footpaths off Chapel Lane. The current order application is still been considered, in negotiation with the applicant and is due to be put before the Planning Control Committee in the new year to confirm whether an order should be made for the site.

**Land Drainage:**

The flood risk from the Lees Brook has been modelled and the flood zones established. The proposal appears to restrict development to within Flood Zone 1 which is acceptable.

The drainage model has excluded all greenfield areas. It will need to be demonstrated how these areas drain such that properties and the highway are not placed at risk. The Flood Risk Assessment (FRA) proposes discharge rates up to the 1 in 100 year greenfield runoff rate. This approach is only acceptable if the requirement for long term storage has been considered. Long term storage provides compensation to the difference between the volume of water discharged pre and post development. If long term storage is not provided then discharge rates should be limited to 2l/sec/Ha for all storm events up to the 1 in 100 plus climate change event.

The NPPF Technical Guidance gives a policy aim for developments in flood zones 1 to 3a as follows:- "In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems".

The principles of SuDS should be considered for the development. They have offered permeable paving but little else in the way of source control. It has not been demonstrated that the water treatment proposed will be sufficient to ensure no detriment to the environment. Maintenance access to the Brook does not appear to have been provided all through the development. As the planning permission being sought is outline only, the application is supported subject to conditions to secure details of a surface water drainage scheme, buffer zone along watercourse for maintenance and wildlife corridor and flood defence protection.

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**Environmental Services (Health – Pollution):**

In relation to the submitted Greenhouse Gas Assessment the comments are as follows:

I am unable to comment on the reports assessment of greenhouse gases, although I note the document includes consideration of air pollutant emissions.

The comments made regarding air pollution in the assessment report are not based on any recognised assessment methodology, are factually incorrect and should not be relied upon.

Whilst it is unlikely that traffic from this development alone would result in breaches of EU/national limits at the junction of Acorn Way/Derby Road, any additional traffic using Acorn Way could hinder the objectives of Derby City Council's Air Quality Action Plan for NO<sub>2</sub>.

It is not possible to draw any confident conclusions regarding air quality impacts without proper detailed assessment and so the document is of little value.

In regard to site contamination, noise and dust emissions, the same comments are given as on the previous application:

Due to the sensitive nature of the development as residential, conditions are recommended to secure Phase I and if there is potential contamination, Phase II site investigation studies to identify sources of land contamination. Where site contamination is revealed then a remediation strategy and method statement should be required to be agreed and implemented before development commences.

Demolition and building works should be carried out within specified hours to prevent nuisance to neighbours.

Given the scale of the development and/or its proximity to sensitive receptors e.g. residential dwellings, recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the development.

**Resources & Housing (Strategy):**

Support the development of the site to provide suitable and affordable homes. Their provision will contribute towards a strategic need within the city.

**Environment Agency:**

Following submission of the revised access proposals in October and November 2015 for Acorn Way and a further Technical Note assessing the potential flood risk resulting from the works to the Lees Brook flood plain, comments have been provided as follows:

The applicant submitted amended plans regarding the realignment of the proposed access road to connect Acorn Way and the proposed development. The Environment Agency previously objected to these proposals, on the basis of an insufficient assessment of the requirement for compensatory floodplain storage resulting from the raising of existing embankments along Acorn Way. The applicant has now submitted further information as part of a Technical Note, demonstrating that the

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proposed embankment works will not incur raising of existing ground levels within the Lees Brook modelled 1 in 100 year plus climate change (1 in 100yr CC) floodplain.

The proposed development will only meet the requirements of the National Planning Policy Framework if measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

There are no objections in principle to the proposed development but recommends that any planning permission should be subject to conditions to secure details of a surface water drainage scheme, to ensure development is carried out in accordance with the Flood Risk Assessment and ensure no development within 8 metres of a watercourse.

**Derbyshire Wildlife Trust:**

The revisions to the plan are noted, in respect to access to Acorn Way. The material change in terms of biodiversity is that the new access road bisects additional hedgerows on the site. Previous comments in relation to retaining features of biodiversity value within any reserved matters application should apply to these features and they should be protected from construction activity and any losses should be compensated for elsewhere in the scheme's landscape and biodiversity management plan. From an ecological perspective the application does not represent a substantive change in relation to its impacts on biodiversity and therefore its consideration under the NPPF and Local Plan policy.

The previous comments therefore still stand, with the inclusion of the protection, enhancement and compensation for the losses of hedgerow associated with the revised access.

**Police Liaison Officer:**

The detail of the scheme should include design features which are known to aid community safety

- secure private garden space
- outward looking aspects on all building elevations facing open space or the public realm
- in curtilage parking
- well viewed and shared movement networks
- centrally located and well supervised public open space

The following features are avoided

- blank building elevations facing any public space and private parking areas
- detached rear garden access
- remote public footpaths
- parking courts not viewed by at least two active building elevations or where there is no visual connection between owner and vehicle.

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**Natural England:**

Same advice as on the previous application;

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

No objections to the proposal.

**Severn Trent Water:**

No objection to the proposal subject to condition to secure details of a surface water drainage and foul sewerage scheme for the development.

**DC Archaeologist:**

The site was subject to geophysical survey and archaeological trial trenching as part of the previous planning application, due to an Historic Event Record of a large apparently rectangular earthwork in the central field and in pursuance of the aims of NPPF para 128. The earthwork structure was however found by evaluation to be natural in origin, deriving either from glacial processes or from colluvial slippage associated with the slopes south of the brook. The site was consequently found to have no archaeological potential, and there is consequently no need to place any further archaeological requirement upon the applicant.

**Children and Young People (Education):**

The proposed housing development at the former Brook Farm site, Chaddesden will generate an estimated 77 primary school aged pupils and 55 secondary aged pupils based on 275 new houses. The development falls within the catchment areas of Chaddesden Park Primary School for primary school provision and Lees Brook Academy for secondary school provision. It should be noted that Lees Brook Academy is independent of Derby City Council.

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At present, there are some surplus places available within the schools. However, pupil numbers are increasing significantly, particularly within Derby's primary schools. There has been an unprecedented level of growth in numbers over recent years and projections are indicating a continuation of this trend. This increase in pupil numbers is being experienced both nationally and locally. The higher primary pupil numbers will feed through to secondary schools in future years.

Derby City Council has a statutory obligation to ensure sufficient school places for pupils residing within its administrative boundary. It is therefore considered important that an assessment of pupil numbers is taken in relation to catchment area schools on commencement of the development in order to calculate the education Section 106 funding contribution.

**Erewash Borough Council:**

We have no particular comments to make regarding the very limited highway works that are proposed to take place on Acorn Way (within Erewash) if these are felt necessary by the Highways Authority.

Policy E16 (Development Near to Important Open Land) of the adopted Derby Local Plan Review relates to development near to important open land (such as the Green Belt in Erewash which is located to the north of this proposal to the west of Acorn Way) and requires that adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected. It is acknowledged that the application site excludes land immediately to the west of Acorn Way (Green Wedge) and this should help to separate the development from the Green Belt to the north. The site also contains various hedges and has a corridor of woodland along the Lees Brook banks which are indicated as being suitable landscape features which can form part of a landscaped buffer with open land to the north and east of the development.

Policy E16 should also be taken into account in respect to the new principal access road which is proposed to go through the land that has been excluded from the development site and effectively breaks through the landscaped buffer to the east of the main development blocks.

We would also like to make the point that development in this location could place more pressure in the future for development in the Nottingham-Derby Green Belt. Nottinghamshire and Derbyshire County Councils undertook a review of the Green Belt in 2006 providing guidance as to the relative importance of different Green Belt purposes around the whole of Greater Nottingham. It highlighted the area between Nottingham and Derby, mostly located throughout Erewash Borough, as having the most sensitive area of Green Belt in relation to the purposes of Green Belt set out in government policy. Erewash would oppose development in its Green Belt as we have a recently adopted Core Strategy which contains a special strategy of urban concentration with regeneration. This makes the most of existing infrastructure, takes account of the significant regeneration challenges faced by Ilkeston, and recognises the importance of protecting the openness of the Green Belt between Nottingham and Derby.

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**6. Relevant Policies: *Saved CDLPR policies***

GD1	Social Inclusion
GD2	Protection of the environment
GD3	Flood Risk
GD4	Design and the urban environment
GD5	Amenity
GD8	Infrastructure
H11	Affordable Housing
H12	Lifetime Homes
H13	Residential development (general criteria)
E2	Green Wedge
E4	Nature Conservation
E5	Biodiversity
E6	Wildlife Corridors
E7	Protection of habitats
E9	Trees
E10	Renewable Energy
E16	Development near to important open land
E17	Landscaping schemes
E21	Archaeology
E23	Design
L2	Public Open Space Standards
L3	Public Open Space requirements for new developments
L4	New or extended public open space
T1	Transport Implications
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people
T15	Protection of footpath, cycleways and routes for horse riders

*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.*

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**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
- Green Wedge and open space
- Traffic implications and access
- Urban Design and amenity
- Environmental Impacts

**Policy Principles**

This outline proposal for residential development relates to open fields on a steeply sloping site, which are located to the east of Chaddesden and amount to a narrow green space between residential areas of the suburb. The north boundary of the site has Lees Brook, running in an east / west direction, which is a Site of Importance for Nature Conservation (SINC), a designated local wildlife site.

The application site lies within the Lees Brook Valley Green Wedge which is defined in the adopted Local Plan Review, under Policy E2. The site is also within an area designated as proposed public open space, identified as a proposed Neighbourhood Park in Policy L4(10). The site lies on the eastern edge of the urban area and is a narrow strip of the wedge which separates the two residential areas of Oakwood to the north and Chaddesden to the west and south. To the north and east the Green Wedge opens out to Acorn Way and the countryside beyond.

The adopted Local Plan also seeks to implement a new route for pedestrians and cyclists across the site, under Policy T15(13) forming a link between Tennessee Road and Acorn Way and then continuing further towards Locko Park outside the city.

A significant factor in determining the application is how much weight to give to various local and national policy documents and material considerations. These include the National Planning Policy Framework, the adopted City of Derby Local Plan Review (CDLPR), the City Council's Core Strategy and the Council's 5 year housing land supply position.

**National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 and has made significant changes to government guidance on planning decision making which are very relevant in the case of this application.

The golden thread which runs through the NPPF (paragraph 14) is a "presumption in favour of sustainable development". Paragraph 47 also sets out the Government's objective to "boost significantly the supply of housing". Both of these objectives are clearly relevant in determining the application.

In terms of decision taking the "presumption" is defined as:

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- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - b) specific policies in this Framework indicate development should be restricted.

It is important to remember that the NPPF provides a policy framework for a whole range of planning related issues and not just housing. The thread of 'Sustainable Development' is embedded in these policies and is therefore probably the most important factor in decision making.

It is considered that the saved policies of the CDLPR have a high level of consistency with the NPPF and should, therefore, continue to be the starting point for all decisions and given a significant amount of weight in this and any other application.

A further key issue for this application resulting from the NPPF is set out in paragraph 48. This sets out a requirement for local authorities to maintain a supply of deliverable housing sites to meet needs for at least 5 years. It states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is important to note that in such cases, only policies relevant to the supply of housing are considered out of date. Policies other than those related to housing supply will still be relevant.

The NPPF therefore requires that local authorities identify and maintain enough deliverable housing sites for 5 years. The definition of 'deliverable' means that they are in a suitable location for housing, that the land is available for development and that development would be economically viable.

**Housing Land Supply**

The City Council cannot currently demonstrate a 5 year supply of deliverable housing sites and is seeking to identify its housing needs and meet them through the Core Strategy process. Until the Core Strategy is formally adopted many of the sites identified in the Plan cannot be counted in the five year supply.

This lack of deliverable sites is not necessarily down to the availability of land. It is also influenced by the fact that it is not currently viable for developers to build on certain housing sites because of economic and market conditions. However as mentioned above, in the event that an authority cannot demonstrate a 5 year housing supply the NPPF states that it should grant planning permission for residential developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted.

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**Derby City Local Plan Part 1: Core Strategy**

On 26 November 2014, Full Council approved the amendments to the Core Strategy and undertook a final “pre-submission” consultation of the Draft Plan before submission to the Secretary of State to be examined by an Independent Planning Inspector. The Core Strategy was submitted for examination on the 18 December 2015 and will be considered at an Examination in Public early in 2016.

Now that the Core Strategy has reached this stage, it can be given weight in decision making according to the stage of preparation of the Plan, the extent of any unresolved objections to relevant policies and the degree of consistency with the NPPF.

The emerging Core Strategy has been submitted to the Secretary of State and is considered to be highly consistent with the NPPF. However, there is an outstanding objection to the Brook Farm allocation on the grounds that a safe vehicular access can be formed onto Acorn Way. The weight that can therefore be afforded the policy in relation to the proposed access on Acorn Way is limited.

The Plan identifies the application site at the former Brook Farm as one of a number of strategic sites which are proposed to meet housing requirements for the city. The Brook Farm site, which is allocated under Policy AC25, for 275 dwellings, includes a criterion which states that no access will be taken from the site to Acorn Way or Tennessee Road. This criterion was included in the Plan based on advice from the Highways Development Control team, due to their opinion that an acceptable access to Acorn Way could not be provided.

Although the previous planning application for this site was refused, the reason for refusal related to the specific access arrangements which were proposed in that application. The reasons for refusal did not relate to the principle of development on the site. The Inspectors decision on the appeal for the site, which was allowed, has regard for Core Strategy and the consistent allocation of the site for housing since 2012. The Inspector noted that the evidence base does not “suggest that there is a wide choice of alternatives to the appeal site” to address the city's housing need.

The Core Strategy uses an up-to-date evidence base and the findings of previous consultations to set proposed targets for housing delivery in the city. The evidence supporting the Plan indicates that Derby's housing needs are significant and it will not be possible to meet those needs within the city. The evidence base which supports the Plan is also a material consideration and has been used in the determination of other recent planning applications. This evidence includes the Green Wedge Review, an assessment of housing needs and a Strategic Housing Land Availability Assessment (SHLAA) among other things. The Green Wedge Review has been given weight by Planning Inspectors at recent appeals, including the Brook Farm appeal, which relate to housing development in the Green Wedge. The Inspector's decision for the Brook Farm proposal makes reference to the Green Wedge Review, in relation to the assessment of the Lees Brook Green Wedge. He notes that the Review identifies the benefits of the wedge in terms of defining the urban area and providing links to the countryside, but also acknowledges that, “this particular wedge is less effective at performing the other functions envisaged for such areas”. The

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Review is therefore relevant in the determination of this application, which is similar to the previous approved proposal in respect to its impact on the Green Wedge.

It can be considered that subject to amendments being made following the examination, this is the Plan, which the Council considers to be sound and legal and based on up-to date and robust information.

**Green Wedge Review**

As part of the process of preparing the Draft Core Strategy, the Council produced a Green Wedge Review (GWR) in 2012. The purpose of the GWR was to determine the role and function of all of the green wedges in the city and to assess whether there was any opportunity to change their boundaries to accommodate new housing development.

In the case of the Lees Brook Valley Green Wedge, the GWR considered the potential impacts of housing development in the proposed location, as a site had been promoted to the Council for residential development at that time. The GWR states that “development of this area of the site for housing would clearly reduce the penetrating effect of the Green Wedge, reducing the proximity of built development and open countryside. Development in this area may be visible from the north due to the topography of the land and would be intrusive within the Green Wedge. It would also erode the rural character.”

The GWR goes on to state that “this area of Green Wedge makes very little contribution towards separating different areas of the city due to the narrowness of the western end of the Green Wedge. Therefore development of the site would not have a significant impact in terms of reducing the separation or leading to coalescence. Development would be well related to the existing urban area and would not impact upon the mouth of the Green Wedge. On this basis the site may have some development potential.”

The findings of the GWR as well as other considerations including the need to meet housing requirements, have led to part of the Lees Brook Valley Green Wedge being identified in the Core Strategy as a proposed housing allocation. The site which is identified in the Core Strategy broadly matches that of the application site and is identified to deliver up to 275 new homes.

**Saved City of Derby Local Plan Review policies (CDLPR)**

The site forms part of an area of Green Wedge, which penetrates Chaddesden to the east of the city, allocated under Policy E2. Under this policy, development would only be appropriate in very restricted circumstances and the proposed housing development would not be permitted. The proposal is therefore contrary to the policy. However, the findings of the GWR in relation to this part of the Green Wedge, have led to its allocation for housing in the Core Strategy. The absence of a five year supply of deliverable housing sites is also a material consideration in assessing whether the principle of housing on this site is appropriate.

The Inspector's decision on the Brook Farm appeal considered that in relation to the development plan policies, which are relevant to this proposal, a policy objection

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would hang on Policy E2, which does not permit housing development on Green Wedges.

The application site is also in an area identified as proposed public open space under Policy L4 (10) of the CDLPR. The adopted Local Plan identifies the site as forming an extension to Oregon Way Recreation Ground in order to form a new Neighbourhood Park. However, the proposed open space allocation has never been implemented and there is no foreseeable mechanism for the site being brought forward as public open space. Therefore, whilst the development of the site would be contrary to this policy, there is no likelihood currently that the proposed Neighbourhood Park will be brought forward.

The planned Neighbour Park is considered by the Planning Inspector for the Brook Farm appeal. He notes that circumstances have changed with regard to the potential delivery of the park, since the Local Plan was adopted, due to the land being in private ownership and the absence of a delivery plan for funding an implementing the use of the land as a park. He takes the view that there is "very little prospect of the park coming to fruition" and on this basis "Policy L4 must now be considered out of date, in so far as it relates to the appeal site."

Policy H13 relates to the general criteria by which to assess residential development proposals. The policy seeks to ensure that a satisfactory form of development is provided, which safeguards residential amenities and forms high quality living environment, achieves appropriate housing densities and interesting urban forms and townscape design.

The submitted indicative masterplan demonstrates that the application site could accommodate a quality townscape and residential layout. The number of units proposed is a maximum but would achieve a suitable density and scale of development for this site, which is considered acceptable, in line with H13.

Policy H11 requires affordable housing to be provided for the scale of this development, to meet a housing need in the local area. It is intended that the affordable element of the scheme will be provided on the site, although the type and tenure of accommodation has not been specified under this application. The affordable housing element is agreed in principle with the applicant and this is to be secured via the Section 106 Agreement. The form and layout of the affordable accommodation would be submitted under a reserved matters application.

In regard to the provision of adequate school places to meet the estimated need generated by up to 275 dwellings, there is considered to be capacity at the present time at both primary and secondary level to deal with the proposed scale of the housing development on this site. However, with the current trend of increasing demand for school places in the city, the capacity of local schools is likely to reduce over time. It is therefore considered appropriate for an assessment of education capacity to be undertaken at submission of reserved matters stage. In the event that there is insufficient capacity, a contribution towards increasing school places at primary and/or secondary level will be required. This mechanism is to be

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incorporated into the Section 106 Agreement to ensure that education provision is secured at reserved matters, if necessary.

The General Development policies, GD1, GD2, GD3, GD4 and GD5 relate to issues including protection of the environment, flood protection, urban design and amenity. In order to be acceptable the form, scale and layout of the development should seek satisfy all of these policies.

**Summary of Policy Considerations**

The proposal would be contrary to specific saved policies of the adopted CDLPR, in particular Policies E2 and L4(10).

However the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by the NPPF. The NPPF therefore requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole or if specific policies in the framework indicate that development should be restricted. However, the lack of a five year supply does not mean that the impact of the Green Wedge cannot be carefully considered.

The recently submitted Core Strategy identifies the site as a proposed housing allocation and this has been endorsed by Full Council. Furthermore, in regard to the previous application, the principle of housing on the site was accepted by the committee and supported by the Planning Inspector, in allowing the appeal. The application was refused only on a point of detail and not principle. The point of detail was in respect to the highway safety implications of the proposed access onto Oregon Way. The benefits of delivering 275 dwellings on the site are significant and would contribute towards meeting the city's Objectively Assessed Housing Needs as well as contributing to the five year supply of deliverable housing land. The main issue to be considered is whether the adverse impacts of forming a different access arrangement to the site from Acorn Way would significantly and demonstrably outweigh the benefits of the development of the site for housing.

**Green Wedge and Open Space**

An important land use issue for consideration in determining this application is that the whole of the site is in a Green Wedge. The site is identified in the adopted CDLPR as Green Wedge under Policy E2, and consideration of the impacts of the development in regard to Policy E2 of the Local Plan is therefore required. The site forms a substantial part of the Lees Brook Green Wedge, which extends into the built up area along the Lees Brook and also incorporates Lees Brook School

Policy E2 is still relevant to the determination of the application, even though the Council does not have a five year supply of deliverable housing sites, because it is not a policy relevant to the supply of housing. This position has been endorsed in other housing appeals, relating to Green Wedge sites, including the appeal for Brook Farm. It should therefore be given weight as a relevant saved policy of the adopted Local Plan. In this context the proposal to develop the site for housing is contrary to the provisions of Policy E2.

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The proposal is contrary to this policy which seeks to maintain Green Wedges as open and undeveloped. The policy offers limited scope for built development in Green Wedges and the proposal goes far beyond what would be justified. If the development was to be approved and implemented the open character of this part of the wedge would be lost and the land would no longer continue to function as part of the Wedge. Indeed, the remaining land, some of which included the Lees Brook School, may cease to create a viable wedge.

Whilst the loss of the part of the Green Wedge would result in a narrowing of the remaining wedge at this point, the Council's 2012 Green Wedge Review of concluded that the application site performed a limited function in separating the urban areas of Chaddesden, Oakwood and Spondon and that there may be scope for development at the western extent of the wedge. The findings of the Green Wedge Review in regard to this part of the wedge, have led to the site being allocated for housing in the Core Strategy, under Policy AC25. The Brook Farm appeal decision gives weight to Policy E2 and the Green Wedge Review and balances the green wedge policy, "against the significant shortfall in the city's housing land supply".

Some of the representations made in response to the current application refer to the Green Wedge, which includes this site as having being used for recreational purposes. The site is privately owned land which is within the curtilage of the planning unit of the former Brook Farm and as such, its historical use is one of agricultural activities. There has been no formal change to the use of the site and so agricultural use remains the established use of the land. Any recreational activities carried out on the site have been allowed because the land owner has not prohibited or intervened in them. The land has been promoted for housing development previously (under the Local Plan Review Inquiry in 2005) and it is clear that a developer with an interest has had a long term intention of seeking its release to deliver new homes. The use of the land by some local people for informal recreation does not, therefore, lead to the land becoming public open space. It has only been allowed by the landowner pending a planning permission being given to develop the site for housing.

Because of the proximity of the site to the Green Belt, which is beyond the city boundary in Erewash and the Green Belt and Green Wedge to the East of Acorn Way, consideration of Policy E16 (Development Near to Important Open Land) is required. This policy relates to development near to important open land and requires that adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected.

Policy E16 is particularly important in this case because of the topography of the site. The site has a significant slope down to the north and therefore development on it is likely to have a greater visual impact from the Green Belt to the north and north east. It is very important that the appropriate landscaping/screening and buffers are put in place to satisfy Policy E16. The site also contains various hedges and has a corridor of woodland along the Lees Brook banks which are indicated as being suitable landscape features which can form part of a landscaped buffer with open land to the north and east of the development. The proposed access road onto Acorn Way

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would involve an engineered road solution, incorporating embankments and the removal of a substantial area of the tree buffer alongside the highway, to form the embankments for the elevated carriageway and the visibility splays for the access. This would have a substantial urbanising effect on the rural character of the road and the surrounding open countryside. This inevitably would result in a detrimental impact on the openness of the adjacent Green Belt and the Green Wedge and on the rural and open character of the landscape in this location, contrary to the provisions of Policy E16 and also E1 and E2.

Policy L3 sets out requirements for public open spaces in new developments. The provision of both on-site and off-site new open space is a matter for agreement with the applicant to be secured via the Section 106 agreement. However there are several factors which give weight to the importance of providing high quality open spaces within the site, as well as off site. These include the loss of openness of the Green Wedge by developing the site, the sloping topography of the site and its visual prominence, particularly from the north and east, the fact that the site is identified as proposed public open space as a new Neighbourhood Park in Policy L4 and the requirement to meet Policy L3 itself and provide new open space to meet the needs of the new development.

The indicative masterplan shows provision of public open space in the development, which would link with existing landscape features and would be capable of providing suitable open space on site to meet the standards in Policy L2.

The area to the east of the development site, up to Acorn Way is in control of the applicant and is to remain as open land, which would become major open space for the development to fulfil requirement of L2 and L3. However, the vehicular access road to the development is proposed to cross this land to a junction onto Acorn Way. This would result in the open space being sub-divided into two smaller areas by the proposed access road, which is to be supported by substantial embankments. This would be an unfortunate splitting of the area into two unconnected areas of open space, although this would still accord with Policies L2 and L3.

#### **Traffic implications and access**

The current application differs significantly from the scheme previously refused and then allowed on appeal, in regard to the proposals for means of access to the development. Means of access is a matter to be determined at this stage and the proposals in this application are therefore a key consideration to be assessed. The proposed formation of a vehicular access onto Acorn Way, rather than Oregon Way, as proposed previously, is not consistent with the Core Strategy and significant highway safety concerns have been raised by the Highways Officer, to the proposed design and layout of the access design as submitted with the application.

Paragraph 6.25.4 of the emerging Core Strategy is clear that access should not be taken off Acorn Way to this development site. However, there are outstanding unresolved objections to this paragraph and so in accordance with paragraph 216 of the NPPF this emerging policy provision cannot be given significant weight at this stage.

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A revised principal access design is now being proposed in order to address the highway safety issues arising from the previous junction arrangement. As shown on the General Arrangement design drawing No. 9Y1212 – SK151 Rev D, this would involve the formation of a single lane dualling type junction arrangement, which has raised kerb islands on either side of the access. The junction design would also require the raising of the overall road level of Acorn Way for a short stretch of the highway where it crosses Lees Brook for a distance of about 240 metres. The proposed access position has been moved in association with changes to the access design, in order to achieve the industry standards for the design of new roads and junctions. The revised proposal also includes the provision of a new footway along both sides of access junction and along a short stretch of Acorn Way. However, these do not extend into the development site.

The approved outline scheme, which was allowed on appeal, included a vehicular access to be provided for the development onto Oregon Way, via a mini-roundabout. The advice of Highways Development Control is that this access proposal is the preferred means of access for the development site, due to the lower traffic speeds which are evident on Oregon Way and the local road network, thereby resulting in a safer means of access to the development site.

Acorn Way is essentially a rural link road between Oakwood and Chaddesden. There are currently no other formal junctions onto Acorn Way, other than agricultural accesses and the road does not currently have a pedestrian footway alongside it. There is also no street lighting along most of the route, including the site of the proposed access.

I note from the Highways Officer's comment that part of the road is sub-standard in its alignment and this stretch of Acorn Way has average traffic speeds of between 50 and 60 mph in both directions and an accident record on this stretch of the road, which includes a fatality.

The proposed access junction is to be positioned on a section of Acorn Way which currently slopes down to Lees Brook and bends in either direction, such that visibility from the proposed access point is at present, relatively limited in both directions. Visibility for drivers is also somewhat obscured by dense groups of trees, which have been planted alongside the highway and contribute to the rural character of the road. In order to form the required visibility splays a large group of roadside trees would need to be removed, on both sides of the proposed junction. Existing vegetation alongside the route would also be taken out in order to undertake the earth works around the access and raise the carriageway level by the required amount.

The Highways Officer has raised significant concerns about the safety of the proposed access onto Acorn Way. Discussions between the Highways Officer and the applicant's highways consultant have been taking place during the course of the application, in regard to the proposed access design and layout and the works to Acorn Way. The second revision to the proposed access, which was for a ghost island junction, was submitted in October 2015 and the third revision was received in November, to form a single lane dualling arrangement. The applicant's highways consultant considers that the most recent revised design and layout of the junction

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and visibility splays would accord with the recognised highways design DMRB standards and is therefore a safe access design. The Highways Officer maintains his concerns that the revised access solution still raises significant highway safety implications for drivers using Acorn Way, due to the alignment and design of the overall road and the measured traffic speeds on the road, which are at 50 to 60 mph. The Highways Officer has also raised specific technical issues with the applicant in regard to the proposed visibility splays and design of the junction. These have been queried due to concerns about the impact of the junction on the highway safety of road users on Acorn Way. Those discussions are on-going and an update from the Highways Officer will be provided for Members at the meeting. However, regardless of whether the proposed access would accord with the DMRB standards, there is an in-principle concern about the siting and layout of a single lane dualling junction onto this section of Acorn Way. This is due to both the character and form of the existing road layout of Acorn Way and the measured traffic speeds on the highway, which are known to be around the national speed limit of 60mph. Even with the proposed raised carriageway level and junction, which are intended to improve visibility on the highway, the alignment and nature of the road in this locality would remain substandard, with high vehicle speeds in the vicinity of the access. There is an existing record of traffic accidents in the area around the access, which include a number of serious incidents. It is known that these types of junction can cause accidents, where traffic speeds are high and drivers collide with the raised kerb islands. The applicant's highways consultant has not satisfactorily demonstrated that the new access would not potentially exacerbate the accident situation in this location.

In regard to the Highways Officer's concerns about potential greenhouse gas emissions from traffic using the proposed Acorn Way access, as opposed to accessing the site from Oregon Way, the applicant has submitted a Greenhouse Gas Assessment in order to demonstrate that the vehicle emissions from the proposed access arrangement would not result in higher levels of air pollution on the local road network. It is possible that there would be longer trips for vehicles going to and from the city from Acorn Way, however, the Council's Environmental Health Officer does not raise concerns about the levels of pollutants which may arise from vehicles using the Acorn Way access. His opinion on the submitted assessment of greenhouse gases is that the report does not properly assess the implications for pollution levels and air quality on the road network. Having said that there are not considered to be significant air quality impacts on any sensitive air quality areas of the city's road network resulting from the proposed use of Acorn Way to serve the development. The NPPF policies on greenhouse gas emissions also do not give sufficient weight to resisting development due to a possible increase in traffic pollution resulting from additional distance travelled for vehicular trips, particularly without a substantive evidence base to demonstrate a significant increase in emissions. I am therefore not convinced that the potential traffic emissions from an access on Acorn Way, rather than Oregon Way provides a reasonable ground for refusing the application.

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In respect to the potential transport implications of the proposed 275 dwellings on the development site, a Transport Assessment has been submitted in support of the application, which adequately demonstrates that traffic generation arising from the proposal would not have a detrimental impact on the wider road network, notwithstanding the highway safety issues arising from the proposed access.

Designated pedestrian and cycle accesses to the development are to be formed onto both Oregon Way and Tennessee Road, which would also serve as emergency access points. These accesses would provide for links to local bus services in the area and access to the District Centre and the nearby schools and community facilities. I understand that there is not intended to be an access through to Chapel Lane to the west of the site. The location of the intended pedestrian and cycle accesses would enable suitable accessibility for residents to the local area and I am satisfied that this meets with the requirements of Policies T6 and T7.

Policy T14 relating to Public Rights of Way states that planning permission will not be granted for development proposals which would sever Public Rights of Way or prejudice access to these routes by pedestrians, cyclists or horse riders unless an alternative route or routes can be secured as part of the development that is at least as safe, convenient and attractive as those being replaced. There is on-going work at present by the Council, via a submitted Modification Order, to identify the status of informal pathways crossing the site. These investigations are separate from the planning process, although they are running in parallel with the current application and if public rights of way do become formally established through the site through the Council's consideration of the Modification application, then these paths would need to be retained or diverted as part of the layout of the future housing development, determined under any reserved matters application. This Modification application is still being considered and due to a decision in the new year. It does not impact on the consideration of the planning application by this committee.

Policy T15(13) seeks the implementation of a cycleway/walkway along the Chaddesden and Lees Brook towards Locko Park. The proposed development of the application site would offer an opportunity to deliver this aspiration and a suggested pedestrian/ cycle route running west to east alongside the Lees Brook in the submitted masterplan could meet this objective, also included as part of any reserved matters proposals.

The access proposed onto Acorn Way would, so we are advised, meet the applicable design standards for the observed speeds of traffic on the road. This may well be the case. However, it is also clear that Acorn Way has an accident history which suggests that it is a dangerous road even where design standards are met. In the circumstances the Council's Highways officers are keen not to add further traffic movements to the road even where the new junction would meet formal design standards. This is not simply because there is an approved alternative safer access, but because they believe, as a point of principle, that it would be poor spatial planning to do so.

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The applicant argues that the fact that there is an alternative access off Oregon Way should play no part in this decision – instead they insist that the simple question is whether the proposed access is safe.

My conclusion and planning judgment on this issue is that the proposed access arrangement, by formation of a junction onto Acorn Way would not be safe. It may meet the applicable DMRB design standards, but the use of Acorn Way by drivers is clearly causing accidents at present and to add a new junction, to serve up to 275 dwellings, would give rise to the potential for further conflict and accidents. The proposed access is therefore considered to be unacceptable and contrary to the requirements of Policy T4.

**Urban Design and Amenity**

The character of the surrounding townscape to the north and south of the site is generally suburban, made up of post-war housing. This comprises mainly two storey dwellings with modest gardens. Chapel Lane at the western end of the site is part of historic Chaddesden and has a mix of traditional house types, including the former farmhouse to Brook Farm. This location is therefore appropriate for a housing layout, of mainly two storey dwellings, which is envisaged in the Design and Access Statement, with the application. The residential development would be positioned across the length of the site and towards the southern edge of the site, which abuts up to the existing housing areas of Oregon Way and Tennessee Road. The northern boundary of the site, which runs alongside Lees Brook, would have a greener more open character. This would be in keeping with the general character of the surrounding residential area and references the more open and rural feel of the adjacent Green Wedge and Green Belt.

The southern edge of the site is at an elevated level relative to the surrounding area and has views to the north over the open countryside. The steeply sloping nature of the site presents challenges in term of providing a high quality housing layout and road network. However, this is an outline application with layout and design reserved for a detailed scheme. The sloping site does not inhibit the formation of a good quality living environment and an interesting urban design.

Overall I am satisfied that a good quality residential layout and design can be accommodated on the site, subject to a detailed scheme being submitted under reserved matters, and as such the proposal would be in line with Local Plan Policies GD4, H13 and E23.

**Environmental Impacts**

The majority of the site, due to its elevated nature is at a low risk of flooding (Flood Zone 1), with a narrow strip alongside Lees Brook, being in Flood Zones 2 and 3, and therefore at medium to high risk of flooding. The areas alongside the Lees Brook are shown on the indicative masterplan as being primarily for existing bank side habitat and open space. The development of housing and roads are identified mainly for the higher ground in Zone 1 and would therefore be at a low risk of flooding in a 1 in 100 year plus climate change event.

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I note that some third parties have expressed concerns about existing flooding problems associated with the Lees Brook. The development of this site is required to consider the flood risk implications and mitigation arising from the proposal and to ensure that the situation is not made worse for existing properties in the vicinity of the site. Current flood risk issues should be dealt with via a separate flood management solution.

Whilst most of the site is not a significant flood risk, it is important that land drainage and flooding matters are considered and a Flood Risk Assessment was submitted with the application which incorporates some details of sustainable drainage (SuDS) and flood protection/mitigation proposals into the scheme. This includes recommendations for on-site balancing ponds for water attenuation and finished floor levels above the 1 in 100 year flood risk level. The development of the site for housing is not expected to be subject to significant flood risk and would also not result in increased flood risk elsewhere in the local area, subject to an appropriate SuDS and flood mitigation strategy being incorporated into the development. Both the Land Drainage Officer and Environment Agency have not raised significant concerns about the proposal on flood risk or drainage grounds, subject to conditions being imposed to secure suitable SuDS and flood protection/ mitigation measures within the development. The proposal is therefore considered to satisfactorily meet the tests of Policy GD3 and the NPPF.

Policy E4 (27) identifies the Lees Brook and its margins as a Site of Importance for Nature Conservation. It will be important that an adequate buffer is provided between the built development and the brook in order to preserve the ecological value of the wildlife site.

A Protected Species Survey was submitted in support of the application to assess the habitat and presence of protected species on and around the site. An Arboricultural Survey was also submitted which made an assessment of the quality of the woodland areas and hedgerows on the site. The Lees Brook corridor wildlife site is a narrow strip of woodland and waterside habitat, which is of local significance to wildlife and the woodland group of trees are identified as being of a high quality and value, including amenity value. The Lees Brook corridor is not proposed to be developed and would be maintained as green space alongside the development. The wildlife site should be protected and safeguarded during and post construction and this can be secured by means of planning conditions. There are a number of hedgerows across the site, which are assumed to be former field boundaries but are now unmanaged and overgrown. They are identified as being priority habitats of local importance to wildlife and the Arboricultural Survey identifies their condition as being of moderate quality. Most of the hedgerows are indicated on the master plan as being retained as part of the development. The proposed retention of these landscape features and habitats is welcome and allows for potential enhancement of their wildlife interest and ecological value, within the scheme. This would also provide some mitigation for the loss of the Green Wedge in this location.

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Subject to protection of the retained habitats, by means of suitable planning conditions, the proposal is therefore considered acceptable in line with Policies E4, E5, E6, E7 and E9.

In terms of archaeological interest, the site and its surroundings are considered to be a heritage asset of local significance, due to evidence of various historic features, which have previously been found on or near to the application site. An archaeological desk-based assessment and subsequent trial trenching report have been submitted in support of the application. The potential for historic evidence of medieval remains to be found on the site was identified however, the site investigation carried out in January 2014, in the form of a number of trenches, revealed no archaeological evidence of medieval or any other activity. As such, no further archaeological investigation is required on the site and the County Archaeologist has no objection to the site being developed as proposed, therefore Policy E21 is satisfactorily met.

**Conclusion**

In the consideration of the previous application on this site, the loss of Green Wedge and the proposed Neighbourhood Park was accepted in principle, in order to allow the strategic delivery of housing for the city. This was confirmed by the appeal decision to allow the development, which considered that the need to protect the Green Wedge in this particular context and having regard for Policy E2, was outweighed by the absence of a five year supply and the benefits of delivering new housing on the site.

The refusal of the previous application was solely on the grounds of concerns over the highway safety of the proposed access on Oregon Way. The current application raises similar policy principle issues in terms of loss of Green Wedge and provision of potential open space. The main difference is in regard to how the site would be accessed, which for vehicular traffic would be off Acorn Way. The emerging Core Strategy does not support access to this site from Acorn Way but this is a material consideration to which little weight can be given at this stage. There are also significant highway safety concerns in regard to the formation of the proposed access onto Acorn Way, due to the relatively high average traffic speeds on the highway and the accident history in the vicinity. I accept the Highways Officers conclusions that the proposed vehicular access arrangements for this site would be significantly detrimental to highway safety on the local road network and therefore unacceptable on the grounds of the access being contrary to Local Plan Policy T4.

Whilst the national and local planning policy principles in regard to developing this site for housing are still considered acceptable, as a means of securing a contribution towards the Council's five year supply of deliverable housing, the highway safety concerns about the proposed Acorn Way access are considered to be a significant adverse impact, which significantly and demonstrably outweigh the benefits of the proposed development.

The proposal is therefore recommended for refusal.

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

**To refuse** planning permission.

**Reasons:**

1. In the opinion of the Local Planning Authority, the proposed vehicular access arrangement to serve the development site, in the form of a junction onto Acorn Way, would be significantly detrimental to highway safety by reason of the high average traffic speeds on the existing highway and the accident history in the vicinity. The development fails to make a safe and appropriate provision for access to the site, by vehicular traffic. Accordingly, the proposal is contrary to saved Policy T4 of the adopted City of Derby Local Plan Review and NPPF paragraph 32.

In the circumstances the adverse impacts of the development significantly and demonstrably outweigh the benefits of granting permission. Paragraph 14 of the NPPF indicates that permission should be refused.

**S106 requirements where appropriate:**

Draft Heads of Terms are as follows:

- Affordable Housing and lifetime homes
- On-site layout and maintenance of incidental open space
- Layout and maintenance of major open space on adjacent land in ownership of applicant
- Layout and maintenance of play areas
- Public art
- Assessment of contribution towards education capacity for primary and secondary school places
- Improvements to public transport, cycling and pedestrian facilities within A52 Nottingham Road corridor
- Contribution towards improvements to Chaddesden Hall Community Centre and/or Chesapeake Community Centre
- Contribution towards improvements to Springwood Leisure Centre
- Contribution towards improvements to health facilities reasonably capable of serving the application site

**Application timescale:**

The target date for determination of the application was the 8 December 2014 and is brought to committee as a strategic housing site in the city with a high level of public interest. An extension of time has been agreed with the applicant until 15 January 2016 to accommodate the decision making process.

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**1. Application Details**

**Address:** Public Open space opposite Mackworth District Centre, Prince Charles Avenue, Mackworth

**Ward:** Mackworth

**Proposal:**

Formation of 40 car parking spaces, extension of existing footpath and ancillary works

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 99122>

This proposal comprises the creation of a 40 space car park on public open space situated opposite the Mackworth District Centre. The proposed development is aimed at alleviating localised parking issues and it forms part of the corporate 'Vibrant District Centres programme'. The submitted Design and Access Statement (DAS) indicates that...'design is to the highest possible standards, and will use sympathetic materials, new landscaping, trees and lighting and a robust operation regime for the new and existing car parking arrangements, already agreed with the Highway Authority. A new zebra crossing is also proposed to improve pedestrian safety and access crossing Prince Charles Avenue'.

The overall rationale of the project, as outlined in the DAS, is to...'enhance the vitality, viability and competitiveness of local amenities' and the application is supported with information about on-going public consultation exercises with local residents. The agent has indicated that around 36 parking spaces are currently available within the bounds of the district centre and demand requires the provision of further spaces.

The application site would have a maximum breadth dimension of approximately 102m across the site frontage and the maximum depth of the proposed parking area would be approximately 20m. The proposed development would provide car parking bays on either side of a centralised one-way access/egress arrangement onto Prince Charles Avenue. The proposed development would involve the loss of a single tree and the DAS outlines how pre-application discussions with the City Council's Arborists have sought to incorporate existing trees into the finalised layout. The proposal includes associated highways works in the form of a centralised pedestrian crossing, the siting of a bus stop and other traffic regulation measures. These measures are within the bounds of the highway and do not require planning permission. They are also referred to in the comments by colleagues from Highways DC within the main body of this report. The proposed parking layout would include permeable surfacing for the proposed parking bays and around the retained trees.

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**Type: City Council  
Development**

The application site also includes an extension to the existing footpath which connects Hyde Park Road to Prince Charles Avenue and an existing youth shelter would also be re-located to the south-west of the proposed parking area.

**2. Relevant Planning History:**

None

**3. Publicity:**

Site Notices

Statutory Press Advert as the proposal is a 'departure' (does not accord with the provisions of the Development Plan). The application was duly advertised as such.

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

**4. Representations:**

There are 2 objectors to the application who raise concerns about the loss of open space and trees and state preferences for other options to deliver more parking and improvements at the district centre.

The application has also generated 9 supporters and these are combined with supporters of additional parking at the District Centre who expressed such opinions during the preparation of the scheme. The supporters provide strong support for the provision of additional parking and they state concerns about existing levels of on-street parking and poor pedestrian safety issues at the district centre.

**5. Consultations:**

**Highways Development Control:**

The Local Planning Authority Case Officer has confirmed that in Planning terms, the proposals are for the change of use of the land from public open space to a parking area; with highways issues such as the provision of the zebra crossing/traffic calming/TRO's etc. being separate highways issues which fall outside the scope of the Planning process.

Accordingly, these observations are made on this basis, and are not tacit approval and support for the highway changes shown; the applicant/LPA should note that the granting of consent does not infer automatic acceptance of the proposals to construct a zebra crossing/road hump and provide waiting restrictions on the highway.

The provision of such on the public highway is subject to separate legislation and processes and therefore cannot be guaranteed.

In principle the Highway Authority is supportive of the proposals as they will provide additional off-highway parking; in an area where there is a high level of established parking demand, with excessive levels of verge damage due to highway verge parking.

For clarification, the maintained public highway extends as far as the back edge of the footway on the north side of Prince Charles Avenue.

Concerns are expressed at the proposed "Type C" surfacing (coral pink; on a permeable construction) which is proposed (in part) within the public highway (the area of echelon parking); such a 'bespoke' material should not be encouraged within the 'highway maintainable at the public expense' as it will prove to be a maintenance liability to the highway authority. Concerns are also raised in respect the durability and design life of the material; together with its ability to cope with staining from fluids dropped from parked vehicles (fuels, oil and the like).

Outside the scope of the application response; concerns are expressed about the proposed location of the bus stop being in such close proximity to the zebra crossing. There is concern that pedestrians crossing from the new car park will be hidden by a waiting bus and will (effectively) step out 'blind' into the path of oncoming vehicles. It may be preferable to locate the bus stop further to the east of the location shown.

Accordingly, a Highway Safety Audit will be required to confirm that the bus stop is in an appropriate location, this Safety Audit process falls outside of the Planning process and could therefore lead (upon detail design) to features such as the Bus Stop location being revised.

The proposed bus shelter location may also prove to be of concern, as (dependent upon the design) its' location may restrict visibility splays to the right on egress from the car park egress point.

Further, the species of tree proposed for installation in the highway footway does not appear to be shown; it should be noted that some species are not suited for planting in the highway, and that the precise location of the trees may be restricted by the location of any public utilities services in the existing highway verge/footway.

The above points notwithstanding, the Highway Authority has no objections to the proposals.

**Natural Environment:**

There are no Tree Preservation Orders (TPOs) within the curtilage of application 11/15/01463 and the site is not in a conservation area.

It is noted in the submitted Design and Access Statement that the proposed scheme has been produced in partnership and collaboration with our Arboricultural Services Section, who also provided the submitted Tree Survey.

Therefore, as long as the findings and recommendations of the Tree Survey are followed, no further comment to make other than the usual standard conditions to ensure tree protection measures, such as protective fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in the root protection area of trees to be retained.

**Derbyshire Wildlife Trust:**

DWT erroneously referred to the removal of 4 trees to accommodate the proposed car park and it was also recommended that the following condition be attached to any planning permission:

*"No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of*

*vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority."*

DWT also commented...'Due to the proposed removal of trees, it would be welcomed to replace the trees on a like for like basis around the new car parking. Planting native tree and shrub species would enhance the area and provide a biodiversity gain as detailed within the NPPF'.

**Land Drainage:**

The proposals include for formation of a parking area using both permeable paving and impermeable paving. As such appears to provide an acceptable Sustainable drainage solution.

The proposals are to use the areas of permeable paving to infiltrate the water discharged for the site to ground. The use of permeable surfacing is welcomed however it will need to be demonstrated that runoff generated from the impermeable surface can be adequately infiltrated by the in the permeable areas. This will depend on the infiltration capacity of the subsoil.

The proposals can there be supported subject to the imposition of the following condition.

1. No works will commence on site until a surface water drainage schemes have been submitted to and approved in writing by the local planning authority. The surface water drainage shall include Sustainable Drainage features that shall be in accordance with:
  - a. the one in 30 year rainfall event retained below normal ground level,
  - b. the one in 100 year plus climate change rainfall event to be retained on the development. Calculations to that end are to be approved by the local planning authority including that habitable rooms do not flood. The route of outflow from a rainfall event that exceeds that amount shall be made known to the local planning authority.
  - c. Excess surface water runoff from the development intended to discharge to a watercourse or sewer shall be outlet at a rate with the limiting devices in place not exceeding the present or pre-developed rates.
  - d. The drainage proposals subsequently agree shall be implemented and maintained for the lifespan of the development.

**6. Relevant Policies: Saved CDLPR policies**

GD2	Protection of the Environment
GD4	Design and the Urban Environment
GD5	Amenity
L1	Protection of Parks and Public Open Space
L2	Public Open Space Standards
E6	Wildlife Corridors

E9	Trees
E17	Landscaping Schemes
T4	Access, Parking and Servicing
T5	Off-Street Parking

*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 this section.

- The demand for car parking and rationale for this proposal
- Highway safety
- The loss of public open space and landscaping

**The demand for car parking and the rationale for this proposal**

The Local Planning Authority is fully supportive of the initiative to improve facilities, access and the overall vitality and viability of district centres which form an important part in the functioning of local areas. This is an important shared corporate ambition. The application is also supported by information which seeks to demonstrate that parking at the district centre is an issue that concerns local residents and, therefore, it needs to be tackled. The concerns of local residents, local ward members and other stakeholders are shared by the Local Highway Authority who state.... 'in principle the Highway Authority is supportive of the proposals as they will provide additional off-highway parking; in an area where there is a high level of established parking demand, with excessive levels of verge damage due to highway verge parking'. Saved policy T5 of the adopted CDLPR is applicable and deals with off-street parking proposals not connected with new development. The policy seeks to reduce reliance on the private car and promote modal shift. It states that permission will only be granted for new public car parks not associated with development where a 'need' for the facility can be demonstrated. This includes the consideration of whether there are shortfalls in existing parking that are causing problems. In this case, there is, in my opinion, reasonable justification for some additional parking in the area in the context of the case put forward by the agent, the comments of local residents and the stance of the Local Highway Authority. It is not absolutely clear, however, that the scale of additional parking proposed is necessary. This is an important consideration in determining whether it is appropriate to release open space in this area.

The Local Planning Authority is fully supportive of the principle of providing some additional car parking at the district centre for the reasons put forward in this

application. Smaller, more discreet, parking proposals have also been fully supported and delivered in the recent past in other parts of Mackworth but these have been on less visually prominent sites within the estate. Unfortunately, it is the precise siting of the proposed parking spaces which causes concern for the reasons set out below.

Highway safety

There are no over-riding objections to the proposal on highway safety grounds. There are separate associated elements of the proposal that need to be addressed under highways powers but these fall outside the remit of the Local Planning Authority.

The loss of public open space and landscaping

The site forms part of a wider allocation of public open space and saved policy L1 of the adopted CDLPR is, therefore, applicable. The policy deals with the protection of parks and public open space within the context of the wider protection of all 'open space of public value'. Policy L1 is clear that development in open space that is not associated with the provision of leisure or recreational uses of an open nature will only be permitted where it has been demonstrated that the space is surplus to requirements. This reflects national policy which is equally clear that open space should not be built on unless it can be demonstrated as being surplus.

In support of the application the agent has sought to demonstrate that the quantitative loss of this area of open space, approximately 1,400 sqm, can be justified in the context of the overall supply and availability of open space in this part of the city.

Data from the most recent Council open space study suggests that there are approximately 3.2ha of open space per 1000 population in this area. This compares to the Council's adopted standards of 3.8ha per 1000 population set out in policy L2. This indicates that is already a quantitative deficit in the area that can only be exacerbated by this proposal. While there is a conflict with policy L1 in this regard, it is recognised that the actual loss of open space is relatively small. It is unlikely that it would have a significant impact on the part the of the area's function that provides opportunities for informal activities for local residents. This is, however, only part of the function of the open space. It also has a significant role in terms of local character and amenity. The qualitative impact of the proposal must also be considered.

Notwithstanding the situation concerning the quantitative supply of public open space it also very important to note that the application site forms part of an integral component of landscaping that runs through the Mackworth estate. As members will be aware the Mackworth estate has a distinct character that is formed, principally, by its overall layout, street pattern and the consistent scale and architectural form of housing and associated amenities that were comprehensively developed in the 1950s. The overall layout of the estate relies on a strong landscaping component and, when one considers the layout from the A52 junction to the north, the established 'spine' of landscaping that runs through the estate in varying degrees

down to the open space on the south side of Knightsbridge plays a fundamental role in defining the character of the estate.

This strong linear form of landscaping essentially divides the western/eastern sides of the estate and it plays a visual role that is, in my opinion, as important as its functional role. Other components of adopted public open space exist within the estate but, in my opinion, the application site forms a prominent central part of the most important landscaping component which presents itself to residents and visitors when entering the estate from the A52. When considering development proposals in design terms the decision maker should consider design in its holistic sense and the NPPF embraces good design as part of its core planning principles. The proposal would introduce hard surfacing and vehicular activity into this strong landscaping corridor and this would, in my opinion, erode and undermine the character of the wider estate setting.

As part of this design consideration saved policy GD4 of the adopted CDLPR is applicable and it includes criteria aimed at preserving/enhancing local distinctiveness and respecting the context of development proposals. In this case the proposal would be distinctly at odds with the established character and form of this part of the Mackworth estate.

The site also falls within a defined Wildlife Corridor as covered by policy E6. This policy seeks to ensure that development that should not sever or severely undermine their value as wildlife routes. The proposal will clearly not sever the corridor and there is nothing to suggest that loss of open space will have a significant impact on its value as a way for wildlife to move through and penetrate into the City.

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

**To refuse** planning permission

**Reasons:**

1. In the opinion of the Local Planning Authority the proposed car parking area would create, by virtue of the introduction of hard surfacing and vehicular activity into this important open space corridor, an unacceptable form of development that would erode the established character and setting of this open space that forms an integral part of the layout of the Mackworth estate. For this reason the proposal is contrary to saved policies GD4 and L1 of the adopted City of Derby Local Review.

**Application timescale:**

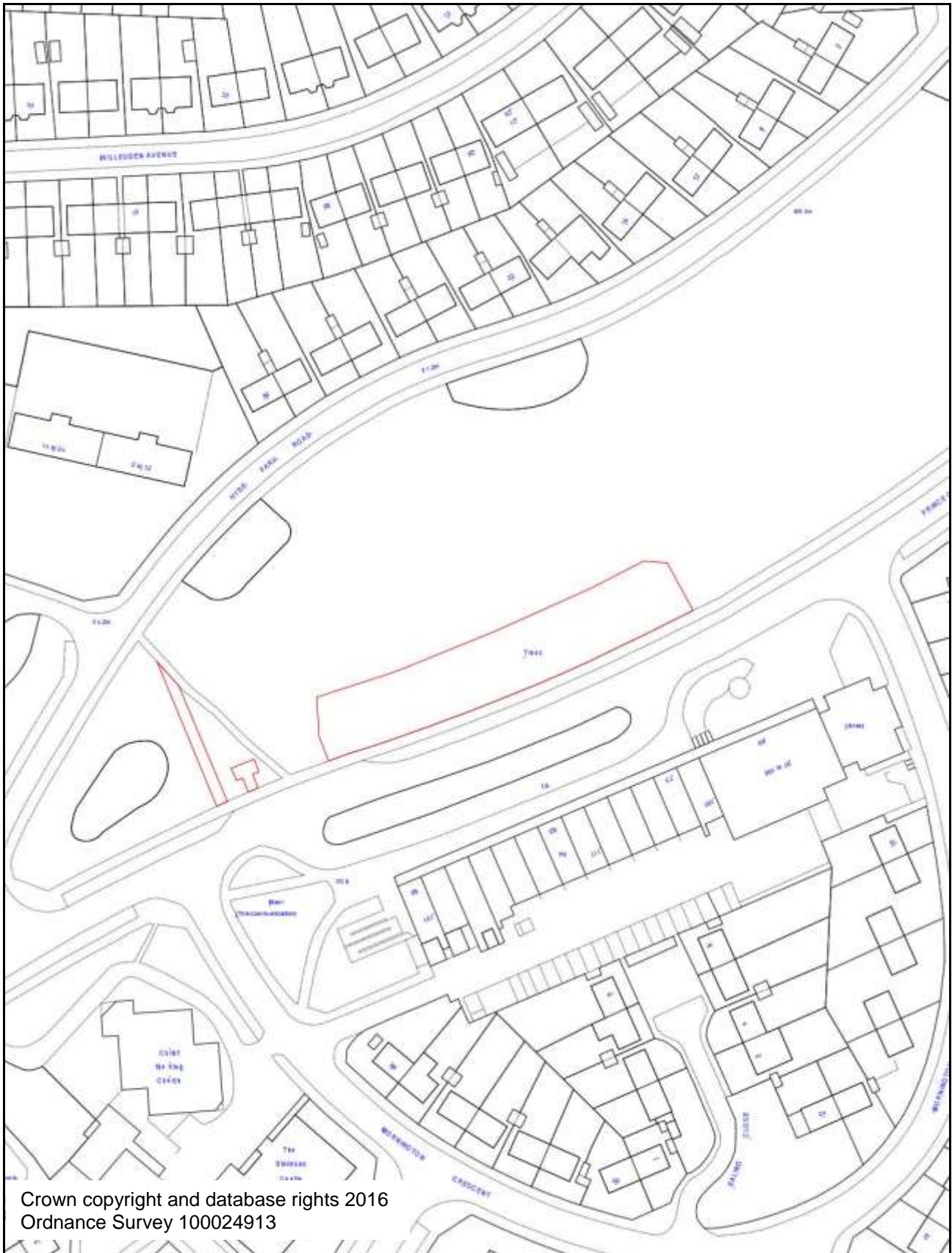
The application time period has been extended to accommodate this report to committee.

**Classification: OFFICIAL**

**Committee Report Item No: 5**

**Application No: DER/11/15/01463**

**Type:** City Council  
Development



**Classification: OFFICIAL**

**1. Application Details**

**Address:** 193 Rykneld Road, Littleover.

**Ward:** Littleover

**Proposal:**

Extensions to dwelling house (bedroom, en-suite, walk in wardrobe and enlargement of kitchen/dining room, family room, lounge, storage room) formation of rooms in roof space (bedroom, ensuite and storage) and erection of detached double garage - amendment to previously approved planning permission to enlarge the side extension.

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 99289>

The application property is a newly extended detached three storey dwelling situated on the Western side of Rykneld Road close to the southern edge of the City. The elevation fronting Rykneld Road is comprised of a newly created two-storey glazed entrance feature flanked by two-storey gables. The property occupies a fairly central position within the site and is set back from the highway behind a landscaped front garden. The site abuts open fields to the rear.

In June 2015 Members resolved to grant planning permission for various extensions to the house under planning application reference: DER04/15/00561. These works involved raising the property's roof height, together with the addition of two-storey and single storey extensions to the front, rear and side. The redevelopment of the main house is now substantially complete, although the previously approved detached garage has yet to be built.

This application seeks permission for a small amendment to the permitted scheme and relates to a single storey extension on the North-Eastern side of the house, adjacent to No.191 Rykneld Road. The lean to extension on this part of the development has been constructed approx. 2m further forward than previously approved and the applicant seeks to regularise this change. The applicant also seeks permission for a new parapet detail on the side of the extension which will ensure the guttering can be provided within the bounds of the application site and does not overhang onto the neighbour's land.

*It should be noted that no. 199 Rykneld Road (located to the SW of the application site) is incorrectly labelled as no. 195 Rykneld Road on the submitted location plan and proposed site plan.*

**Committee Report Item No: 6**

**Application No: DER/01/16/00046**

**Type: Full**

**2. Relevant Planning History:**

**Application No:** 07/15/00957

**Type:** Non-material amendment

**Status:** Granted

**Date:** 19/08/2015

**Description:** Extensions to dwelling house (bedroom, en-suite, walk in wardrobe and enlargement of kitchen/dining room, family room, lounge, storage room) formation of rooms in roof space (bedroom, ensuite and storage) and erection of detached double garage - non-material amendment to previously approved planning permission DER/04/15/00561 to substitute a window for bi-folding doors in the side elevation

**Application No:** 04/15/00561

**Type:** Full Planning Permission

**Status:** Granted Conditionally

**Date:** 26/06/2015

**Description:** Extensions to dwelling house (bedroom, en-suite, walk in wardrobe and enlargement of kitchen/dining room, family room, lounge, storage room) formation of rooms in roof space (bedroom, ensuite and storage) and erection of detached double garage

**3. Publicity:**

Neighbour Notification Letter - 4

Site Notice - Yes

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

**4. Representations:**

No third party comments have been received.

**5. Relevant Policies: Saved CDLPR policies**

GD3 Flood Protection  
GD4 Design and the Urban Environment  
GD5 Amenity  
H16 Housing Extensions  
E17 Landscaping  
E23 Design  
T4 Access, Parking and Servicing

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

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

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

**6. Officer Opinion:**

The proposed amendment is a very minimal change to the permitted scheme and given the limited height of this part of the development, which sits next to the blank side wall of No. 191 Rykneld Road, I am satisfied that change would not have detrimental impact upon the amenity of occupiers of the neighbouring residential property, or the overall character and appearance of the house. It is considered that the proposed development, as amended, would reasonably comply with saved policies GD4, GD5, E23 and H16 of the adopted City of Derby Local Plan Review. Conditions should be repeated as per those on planning application ref: DER/04/15/00561.

**7. Recommended decision and summary of reasons:**

**To grant** planning permission with conditions.

**Summary of reasons:**

The proposals, as amended, are considered to be acceptable in terms of their visual appearance and impact on the character and appearance of the streetscene, neighbour amenity and highway safety.

**Conditions:**

1. Standard 3 year time limit condition
2. Standard approved plans reference condition
3. Standard external materials condition
4. Standard landscaping condition
5. Standard timescale for implementation of landscaping
6. Surfacing material condition

**Reasons:**

1. Standard reason for time limit
2. For the avoidance of doubt
3. To preserve the character and appearance of the area in accordance with saved policies H16, GD4 and E23 of the City of Derby Local Plan Review
4. To preserve the character and appearance of the area in accordance with saved policy E17 of the City of Derby Local Plan Review
5. To preserve the character and appearance of the area in accordance with saved policy E17 of the City of Derby Local Plan Review
6. To reduce the possibility of deleterious material being deposited on the public highway in the interests of highway safety and to ensure satisfactory drainage saved policies T4 and GD3 of the City of Derby Local Plan Review

**Informative Notes:**

None

**Classification: OFFICIAL**

**Committee Report Item No: 6**

**Application No: DER/01/16/00046**

**Type: Full**

**S106 requirements where appropriate:**

None

**Application timescale:**

The target decision date for this application is the 8<sup>th</sup> March 2016.

The application is being considered at Committee because the applicant is Councillor Shanker.

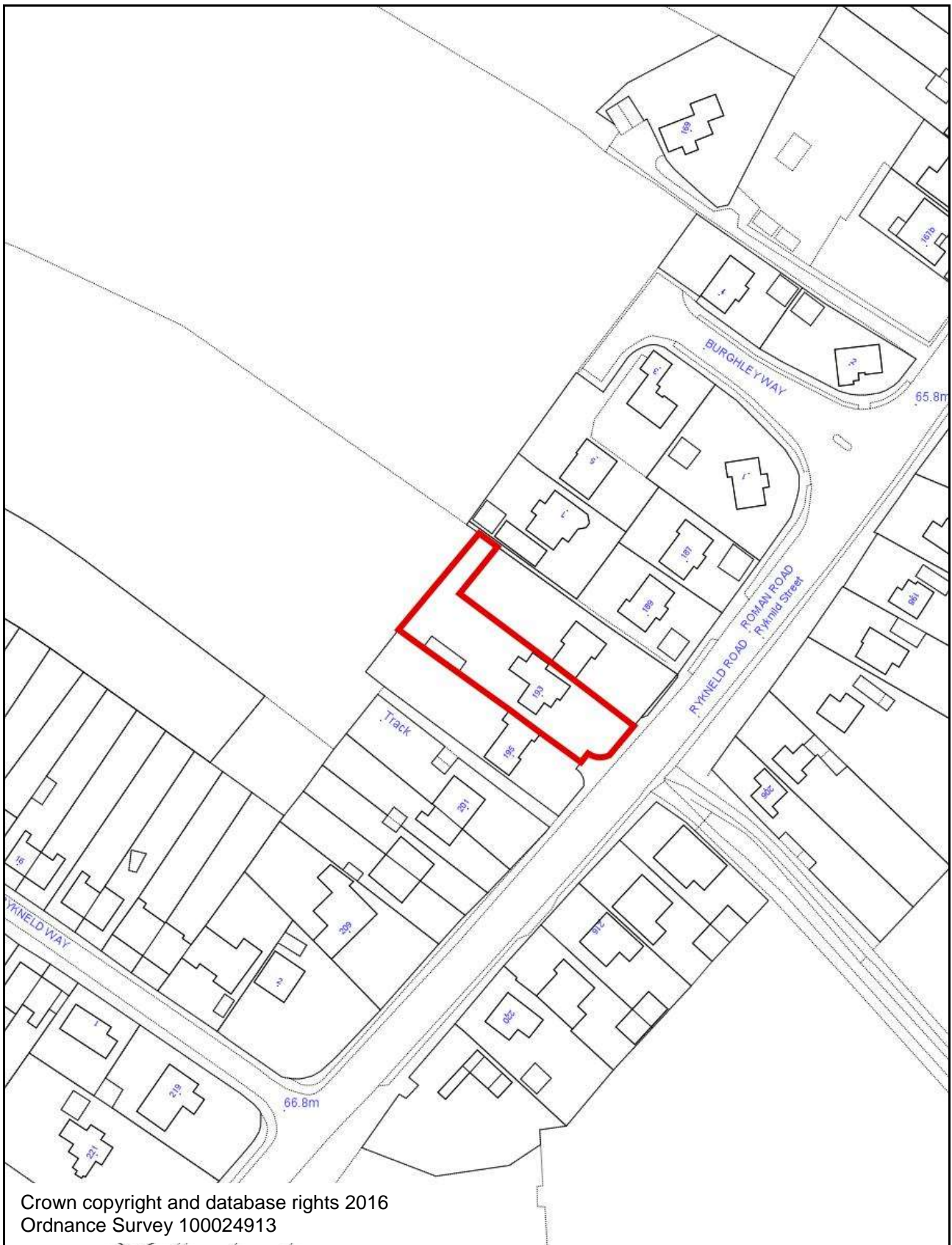
**Classification: OFFICIAL**

**Classification: OFFICIAL**

**Committee Report Item No: 6**

**Application No: DER/01/16/00046**

**Type: Full**



**Classification: OFFICIAL**

## Derby City Council

Delegated decisions made between 01/12/2015 and 31/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/13/00142/PRI	Advertisement consent	49 Smalley Drive, Oakwood, Derby, DE21 2SF	Retention of display of 2 externally illuminated fascia signs and 1 non-illuminated fascia sign	Granted Conditionally	04/12/2015
07/14/01043/PRI	Full Planning Permission	Land adjacent to 2 Pear Tree Road, Derby	Erection of retail unit (Use Class A1) with residential unit above (Use Class C3)	Granted Conditionally	25/01/2016
12/14/01699/PRI	Full Planning Permission	Land at side of 15 Prestbury Close, adjacent highway verge, Danebridge Crescent, Oakwood, Derby	Erection of dwelling house and associated vehicular access	Granted Conditionally	04/12/2015
12/14/01721/PRI	Advertisement consent	4 Chequers Road, West Meadows Industrial Estate, Derby, DE21 6EN (Citroen Derby)	Display of non illuminated fascia sign and two internally illuminated box signs	Granted Conditionally	04/12/2015
01/15/00113/PRI	Full Planning Permission	8 Strand, Derby, DE1 1BA (Smart News)	Retention of ATM	Refuse Planning Permission	07/01/2016
01/15/00114/PRI	Advertisement consent	8 Strand, Derby, DE1 1BA	Retention of internally illuminated ATM surround	Refuse Planning Permission	07/01/2016
02/15/00271/PRI	Full Planning Permission	4 Robincroft Road, Allestree, Derby, DE22 2FR	Demolition of existing dwelling and erection of replacement dwelling house	Granted Conditionally	16/12/2015
04/15/00451/PRI	Full Planning Permission	170 St. Thomas Road, Derby, DE23 8SX	Change of use from residential (Use Class C3) to Funeral Directors (Use Class A1) including installation of replacement window	Refuse Planning Permission	21/12/2015
06/15/00770/PRI	Full Planning Permission	239 Beaufort Street, Derby, DE21 6BB	Erection of two apartments (use class C3)	Refuse Planning Permission	17/12/2015
07/15/00870/PRI	Full Planning Permission	37 Hillcross Avenue, Littleover, Derby, DE23 7FW	Two storey side extension and single storey rear extension to dwelling house (family rooms, kitchen, two bathrooms, two bedrooms and en-suite) and erection of detached garage	Granted Conditionally	15/01/2016
07/15/00871/PRI	Full Planning Permission	180 Porter Road, Derby, DE23 6RF	Two storey rear extension to dwelling house (kitchen and bedroom)	Granted Conditionally	04/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/15/00887/PRI	Full Planning Permission	Bramble House, Bramble Street, Derby, DE1 1HT	Facade refurbishment	Granted Conditionally	03/12/2015
07/15/00888/PRI	Listed Building Consent - alterations	Bramble House, Bramble Street, Derby, DE1 1HT	Alterations to include facade refurbishment	Granted Conditionally	03/12/2015
07/15/00897/PRI	Full Planning Permission	4 Thurstone Furlong, Chellaston, Derby, DE73 1PZ	First floor extension to dwelling house (bedroom, enlargement of bedroom and en-suite)	Granted Conditionally	23/12/2015
07/15/00923/PRI	Full Planning Permission	933 London Road, Derby, DE24 8PW	Single storey rear extension (bedroom) to ground floor flat (flat 2), creation of additional first floor flat (use class C3) and installation of external staircase	Granted Conditionally	21/01/2016
07/15/00936/PRI	Full Planning Permission	New Testament Church Of God, Brighton Road, Alvaston, Derby, DE24 8SZ	Demolition of church annex and erection of replacement single storey annex building	Granted Conditionally	17/12/2015
07/15/00948/PRI	Full Planning Permission	Asda, Sinfin District Centre, Sinfin, Derby, DE24 3DS	Change of use of part of car park to hand car wash and valeting business (sui generis use) to include erection of cabin and canopy	Granted Conditionally	07/01/2016
07/15/00965/PRI	Full Planning Permission	Trent House, RTC Business Park, London Road, Derby, DE24 8UP	Installation of four replacement windows to the south east elevation and three replacement windows to the north east elevation	Granted Conditionally	20/01/2016
07/15/00966/PRI	Full Planning Permission	Land at Downing Close, Mackworth, Derby	Formation of 6 parking bays and widening of access road	Granted Conditionally	23/12/2015
08/15/00993/PRI	Full Planning Permission	Offices, Gervase House, 111-113 Friar Gate, Derby, DE1 1EX	External alterations to building involving the insertion of new doors, ventilation grilles and alterations to roof light	Granted Conditionally	06/01/2016
08/15/01035/PRI	Full Planning Permission	Car Park between Units 3/4 & 5, Kingsway Retail Park, Derby, DE22 3FA	Erection of retail unit (Use Class A1) and associated alterations to car parking and landscaping	Granted Conditionally	05/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/01071/PRI	Full Planning Permission	2 Albemarle Road, Chaddesden, Derby, DE21 6UG	Change of use from residential (use class C3) to supported living accommodation (use class C3) including two storey and single storey extensions, formation of rooms in the roofspace with dormers on the rear elevation, conversion of outbuilding to staff accommodation and erection of 1.8 metre high boundary fence	Refuse Planning Permission	17/12/2015
08/15/01082/PRI	Full Planning Permission	Land between 10-12 Holloway Road, Alvaston, Derby (adjacent to Wyndham Academy)	Use of playing field for Forest School (use class D1)	Granted Conditionally	03/12/2015
08/15/01088/PRI	Full Planning Permission	Radbourne Unit, Royal Derby Hospital, Uttoxeter New Road, Derby	Extension to ward (seclusion suite)	Granted Conditionally	04/12/2015
08/15/01099/PRI	Variation/Waive of condition(s)	Site of Palm Court Restaurant, Duffield Road, Allestree, Derby, DE22 1ET	Variation of condition 10 of previously approved application Code No. DER/06/14/00802/PRI to allow for side gable windows on plots 1, 5 and 11	Granted Conditionally	03/12/2015
08/15/01101/PRI	Full Planning Permission	117 Friar Gate, Derby, DE1 1EX	Retention of ATM.	Refuse Planning Permission	07/12/2015
08/15/01102/PRI	Advertisement consent	117 Friar Gate, Derby, DE1 1EX	Retention of display of internally illuminated ATM surround	Refuse Planning Permission	07/12/2015
09/15/01113/PRI	Full Planning Permission	1 Fieldfare Court, Littleover, Derby, DE23 7XX	Erection of 1.8 metre high boundary fence	Granted Conditionally	21/12/2015
09/15/01124/PRI	Full Planning Permission	14 Queensway, Derby, DE22 3BE	First floor side extension to dwelling house (two bedrooms)	Refuse Planning Permission	02/12/2015
09/15/01127/PRI	Full Planning Permission	43 Maypole Lane, Littleover, Derby, DE23 7BQ	Single storey rear extension to dwelling house (lounge and kitchen)	Granted Conditionally	16/12/2015
09/15/01147/PRI	Listed Building Consent - alterations	117 Friar Gate, Derby, DE1 1EX	Retention of installation of ATM to the front elevation	Refuse Planning Permission	07/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01162/PRI	Works to Trees under TPO	14 Sinfin Moor Lane, Chellaston, Derby, DE73 1SQ	Crown reduction by 5m of Lime Tree protected by Tree Preservation Order No. 56	Granted Conditionally	07/01/2016
09/15/01165/PRI	Works to Trees under TPO	Land west of Belmore Way, Alvaston, Derby, DE21 7AY	Felling of Balsam Poplar Tree protected by Tree Preservation Order no. 576	Refuse Planning Permission	26/01/2016
09/15/01174/PRI	Full Planning Permission	36 Hillsway, Littleover, Derby, DE23 3DU	Single storey side and rear extensions to dwelling house (shower/utility room and enlargement of lounge) and erection of two storey outbuilding (garage and store)	Granted Conditionally	08/12/2015
09/15/01176/PRI	Full Application - Article 4	30 Kingston Street, Derby, DE1 3EZ	Installation of door in the front elevation	Granted Conditionally	07/01/2016
09/15/01179/PRI	Full Planning Permission	38 Grange Avenue, Derby, DE23 8DG	Two storey and single storey side extension to dwelling house (garage, shower room, enlargement of kitchen/diner and two bedrooms)	Granted Conditionally	09/12/2015
09/15/01187/PRI	Full Planning Permission	Former United Reformed Church, Gower Street, Derby, DE1 1SD	Change of use from public house (use class A4) to eight apartments (use class C3) to include alterations to existing windows and installation of additional windows, doors and roof lights	Granted Conditionally	22/12/2015
09/15/01188/PRI	Certificate of Lawfulness Proposed Use	558 Nottingham Road, Derby, DE21 6QL	Single storey rear extension to dwelling house	Granted	10/12/2015
09/15/01189/PRI	Full Planning Permission	10 Sedgemoor Way, Littleover, Derby, DE23 7YX	First floor rear extension to dwelling house (enlargement of two bedrooms)	Granted Conditionally	09/12/2015
09/15/01192/PRI	Works to Trees under TPO	41 Porters Lane, Oakwood, Derby, DE21 4FZ	Crown lift to 5.5 metres of Oak Tree protected by Tree Preservation Order No. 124	Granted Conditionally	28/01/2016
09/15/01195/PRI	Reserved Matters	Site of Windmill Garage, Hilltop, Breadsall, Derby, DE21 4FW	Residential development - approval of reserved matters of appearance and landscaping under Outline code no. DER/06/12/00786/PRI	Granted Conditionally	15/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01205/PRI	Full Planning Permission	75 Uttoxeter Road, Mickleover, Derby, DE3 5GF	Single storey side and rear extension to dwelling house (wet room and enlargement of kitchen)	Granted Conditionally	10/12/2015
09/15/01206/PRI	Full Planning Permission	15 Moor End, Spondon, Derby, DE21 7ED	Installation of dormer to the side elevation - amendments to previously approved planning permission Code No. DER/07/15/00882/PRI	Granted Conditionally	04/12/2015
09/15/01208/PRI	Full Planning Permission	6 Pingle, Allestree, Derby, DE22 2GE	Single storey side and rear extensions to dwelling house (enlargement of kitchen and dining room)	Granted Conditionally	22/12/2015
09/15/01213/PRI	Full Planning Permission	5 Woodminton Drive, Chellaston, Derby, DE73 1RZ	Two storey front extension to dwelling house (w.c., cloakroom, bedroom and enlargement of study and bathroom)	Refuse Planning Permission	04/12/2015
09/15/01214/PRI	Works to Trees under TPO	Trees at Convent of Mercy, Broadway, Derby, DE22 1AU	Sectional felling of Sycamore and Norway Maple trees and reduction of side growth and lower order branches to a height of 6m back to the kerb line of two Lime trees, Holly tree, Yew tree and Horse Chestnut tree protected by Tree Preservation Order No. 308	Granted Conditionally	28/01/2016
09/15/01215/PRI	Full Planning Permission	20-21 Iron Gate, Derby, DE1 3GP	Alterations to front elevation of building including replacement of part of roof, coping stones and rain water goods together with the installation of up-lighting.	Granted Conditionally	13/01/2016
09/15/01216/PRI	Listed Building Consent - alterations	20-21 Iron Gate, Derby, DE1 3GP	Alterations to front elevation of building including replacement of part of roof, coping stones and rain water goods together with the installation of up-lighting.	Granted Conditionally	13/01/2016
09/15/01219/PRI	Full Planning Permission	Land adjacent to 26 Queensway, Derby, DE22 3BE	Erection of two storey dwelling with associated access	Granted Conditionally	08/12/2015
09/15/01222/PRI	Full Planning Permission	21 Coppicewood Drive, Littleover, Derby, DE23 4YQ	Single storey side and rear extension to dwelling house (kitchen diner, enlargement of utility room and lounge)	Granted Conditionally	10/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01223/PRI	Advertisement consent	James Wyatt Public House, Keldholme Lane, Alvaston, Derby, DE24 0RY	Display of various signage	Granted Conditionally	04/12/2015
09/15/01226/PRI	Works to Trees under TPO	8 Hamlet Court, Chellaston, Derby, DE73 5AH	Cutting back of branches to give two metres clearance of house and driveway of Oak tree protected by Tree Preservation Order no. 177	Refuse Planning Permission	22/01/2016
09/15/01228/PRI	Full Planning Permission	70 Windmill Hill Lane, Derby, DE22 3BP	Two storey and single storey rear extension to dwelling house (kitchen, family room and bedroom)	Granted Conditionally	04/12/2015
10/15/01235/PRI	Works to Trees under TPO	120 Whitaker Road, Derby, DE23 6AP	Crown lift to 5m and crown thin by 15% of Lime tree protected by Tree Preservation Order 278	Granted Conditionally	28/01/2016
10/15/01237/PRI	Works to Trees under TPO	Trees in front of 15 Hillcross Drive, Littleover, Derby, DE23 7BW	Re-pollarding of 16 Lime trees protected by Tree Preservation Order No 36	Granted Conditionally	16/12/2015
10/15/01239/PRI	Full Application - Article 4	The Poplars, 93 Arthur Street, Derby, DE1 3EJ	Installation of replacement windows in the front elevation	Granted Conditionally	01/12/2015
10/15/01240/PRI	Full Planning Permission	32 Glenwood Road, Chellaston, Derby, DE73 1UB	Two storey side extension to dwelling house (covered way, bathroom, study and enlargement of bedroom)	Granted Conditionally	23/12/2015
10/15/01242/PRI	Full Planning Permission	3 Duffield Road, Derby	Retention of installation of replacement door	Granted Conditionally	28/01/2016
10/15/01248/PRI	Advertisement consent	GK Seat Group, Locomotive Way, Pride Park, Derby, DE24 8PU	Display of various signage	Granted Conditionally	01/12/2015
10/15/01252/PRI	Certificate of Lawfulness Proposed Use	14 Rowsley Avenue, Derby, DE23 6JY	Single storey rear extension to dwelling house (kitchen/diner)	Granted	10/12/2015
10/15/01254/PRI	Outline Planning Permission	Land at 23 Charnwood Avenue, Littleover, Derby, DE23 7NG	Residential Development (one dwelling house)	Refuse Planning Permission	12/01/2016
10/15/01255/PRI	Full Planning Permission	33 Chesterton Road, Spondon, Derby, DE21 7EN	Two storey side extension to dwelling house (study, kitchen, bedroom an en-suite) and installation of canopy to the front elevation	Granted Conditionally	26/01/2016
10/15/01257/PRI	Certificate of Lawfulness Proposed Use	3 Milbury Close, Oakwood, Derby, DE21 2JT	Single storey rear extension to dwelling house and conversion of integral garage to living space	Granted	10/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01258/PRI	Full Planning Permission	Unit B Rosehill Business Centre, Normanton Road, Derby, DE23 6RH	Change of use from retail (Use Class A1) to Cafe (Use Class A3)	Granted Conditionally	07/12/2015
10/15/01261/PRI	Full Planning Permission	7 Ash Close, Allestree, Derby, DE22 2JF	Single storey rear extensions to dwelling house (enlargement of kitchen/dining room and bathroom)	Granted Conditionally	07/12/2015
10/15/01263/PRI	Full Planning Permission	464 Duffield Road, Derby, DE22 2DH	Single storey front and two storey and single storey rear extensions to dwelling house (porch, garage, enlargement of utility room, kitchen/dining room, dressing room and bedroom) and installation of render and square window to the front elevation	Granted Conditionally	07/12/2015
10/15/01265/PRI	Certificate of Lawfulness Proposed Use	11 Hobson Drive, Spondon, Derby, DE21 7TU	Formation of rooms in roof space to include insertion of new roof windows	Granted	07/12/2015
10/15/01266/PRI	Works to Trees under TPO	16 Werburgh Close, Spondon, Derby, DE21 7GN	Crown clean and lift epicormic growth to 4 metres of False Acacia tree protected by Tree Preservation Order 1963 No.8 (Trees in the grounds of Spondon Hall)	Granted Conditionally	12/01/2016
10/15/01268/PRI	Full Planning Permission	3 Margaret Street, Derby, DE1 3FE	Installation of dormer window on the side elevation and three roof lights	Refuse Planning Permission	21/12/2015
10/15/01269/DCC	Local Council own development Reg 3	Public Open Space adjacent to 11-21 Jedburgh Close and 36 Hobkirk Drive, Sinfin, Derby	Retention of five areas of hardsurfacing and installation of two additional areas of hardsurfacing and bollards	Granted Conditionally	14/12/2015
10/15/01270/PRI	Full Planning Permission	Land at west end of Wordsworth Avenue, Sinfin, Derby	Erection of six dwelling houses	Granted Conditionally	23/12/2015
10/15/01271/PRI	Local Council own development Reg 3	Land between 11 and 15 Berwick Close, Alvaston, DE24 0JB	Erection of a bungalow	Granted Conditionally	06/01/2016
10/15/01272/PRI	Outline Planning Permission	Land at the side of 8 Weston Rise, Chellaston, Derby, DE73 1UQ	Residential development (one dwelling house)	Refuse Planning Permission	09/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01274/PRI	Full Planning Permission	350 Duffield Road, Derby, DE22 1ER	Two storey side and single storey rear extensions to dwelling house (utility room, store, kitchen/living/dining area, study and enlargement of bedroom and bathroom)	Granted Conditionally	09/12/2015
10/15/01275/PRI	Variation/Waive of condition(s)	Land at Alison Close, Chaddesden, Derby	Erection of two bungalows - Variation of condition 2 of previously approved planning permission Code No. DER/07/14/00930/PRI to amend the position of the bungalows	Granted Conditionally	12/01/2016
10/15/01279/PRI	Full Planning Permission	The Woodpecker P H,1 Woodford Road, Derby, DE22 4EF	Erection of smoking shelter	Granted Conditionally	09/12/2015
10/15/01282/PRI	Full Planning Permission	Probate House, 37-38 St. Marys Gate, Derby, DE1 3JZ	Change of use from offices (use class B1) to residential (use class C3)	Granted Conditionally	05/01/2016
10/15/01284/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH (tree adjacent to 15 Lakeside Drive)	Cutting back of branches of Sycamore Tree protected by Tree Preservation Order No. 78	Granted Conditionally	21/01/2016
10/15/01285/PRI	Certificate of Lawfulness Proposed Use	32 Northwood Avenue, Chaddesden, Derby, DE21 6JJ	Installation of dormer	Granted	10/12/2015
10/15/01288/PRI	Full Planning Permission	Car Park Level 3, Intu Derby, West Mall, Derby, DE1 2PL	Change of use from shopping centre car park to leisure facilities (use class D2)	Granted Conditionally	06/01/2016
10/15/01292/PRI	Non-material amendment	Site of 4 Orchard Street / adjacent land and buildings between 16 and St. Helen's Court, St. Helens Street, Derby	Non-material amendment to previously approved planning application Code No. DER/12/14/01704/PRI to omit the balconies from the rear elevation of site B	Granted	17/12/2015
10/15/01294/PRI	Full Planning Permission	McDonalds Unit 10, Wyvern Retail Park, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Single storey extension to restaurant ('drive thru' booth) and widening of 'drive thru' lane	Granted Conditionally	14/12/2015
10/15/01295/PRI	Full Planning Permission	263 Station Road, Mickleover, Derby, DE3 5FB	Erection of three dwelling houses	Granted Conditionally	23/12/2015
10/15/01301/PRI	Full Planning Permission	500 Nottingham Road, Derby, DE21 6PF	Retention of raised decking area	Refuse Planning Permission	13/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01302/PRI	Full Planning Permission	62 Cadgwith Drive, Derby, DE22 2AE	Two storey side and two storey and single storey rear extensions to dwelling house (dining room, sitting room, store, w.c, bedrooms and enlargement of kitchen)	Granted Conditionally	06/01/2016
10/15/01303/PRI	Full Planning Permission	9 Cleveland Avenue, Chaddesden, Derby, DE21 6SA	Two storey side extension and single storey rear extensions to dwelling house (play room, shower room, kitchen, bedroom and en-suite)	Granted Conditionally	09/12/2015
10/15/01307/PRI	Full Planning Permission	Rolls Royce Marine, Raynesway, Derby, DE21 7BE	Erection of plant and equipment	Granted Conditionally	22/12/2015
10/15/01308/PRI	Full Planning Permission	88 College Green Walk, Mickleover, Derby	Single storey rear extension to dwelling house (conservatory) - amendment to previously approved planning permission Code No. DER/08/15/00990/PRI to amend the position of the conservatory	Granted Conditionally	13/01/2016
10/15/01309/PRI	Full Planning Permission	F C Precast Concrete Ltd, Alfreton Road, Derby, DE21 4BN	Erection of 6 light industrial units (Use Class B1) and 1 Trade Counter unit (Sui Generis use) together with alterations to vehicular access	Granted Conditionally	21/01/2016
10/15/01311/PRI	Full Planning Permission	The Robin PH, 71 Devonshire Drive, Mickleover, Derby, DE3 5HD	Single storey front extension to public house (lobby), infilling of existing openings, installation of extraction duct and grille to existing flat roof and erection of smoking shelter	Granted Conditionally	14/01/2016
10/15/01312/DCC	Listed Building Consent - alterations	Markeaton Craft Village, Markeaton Park, Derby, DE22 3BG	Installation of five extraction flue pipes and one roof tile vent extractor to the roofs of the existing craft units	Granted Conditionally	11/01/2016
10/15/01313/PRI	Advertisement consent	Hotel, The County Ground, Nottingham Road, Derby, DE21 7DA	Display of various signage	Granted Conditionally	20/01/2016
10/15/01316/PRI	Full Planning Permission	68 Grange Street, Derby, DE23 8HA	Two storey side extension to dwelling house (lounge, study, shower room, bedroom, dressing room and en-suite)	Granted Conditionally	21/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01318/PRI	Full Planning Permission	Unit 1 Derwent Park, London Road, Derby, DE1 2SX	Change of use from business (use class B1) to a non-residential institution (use class D1)	Granted Conditionally	11/01/2016
10/15/01319/PRI	Variation/Waive of condition(s)	Site of builders yard and land to west of Wincanton Close, Derby (former Robinsons Construction)	Variation of conditions 1 and 5 of planning permission Code No. DER/09/15/01137/PRI (alterations to access) - (originally numbered conditions 1 and 6 of planning permission Code No. DER/12/13/01492)	Granted Conditionally	02/12/2015
10/15/01321/PRI	Variation/Waive of condition(s)	Willow House, Willow Row, Derby, DE1 3NZ	Variation of condition 2 of previously approved planning permission Code no.DER/01/15/00060/PRI to amend the external materials	Granted Conditionally	21/12/2015
10/15/01322/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH (trees adjacent to 44 Bridgeness Road)	Felling of two Ash trees protected by Tree Preservation Order No. 78	Refuse Planning Permission	21/01/2016
10/15/01323/PRI	Advertisement consent	Rolls Royce Plc, Wilmore Road, Derby (Infinity Park)	Display of two non-illuminated freestanding hoarding signs	Granted Conditionally	04/12/2015
10/15/01324/PRI	Advertisement consent	Land adjacent to the T12 Link Road and Holmleigh Way, Chellaston, Derby (Infinity Park)	Display of two non-illuminated freestanding hoarding signs	Granted Conditionally	04/12/2015
10/15/01325/PRI	Full Planning Permission	307A Uttoxeter Road, Mickleover, Derby, DE3 5AH	Two storey side and single storey rear extensions to dwelling house (garage, family space, bedroom and en-suite)	Granted Conditionally	21/12/2015
10/15/01326/PRI	Full Planning Permission	35 Westleigh Avenue, Derby, DE22 3BY	Single storey rear extension to dwelling house (porch, w.c.) and installation of mono-pitched roof to existing rear projection	Granted Conditionally	21/12/2015
10/15/01328/PRI	Full Planning Permission	Flat 3, 17 Jubilee Road, Shelton Lock, Derby, DE24 9FG	Single storey rear extension to flat (bedroom)	Granted Conditionally	23/12/2015
10/15/01330/PRI	Full Planning Permission	30 Gilbert Street, Alvaston, Derby, DE24 0LD	Single storey rear extension to dwelling (family space and enlargement of kitchen)	Granted Conditionally	21/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/15/01332/PRI	Prior Approval - Householder	102 Normanton Lane, Littleover, Derby, DE23 6GR	Single storey rear extension (projecting beyond the rear wall of the original house by 5.2m, maximum height 3.5m, height to eaves 3m) to dwelling house	Prior Approval Approved	21/01/2016
10/15/01333/DCC	Listed Building Consent - alterations	41 Friar Gate, Derby, DE1 1DA (Pickfords House Museum)	Installation of fire alarm system	Granted Conditionally	23/12/2015
10/15/01334/PRI	Full Planning Permission	13 Longford Close, Allestree, Derby, DE22 2RG	Single storey front extension to dwelling (kitchen/dining area and utility room)	Granted Conditionally	21/12/2015
10/15/01335/PRI	Full Planning Permission	Units A-C, Chequers Lane, Derby, DE21 6AW	Installation of eight condenser units and one ventilation louvre	Granted Conditionally	22/12/2015
10/15/01336/PRI	Full Planning Permission	Units 13 & 14, Osmaston Road Business Park, Osmaston Road, Derby	Change of use from general industrial (use class B2) to a mixed used of general industrial and retail (use classes B2 and A1)	Granted Conditionally	22/12/2015
10/15/01338/PRI	Full Application - disabled People	96 Stoney Lane, Spondon, Derby, DE21 7QG	Single storey side extension to dwelling (bedroom, en-suite and enlargement of kitchen) with front and rear dormers to form rooms in the roof space (bedroom and bathroom) and installation of a window to the side elevation	Granted Conditionally	22/12/2015
10/15/01339/PRI	Full Planning Permission	22 Royal Hill Road, Spondon, Derby, DE21 7AH	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	22/12/2015
10/15/01345/PRI	Full Planning Permission	344 Duffield Road, Derby, DE22 1ER	Single storey rear extension to dwelling house (sitting room and enlargement of kitchen) and erection of detached garage	Granted Conditionally	23/12/2015
11/15/01346/PRI	Full Planning Permission	Derby County Football Club, Pride Park, Royal Way, Pride Park, DE24 8XL	Extension of existing accommodation beneath the north stand and part of the east stand terracing to increase office and corporate hospitality space	Granted Conditionally	11/12/2015
11/15/01347/PRI	Advertisement consent	3 Centro Place, Pride Park, Derby	Display of one internally illuminated fascia sign	Granted Conditionally	24/12/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01349/PRI	Local Council own development Reg 3	68 Allestree Lane, Derby, DE22 2HR	Single storey rear extension to dwelling house (lobby and shower room) - amendments to previously approved planning permission Code No. DER/05/15/00658/PRI	Granted Conditionally	09/12/2015
11/15/01350/PRI	Full Planning Permission	33 Heyworth Street, Derby, DE22 3DL	Extension to outbuilding (kitchen/ living room, w.c and bedroom) to form annexe	Granted Conditionally	26/01/2016
11/15/01351/PRI	Full Planning Permission	Site of 2D Henry Street, Derby, DE1 3BQ	Demolition of garage and erection of one dwelling	Granted Conditionally	22/01/2016
11/15/01352/PRI	Full Planning Permission	24 Victory Road, Derby, DE24 8ER	Two storey side extension to dwelling house (garage, bedroom and enlargement of bathroom)	Granted Conditionally	22/12/2015
11/15/01353/PRI	Variation/Waive of condition(s)	298 Burton Road, Derby, DE23 6AD	Variation of condition 2 of previously approved planning permission Code no. DER/06/14/00814/PRI - Retention and completion of timber roof structure on top of single storey flat roofed garage to amend the approved plans - alterations to the fenestration and building materials	Granted Conditionally	23/12/2015
11/15/01354/PRI	Full Planning Permission	61 Derby Lane, Derby, DE23 8UD	Two storey side and single storey rear extensions to dwelling house (garage, wet room, kitchen, dining room and two bedrooms) and installation of dormer to the rear elevation	Granted Conditionally	22/12/2015
11/15/01357/PRI	Full Planning Permission	20 Ivy Square, Derby, DE23 8LG	Two storey rear extension to dwelling house (utility room, bedroom and bathroom)	Granted Conditionally	06/01/2016
11/15/01358/PRI	Full Planning Permission	100 Chaddesden Park Road, Derby, DE21 6HG	Two storey side extension to dwelling house (covered way, entrance hall, lobby, bedroom, bathroom and enlargement of dining room)	Granted Conditionally	22/12/2015
11/15/01360/DCC	Advertisement consent	Road Traffic Island, Sinfin Lane, Sinfin, Derby (junction with Grampian Way and Lynwood Road)	Display of 4 non illuminated post signs	Granted Conditionally	07/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01361/DCC	Advertisement consent	Road Traffic Island, Uttoxeter New Road, Derby (Junction with Mercian Way, Stafford Street and Curzon Street, Derby)	Display of 4 non illuminated post signs	Granted Conditionally	07/01/2016
11/15/01362/DCC	Advertisement consent	Road Traffic Island, Raynesway, Derby (Junction with Fernhook Avenue, Linville Close and A6)	Display of 3 non illuminated post signs	Granted Conditionally	07/01/2016
11/15/01363/DCC	Advertisement consent	Road Traffic Island, Etwall Road, Mickleover, Derby (Junction with Ladybank Road and A516 Slip road)	Display of 4 non illuminated post signs	Granted Conditionally	07/01/2016
11/15/01364/DCC	Advertisement consent	Road Traffic Island Shardlow Road, Alvaston, Derby (Junction with Keldholme Lane and Bembridge Drive)	Display of 4 non illuminated post signs	Granted Conditionally	07/01/2016
11/15/01365/PRI	Full Planning Permission	40 Grosvenor Drive, Littleover, Derby, DE23 3UQ	Two storey side and single storey front extension to dwelling house (living room, dining room, two bedrooms and en-suite)	Granted Conditionally	06/01/2016
11/15/01366/PRI	Full Planning Permission	16 West Drive, Mickleover, Derby, DE3 5EX	Two storey and single storey rear extensions to dwelling house (kitchen, dining room and bedroom)	Granted Conditionally	20/01/2016
11/15/01369/PRI	Full Planning Permission	156 Warwick Avenue, Derby, DE23 6HL	Erection of outbuilding (play area, wash room and storage)	Granted Conditionally	06/01/2016
11/15/01372/PRI	Full Planning Permission	4 Lens Road, Allestree, Derby, DE22 2NB	Single storey front and single storey rear extensions to dwelling house (porch, dining room and enlargement of lounge and hall) and installation of a canopy to the front elevation	Granted Conditionally	23/12/2015
11/15/01373/PRI	Local Council devt Reg 4	Land at Morpeth Gardens, Derby	Formation of 5 parking bays	Granted Conditionally	23/12/2015
11/15/01376/PRI	Certificate of Lawfulness Proposed Use	22 Rangemore Close, Mickleover, Derby, DE3 5JU	Single storey side extension to dwelling house (gym, utility room and w.c.)	Granted	06/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01377/PRI	Full Planning Permission	Land at the side of 2 Grimshaw Avenue, Alvaston, Derby	Erection of a dwelling house	Granted Conditionally	05/01/2016
11/15/01378/PRI	Full Planning Permission	15 Bankfield Drive, Spondon, Derby, DE21 7QZ	Single storey side and rear extensions to dwelling house (garden room/dining room, entrance hall, utility room and garage)	Granted Conditionally	22/01/2016
11/15/01382/PRI	Works to Trees under TPO	65A Station Road, Chellaston, Derby, DE73 5SU	Height reduction of 2 metres and removal of 2m off low lateral branch of Pine tree protected by Tree Preservation Order No. 508	Granted Conditionally	07/01/2016
11/15/01383/PRI	Full Planning Permission	89 Highfield Lane, Chaddesden, Derby, DE21 6PJ	Single storey side extension to dwelling house (study and enlargement of kitchen/dining area)	Granted Conditionally	23/12/2015
11/15/01384/DCC	Full Planning Permission	Former Roll Royce Works, Nightingale Road, Derby	Change of use from medical centre (use class D1) to offices (use class B1)	Granted Conditionally	06/01/2016
11/15/01385/PRI	Full Planning Permission	4 Melton Avenue, Littleover, Derby, DE23 7FY	Two storey and single storey side and rear extensions to dwelling house (sitting room, kitchen/dining room, garage, two bedrooms and bathroom)	Granted Conditionally	05/01/2016
11/15/01386/PRI	Certificate of Lawfulness Proposed Use	17 Cavendish Avenue, Allestree, Derby, DE22 2AQ	Hip to gable roof alteration, installation of rear dormer and installation of rooflights to the front elevation	Granted	06/01/2016
11/15/01388/DCC	Local Council own development Reg 3	86 Queensferry Gardens, Allenton, Derby, DE24 9JS	Single storey extensions to children's home (games room, utility room, and en-suite), installation of new window openings, replacement windows and doors and erection of shed	Granted Conditionally	26/01/2016
11/15/01390/PRI	Full Planning Permission	492 Stenson Road, Derby, DE23 7LN	Single storey rear extension to dwelling house (garden room)	Granted Conditionally	05/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01392/PRI	Works to Trees under TPO	27 Blagreaves Lane, Littleover, Derby, DE23 7BT	Felling of one Lime tree and one Pine Tree protected by Tree Preservation Order No. 36	Refuse Planning Permission	06/01/2016
11/15/01393/PRI	Works to Trees in a Conservation Area	23 King Street, Derby, DE1 3DZ (The Flower Pot PH)	Crown lift to 4m of two Cherry trees and one Acer tree within the City Centre Conservation Area	Raise No Objection	10/12/2015
11/15/01394/PRI	Works to Trees in a Conservation Area	Pineside, Burleigh Drive, Derby, DE22 1AL	Crown reduction by 1.5m and crown thin by 30% of Rowan tree, crown reduction by 2m of Sorbus Aria and crown reduction by 1m of Magnolia within the Strutts Park Conservation Area	Raise No Objection	10/12/2015
11/15/01396/PRI	Full Planning Permission	16 Rugby Street, Derby, DE24 8WX	Erection of apartment block building (three apartments) attached to 16 Rugby Street and erection of detached apartment block building (six apartments) - all use class C3	Refuse Planning Permission	11/01/2016
11/15/01397/PRI	Works to Trees under TPO	Trees at Laverstoke Court, Peet Street, Derby, DE22 3NT	Cutting back branches of Lime tree to give 2.5m clearance of the neighbouring building and cutting back of branches of Yew, Holly and Ivy to the fence line. All protected by Tree Preservation Order No. 204	Granted Conditionally	20/01/2016
11/15/01399/PRI	Full Planning Permission	34 Shamrock Street, Derby, DE23 6PT	Two storey rear extension to dwelling house (kitchen/dining room, bedroom, en-suite and enlargement of bathroom)	Granted Conditionally	06/01/2016
11/15/01400/PRI	Full Planning Permission	94a Stoney Lane, Spondon, Derby, DE21 7QG	Single storey front and rear extensions to dwelling house (lounge, dining room and two bedrooms)	Granted Conditionally	18/01/2016
11/15/01402/PRI	Works to Trees under TPO	338D Stenson Road, Derby, DE23 1HF	Removal of three lower branches of Oak tree protected by Tree Preservation Order No. 356	Granted Conditionally	05/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01403/PRI	Works to Trees under TPO	Five Lamps House, Belper Road, Derby, DE1 3BP	Reduction of Horse Chestnut protected by Tree Preservation Order No. 499 to historic pruning points, established under application Code No. 03/09/00222. Branches to be cut back by about 2 metres on the north west side of the tree; 2.5 metres on the north east side; 1 metre on the upper crown. All dimensions approximate.	Granted Conditionally	07/01/2016
11/15/01404/PRI	Full Planning Permission	56 Mayfair Crescent, Derby, DE22 4HW	Two storey side extension to dwelling house (playroom, dining room and two bedrooms) and erection of retaining wall	Granted Conditionally	21/01/2016
11/15/01407/PRI	Full Planning Permission	16 Causeway, Darley Abbey, Derby, DE22 2BW	Single storey side extension to dwelling (lounge, bedroom, en-suite and balcony)	Granted Conditionally	22/01/2016
11/15/01408/PRI	Prior Approval - Telecommunications	Footpath, Sinfin Lane, Sinfin, Derby. (adjacent Reckitt Benckiser UK Ltd premises)	Installation of 15 metre high monopole with antennae and two equipment cabinets	Prior Approval Approved	05/01/2016
11/15/01410/PRI	Full Planning Permission	Land adjcent to 1 Brigden Avenue, Allenton, Derby, DE24 8LH	Erection of dwelling house and associated access and parking arrangements	Granted Conditionally	13/01/2016
11/15/01412/PRI	Full Planning Permission	Shop 30, Rosehill Business Centre, Normanton Road, Derby, DE23 6RH	Change of use from retail (Use Class A1) to cafe (Use Class A3)	Granted Conditionally	12/01/2016
11/15/01422/PRI	Works to Trees in a Conservation Area	Five Lamps House, Belper Road, Derby, DE1 3BP	Felling of Plum tree within the Strutts Park Conservation Area	Raise No Objection	06/01/2016
11/15/01423/PRI	Full Planning Permission	Rolls Royce Marine, Raynesway, Derby, DE21 7BE	Single storey facility to co-ordinate management of existing manufacturing associated site activities	Granted Conditionally	13/01/2016
11/15/01424/DCC	Local Council own development Reg 3	Sinfin Moor Community Centre, Sinfin Park, Sinfin Lane, Sinfin, Derby, DE24 9SE	Formation of footpath and installation of dropped kerb	Granted Conditionally	13/01/2016
11/15/01425/DCC	Local Council own development Reg 3	Land, Derby Canal path, behind 76 Wilkins Drive, Allenton, Derby. DE24 8LU	Formation of link footpath	Granted Conditionally	14/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01426/PRI	Prior Approval - Householder	130 Stoney Lane, Spondon, Derby, DE21 7QF	Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 3.6m, height to eaves 2.6m) to dwelling house	Prior Approval Not required	22/12/2015
11/15/01427/PRI	Full Planning Permission	150 Derby Road, Spondon, Derby, DE21 7LU	Enlargement of vehicular access	Granted Conditionally	15/01/2016
11/15/01428/PRI	Advertisement consent	4-5 The Spot, London Road, Derby, DE1 2NZ (The Money Shop)	Display of one non-illuminated fascia sign	Granted Conditionally	20/01/2016
11/15/01430/PRI	Non-material amendment	4 Cleveland Avenue, Chaddesden, Derby, DE21 6SA	Single storey side and rear extensions to dwelling house (sun lounge, kitchen, w.c and covered porch) - non material amendment to previously approved application code No. DER/04/15/00489 to remove sun lounge and alter roof design	Granted	21/12/2015
11/15/01431/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH (tree adjacent to 23 Lakeside Drive)	Crown reduction by 6m and cutting back of branches overhanging 23 Lakeside Drive by 1m to Sycamore tree protected by Tree Preservation Order No. 78	Granted Conditionally	21/01/2016
11/15/01433/PRI	Prior Approval - Householder	57 Park Grove, Derby, DE22 1HG	Single storey rear extension (projecting beyond the rear wall of the original house by 5.3m, maximum height 3.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	22/12/2015
11/15/01435/PRI	Full Planning Permission	1289 London Road, Derby, DE24 8QN (Bargain Booze)	Retention of an ATM	Granted Conditionally	06/01/2016
11/15/01436/PRI	Advertisement consent	1289 London Road, Derby, DE24 8QN (Bargain Booze)	Retention of an internally illuminated ATM surround	Granted Conditionally	06/01/2016
11/15/01437/PRI	Advertisement consent	Unit DS1, Intu Centre, Derby (Marks and Spencer)	Display of three internally illuminated fascia signs	Granted Conditionally	06/01/2016
11/15/01438/PRI	Full Planning Permission	95 Normanton Road, Derby, DE1 2GG (Eastern European Foods)	Retention of an ATM	Granted Conditionally	06/01/2016
11/15/01439/PRI	Advertisement consent	95 Normanton Road, Derby, DE1 2GG (Eastern European Foods)	Retention of an internally illuminated ATM surround	Granted Conditionally	06/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01440/PRI	Full Planning Permission	4 Broadbank, Derby, DE22 1BR	Single storey front and two storey side and rear extensions to dwelling (garage/store, lounge, two bedrooms, en-suites, bathroom and enlargement of kitchen and dining room)	Granted Conditionally	22/01/2016
11/15/01441/PRI	Works to Trees in a Conservation Area	St. Alkmunds House, 103 Belper Road, Derby, DE1 3ER	Cutting back of branches to give 2.5m clearance of 93 Belper Road of Sycamore tree within the Strutts Park Conservation Area	Raise No Objection	06/01/2016
11/15/01444/PRI	Full Planning Permission	167 Havenbault Lane, Littleover, Derby, DE23 7AF	Two storey side and rear and single storey front extensions to dwelling house (porch, garage, kitchen, two bedrooms, en-suite and enlargement of bedroom) and formation of rooms within the roof space (bedroom and en-suite)	Granted Conditionally	07/01/2016
11/15/01445/PRI	Works to Trees in a Conservation Area	12 North Street, Derby, DE1 3AZ	Felling of Cherry tree within the Strutts Park Conservation Area	Raise No Objection	06/01/2016
11/15/01447/PRI	Full Planning Permission	13 Lilac Avenue, Kingsway, Derby, DE22 4AS	Single storey rear extension to dwelling house (lounge with mono-pitched roof)	Granted Conditionally	07/01/2016
11/15/01450/PRI	Full Planning Permission	6 Charterstone Lane, Allestree, Derby, DE22 2FF	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen, living room and bedroom)	Granted Conditionally	25/01/2016
11/15/01452/PRI	Full Planning Permission	114 Village Street, Derby, DE23 8DF	Two storey side extension to dwelling house (lounge, dining/kitchenette, two bedrooms and shower room)	Granted Conditionally	07/01/2016
11/15/01454/PRI	Full Planning Permission	30 Aylesbury Avenue, Chaddesden, Derby, DE21 6JB	Two storey side extension to dwelling house (covered way and bedroom)	Granted Conditionally	07/01/2016
11/15/01455/PRI	Works to Trees in a Conservation Area	Trees at 2 & 8 Cornhill, Allestree, Derby, DE22 2FT	Felling of Ash Tree and Willow Tree within the Allestree Conservation Area	Raise No Objection	06/01/2016
11/15/01456/PRI	Full Planning Permission	Hotel, Riverside Walk, Morledge, Derby, DE1 2BB	Installation of new shopfronts	Granted Conditionally	07/01/2016
11/15/01458/PRI	Full Planning Permission	Land at side of 66 Somerset Street, Derby, DE21	Erection of dwelling house	Refuse Planning Permission	21/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/15/01460/PRI	Prior Approval - Telecommunications	Highway land at junction of Barrett Street and Harvey Road, Derby	Erection of replacement 11.7 m high monopole, one additional equipment cabinet and associated works	Prior Approval Approved	19/01/2016
11/15/01464/PRI	Full Planning Permission	104 Hawthorn Street, Derby, DE24 8BB	Erection of two storey outbuilding (garage, office and store)	Granted Conditionally	07/01/2016
11/15/01465/PRI	Demolition-Prior Notification	Hartley House, 500 London Road, Derby, DE24 8BQ	Demolition of single storey extension to the south east of the existing Hartley House building	Raise No Objection	23/12/2015
11/15/01469/PRI	Full Planning Permission	8 Caversfield Close, Littleover, Derby, DE23 7SR	First and second floor extensions to bungalow to create dwelling house (six bedrooms, en-suites and bathroom) and single storey front extension (porch/lobby)	Refuse Planning Permission	26/01/2016
12/15/01470/PRI	Full Planning Permission	19 Hillsway, Littleover, Derby, DE23 7DS	Single storey rear extension to dwelling house (enlargement of kitchen and lounge)	Granted Conditionally	25/01/2016
12/15/01474/PRI	Full Planning Permission	3 Bonsall Avenue, Derby, DE23 6JX	Erection of boundary fence	Granted Conditionally	21/01/2016
12/15/01475/PRI	Certificate of Lawfulness Proposed Use	108 Blenheim Drive, Allestree, Derby, DE22 2LG	Single storey side extension to dwelling house (garage, w.c. and enlargement of kitchen)	Granted	28/01/2016
11/15/01476/PRI	Prior Approval - PV on Non-Domestic	The County Ground, Nottingham Road, Derby, DE21 6DA	Installation of PV Panels	Prior Approval Approved	22/01/2016
12/15/01477/PRI	Variation/Waive of condition(s)	Unit 1C & 1D Trafalgar Park, Trafalgar Park Way, Derby, DE24 8DX	Extension to timber resource recovery centre (three silos) -Amendment to previously approved planning permission Code No. DER/11/14/01567 to increase the height of the pipework on top of the three silos by 0.7m	Granted Conditionally	28/01/2016
12/15/01479/PRI	Works to Trees under TPO	10 Moorland Road, Mickleover, Derby, DE3 5FX	Crown reduction by 3m in height and branch length by 1.5m to Silver Birch tree protected by Tree Preservation Order No. 313	Granted Conditionally	21/01/2016
12/15/01482/PRI	Advertisement consent	31-33 St. Peters Street, Derby, DE1 2AA (Lloyds Bank)	Display of various signage	Granted Conditionally	11/01/2016
12/15/01483/PRI	Full Planning Permission	1 Gorse Close, Littleover, Derby, DE23 7TG	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	22/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01487/PRI	Prior Approval - Householder	29 Chaddesden Lane, Chaddesden, Derby, DE21 6LQ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 3.7m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	06/01/2016
12/15/01489/PRI	Works to Trees under TPO	Land to the rear of 397-399 Burton Road and adjacent 141 Whitaker Road, Derby, DE23 6AN (access via Whitaker Road)	Felling of Yew tree and Lawson Cypress tree protected by Tree Preservation Order No. 280	Refuse Planning Permission	29/01/2016
12/15/01499/PRI	Full Planning Permission	72 Trowels Lane, Derby, DE22 3LT	Retention of change of use from dwelling house (use class C3) to house in multiple occupation (sui generis use)	Granted Conditionally	25/01/2016
12/15/01500/PRI	Full Planning Permission	11 Diseworth Close, Chellaston, Derby, DE73 6XE	Two storey and single storey side and rear extensions to dwelling house (kitchen, dining room, lobby, utility, family room, two bedrooms and en-suite)	Granted Conditionally	21/01/2016
12/15/01501/PRI	Prior Approval - Householder	105 Highfield Lane, Chaddesden, Derby, DE21 6PJ	Single storey rear extension (projecting beyond the rear wall of the original house by 3.6m, maximum height 3m, height to eaves 2m) to dwelling house	Prior Approval Not required	07/01/2016
12/15/01502/PRI	Full Planning Permission	8 Hanwell Way, Derby, DE22 4AD	Two storey side extension to dwelling house (garage and bedroom)	Granted Conditionally	25/01/2016
12/15/01504/PRI	Non-material amendment	Chellaston School, Swarkestone Road, Chellaston, Derby, DE73 1UA	Demolition of 'maths' block and erection of two storey classroom block and refectory - non-material amendment to previously approved planning permission DER/05/15/00578 to amend the previously approved brick type	Granted	05/01/2016
12/15/01505/PRI	Non-material amendment	The Oast House, Sinfin Lane, Derby, DE23 8AG	Extension to hotel to provide a further 24 bedrooms with associated alterations to car parking and landscaping - non-material amendment to previously approved planning permission DER/06/15/00778 to amend the approved car park layout	Granted	05/01/2016

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/15/01506/PRI	Works to Trees in a Conservation Area	Trees at 40 Ashbourne Road, Derby, DE22 3AD	Various works to trees within the Friar Gate Conservation Area	Raise No Objection	06/01/2016
12/15/01507/PRI	Works to Trees under TPO	179 Station Road, Mickleover, Derby, DE3 5FH	Felling of Norway Maple tree protected by Tree Preservation Order No. 8	Granted Conditionally	28/01/2016
12/15/01509/PRI	Full Planning Permission	5 Winchcombe Way, Oakwood, Derby, DE21 2ES	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted Conditionally	28/01/2016
12/15/01510/PRI	Full Planning Permission	9 Sinfin Avenue, Allenton, Derby, DE24 9JA	Single storey front, side and rear extensions to dwelling house (porch, family room, enlargement of garage and kitchen)	Granted Conditionally	28/01/2016
12/15/01534/PRI	Prior Approval - Householder	22 Merchant Avenue, Spondon, Derby, DE21 7NA	Single storey rear extension (projecting beyond the rear wall of the original house by 4.05m, maximum height 3.97m, height to eaves 2.78m) to dwelling house	Prior Approval Not required	21/01/2016
12/15/01546/PRI	Full Planning Permission	Shelton Infant School, Carlton Avenue, Shelton Lock, Derby, DE24 9EJ	Installation of canopy	Granted Conditionally	28/01/2016
12/15/01560/PRI	Full Planning Permission	Mcdonalds Restaurant, Kingsway, Derby, DE22 4AA	Alterations to the elevations to include installation of additional glazing, replacement window frames and installation of cladding	Granted Conditionally	28/01/2016
12/15/01564/PRI	Works to Trees in a Conservation Area	Trees at St. Christophers Court, Ashbourne Road, Derby, DE22 3FY	Various works to trees within the Friar Gate Conservation Area	Raise No Objection	25/01/2016