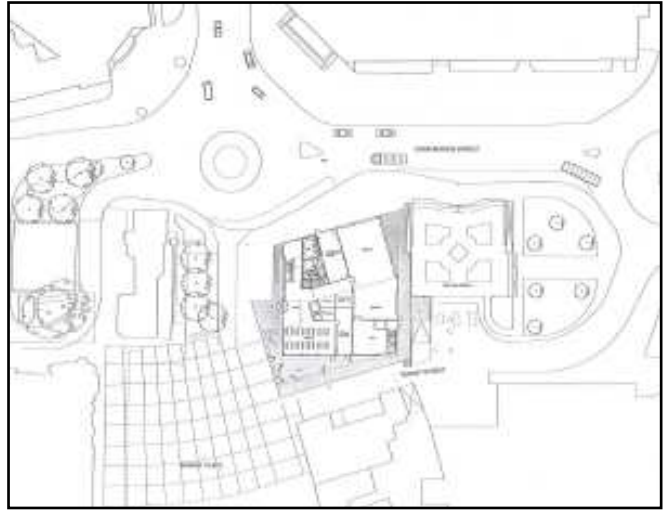
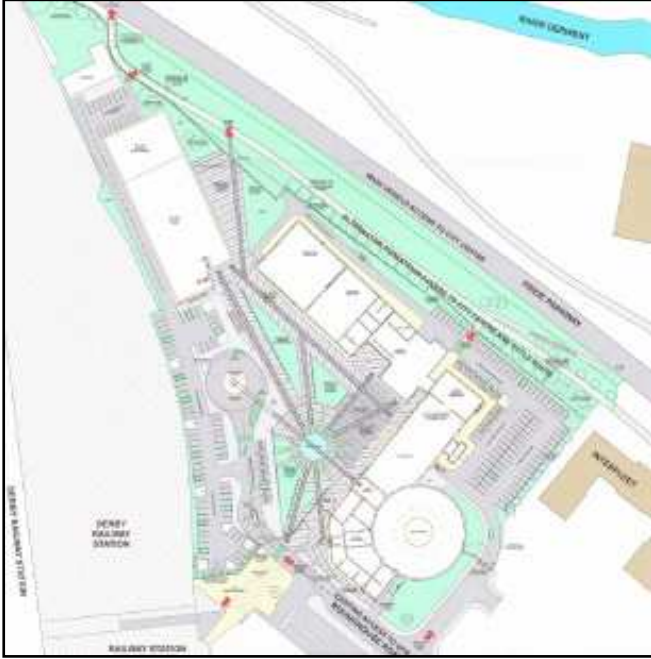


Item 7

Development Control Report of the Strategic Director of Neighbourhoods



Derby City Council

Planning Control Committee
23rd August 2012

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Planning Control Committee 23 August 2012

Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1-44	05/12/00563	Castleward including Siddals Road/Canal Street/John Street/Carrington Street/Copeland Street/New Street/Liversage Street, Derby	Outline application with details of phase 1 to comprise development of Castleward, involving demolition of buildings, residential development (up to 840 dwellings), retail (Use Class A1), restaurant/cafes (Use Class A3), offices (Use Class B1), hotel (Use Class C1), non-residential institutions (Use Class D1), assembly and leisure (Use Class D2), school (Use Class D1), community centre, (Use Class D1), bingo hall (Use Class D2), alterations to vehicular accesses, formation of boulevard and pedestrian crossing and refurbishment of public realm.	<p>A. To authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director - Legal and Democratic Services to enter into such an agreement.</p> <p>B. To authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	45-52	05/12/00562	Land at side of 56 Field Lane, Alvaston, Derby, DE24 0GQ	Erection of 2 semi-detached dwelling houses	To grant planning permission with conditions
3	53-61	08/11/00960	19 Horwood Avenue, Derby, DE23 6NX	Two storey extensions to dwelling house (reception, sitting room, utility room, lobby, kitchen, 4 bedrooms, en-suite, bathroom, w.c. and enlargement of lounge, landing and bathroom), alterations to roof to form bedroom, bathroom, store and dormers, erection of detached garage/gymnasium and felling of Yew tree protected by Tree Preservation Order No. 280	To grant planning permission with conditions
4	62-76	02/12/00117	Land between 48 Pastures Hill and 1 - 3 Newcrest Close, Littleover, Derby	Erection of 2 dwelling houses and formation of vehicular access	To grant planning permission with conditions

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
5	77-83	06/12/00689	Site of 109 Laburnum Crescent, Allestree, Derby, DE22 2GT	Demolition of bungalow and erection of two detached bungalows	To grant planning permission with conditions

1. **Address:** Castle Ward including Siddals Road/ Canal Street/ John Street/ Carrington Street/ Copeland Street/ New Street/ Liversage Street, Derby

2. **Proposal:**

Outline application for the redevelopment of Castle Ward, involving demolition of existing buildings and erection of residential development (up to 840 dwellings), retail (Use Class A1), restaurant/ café (Use Class A3), offices (Use Class B1), hotel (Use Class C1), non-residential institutions (Use Class D1) including community centre and primary school, assembly and leisure (Use Class D2) including replacement bingo hall, alterations to vehicular accesses and pedestrian crossing and refurbishment of public realm.

The application includes **full** details of Phase 1, for demolition of buildings and erection of 163 dwellings and associated car parking, 1742 square metres of commercial floorspace (comprising retail, restaurant/ cafes, offices and D1 uses), formation of boulevard, refurbishment of public open space, including formation of play area and landscaping.

3. **Description:**

This is a “hybrid” type planning application, which means that it is in outline but includes the details of Phase 1 of the development, for which full permission is also sought as part of this application. Outline permission is sought, for an indicative “masterplan” scheme, with means of access to be determined at this stage.

The whole Castle Ward site is approximately 16 hectares in area and roughly encompasses land between Station Approach and properties to the south of Hope Street and Carrington Street and from Traffic Street to Wellington Street. The site adjoins the Railway Conservation Area, which lies to the north and east of the site boundary. The area is located to the south east of the city centre, adjacent to the Inner Ring Road. Castle Ward is primarily an industrial estate, characterised by post-war commercial and industrial premises. The area also has various surface car parks, including the public car park at Liversage Street and a mix of other leisure and community uses, including Gala Bingo on Liversage Street and fitness club on Carrington Street. There is a landscaped area of public realm and pedestrian walkways, which runs east to west along Liversage Street and Carrington Street, with avenues of mature trees along the street frontage. The area is strategically important in the city, in terms of its connections between the city centre shopping area, Westfield Centre and the railway station and conservation area, although these are currently not very legible or particularly attractive routes for pedestrians and cyclists to use. It is a highly accessible central location, alongside the main transport routes Station Approach and London Road into city centre. Existing development within the site is of limited architectural merit or historic interest. However, in the surrounding area there are historic buildings in and around the conservation area and along London Road. Grade II listed Liversage Almshouses and Railway Cottages lie close to the site and the development may affect their setting. The Canal Street mills, Holy Trinity Church and other properties on London Road are on the Local List and abut the site boundary. Basses Recreation Ground lies to the north of Station Approach, a large area of public open space on the edge of the city centre. A spur of the River Derwent runs alongside the recreation ground and Station Approach.

To the north western edge of Castle Ward, outside the application site, land adjacent to Siddals Road and Traffic Street, has extant planning permission for a large office, hotel and retail development, granted in March 2010. This scheme is for buildings up to nine storeys high, with undercroft car parking.

The outline proposals for demolition of buildings and re-development of Castle Ward are in the form of a master plan, which shows the likely parameters for development. These proposals are as follows:

- Up to 840 dwellings with associated car and cycle parking
- Up to 5,250 square metres of retail (A1 use), restaurant/ cafes (A3 use), offices (B1 use), non-residential institutions (D1 use), assembly and leisure (D2 use)
- Hotel (C1 use)
- Primary school
- Community centre
- Replacement bingo facility

Access is a matter to be determined under this application and details to be agreed are:

- New pedestrian crossing to Bassetts Recreation Ground over Station Approach
- Re-configured junction of Siddals Road with Station Approach
- Re-alignment of sections of Copeland Street and Canal Street
- Reinstate sections of Liversage Street, Carrington Street and Hope Street to take vehicular traffic.

In general the existing street pattern and junctions would be retained, with some improvement works proposed within the adopted highway.

Parameters for the master plan have been submitted to give an indication of possible layout, based on the current street network, scale, heights and density of development. These indicative plans suggest that the greatest concentration of built forms is to be along the Traffic Street and Siddals Road areas, nearest to the city centre. The eastern and southern parts of the site, adjacent to the conservation area and historic buildings would see a lower scale of development, of up to 3 storeys.

An indicative landscaping strategy for the master plan has also been provided, which shows a hierarchy of open spaces and semi-private courtyards through the development. These would include new areas of public realm, incidental open space and private residential courtyards.

Full permission is being sought for the details of Phase 1, which include the formation of a tree lined boulevard along the existing route of Liversage Street and Liversage Walk and refurbishment of an existing area of open space to create a landscaped public square, with a children's play area, seating and a multi-purpose paved space. The boulevard would fit within the alignment of the existing public highway. The design of the route is intended to lower traffic speeds, give pedestrians and cyclists priority and create a pleasant urban environment. This would be achieved by a 6

metre wide footway on the south side and an avenue of street trees about 20 metres apart, between designated parking bays, cycle parking and pedestrian crossing places.

Various different types of houses and apartments are proposed within the development, arranged in street blocks, with residential courtyards in the centre. In terms of private amenity space, most units would be provided with private gardens or roof terraces. The details of the development are as follows:

- 163 residential units comprising a mix of 1, 2, 3 and 4 bed dwellings and apartments.
- 1742 square metres of commercial floorspace, to ground floor units along boulevard. The floorspace would be for a mix of A1, A3, B1, D1 and D2 uses.

40 of the residential properties are to be affordable units, for rent and shared ownership. This amounts to about 25% of the proposed housing in Phase 1. The affordable housing is spread throughout the development.

The heights of buildings are lower at the eastern end of the development, close to the conservation area, at 2 and 3 storeys. Most of the built form is no more than 3 storey, with the exception of two corner blocks, fronting the public realm, which are 4/5 storeys. There is also a proposed apartment block, with 36 units at the western end of the boulevard, which is up to 6 storeys in height. The design and form of development uses traditional built forms and materials for the residential units, with a simple modern approach to external treatment and layout. The commercial and apartment blocks are more contemporary in their appearance and form and would provide focal points of interesting architecture along the boulevard. The architectural style of buildings changes along the length of the development to reflect the differences in urban context from the historic character of the Railway Conservation Area to the modern commercial development fronting the city centre ring road, including the Westfield Centre.

The parking strategy for Phase 1 is for the provision of a combination of parking options for the residential units. Some housing would have one or two parking spaces on the plot. Other properties would have a private garage space or parking bay within the communal courtyard. A final group of properties would use on-street parking bays, controlled via a permit system. The provision car parking within the development is to be about 220 spaces, including the on-street bays, for the 163 residential units and the commercial floor space. Visitor and public parking would also use parking bays within the highway.

The redevelopment of Castle Ward is proposed in five phases, over a period of about 20 years. The first phase, which incorporates the boulevard and public realm, is intended to commence at the end of 2012. A phasing plan has been submitted in support of the application to provide indication of the likely delivery of the phases, although this may be subject to some adjustment, depending on availability of land.

4. Relevant Planning History:

DER/10/08/01500 – (Adjacent land off Siddals Road and Traffic Street) Erection of offices, hotel, retail development with associated piazza and car parking, Granted subject to Section 106 Agreement – March 2010

5. Implications of Proposal:

5.1. Economic:

The applicant is the preferred development partner of the City Council, to undertake a long term project for the re-generation of the Castle Ward area. The proposed vision for the area is to enhance strategic connections to the city centre and rail station and form an urban residential community, with supporting amenities and facilities for the residents and businesses within the neighbourhood.

5.2. Design and Community Safety:

The overall scheme is guided by a Design Code, which gives a strategy for the design and layout, including the landscaping and street hierarchy. A strategy for external surfacing materials, public art and tree planting across the whole masterplan area has also been devised. The Code identifies six character areas within the masterplan area, in terms of their function and existing urban context. Different design aspirations are sought for each of these areas, reflected in the proposed mix of uses and types of dwellings, street layout, architectural style and palette of materials.

The design process to form the masterplan proposals have been formulated in the context of the Building for Life criteria. The criteria seek to raise the standards of urban design and living environment for residential developments. The proposal has been measured against the four criteria; Environment & Community, Character, Streets, Parking and Pedestrianisation and Design and Construction. These criteria look at issues such as accessibility, mix of housing, legibility and local distinctiveness, pedestrian friendliness of streets and spaces and parking, design and energy efficiency of buildings.

5.3. Highways – Development Control:

All phases of the development propose to use and enhance the existing road network within Castle Ward. The proposed improvements to the public highway do not require either through their "General Powers of Improvement" under Section 62 of the Highways Act (as amended) or Part 13 of the (General Permitted Development) Order 1995 (as amended). The developer cannot undertake improvements to the highway, without first obtaining from the Highways Authority. This requires them to enter into an agreement under Section 278 of the Highways Act. A Section 278 requires a full technical approval process where engineering drawings showing details of the proposed changes in the highway would be submitted and approved by the Highways Authority. The technical approval drawings would need to be supported by a "Quality Audit" as recommended in Local Transport Note 1/11 (October 2011). It should be noted that the drawings provided for planning purposes are not engineering drawings and therefore the highway layout as shown on the submitted drawings may be subject to changes.

Castle Ward predominantly consists of employment uses and there would be a period following completion of Phase 1 and implementation of later phases, when the development will need to co-exist with existing businesses.

The development would have a significant impact on both existing and proposed on and off-street car parking as well as pedestrian and cycle routes.

Phase 1: The aim of the re-development is to create a high quality, sustainable residential development, where pedestrians and cyclists feel comfortable, traffic speeds are low and the nature of the scheme indicates to drivers that driving slowly is expected. These are principles taken from Manual for Streets. The proposed “boulevard” links Liversage Street to Park Street and incorporates a one-way section between Canal Street and Liversage Street. The proposal also links up Carrington Street and Traffic Street. This will require a “no entry” into Hope Street from Traffic Street and into the “boulevard” from Liversage Street. These have been included to prevent rat-running through the site. The introduction of one-way sections of road will involve the introduction of traffic regulation orders (TROs). The TRO process is subject to a separate regulations and consultation process, which can attract objections which would be subject to consideration. The requirement for the developer to fund the TRO process would be controlled through the Section 278 Agreement.

It is also proposed that there are vehicular linkages between the two north to south routes, Canal Street and Liversage Street to Liversage Road. The existing streets are to be resurfaced with high quality materials to enhance the modern feel of the area.

The surfacing materials to be used in the public open space improvements would be extended out into the highway to give the feel of a larger public space.

Liversage Street – Liversage Street from its junction with Traffic Street is to remain an important route linking the site with the wider highway network. This is likely to be the case both in short term, whilst existing employment uses operate and in longer term when delivery vehicles serve the development and the “One Derby” office scheme. Manual for Streets indicates that minimum width for two large vehicles to pass is 5.5 metres. To enable construction of the “boulevard” under Phase 1, it has been agreed that the eastern footway on Liversage Street can be narrowed to 1.5 metres until a later phase of the development when it would be restored to minimum of 2 metres. The existing bend in Liversage Street is to remain as existing to accommodate two-way HGV traffic.

Hope Street – The end of Hope Street at the junction of Traffic Street would need amending to reinforce message to drivers that there will be no left turn from Traffic Street.

Design Speeds – The linking of the existing routes as described above would produce some long straight roads and to achieve low traffic speeds, would require some form of traffic calming and other speed reducing measures. This could include traffic calming measures at the start of the scheme, at junctions of Wellington Street, with Park Street and Carrington Street. Further detail of these measures will be required for approval under the Section 278 Agreement.

The following issues with the street design are still outstanding and can be subject to suitable conditions:

- Exact interface between public open space and public highway are still to be agreed. The open space currently encroaches into the desire line of the footway.
- A proposed pedestrian/ cycle crossing on the “boulevard” to form route from Midland Place towards the city centre is located to accommodate a development aspiration in later phases. This location does not adequately take account of the existing desire line for people using the route, on completion of Phase 1 only.
- Intersection of Liversage Street and link to Carrington Street, is considered to be very tight design, which should be redesigned to more workable solution.

The proposals include sustainable urban drainage features in the highway, including swales on specific streets.

The surfacing materials to be used in the public highway would need to be agreed under Section 278 Agreement.

Parking – The proposed parking for Phase 1 is approximately 105 % of the proposed number of dwellings. This includes both off-street and on-street spaces. About 50% of the dwellings would have off-street parking spaces, including garages. No specific provision has been included for on-street parking for public use or servicing on the street. Due to its proximity to the city centre and railway station, the streets within Castle Ward would be very attractive to commuters/ shoppers, if not subject to parking controls and therefore it is sensible to make use of available road space for benefit of residents. A “residents only” parking scheme will be required to be in place from first occupation of Phase 1, which requires a TRO process.

Whilst the level of off-street parking provision is low, Castle Ward is ideally located in terms of the access to the city centre and railway station. Low rates of parking provision are therefore most likely to be appropriate in this location. It is impossible to estimate how many new residents would wish to own a car, until Phase 1 is largely completed. It is likely that following completion of Phase 1, visitors would park on adjacent streets, although if parking becomes an issue then remedial measures would need to be incorporated into subsequent phases. Given the limited amount of car parking being provided on the site, a condition is recommended to remove permitted development rights to change garages into habitable rooms and also that garages should be available for parking of vehicles.

Servicing is proposed to take place mainly from the street.

Cycling - There is currently a direct two-way cycle route between the city centre and the Railway Station along the line of the proposed “boulevard”. The Department for Transport (DfT) recommend that cyclists sharing footways with pedestrians should only be considered as a last resort where traffic volumes and speeds cannot be reduced or carriageway space cannot be provided for cyclists. Current best practise is to accommodate cyclists safely on the

carriageway to provide the most coherent facilities for cyclists, minimise conflicts with pedestrians and avoid undue conflict with traffic where cyclist would otherwise have to cross junctions. Given the width of the proposed “boulevard” and relatively low traffic volumes and vehicle speeds, a contra flow cycle route along the carriageway is proposed. Normally this would be denoted by the use of thermoplastic white lines on the carriageway, however it is considered this could compromise the design aesthetic for the area, and so it has been agreed that a contrasting material can be used to demark the cycle route. The DfT have very recently changed its rules such that cyclists can now be exempt from ‘no entry’ orders and this will be the case on the entry to the “boulevard” from Liversage Street.

Stopping up of the Highway – the developer proposes to straighten Canal Street between Carrington Street and Park Street this will involve the removal of highway rights from a small section of Canal Street. The applicant proposes to apply to the Secretary of State under Section 247 of the Town and Country Planning Act 1990 (as amended) to achieve this.

Travel Plan – Travel Plans would be required for each phase of the development.

Outline (Phases 2 – 5) – The site layout is indicative at this stage and may be subject to change and would therefore need to be controlled by condition.

Station Approach Crossing – There is an aspiration to form a new route through the development between the Arboretum and Basses Recreation Ground, including a new pedestrian/cycle crossing over Station Approach. There is no objection in principle to the formation of a new crossing in a location similar to that shown on the indicative site layout plan.

Re-alignment of the Siddals Road Junction – The proposal is change the priority of this junction. It should be noted that this scheme cannot be implemented until the existing buildings in the block bounded by Liversage Street, Siddals Road and John Street have been re-developed because at present the scheme would require the removal of an important footway that cannot be replaced, which is not acceptable. It is suggested that a condition be imposed to allow this matter to be re-considered when the appropriate phases of the development comes forward. The change in priority has a number of potential benefits i.e. it improves the route for buses, access to Station Approach from the development and may deter shortcutting along Midland Road.

Access for Disabled people - Section 149 of the Equalities Act 2010 imposes specific duties on public authorities when exercising their functions. Of particular relevance in this context is for them to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, such as those persons with a disability. It is clearly important that these matters are duly assessed. As stated above the Highway Authority will require the developer to submit a ‘Quality Audit’ in support of their application for technical approval, which is part of the Section 278 process. The ‘Quality Audit’ will need to be in line with Local Transport Note 1/11.

Highways – Land Drainage:

Any permission should be subject to planning conditions, to require details of a surface water drainage scheme, based on sustainable urban drainage (SUDs) principles and an assessment of the hydrological and hydrogeotechnical context of the development, to be submitted and approved before development commences. Further conditions are recommended to control details of SUDs features and hydrological assessment for each phase, in relation to any connection to existing public sewer.

5.4. Disabled People's Access:

All the affordable housing units would meet Lifetime Homes requirements, as well as some of the market housing. The external spaces and routes are to be accessible too and provide minimum gradients, as well as level access to all dwellings. Some of the on-street parking bays are to be of greater width, to provide for disabled drivers.

5.5. Other Environmental:

Within the Phase 1 site, there are avenues of existing Lime trees alongside Liversage Street/ Liversage Walk and the public car park. There are also mixed groups of trees in the open space, which currently form a dense shaded canopy between Liversage Street and Hope Street/ Carrington Street. The remaining areas of open space and walkways are mainly grassed with some shrub planting.

There are a total of about 179 trees on the Phase 1 site and the proposed layout and design of the new boulevard and streetscape requires the removal of most of these trees, in order to meet the objectives of the scheme, to form an attractive pedestrian and residential environment. The existing street trees are close together and their roots are likely to be damaged by the proposed works in the highway to form the boulevard. 17 of the trees within the open space are intended to be retained and incorporated into the landscaping scheme. About 110 new trees are to be planted in Phase 1, including 38 along the boulevard. Those planted on both sides of the boulevard are to be mature trees, using a type of slender Plane species. Semi-mature trees are proposed for the public square, secondary streets, including Hope Street and standard trees would be planted in the gardens and courtyards.

In the master plan proposals removal of existing trees around the site area, is indicated, although all landscaping details are a reserved matter, for any future applications. Tree survey details would be required to inform loss of existing trees in later phases of the scheme.

The master plan proposals seek to develop a highly energy efficient scheme, which would achieve the BREEAM Communities standard for design of sustainable communities. The design of the development in Phase 1 is intended to meet a minimum Code 3 for Sustainable Homes and BREEAM Excellent standard for non-domestic units.

6. Publicity:

Neighbour Notification Letter	162	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

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

Prior to submission of the application, the applicant undertook extensive consultation with local stakeholders, businesses, community groups and the general public in the Castle Ward area. Initial consultation in the form of questionnaires, events and focus groups was used to inform the preparation of the master plan proposals. The OPUN Design Review Panel was also invited to give an assessment of the initial master plan scheme and their comments were taken on board in the final design.

Various techniques were used in the consultation process, to engage with the relevant stakeholders, which included:

- Stakeholder interviews
- Exhibitions
- Website
- Walkarounds
- Consultation with community groups and residents
- Presentations
- Focus groups
- Meetings

7. Representations:

Seven representations have been received to date, including six objections and one of comment in regard to the applicant's consultation process and notification procedure. In respect to the latter, the applicant has since served statutory notice on the owner of the Stuart Hotel, in accordance with Certificate B of the Development Management Procedure Order. The main issues raised in regard to the master plan and Phase 1 are as follows:

- Castle Ward is a successful and thriving employment area, providing jobs and contributing to city's economy. Master plan proposals would destroy the employment vitality and does not provide replacement opportunities for existing businesses and represent a departure from the adopted Local Plan policies.
- Master plan proposals would seek to remove important concrete batching plant in John Street and a coach works. If the development is implemented the existing businesses would become non-conforming uses and not complementary to new development. Removal of these businesses would require transport over significantly longer distances, increasing carbon emissions.

- The Phase 1 scheme fails to compensate the local area for loss of significant car parking facilities. A replacement facility should first be provided before existing parking is displaced.
- The Phase 1 development would significantly change the status of Liversage Street and Hope Street, creating a potential “rat run”, with detrimental impact on the amenities of local residents, in the Liversage Trust’s sheltered housing and care home. Adequate management of traffic should be imposed to prevent a “rat run” developing and to control construction traffic.
- The proposed siting of a primary school, under the master plan proposals, would have detrimental impacts on amenities of residents of adjacent care home, due to excessive traffic flows and noise levels.
- Recognise importance of the proposal in Castle Ward and benefits of establishing boulevard link between railway station and city centre. This should be opportunity for highest architectural design. Proposed design criteria are considered uninspiring and fail to create exciting boulevard environment or a sense of innovation.
- Development of petrol station under master plan proposals would be unacceptable to landowner.
- Castlefields Church should be regarded as a key feature in the Castle Ward development, to serve spiritual needs of the new community which would result from the proposal.
- Building density would be too high.
- There would be reduction in green spaces.
- There would be public safety issues with some of the proposed traffic routes.
- Amenities proposed for children would not be sufficient to cope with increase in population.
- Midland Place is not wide enough to cope with huge expected volume of pedestrians and traffic.
- Pedestrian crossing onto Basses Recreation Ground would facilitate large events, which would cause disturbance to quiet atmosphere of the area.
- No justification for the provision of retail floor space within the development, given its proximity to the city centre and Westfield. Proposed retail uses in this location would be contrary to Local Plan policies and the City Centre Eastern Fringes Area Action plan. A sequential test analysis has also not been carried out for the retail element, contrary to planning policies.

Copies of all the representations are available to view on the Council’s eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

8.1. Conservation Area Advisory Committee:

No objections raised. Only reservation was in respect of the deflection of the pedestrian route across Midland Place onto Park Street.

8.2. Environmental Services-Trees:

The proposal includes a considerable amount of tree loss and it is essential that replacement planting in the development mitigates for the tree removal and replaces canopy cover with equivalent or greater cover than is removed.

Any permission for Phase 1 should include conditions requiring method statements for wall/ seat protection and height, for construction of path and play area on the public open space.

There are concerns about preferred tree species for the “boulevard”. London Plane is considered unsuitable for the location. An alternative Plane species, included in tree strategy would be more appropriate. Proposed use of Hornbeam for residential streets also not considered acceptable, due to proximity to buildings and density of canopy. Details of tree species should be subject to condition.

Tree planting pits within the highway should be designed to contribute to surface water drainage and allow trees to benefit.

8.3. Environmental Services-Landscape:

To be reported.

8.4. Environmental Services- Pollution:

No objections in principle.

Land Contamination – Sensitive uses are proposed as part of the development, including residential. Consequently there is a potential risk to future occupants from land contamination given history of some areas of the site. A Phase 1 desk top study has been submitted and therefore recommend conditions, relating to site investigation and possible remediation proposals.

Noise – The submitted Noise Impact Assessment uses appropriate methodology and observes relevant guidance. Accept conclusions of the report, which are that noise from traffic need not be a constraint on planning permission for the site. Proposed insulation scheme for the residential properties is based on a fairly limited amount of data, although specific details are yet to be decided. Further monitoring should be undertaken in order to accurately characterise noise across the site, particular in respect to most exposed residential uses. Further assessment of noise from the commercial development should be considered to determine if may have effect on insulation for residential uses. Conditions are recommended to secure comprehensive noise survey for residential proposals and acoustics survey for commercial/ industrial elements.

Air Quality – Conclusions of the traffic assessment are that traffic flows are not predicted to increase significantly from current levels and in most cases are expected to decrease, as a result of the development. Significant impacts on air quality are not therefore expected from traffic and further assessment of air quality is not deemed necessary. Recommend that any proposed biomass or

CHP boilers are assessed for potential effects on air quality. Such details should be required by condition.

Construction Phase - Concerns over effects of construction activities on local residents. Dust and noise management should be considered fully before construction activities commence.

8.5. Environmental Services- Food Safety:

No objections in principle. Specific details of individual units should comply with all current food and health legislation.

8.6. Derbyshire County Council Archaeologist:

The proposal area is not within known areas of Roman or medieval occupation and later development makes it unlikely that any archaeology of pre-industrial periods survive. The site was open fields until the early 19th Century when a spread eastwards from the city centre began. The basic pattern of streets, terraced housing and industry remained relatively unchanged until the later part of 20th Century, when wholesale clearance and redevelopment took place.

Those areas which have remained relatively open have potential for the survival of below ground archaeology associated with the 19th Century development. It is not known, the level to which these remains were impacted during 20th Century clearance. This is consequently a significant unknown factor in assessing archaeological significance of the site. Recommend that application does not clearly establish archaeological significance and as such a scheme of trial evaluation trenching to assess levels of archaeological preservation across the site. The results should be submitted before determination of application.

8.7. Environment Agency:

No objections in principle, but recommend that if permission is granted then conditions are imposed.

Phase 1 – Development is acceptable in terms of flood risk, subject to condition for surface water drainage scheme, based on sustainable urban drainage principles. Following submission of further drainage information, in regard to discharging surface water to foul drainage, it is noted that on site drainage following development would have separate foul and surface water drainage. If in future the existing drainage is separated the site will be able to utilise this. This satisfactorily deals with issue of foul and surface water drainage in the development.

In terms of ground water and land contamination, the submitted desk top studies have been reviewed. It is recommended that further post-demolition site investigation is undertaken and included in this, should be soil sampling targeted to potential contaminated activities.

Outline masterplan – In terms of flood risk, permission could be granted subject to conditions being imposed requiring for surface water drainage scheme, based on sustainable urban drainage principles.

In terms of groundwater and land contamination, permission could be granted, subject to conditions being imposed, for the following:

- Prior to each phase of development being implemented a scheme to deal with risks associated with contamination of the site, shall each be submitted for approval. This includes a risk assessment, site investigation and if necessary, remediation strategy.
- A verification report demonstrating completion of any remediation works shall also be submitted for approval.
- Not previously identified contamination found to be present on the site shall be subject to a remediation strategy.
- No infiltration of surface water drainage into ground would be permitted unless demonstrated that there is no resultant risk to controlled waters.

In terms of environmental management, conditions should be attached to ensure all foul and contaminated waters should be directed into main foul system and control storage of oils, fuels and chemicals to minimise pollution of controlled waters.

In terms biodiversity, Japanese Knotweed is present on the site and its removal should be controlled by means of condition. A number of biodiversity elements could be included in the development and it is requested these are considered within the masterplan proposals.

Waste generated by demolition and construction phases of development should be handled in accordance with a Site Waste Management Plan.

Waste management should be considered alongside other spatial planning issues, recognising the positive contribution that effective waste management can make to the development of sustainable communities. Proposal should take a holistic approach to waste management and ensure the design will contribute towards sustainable management of waste throughout life of the development.

8.8. Derbyshire Wildlife Trust:

The submitted habitat survey has identified the site as having potential to support bats, nesting birds and white clawed crayfish. The survey did not identify bat roosts and found levels of Pipistrelle bats foraging in the area. The Trust supports the recommendations made in the bat survey report, although the survey only covers the habitats and buildings within Phase 1 of the proposed development, rather than the whole site. There has also been a lack of bird survey work relating to buildings within the site.

Further ecological information should be sought in respect to:

- Foraging bats across the whole site and in particular, the Mill Fleam, to assess impacts of works associated with this area (to form bridge).
- Roosting bats across the whole site, except for Phase 1 of the development.
- Breeding birds in association with habitats and buildings.

The results of this work can then be used to inform the need for appropriate mitigation, compensation and enhancement measures. The lighting scheme

for the development should fully take account of nature conservation issues, in particular taking account of otters and foraging bats on the Mill Fleam.

Opportunities should be investigated to incorporate green corridors and green infrastructure into the development. As many trees should be retained as possible and native tree and shrub planting to enhance area.

8.9. Police Liaison Officer:

Defensible space must be built into all residential frontages that face the street, for privacy and security. Perimeter block layouts are safe, except when they are punctuated with accesses behind dwellings and into core. Squares and public spaces must be overlooked with surveillance to avoid problems of anti-social activity. Overhangs on retail/ commercial buildings fronting the street should be minimised for similar reasons. Physical security standards should also be considered at early stage as part of design strategy to ensure safer places.

In regard to Phase 1, the central tree lined boulevard must be wide and open and trees should not block out or conflict with natural surveillance, lighting and any CCTV. Blank elevations at ground floor level should be avoided. They reduce and interrupt the active frontages and may attract graffiti. False fenestration or similar methods can be used to reduce problems. Hedges with railings look more attractive for some fencing boundaries.

Pleased to see the blocks do have setbacks and offer a strong presence to the street and public spaces. Where they have access built in for vehicle and pedestrian access they have symbolic barriers which changes in surface materials, which show transition from public to private space. Set backs allow defensible space and natural surveillance to be successful in designing out crime. Positioning dwellings within these inner courtyards is also a successful and welcoming strategy. Providing space through set backs fronting the public domain adds guardianship and creates an affinity with the street beyond. Place making, safer places and community cohesion can be enhanced by these simple measures.

8.10. Natural England:

The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on conservation of soils.

On basis of the submitted bat survey and mitigation strategy, there are suitable features for roosting bats within the site that would be affected by the proposal, although no evidence of roosts was found. Permission could be granted and recommend mitigation by incorporating range of roosting features. Support recommendations for further survey work to support future applications and surveys of Mill Fleam area to consider impacts of river crossing.

The proposal has potential for some ecological harm, which must be mitigated out of proposal with appropriate measures. The site also has potential for significant biodiversity gain, with careful design and making wildlife measures an integral part of the scheme. A good assessment of potential impacts and opportunities has been made.

There is potential harm in construction of bridge over River Derwent tributary. Bridge span should be as large as possible in order to minimise impacts on the bank sides of the Mill Fleam. The greater span will also provide a habitat corridor under the bridge. Bridge design and methodology for construction will need to be presented in a future application.

Habitat loss should be minimised and existing habitats incorporated into and enhanced by the scheme wherever possible. Proposed landscaping scheme should seek to include new habitats that are in keeping with local character.

For nesting birds, recommendations are supported and advise vegetation removal is undertaken outside bird nesting season.

For invasive species, recommendations for further study and mapping are welcomed on and close to site. Method statements should then inform the application, for removal of species from site.

8.11. Chief Executive's Office (Regeneration):

The Castleward development emerged through the former Cityscape Masterplan which was taken forward in the City Centre Eastern Fringes Area Action Plan and is now embodied in the City Centre Regeneration Framework. The development is to be delivered through a partnership with a private sector partner. The City Council and the Homes and Communities Agency (HCA) would be putting in land and the partner putting in capital and development expertise. In order to ensure delivery of a scheme, the Council with the HCA have ensured strategic land acquisitions to facilitate Phase 1 and later phases. As part of this process, where possible, commercial concerns have been afforded the opportunity to relocate within Castleward, often in the later phases. In addition a site is to be secured elsewhere to facilitate further relocations at the right time.

The applicant, as development partner, was selected to take forward the scheme after a long procurement bidding process based on quality of the proposed scheme and ability to deliver. The development partner is a specialist in urban renewal and also includes as its partner, a leading provider of affordable homes and a major housing association.

The vision for the development includes a sustainable neighbourhood, a high quality of life and a distinctive urban environment. Some of the factors which go towards achieving this vision exist in the locality and some are to be created. These include high quality housing, good access to employment, shops, open space, leisure, health and educational facilities and legibility, place making and distinctiveness of the new development.

Within later phases, there is provision for other features considered desirable to create a sustainable, high quality development which cannot all be provided at the start of development for reasons of viability, especially in the current economic climate, and where many of these only become requirements in later phases. This includes the school provision, which has been brought forward to have a site safeguarded in the Section 106, identified in phase 2 with a half form entry school provided within that phase and the remainder in phase 3. The link to Basses Recreation Ground is to be provided in a later phase as well as enhancements to the open space.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the urban environment
GD5	Amenity
GD6	Safeguarding Development Potential
GD7	Comprehensive Development
GD8	Infrastructure
GD9	Implementation
R1	Regeneration Priorities
CC1	City Centre Strategy
CC7	Residential Uses within the central area
CC13	Castle Ward
CC14	Wellington Street
CC15	Improvements within the central area
CC16	Transport
CC18	Central area parking
CC19	Public car parking
H11	Affordable housing
H12	Lifetime Homes
H13	Residential development – general criteria
S1	Shopping hierarchy
S2	Retail location criteria
S9	Range of goods and alterations to retail units
S12	Financial and professional services and food and drink uses
E5	Biodiversity
E7	Protection of habitats
E9	Trees
E10	Renewable energy
E12	Pollution
E17	Landscaping schemes
E18	Conservation Areas
E19	Listed buildings and buildings of local importance
E21	Archaeology
E23	Design
E24	Community safety
E27	Environmental Art
L1	Protection of parks and public open space
L2	Public open space standards
L3	Public open space requirements in new development
L8	Leisure and entertainment facilities
L11	New community facilities
L12	Protection of community facilities
LE1	Education uses
T1	Transport implications of new development
T4	Access, parking and servicing
T5	Off-street parking

T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people

The NPPF is a material consideration and supersedes the earlier PPG and PPS

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

General Policy context

a) Introduction

The proposed re-development of approximately 13 hectares of the Castle Ward area, to the south east of the city centre represents a significant regeneration scheme for this part of the city. It is a key location, in terms of its proximity to the city centre and has connections with the main railway station and Railway Conservation Area. The site currently contains various employment premises, surface car parks, a bingo hall, leisure and community uses. The site also includes the adopted highway network and public realm, in particular an area of public open space between Liversage Walk and Carrington Street.

The planning application is in an unusual form, being in outline for the whole site, with full details of Phase 1 to be determined as part of the overall scheme. Members will note that separate sets of planning conditions are suggested in Section 11.3 for both the outline and Phase 1 of the development. This is for clarity and to distinguish between the outline and full permissions. The outline proposals take the form of a master plan, which is an indicative layout showing the proposed parameters of any development. A mix of commercial, residential and community uses are proposed, including provision of up to 840 dwellings and significant alterations to the public realm and highway network. The details of Phase 1 relate to the parameters of the masterplan and include 163 residential units and a mix of commercial uses. The detailed scheme also incorporates the formation of a “boulevard” along the existing route of Liversage Street, Liversage Walk and Park Street. This new section of road is to be created within the confines of the adopted highway and as such, involves works within the highway, which are permitted development under Part 13, of the General Permitted Development Order (as amended).

This is a significant mixed use development in a strategically important area of the city. The Castle Ward area is currently perceived as an under utilised area, although it is a gateway to the city in terms of its connections to the railway station and the city centre. It therefore is an area, which visitors to the city first see when they arrive at the transport hubs, but does not currently give good first impressions. The aspirations are that the area is in a highly sustainable location and should have vibrancy, activity and a thriving community. In order to be successful as a piece of urban regeneration, the scheme would need to be comprehensive and provide the necessary community facilities, mix of commercial and residential uses and physical infrastructure to achieve a self- contained and sustainable community, on the edge of the city centre.

b) Policy context

In policy terms, a large scale re-development with a mix of different land uses would be in line with the objectives in the National Planning Policy Framework (NPPF). The NPPF gives a “presumption in favour of sustainable development” and in particular support “sustainable economic development to deliver homes, business and industrial units, and infrastructure”, “encourage the effective use of land by reusing land that has been previously developed” and “promote mixed use developments and encourage multiple benefits from use of land in urban areas.” The proposed masterplan is considered capable of meeting these objectives, subject to according with specific design, transport, environmental and implementation policies.

The Local Plan Review policies relevant to this development are considered to be generally consistent with those in the NPPF and as such a considerable amount of weight should still be given to those policies in the Local Plan.

The application site is largely allocated as a Regeneration Priority area under Policy R1. Large areas of the site are also allocated under Policies CC13 and CC14. The only areas not covered by this policy are along the southern boundary of the site, including Liversage Car Park, buildings south of Carrington Street and some buildings fronting Traffic Street. Policy R1 states that priority will be given to implementation of schemes identified in that policy and it provided a basis and justification for preparing the City Centre Eastern Fringes Area Action Plan (CCEFAAP). Both CC13 and CC14 policies support the regeneration and potential of new commercial, food and drink (A3 uses), leisure and residential development. Subject to the details of the proposals being acceptable, there is considerable support in policy terms for the comprehensive re-development of the Castle Ward area.

The site is located within part of the area, south east of the city centre, which is covered by the draft CCEFAAP. This Area Action Plan (AAP) sets out a vision for the whole area, with three main ideas, which seek to achieve; a sustainable neighbourhood, high quality of life and a distinctive urban environment. This vision and the supporting objectives have been incorporated into the applicant’s planning submission, which is encouraging as it demonstrates a shared vision for the area between the City Council and the developer to guide regeneration of the Castle Ward area. The AAP provides the steer for the Council’s aspirations for the regeneration of Castle Ward. It was suspended at the Preferred Options Stage in 2009, following extensive public consultation, to allow progression of the Core Strategy. Whilst the AAP has a high level of consistency with the aims and policies of the NPPF, I am mindful that the Secretary of State and the Inspector in the recent DRI appeal decision afforded little weight to the plan, in the decision making on that application. As such the AAP must therefore be given limited weight in the determination of this proposal.

The City Centre Regeneration Framework (CCRF) is not part of the development plan, although it has been subject to public consultation and approved by the City Council as a material consideration in decision making. It sets out broad guidance on design and public realm issues for developments in the city centre. Castle Ward is included and identified as a “priority project”. The CCRF supports the development of an urban village of around 800 homes, in this area, with the “boulevard” and

associated open space identified as public realm enhancement opportunities. This document also supports the principle of regeneration of the Castle Ward area.

c) Existing land uses

The masterplan proposals for Castle Ward would result in the re-development of a number of existing commercial and industrial premises in the area and surface car parks, as well as displacement of some existing community facilities.

The loss of existing employment land is addressed in Policies EP11 and EP12. Both these policies seek to ensure that important employment land is not lost, particularly where it would lead to a quantitative and qualitative shortage of land. Castle Ward is not specifically covered by these policies and equally most of the application site is identified for regeneration under Policy R1. Having said that, it is important to consider the implications for the city's economy of the removal of existing employment uses, particularly since third party comments have mentioned the loss of particular business premises.

The overall quantitative supply of employment land in the city has been reasonably healthy and the objective of promoting brownfield housing continues to be a high priority for the City Council. Whilst it is recognised that some businesses may be happy in their current location, it is the overall impact of development on the supply of employment land and economy, which is a material consideration and needs to be taken into account. I understand that the Council has already purchased land to allow relocation of existing businesses from Castle Ward and is in discussions with companies about relocating to other sites. The master plan also includes some commercial development along Siddals Road, which may be suitable to accommodate some of the businesses who wish to remain in the area. The proposed phasing of the development over a 20 year period means that there would be a period of transition, to allow businesses time to find alternative accommodation or sites. There are some proposed employment sites elsewhere in the city, which are likely to become available during the lifetime of the proposal. The Phase 1 part of the scheme does not directly affect any of the existing commercial premises within the overall masterplan area.

The applicant has calculated that the proposals would result in loss of around 7000 square metres of employment uses and a further 3 340 square metre of sui generis uses. In quantitative terms, this is not significant in the overall city wide context. The loss is also mitigated to an extent by the approved office scheme, to north east boundary of the site, known as "One Derby" and the employment generating uses that form part of the proposal. The existing employment area on Castle Ward was identified as being of "below average quality" in the 2008 Employment Land Review. Therefore, I do not think it could be argued that the area is critical to the city's overall employment land supply.

The potential benefits of the master plan proposals in terms of sustainable housing delivery, improving connections with the city centre and provision of new employment floorspace within the development are considered to outweigh the loss of existing employment land from both a quantitative and qualitative point of view.

In terms of impact on community uses, the West Indian Community Centre and Castle Nursery are both affected by later phases of the scheme. Policy L12 indicates that loss of community facilities would only be permitted where it can be

demonstrated that there is no longer a demand or appropriate alternative accommodation has been provided. There has been no evidence provided that either uses are no longer needed and as such suitable alternative accommodation would be required to be provided, before development on these phases could be implemented. This could be secured by planning condition on the outline permission.

d) Residential use

The proposal is for up to 840 dwellings over the whole masterplan area, incorporating a mix of houses and apartments. This constitutes a significant amount of brownfield housing in a highly sustainable location. The proposals are for a varied range of house types and sizes of accommodation on Phase 1 and this is also an aspiration for the rest of the development. The NPPF states a preference for brownfield housing and provision of choice and high quality homes in the context of sustainable development. The proposed housing provision therefore meets these objectives.

The application site can assist in provision of brownfield housing, to meet long term housing needs for the city in a sustainable way. Policies CC13 and CC14 include residential as acceptable uses in this location, which includes the area covered by Phase 1. Housing development on this site is considered appropriate in principle, in terms of national and local planning policy. Policy H13 relates to the design and layout of all residential developments and seeks the provision of a high quality living environment and developments which create interesting townscapes and urban forms with good standards of amenity. The housing development on Phase 1 is to be at a relatively high density, with innovative layouts and built forms and visual interesting house types and use of materials, which respect the different character and streetscene through out the site area. The proposal has the feel of an urban village and a distinctiveness, which would make a positive contribution to the visual amenities and character of the Castle Ward area. The housing development on Phase 1 is therefore considered to meet the requirements of Policy H13.

This site is appropriate for a higher density of housing development, due to its central location. The benefits of regeneration would only be maximised by achieving a relatively high level of housing delivery. In the later phases of the scheme, some certainty of this delivery could be secured by means of a planning condition.

The applicant has indicated that 25% affordable housing would be provided across the whole development, including Phase 1. This represents 40 of the residential units in Phase 1, split between social rent and shared ownership. This is lower than the 30% target sought by the Supplementary Planning Guidance (SPD), although in line with the 20 – 30% figure in Policy H11. The applicant has sought to demonstrate that the viability of the scheme, can only deliver the 25% affordable provision and this has generally be accepted, assessment of the final figures, including any potential overage which may be sought through the Section 106 is yet to be completed.

e) Commercial uses

Policy CC13 allows for B1 office uses in this area. There is to be an element of B1 in the mix of commercial uses on the boulevard within Phase 1. Approximately 2400 square metres of B1 use are proposed in the later phases in the Siddals Road area included within the approximately 5000 square metres of mixed commercial use over the masterplan area, which includes B1. The proposed locations of office uses in Castle Ward are generally considered acceptable in principle. The provision of

employment uses would make the development more sustainable and compensate for loss of existing employment land.

Phase 1 includes up to 1700 square metres floorspaces for a mix of commercial, community and leisure uses. Within this amount would be an element of retail and food and drink uses. Of these uses, A1 retail is not covered by Policy CC13. The concept of the “boulevard” is underpinned by the idea of active frontages along its length. One of its functions is to be a vibrant and safe route between the railway station and the city centre. Retail and food and drink uses are a key means of creating a vibrant community, provided that they are at a scale that meets the needs of the local residents. Whilst A1 retail use would be appropriate to fulfil the aims of the “boulevard”, it still needs to be justified under the NPPF and Policy S2.

The proposed retail uses within Phase 1 are in the form of convenience floorspace and of a modest scale, to serve the new community which would be formed as a result of the development. I am satisfied that there is a case for retail on the “boulevard” to support a sustainable residential scheme. It is recognised that the city centre shopping area is very close, however the provision of small scale, convenience shopping is considered reasonable in this location, to form a sustainable neighbourhood. Policy S2 requires any retail development outside designated centres, to satisfy a sequential and impact tests. On the basis that the retail would perform a local shopping function to support the new residential units, the area of search in any sequential test would reasonably be restricted to the Castle Ward area. As such the proposal is accepted to have passed the sequential test and thereby satisfy Policy S2.

If appropriate controls are placed on the scale and range of goods of potential A1 uses, then impacts on the city centre shopping area should be minimised. The scale of any retail floorspace within Phase 1 should be limited to no more than 1000 square metres in area, which can be secured by a suitable condition. The justification for retail in this location can only really be made on the basis of convenience shopping to serve the local community. A condition to restrict the types of goods which can be sold, to those which are appropriate to a local function, is therefore necessary on any permission, to accord with the provisions of Policy S9. Even when taking the schemes at DRI and Friar Gate into account, it could not reasonably be argued that this level of retail floorspace could have a significant adverse impact on the city centre.

A3 restaurant and café uses are considered acceptable in principle in Castle Ward area, under Policy CC13 and also under S12. This can be considered as an edge of centre location under S12. The main proviso is that such uses should not have an adverse effect on residential amenities or prejudice new residential uses. Within Phase 1, the A3 uses would be confined to the “boulevard” and to ground floor units. There would be new residential accommodation above these uses, although their amenities would be satisfactorily safeguarded by planning conditions, to control ventilation, sound insulation and opening hours.

In the later phases, retail and A3 uses are included in the mix of 5200 square metres of commercial floorspace. It is not clear what proportion of these uses would be provided in the rest of the development, although this is in outline with a long delivery period. It would not be desirable for the whole of this floorspace to be in A1 retail use,

without justification and assessment of the impacts, under policies in NPPF and Policy S2. A condition restricting A1 uses outside Phase 1 would be imposed to ensure the impacts of additional floorspace can be fully considered.

f) Community uses

The masterplan proposals include an element of community uses and provision of a primary school. Proposed community facilities are in the potential mix of ground floor uses on the boulevard, within Phase 1. New community facilities are acceptable in this location, in line with Policies CC13 and L11. The provision of such facilities to serve the local neighbourhood also is in line with the terms of the NPPF, for the creation of sustainable development.

The main community facility to be provided in the later phases of the development is the provision of a 210 place primary school. The scale of the whole development generates a requirement for a new primary school, under the SPD and this a fundamental part of the overall scheme. Although there is pressure for schools place in the locality Phase 1 would, on completion, generate only 46 school places using the ratio specified in the Planning Obligations SPD (which is approximately 15 per year over the three year construction period) and this additional number could be accommodated in existing schools in the area. A new free school is due to be opened this school year, in the city centre, which would provide up to 60 places initially. This would provide some flexibility with school places in this area, prior to the new primary school being provided. The costs of providing the “boulevard” and the provision of a high quality urban design associated with this are such that, the provision of the school is not viable in this initial phase.

The Section 106 Agreement relating to phase 1 would require a site to be identified for provision of a primary school. Within phase 2, the requirement is to provide accommodation for a half form entry primary school, whilst Phase 3 would see the completion of a full entry primary school. The Section 106 Heads of Terms in relation of the school provision have been formulated in consultation with the Council’s Education team, taking into account the number of pupil places in existing schools in the local area. Final details of the arrangements are still being negotiated with the applicant.

The master plan shows an indicative location for the school site to the south of Carrington Street, on the site of an existing fitness club. This site has not been secured by the applicant at this stage and a different location may be chosen, dependent on land availability. This application seeks approval only for the principle of a new school as part of the masterplan proposals. In policy terms, the provision of a school meets the requirements in Policies L11 and LE1, being well related to the local population, which it would serve and accessible for walking and cycling. LE1 also requires the proposal to be in keeping with the general scale, character and level of activity of the surrounding area and to ensure no significant harm to the amenities of nearby residential properties. On the assumption that the identified site is chosen for the school, the amenities of nearby residential accommodation would be considered. The sheltered housing at Liversage Court and Almshouses are on the opposite side of Liversage Road and the resident’s living environment should not be unreasonably affected by the proposal, subject to appropriate layout and scale.

g) Leisure and hotel uses

Leisure (D2) uses are included within the mix of 1700 square metres of commercial floorspace, in Phase 1, to be located on the “boulevard”. This is in line with Policy CC13 and also acceptable in terms of Policy L8 and the NPPF, where leisure uses are appropriate in edge of centre locations and where there are good public transport links.

Approximately 4250 square metres of D2 floorspace are proposed under a later phase of the masterplan, as a replacement for the existing bingo hall on the application site. This is identified as being sited adjacent to the approved “One Derby” office scheme, presumably as a buffer between this large commercial development and the residential uses. There are no policy issues, with this proposed leisure use, particularly to replace an existing leisure facility, being acceptable in line with the above local and national policies.

Hotel (C1) uses are included in the masterplan proposals, but not in Phase 1. This is acceptable under Policy CC13 and EP16 indicates that new visitor accommodation should be well related to the city centre and public transport links. This location meets these requirements and as such hotel uses are appropriate in principle.

Policy Conclusions

Overall, the Castle Ward area is considered to be one of the most sustainable locations in the city for the various types of land uses proposed in this application. The site is well related both to the main bus and rail interchanges and close to the city centre and large employment areas on Pride Park. It also helps to meet the objective of developing brownfield land. As such the proposed uses are all in accordance with the NPPF and general policies of the Local Plan. The development seeks to create a new urban village in the heart of the city, which would help to support the large scale residential development and support the city’s economy. Subject to controls over the amount and type of retail uses in this scheme, to protect the vitality and viability of the city centre shopping area, the whole development is considered to meet national and local policy objectives.

Highway and transport issues

a) Transport policy

The NPPF and Local plan policies all have similar objectives in regard to transport, which promote sustainable transport choices and encourage options which reduce the need to travel, lead to reductions in traffic congestion and achieve safe access for all. Policy T1 seeks to ensure that development would not result in increased traffic congestion, have a detrimental effect on the local environment or lead to a reduction in road safety. It also requires a Traffic Assessment to be provided, the provision of measures to promote public transport, walking and cycling and use of traffic management measures, where appropriate. This is consistent with the requirements of the NPPF, which gives an indication that development should only be refused where the traffic impacts of development are severe.

The applicant has provided the required transport information to demonstrate that the master plan proposals would not result in a significant increase in traffic flows in and around the site.

The overall vision, which has been put forward for the development is to create a new townscape and street hierarchy, which is pedestrian and cyclist friendly and an urban neighbourhood, which provides alternative transport options and reduces reliance on private car. The master plan proposals and Phase 1 in particular, would make significant improvements to the pedestrian environment, specifically by the formation of the “boulevard”. The development also proposes new cycle routes, through the site, including a north – south route to improve links between Arboretum and Basses Recreation Ground. A safe and accessible street network is proposed, including Phase 1. Level access to buildings and within the highway is a requirement under Policy T10 and this has been considered within the scheme.

Phase 1 of the development, is to be provide just over 1 parking space per dwelling/ commercial unit, with a small amount of parking provision for visitors. Visitor parking would be all in on-street parking bays. The applicant is seeking flexibility in the provision of parking for residential properties, with some units having a private garage space, others would have a space in the communal areas in the central courtyards, whilst some residents would have a permit to park on-street, in lieu of private parking provision. Taking into account the innovative nature of the development, in terms of its layout and high density of housing delivered, this mix of parking provision for residents would still achieve 100% parking for the site. I am also mindful that this is location which lends itself to reduced car use, since it is highly accessible to public transport interchanges, cycling and walking opportunities. The Highways Officer is satisfied with the level of car parking to be provided in Phase 1 and with the general access and servicing arrangements to be provided within the development. I am therefore satisfied that Phase 1 meets the requirements of Policy T4 and also that the master plan proposals are capable of being compliant.

In terms of the provision of new highway infrastructure, a significant proposal is the installation of a new surface level pedestrian crossing over Station Approach, to Basses Recreation Ground. This is considered important to better integrate the major area of open space to the north of the site, with the proposed new community on Castle Ward. The new highway feature also would have benefits in terms of health, leisure and open space provision. The crossing is part of the master plan proposals and is to be implemented under one of the later phases. In principle, the new pedestrian link is considered acceptable and it has been satisfactorily demonstrated that is capable of protecting highway safety on this major transport route into the city centre. The detailed highway design of the crossing has not be provided at this stage, since it is part of the outline proposals. This would need to be secured under a future application.

A new junction is also proposed at the Siddals Road/ slip road onto Station Approach, to give priority to bus traffic through the site, on Siddals Road. The details of a new highways design have been negotiated with the Highways Officers, although this would form part of the later phases of the development. As such the requirement for such a junction improvement can be assessed once the later phases come to fruition. The details of the highways design for this can be secured by planning condition.

The overall objectives of the proposals in terms of transport provision and highway design are consistent with the requirements of the NPPF and Policies T1, T6, T7, T8 and T10. Travel Plans for each phase of the scheme, including Phase 1 are required

to ensure that there is travel choice for the residents and businesses within the development. These would be secured through every phase, by means of suitable planning conditions.

b) Loss of parking

The proposed development would result in the loss of a number of surface car parks, including the public car park at Liversage Street, which is to be affected by Phase 1. The application does not include any replacement public car park facilities. Phase 1 development incorporates designated on-street parking bays along the “boulevard” and Hope Street/ Carrington Street. The impacts of removing car parking provision from Castle Ward on existing car parking within the city centre must be considered. The loss of the existing off-street public parking spaces must be weighed against the criteria in Policy T1. The highway modelling undertaken in support of the application indicates that traffic flows into Castle Ward would be reduced as a result of the proposal, which should not significantly add to congestion in the local area. It is accepted that the traffic implications of the overall development would not contribute to poor air quality in the nearby Air Quality Management Areas, which would therefore not have adverse environmental impacts. The Highways Officer has assessed the overall scheme in regard to impacts on road safety and is generally satisfied with the highway design layout, in terms of road safety. On the assumption that Westfield parking is currently operating at around 80-90% capacity, it could be argued that actual demand has been less than anticipated, which has created some surplus supply within the city centre. The existing parking demand, which would be displaced from Castle Ward, may be able to be satisfactorily accommodated in existing public parking, in proximity to the site where there is spare capacity. In regard to the potential requirement for new car parking, to off-set the removal of existing provision, officers will negotiate with the development partner to assess if public parking is needed under future phases, as the implications of Phase 1, in terms of parking demand are realised. If it is concluded at a later date that a new public car parking is required in the master plan area, then this would be subject to a full application. Members will also have noted from the site visit, that the public car park at Liversage Street appears to be underused. The benefits of re-development of the existing surface car parks, with a high quality residential based scheme, which reinstates the historic street pattern, could be argued to outweigh the impacts of lost public car parking and as such Policy T1 is considered to be satisfactorily addressed.

Design and layout

a) Buildings and streets

The NPPF encourages good design as a key part of sustainable development and of particular importance is the need to create a sense of place, respond to local character and reflect local identity. Also important is the provision of safe and accessible environments within the development. Policies GD4 and E23 also seek high quality design in development. The broad aim for design, in the Area Action Plan for the area, is to achieve high architectural quality and local distinctiveness. In respect to the residential elements of the scheme, Policy H13 requires the formation of a high quality living environment and layout of buildings to create interesting townscapes, as well as achieving satisfactory standards of residential amenity. The housing part of the masterplan proposals and Phase 1 has been assessed against

Building for Life Standards, which is welcome and should help to ensure well designed neighbourhoods are provided within the scheme.

The general layout of the overall scheme would utilise the historic grid street network and form perimeter blocks of development, with active frontages onto the street. The layout has clear legibility and significantly enhances connections between the city centre and Railway Conservation Area. The blocks are designed to enclose semi-private courtyards for residential parking and amenity of the properties within the block. This design concept is brought forward in detailed form in Phase 1, with dwellings and flats accessed directly off the street and some within the semi-private courtyards set back from the main streets. All dwellings and some flats would have their own private outdoor space within the perimeter blocks, which provides a relatively secure and defensible environment for the occupants.

The “boulevard” is the main street in Phase 1, which forms the east – west spine of the development and is intended to enhance linkages between the railway station and the city centre. In design terms, the “boulevard” takes account of the transition in the scale and form of the surrounding urban context. The Traffic Street end of the “boulevard” reflects the large scale of development and contemporary architectural style, in particular the Westfield Centre and approved office scheme at “One Derby”. The details of Phase 1 include a 5-6 storey apartment building at this end of the “boulevard”. Proposed building forms in this area are contemporary in their appearance. Taller elements, up to 4 storeys, are also proposed on either side of the public open space to punctuate the corner features. Whilst scale is a reserved matter under the outline proposals, the parameters of the masterplan indicate that tall buildings, of 5 – 10 storeys are proposed on this western edge of the site to address the existing scale in this part of the city centre. At the eastern end of the “boulevard”, the development connects with the Railway Conservation Area, characterised by low rise, two storey 19th Century dwellings and complementary architecture. The development in proximity to the conservation area is to be 2 and 3 terraced housing, of more traditional style and form, to respect the special character of the historic townscape in this part of the city. The master plan proposals reflect this lower scale of the built form, to the eastern edge of the site, within its parameters.

The master plan proposals and Phase 1, incorporate a mix of housing types and apartments, which would contribute to the creation of a sustainable neighbourhood and have considerable vibrancy and visual interest in the new street blocks. Most of the housing is to be in two or three storey terraced blocks. The form and external appearance of these blocks evolves through the Phase 1 of the development, responding to the different characters of the local areas within Castle Ward. The applicant has identified six “Character Areas” within the master plan proposals as part of a Design Code for the whole scheme. The aspirations for each area take reference from the local character and materials in the existing townscape context. The key characteristics identified, have shaped the indicative design and layout of the scheme, in particular the design of Phase 1. This should result in a locally distinctive and coherent layout and urban forms across the site. The “boulevard” area in Phase 1 would be characterised by mixed uses, public realm improvements and tree lined street pattern, with activity and vitality along the main route. This part of the scheme would have a strong sense of place and unity, with changes in the overall

scale and architectural style of building form along the main street, reflecting the surrounding urban context.

Overall, the applicant has demonstrated that they have considered the existing characteristics of Castle Ward and taken account of this information to inform the layout, form of development, public realm, landscaping and palette of materials. The master plan proposals and Phase 1, which follow from it, are of a good quality design, which would significantly enhance and regenerate the Castle Ward area in line with the requirements of GD4 and E23. An important factor in the success of the Phase 1 development will be in the choice of building materials and surfacing materials to be used in the scheme. Building details and boundary treatment are also important to the quality of urban design, particularly the area close to the conservation area. A palette of materials has been included in the submission, although the final details can effectively be controlled by use of suitable planning conditions.

The application is supported by a sustainability strategy for the master plan proposals, to create a holistic approach to sustainable design for the whole development. This approach is embodied in the BREEAM Communities framework, which covers eight areas of activity, including climate and energy, place shaping, transport, resources, ecology, business and employment and building. Ensuring that the overall scheme meets these standards, would meet the objectives of the NPPF and Policy E10, to minimise energy consumption and maximise energy efficiency. In terms of renewable energy, the application proposes the use of photo voltaic panels within the development. The Castle Ward site is also in a highly sustainable location, which should have benefits in terms reduced car use.

b) Public open space and Public realm

The master plan proposals and Phase 1 incorporate a strategy for the provision of green infrastructure and open spaces, which is an important element of the whole development. In a large scale scheme, such as this, Policies L2 and L3 require the provision of public open space to serve the new development in line with specified standards in L2. The policies do allow for lower open space provision where this would facilitate higher densities of development and high quality design, especially in areas close to the city centre. In such cases, a high quality treatment of open spaces is required. These policies are consistent with the NPPF, which promotes access to high quality open spaces and creating opportunities for sport and recreation in local communities. In the Castle Ward area a lower amount of open space is considered appropriate, provided that the public realm provision has a high standard of treatment. Basses Recreation Ground lies directly to the north of the site and it is envisaged that this will act as the area of major open space for the Castle Ward area. The master plan proposals have an aspiration for a new pedestrian crossing to Basses Recreation Ground to encourage greater use of the open space by the local community. This is explored further in the Highways opinion.

The proposed landscaping and open space strategy for the whole development, indicates that there would be a hierarchy of open spaces linked by tree lined streets. The new neighbourhoods within the site would have distinct characters, reinforced by different planting and materials. Four public open spaces have been identified, which includes the refurbishment of the open space on the new “boulevard”, as part of

Phase 1. This is renamed “Castle Ward Square” and would form the main area of public realm in the whole development. These open spaces would be supplemented by semi-private courtyards, within the residential street blocks, which incorporate residents parking, communal space and private gardens. A children’s play area is to be provided in Castle Ward Square, in Phase 1 and informal play space is identified in other open spaces and courtyards in the master plan. Precise details of the layout of the main play area would be secured by means of a suitable condition. Whilst no new public realm is to be created under Phase 1, the existing open space is to be subject to a new landscaping scheme, retaining a group of the existing trees. The proposals envisage significant improvements to the appearance and layout of the existing public realm, which should enhance levels of activity and usage and provide a focal point for the new community to be created on the site. A distinct street hierarchy is proposed in the masterplan so that the development is legible and distinguishes between the residential streets and the “boulevard”, the main route through the area. In Phase 1, these streets are to be tree lined, with different species to reinforce the distinct characters of each area.

The quality of the overall landscaping strategy for the masterplan and the details in Phase 1 is considered to be high and has the potential to introduce a coherent network of green infrastructure throughout the development. The combination of open spaces and tree lined streets would enable visual and ecological linkages within the development and create an attractive environment for local residents, businesses and visitors to the area. This will help to integrate the development into the surrounding urban context and contribute to a high quality of urban design throughout the scheme, in accordance with Policies E17 and E23. The refurbishment of the existing open space, in Phase 1, is likely to add significant value to the local area.

The quality of the proposed public realm is an important consideration. The “boulevard” is a key part of public realm improvements for the overall vision. It is to be a focal point for the new community and a major gateway to the city centre. The formation of “boulevard” should exhibit high quality materials and an attractive, pedestrian friendly environment, for residents, businesses and visitors.

The precise details of the layout, materials and new planting in the open space, would be subject to agreement with the Council’s Park section, since it is adopted public realm. There are also some issues with areas of planting, which would encroach into the pedestrian footway. These matters are yet to be resolved and as such I recommend that full details of the open space, be controlled by means of a suitable condition. Subject to appropriate details being agreed, I am satisfied that the proposed public realm improvements would satisfactorily meet the needs of the new community and be in an accessible location alongside the “boulevard” and as such, is in line with the requirements of Policies L2 and L3.

Amenities

The re-development of Castle Ward includes the demolition of all existing buildings within the site and formation of a new layout and built forms across a large area. The master plan proposals are indicative at this stage, although they include parameters for development, which provide a guide for the form, scale and layout of the proposal. The overall scheme indicates the provision of up to 840 dwellings across the site, which would amount to a relatively high density of development, in addition to a mix

of commercial and community uses. The proposals would utilise the existing historic street pattern and seeks to form street blocks fronting onto the highway. I am generally satisfied that the master plan is capable of achieving satisfactory standards of amenity within the development and provide a high quality living environment for the new residents. There are existing properties, including residential accommodation in the Railway Conservation Area to the east of the site and off London Road to the southern boundary, which would be affected by the proposed development. Based on provision of a satisfactory scale and layout of development, which respects the living environment of nearby properties in the surrounding area, the master plan proposals are considered acceptable in terms of protecting local amenities.

Phase 1 of the development has a dense residential layout, comprising of terraced blocks and apartments above commercial uses on the “boulevard”. It also incorporates residential units and flats above garages, within the central semi-private courtyards. It is an innovative layout, with tailored dwellings and flats, which are designed to provide high quality living environment for the occupants. The individual units would have satisfactory relationships with each other and all the dwellings and some flats would be afforded private amenity space. The proposed layout provides natural surveillance of the central courtyards with all dwellings on the outer blocks, fronting onto the street. Only one of the flats over garage blocks within block B2 of Phase 1 would have an unacceptable massing effect on the private gardens of two dwellings, fronting onto Hope Street. The first floor flat in this location backs onto the rear of those two dwellings with a 6 metre flank wall, abutting 6 metre gardens. This would result in an oppressive tunnel effect on the modest rear gardens and a poor living environment for the occupants. Negotiations with the applicant to revise the design of the flat block have not resulted in a satisfactory solution and as such I recommend that the first floor flat be omitted from the scheme, with retention of the garage block. This can be achieved by use of an appropriate condition. This would bring the total of residential units in Phase 1 down to 162.

The development in Phase 1 would have an acceptable relationship with existing residential properties on Liversage Court and the terrace on Wellington Street. I am satisfied that the existing housing would not be unreasonably overlooked. Overall the proposals would not have an undue impact on the living conditions of the residents, in accordance with Policy GD5.

Built Heritage and Archaeology

It is important to assess how the proposed development would impact on the historic built environment around the edge of Castle Ward. The relationship of the scheme with the adjacent Railway Conservation Area and listed and locally listed buildings on the London Road frontage has been considered in the supporting information. The “character areas” identify the local character of these heritage areas and in general, the proposals seek to respect the setting and character of historic buildings and the conservation area.

The setting of the Railway Conservation Area would be most affected, in term of views in and out of the area, by the formation of the “boulevard” and proposed re-development of buildings fronting Midland Place and Park Street. Midland Place is a recently refurbished area of public realm and important linkage with the railway station. Further assessment has been provided of the visual impacts of the scheme

on views in and out of Midland Place. This satisfactorily demonstrates that the Phase 1 development, of two and three storey built form along the “boulevard” would be of appropriate scale and massing to give sense of enclosure to Midland Place. On the indicative master plan, there are substantial concerns about the height and scale of proposed new build on the western side of Midland Place, which is on the site of the existing residential on Florence Court. The applicant’s aspiration is that new four storey development would better enclose the public realm and create opportunity for new open space on site of Midland Place. This aspect of the scheme raises issues in terms of the impacts on setting of the conservation area and legibility of the key route from station to city centre. I am mindful that scale and layout of development on later phases of the scheme are solely indicative at this stage and as such detailed proposals for Midland Place are reserved for a future application. The overall proposals have demonstrated satisfactorily that the scheme would preserve the character and appearance of the Railway Conservation Area in line with Policy E18.

The Grade II Listed Liversage Almshouses lie to the south of the application site. The main impact on their setting would be from development to the south of Hope Street and Carrington Street, in particular the primary school, which are on the outline master plan. Details of development in this location would be through reserved matters applications. The parameters plan indicates a low rise building form in this area, which should be capable of protecting the special historic character of the listed buildings. The Railway cottages within the conservation area are Grade II listed and their setting would be affected by proposals relating to Midland Place as discussed above. Their special character and setting would not be unreasonably harmed by the masterplan proposals.

Long range views of the Cathedral from the application site have not been identified by the applicant. However, since the street network would be largely maintained and the scale of much of the development is to be 2 and 3 storeys only, I am satisfied that the master plan proposals and Phase 1 would not undermine key views of the Cathedral, to the detriment of its setting and importance. Locally listed buildings along the London Road frontage would not generally be adversely impacted by the scale or form of the proposed development. Views of the spire of Holy Trinity Church, on the Local List, from the site, are considered to be some significance. Existing views from Midland Place and the public open space would not be wholly obscured through Phase 1 of the scheme and may even be enhanced as a result of the design quality of the proposed scheme. This is in line with the requirement of Policy E19.

An archaeological desk top assessment for the whole development site has been submitted in support of the application. This identified the potential for archaeological remains in parts of the site, dating from 19th Century development, previously demolished. I note the recommendation to undertake excavation works to evaluate the likelihood of any in situ remains, prior to determination of the application. However, I am also mindful that large areas of the application site are currently outside the control of the applicant and any potential remains are likely to be only of local significance. As such I am generally satisfied that potential archaeological interest on the site is not likely to prejudice the re-development and regeneration of the Castle Ward site. A suitable condition is therefore recommended to secure any site investigation works prior to any development taking place on the site. This would satisfy the requirements of Policy E21.

Flood Risk and Drainage

The site is in Flood Zone 1 and therefore considered to be at a low risk of flooding, despite its proximity to the River Derwent and its tributary. Due to the significant scale of the proposed development, a surface water drainage strategy and Flood Risk Assessment have been submitted in support of the proposal, to ensure that the scheme does not increase flood risk elsewhere. The proposal is required to satisfy the provisions of Policy GD3, which seeks to ensure that new development does not exacerbate flood risk in the local area. This is in line with the objectives of the NPPF, in relation to protection of development from significant flooding. The proposed drainage strategy includes elements of sustainable urban drainage (SUDs), which is welcome and satisfactorily demonstrates that an appropriate drainage solution could be implemented as part of the development and in the public highway. Subject to a detailed surface water drainage scheme being agreed prior to each phase of the development, including Phase 1, I am satisfied that the proposals are in accordance with national and local plan policies.

Ecology and Trees

The Castle Ward area is not identified as having any specific biodiversity or wildlife value. An ecological survey and assessment was submitted in support of the application, which indicates that there is potential for bat roosts within the buildings and trees on the application site. The survey also highlighted that the proposed foot bridge to Basses Recreation Ground is likely to impact a local wildlife site, which includes the Mill Fleam, a tributary of the River Derwent. The affected watercourse runs alongside Station Approach and the new pedestrian crossing would include construction of a bridge over it, to reach the open space. The ecological work undertaken is considered to be satisfactory to properly assess the potential impacts on protected species and habitats, to address the policies in the NPPF and Policies E5 and E7. Phase 1 of the development did not reveal any significant wildlife value, apart from bat activity, which can be satisfactorily addressed by further surveys prior to construction. Since the master plan proposals are in outline, further survey work and any mitigation measures to protect wildlife interest on and around the site, can be adequately be secured by means of suitable planning conditions.

The application site contains a large number of existing trees, most of which are located within the adopted highway or on public open space. Phase 1 contains about 180 trees and many of these are Lime trees on Liversage Street and Hope Street. Policy E9 seeks to ensure that development would not damage or destroy the long term retention of groups of trees, which contribute to the amenities of the local area. The majority of the existing trees are to be removed to enable the vision of a residential neighbourhood with the “boulevard” at its core, to be achieved. Consideration has been given to incorporating at least some of the street trees as part of the road improvements. However, these trees are planted very close together in a staggered arrangement, on one side of the carriageway. It was therefore found that their root protection areas would be damaged by the proposed works in the highway. Retention of the existing groups of trees would also not allow the tree lined

effect along the length of the boulevard, with the use of one tree species, to be achieved successfully.

The felling of the existing trees as part of Phase 1 of the development, is only considered acceptable on the basis of significant new tree planting within the development and on the understanding of the scheme achieving a high quality public realm and landscaping strategy, leading to significant improvements in green infrastructure in the local area. Phase 1 would include the planting of about 120 new trees, of which 38 semi – mature trees are proposed to be in the “boulevard”. A hierarchy of tree planting is proposed, with all the streets to be tree lined and standard trees planted in the residential courtyards and private gardens.

Within the existing public open space, 14 of the existing trees are to be retained in three groups. They are to be maintained in their existing lawned areas, which are to be bordered by low retaining walls to subdivide the space. The precise details of tree protection measures and landscaping proposals would be subject to suitable planning conditions. However, the applicant has satisfactorily demonstrated that the root protection areas of these retained trees should be safeguarded as a result of the proposed open space improvements.

The master plan proposals indicate the removal of about 290 trees across the rest of the application site. However, these trees have not been properly surveyed and their removal has not been fully justified. I am mindful that the layout proposals are only indicative at this stage and therefore there would be opportunity to fully assess the tree loss on later phases as part of any future reserved matters applications.

Public Art

As part of a significant development scheme, which incorporates considerable public realm improvements and new community facilities, it is appropriate for the proposals to include some form of public art. Policy E27 encourages the incorporation of environmental art where it will contribute to the quality and appearance of new developments or the general townscape.

The applicant has submitted an Arts and Culture Strategy, which indicates their plans for community engagement for the inclusion of public art within the local area. An on-site public art project would be secured through the Section 106 process. The applicant’s strategy demonstrates their commitment to the process of achieving a public realm art installation, within Phase 1 of the development. This is welcome and accords with the policy objectives.

Section 106

Policy GD7 requires that developments such as this should demonstrate a comprehensive and co-ordinated approach to the layout and design, phasing and implementation. The timescales for delivery of the necessary infrastructure should also be closely related to the needs generated by the development and its occupants. The applicant has undertaken a thorough master planning process and programmed five phases for implementation of the overall scheme. The proposed phasing of the development should allow existing businesses to continue to operate, whilst development is implemented on other parts of the site. The master plan proposals also address the infrastructure needs and provision of community facilities, required to achieve a sustainable neighbourhood.

In terms of securing implementation of the development, Policy GD9 indicates that in certain circumstances the City Council would consider uses of Compulsory Purchase powers to bring forward development. Provide certain criteria are met such powers may be used to ensure that a comprehensive scheme is achievable.

The significant scale of the proposed development generates a requirement for various contributions, including affordable housing, education, public open space, highways and community facilities, as set out in the SPD. The applicant has put forward a package of planning obligations, which includes most of the contributions on-site, as well as a small package of commuted sums. Since the master plan proposals are to be phased over a long period, it is important to secure the required obligations over the lifetime of the development. How this is achieved, whilst taking into account future viability of the scheme is a key issue, to be considered.

The applicant has agreed to enter into a Section 106 Agreement for Phase 1 of the development, although for the remainder of the site, under the outline proposals, the required planning obligations are to be secured by means of appropriately worded planning conditions. The outline application would normally be subject to a Section 106 Agreement. However, the application site covers a large area of the Castle Ward townscape, with many different land ownerships and businesses. The applicant does not have control over much of the site area, outside the Phase 1 site. As such securing a Section 106, where there are numerous landowners, who have not yet come on board with the proposals, is likely to be very difficult, involving protracted and possibly unsuccessful negotiations. The City Council have obtained legal advice, to give Members comfort that the necessary infrastructure and community facilities for all the later phases of the development, can be secured by means of planning conditions attached to the outline permission.

At the time of printing, negotiations are still ongoing with the applicant on the Heads of Terms for the Phase 1 Agreement. This is in respect to the financial viability of the scheme and ensuring that the proposed on-site enhancements satisfactorily mitigate for the lower provision of financial contributions. The applicant has argued that the total value of the required obligations for the Phase 1 development are to be met through specific enhancements and facilities delivered as part of the scheme. The planning obligations included in the Phase 1 Heads of Terms, which have been agreed, subject to the agreement of the details, are as follows:

- 25% proportion of affordable housing within the development, to Lifetime Home standards and Code Level 3 for Sustainable Homes
- Public realm/ Incidental open space enhancements on-site, through improvements and maintenance of existing public open space and public realm works within the development.
- Public Art contribution in accordance with the submitted Public Art Strategy
- Children's play area to be provided within public open space
- Highway improvements to form "boulevard" between Park Street and Traffic Street, to be undertaken as part of development

The site for a new primary school to serve the development is to be secured through the Phase 1 Section 106 Agreement. The provision of a half form entry school would

then be secured as part of Phase 2 development, with completion of the facility to be secured under Phase 3.

Secondary school capacity would be assessed prior to occupation in Phase 1 and if there is a requirement for a financial contribution towards extending provision, then this would need to be secured before completion of the development. The terms of this contribution is to be finalised prior the committee meeting.

An update on the agreed Heads of Terms will be given to Members at the meeting.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement for Phase 1 of the scheme, to achieve the objectives set out in 11.5 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.

B. To authorise the Director of Planning and Facilities Management to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered against the following adopted City of Derby Local Plan Review policies and all other material considerations and the masterplan proposal and details of Phase 1 for provision of a mixed use development and provision of infrastructure would be a comprehensive re-development scheme, with opportunities for cohesive design and layout, with reasonable impacts on visual and residential amenities, no significant harm to built heritage on or around the site, no adverse implications for the local highway network, loss of trees would be satisfactorily mitigated by landscaping and public realm enhancements and no significant environmental impacts in terms of flood risk, air quality and land contamination.

11.3. Conditions:

Outline conditions:

1. Details of reserved matters: layout, scale and appearance
2. Approval of reserved matters for second phase of development to be submitted within 3 years and development on this phase to be commenced within 5 years of this permission of 2 years from approval of reserved matters. Applications for subsequent approvals of all other phases to be submitted within 20 years of this permission and commenced within 2 years from last approval of reserved matters.
3. Development permitted to be carried out in accordance with specified approved plans.
4. Each phase of the development not to commence until, provision of proportion of affordable housing is secured by means of completed legal agreement.
5. Each phase of the development not to commence until provision of public realm, incidental open space and major open space is secured by means

of completed legal agreement. and assessment of secondary school capacity prior to occupation of any dwellings

6. The second phase of the development not to commence until provision of a half form entry primary school on site and a community centre on site, subject to agreed siting, is secured by means of a completed legal agreement.
7. The third phase of the development not to commence until provision of a single form entry primary school on site and construction of bridge and pedestrian crossing to Basses Recreation Ground, over Station Approach is secured by means of a completed legal agreement.
8. Each phase of the development not to be occupied until an assessment of secondary school capacity in the local area is undertaken and any contributions required towards further provision to be secured by means of a completed legal agreement.
9. Detail of a surface water drainage scheme for each phase of development to be submitted and agreed, based on sustainable urban drainage principles and assessment of hydrological and hydrogeological context, before work commences.
10. Details of underground service runs for each phase of development to include details of depth and width of runs to be submitted and agreed before work commences.
11. Prior to each phase of the development a preliminary risk assessment and site investigation for ground contamination on the site be submitted and agreed before work commences
12. Based on results of site investigation and risk assessment a remediation strategy giving details of measures required and how they will be undertaken and verification plan to demonstrate that works undertaken area complete, shall be submitted and agreed.
13. In the event that contamination not previously identified is found to be present on site, not further development to be carried out until remediation strategy is undertaken and details to be submitted and agreed.
14. No infiltration of surface water drainage into ground to be permitted without prior agreement, to demonstrate no unacceptable risk to controlled waters on any phase of the development.
15. Facilities for storage of oils, fuels or chemical to be sited on impervious bunds.
16. A detailed method statement for removing or control of Japanese Knotweed on the site to be submitted and agreed for each phase of the development, before work commences.
17. Any community uses within the site that are to be displaced by any phases of the development to be adequately relocated prior to development on that phase commencing.

18. No A1 floorspace shall be included in any phase of the development, except for Phase 1, unless subject to a retail impact assessment.
19. Full tree survey and constraints plan in accordance with BS5837:2012 to be submitted and agreed for each phase of development.
20. Written Scheme of Investigation for on-site archaeological investigation on each phase of the development, to be submitted and agreed, before works commence on that phase.
21. Post –excavation reporting, dissemination and archive deposition of archeological work under condition 15 to be agreed before any development commences on each phase.
22. A comprehensive noise survey to be undertaken, to assess proposed residential units and any mitigation measures to be submitted and agreed before development commences on each phase.
23. A comprehensive acoustics survey to be undertaken to assess proposed commercial/ industrial development and any mitigation works which are required to be submitted and agreed before development commences on each phase.
24. Further bat activity surveys shall be carried out for each phase of the development, including a survey for Mill Fleam area to the north of the site, relating the phase of development which includes the pedestrian crossing and new bridge onto Basses Recreation Ground. These surveys shall include mitigation for any impacts on roosting bats, to be implemented as part of the relevant phase.
25. Method statements for the construction of bridge over Mill Fleam and further ecological survey work related to this part of the development, to be submitted and agreed, under the relevant phase of the development before any work commences.
26. A scheme for generating part of energy requirements by on-site renewable energy sources to be submitted and agreed, for each phase of the development.
27. Details of internal road layouts, quality audit for highway improvements, servicing and on-street parking provision to be submitted and agreed for each phase of the development before work commences.
28. Details of signalised pedestrian/cycle crossing across Station Approach and a timescale for implementation of these works, to be submitted and agreed.
29. Details of a scheme to change the priority of Siddals Road junction with Station Approach and a timescale for implementation of these works to be submitted and agreed.
30. Details of an operational Travel Plan for each phase of the development, to be developed from Framework Travel Plan, to be submitted and agreed prior to occupation of dwellings.

Details of Phase 1 conditions:

1. Three year time limit for commencement of development.
2. Development permitted to be carried out in accordance with specified approved plans.
3. Details of external materials to be submitted and agreed, including building materials and surfacing materials before work commences.
4. Details of boundary treatment to be submitted and agreed before work commences.
5. Details of landscaping of semi-private courtyards, residential streets and private gardens to be submitted and agreed before work commences.
6. Notwithstanding the details of the tree strategy, which has been submitted, tree planting proposed for the “boulevard” and other streets to be subject to species details to be submitted and agreed before work commences.
7. Landscaping to be implemented and maintained following completion of the development.
8. Restriction of range of goods that could be sold from A1 floorspace on “boulevard”.
9. Restriction on amount of A1 floorspace in Phase 1 to no more than 1000 square metres.
10. Any A3 uses to be brought forward in Phase 1 to be subject to details being agreed of proposed opening hours, sound insulation measures in the unit and of ventilation and extraction system and flue to be implemented.
11. The development to meet a minimum standard Code Level 3 Sustainable Homes for housing and BREEAM Excellent standard for all other uses, in accordance with details submitted.
12. Detail of a surface water drainage scheme for the site to be submitted and agreed, based on sustainable urban drainage principles and assessment of hydrological and hydrogeological context, before work commences.
13. Details of underground service runs for the site to include details of depth and width of runs to be submitted and agreed before work commences.
14. A site investigation for ground contamination on the site be undertaken post-demolition and results submitted and agreed before further work is carried out on site.
15. Based on results of site investigation and risk assessment a remediation strategy giving details of measures required and how they will be undertaken and verification plan to demonstrate that works undertaken area complete, shall be submitted and agreed.
16. In the event that contamination not previously identified is found to be present on site, not further development to be carried out until

remediation strategy is undertaken and details to be submitted and agreed.

17. No infiltration of surface water drainage into ground to be permitted without prior agreement, to demonstrate no unacceptable risk to controlled waters on any phase of the development.
18. Facilities for storage of oils, fuels or chemical to be sited on impervious bunds.
19. Written Scheme of Investigation for on-site archaeological investigation on each phase of the development, to be submitted and agreed, before works commence on that phase.
20. Post –excavation reporting, dissemination and archive deposition of archeological work under condition 19 to be agreed before any development commences on each phase.
21. Details of tree protection measures and method statements for all works affecting root protection areas, in accordance with BS5837:2012 for the retained trees to be submitted and agreed and in place before work commences.
22. Permission does not imply approval of first floor flat over garage plot number B2-22 on referenced drawing.
23. Notwithstanding the details of layout and external treatment for the proposed works to public open space, full details of re-landscaping scheme, including location of walls, pathways, retention of trees and planting and all surfacing and building materials to be used in the open space area, to be submitted and agreed before work commences.
24. Details of layout and provision of childrens play area in the public open space are to be submitted and agreed.
25. Details of building design to be submitted under Conditions 3 & 4 subject to agreement of details of window and door recesses, of louvres and bonding of brickwork.
26. Highway design and construction to be subject to agreement of details of measures to implement 20mph traffic speed, surface drainage measures, soft landscaping, footway widths alongside public open space, location of pedestrian/cycle crossing on “boulevard” opposite Midland Place, intersection between Liversage Street, the “boulevard” and link to Carrington Street to be provided before occupation of dwellings.
27. Details of surface materials and highway geometry to improvements to public realm, to be submitted and agreed and to include Quality Audit in line with Local Transport Note 1/11.
28. Details of an operational Travel Plan to be developed from Framework Travel Plan, to be submitted and agreed prior to occupation of dwellings.
29. Before occupation of dwellings, junction of Hope Street and Traffic Street to be amended to operated as left out onto Traffic Street only.

30. The garages within development to be available for use at all times for parking of vehicles.
31. Details of a construction management plan, for dust, noise and waste to be submitted and agreed before work commences.

11.4. Reasons:

Outline reasons

1. The application was submitted in outline only and in accordance with policy of the adopted City of Derby Local Plan Review.
2. As required by Sections 91-92 of the Town and Country Planning Act 1990.
3. For avoidance of doubt.
4. To ensure provision of appropriate level of affordable housing to meet housing needs – Policy H11
5. To ensure public open space is provided to serve needs of local community - Policies L2 & L3
6. To ensure provision of education and community facilities to serve needs of local community – Policies L11 & LE1
7. To ensure provision of necessary education facilities and infrastructure to serve needs of local community – Policies LE1 & T1, T6, T7 & T10
8. To ensure provision of necessary education facilities in the interests of local community – Policy LE1
9. To prevent increased risk of flooding and protect water quality and the local environment – Policy GD3.
10. For the protection of retained trees on the site – Policies GD2 & E9
11. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
12. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
13. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
14. To prevent contamination of the ground – Policies GD2 & E12
15. To prevent pollution of river Derwent and ground water sources – Policies GD2 & E12
16. To protect the natural environment and biodiversity – Policies GD2, E5 & E7
17. To ensure continued provision of community facilities, in the interests of public amenity – Policies GD1 & L12

18. To protect the vitality and viability of existing retail hierarchy - Policies S1 & S2
19. To ensure the retention of important trees in the interest of visual amenity of local area – Policies GD2 & E9
20. For protection of any archaeological interest on or under the site – Policy E21
21. For protection of any archaeological interest on or under the site – Policy E21
22. To ensure residents amenities are protected from excessive noise levels – Policies GD5 & E12
23. To ensure residents amenities are protected from excessive noise levels – Policies GD5 & E12
24. For the protection of protected species and in interests of natural environment – Policies GD2, E5 and E7
25. For the protection of protected species and in interests of natural environment – Policies GD2, E5 and E7
26. To minimise energy consumption and promote energy efficiency - Policies GD2 & E10
27. For the avoidance of doubt and in the interests of highway safety – Policy T4, T6, T7 and T10
28. To ensure provision of highway crossing in interests of highway safety - Policy T1
29. To ensure provision of junction improvements in interests of highway safety – Policy T1
30. To ensure range of transport choices for occupiers of the development – Policy T1.

Details of Phase 1 reasons:

1. Time limit reason.
2. For avoidance of doubt.
3. For a satisfactory development of site in interests of visual amenity and to preserve character of Conservation Area. – Policies GD4, E23 and E18
4. For a satisfactory development of site in interests of visual amenity and to preserve character of Conservation Area. – Policies GD4, E23 and E18
5. In interests of visual amenity and ensure high quality urban design – Policies GD4 & 17
6. In interests of visual amenity and ensure satisfactory mitigation for tree removal on site – Policies GD4, E17 and E9

Committee Report Item No: 1

Application No: DER/05/12/00563

Type: Hybrid – outline and full (for phase one)

7. In the interest of visual amenity and ensure high quality urban design – Policies GD4 & E17
8. To protect vitality and viability of designated shopping centres – Policy S9
9. To protect vitality and viability of designated shopping centres – Policies S1 & S2.
10. To protect the amenities of residential properties in the local area – Policy GD5.
11. To ensure reductions in energy consumption are achieved through the development and minimise effects on environment – Policies GD2 & E10.
12. To prevent increased risk of flooding and protect water quality and the local environment – Policy GD3.
13. For the protection of retained trees on the site – Policies GD2 & E9
14. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
15. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
16. To protect the development from significant harm under PPS 23 – Policies GD2 & E12
17. To prevent contamination of the ground – Policies GD2 & E12
18. To prevent pollution of river Derwent and ground water sources – Policies GD2 & E12
19. For protection of any archaeological interest on or under the site – Policy E21
20. For protection of any archaeological interest on or under the site – Policy E21
21. To protect retained trees from impacts of the development in interests of visual amenity – Policy E9
22. Unreasonable massing, limit daylight resulting in oppressive impacts on occupants of adjacent dwellings – Policy GD5
23. Submitted details insufficient to ensure proper control of external works to public realm and in interests of public amenity – Policies GD4, E17 & E19, L1
24. Submitted details insufficient to ensure proper control of external works to public realm and in interests of public amenity – Policies GD4, E17 & E19, L1.
25. To ensure satisfactory development of the site, in interests of visual amenity and to protect character of conservation area – Policies GD4, E23 & E18.

26. To ensure a satisfactory public realm in the interests of visual amenity of local area – Policies GD4, E23 , T1 & T4
27. To ensure a satisfactory public realm in the interests of visual amenity of local area – Policies GD4, E23 , T1 & T4.
28. To ensure range of transport choices for occupiers of the development – Policy T1.
29. In the interests of highway safety – Policies T1 & T4.
30. To ensure satisfactory parking provision in the interests of amenity – Policies GD5 & T4
31. To protect amenities of nearby residential properties – Policies GD5 & E12.

Informative Notes:

Stopping up of the Highway - In order to remove the highway rights from Canal Street a 'stopping up' order under S247 of the Planning Act 1990 (as amended) will be required to be obtained from the Secretary of State.

S278 Agreement -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 is land 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 641876 for details.

Design Guidance - For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 641876.

Traffic Regulation Orders - A number of aspects of the proposal rely on the introduction of new traffic regulation orders (TROs) i.e. the introduction of 'no entry' into Hope Street and residents parking etc. It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. If you proceed with the development prior to ensuring that the various TROs you rely on have been formally confirmed you will be doing so at your own risk. You are required to fund all costs associated with the various new and amended TROs you require. The process and costs will be administered through the S278 agreement.

11.5. S106 requirements where appropriate:

Phase 1 - Provision on-site of:

- Public realm improvements and contribution towards maintenance
- Public art in accordance with submitted Art Strategy
- 25% affordable housing to lifetime home standards
- Provision of childrens play area
- Construction of "boulevard" within existing highway between Park Street and Traffic Street

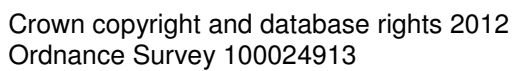
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Type: Hybrid – outline and full (for phase one)

- Agree location of one form entry primary school within Phase 2.
- Assessment of secondary school capacity prior to occupation under Phase1.

11.6. Application timescale:

The 13 week target period for determination of the application expired on 8 August 2012 and is brought to committee as a significant urban re-development scheme in the city .



Committee Report Item No: 2

Application No: DER/05/12/00562

Type: Full

1. **Address:** 56 Field Lane, Alvaston

2. **Proposal:**

Erection of 2 semi detached dwelling-houses

3. **Description:**

This application seeks to erect a pair of semi detached two storey dwellings on a broadly triangular area of land located to the south and within the curtilage of 56 Field Lane. The application site has a 28m frontage to Field Lane. Set back some 3.8m from the carriageway of the highway, the proposal would follow the existing building line of dwellings on the western side of the road. Amended plans received on 2 July have included the inclusion of a 1.6m wide extension of the pavement across the frontage which is currently occupied by a boundary hedge.

The dwellings would benefit from narrow front curtilages, more substantial rear and side curtilages and at least two off street parking spaces per dwelling. In addition, provision would be made for 2 off-street parking spaces for the dwelling at 56 Field Lane.

4. **Relevant Planning History:**

None recorded

5. **Implications of Proposal:**

5.1. **Design and Community Safety:**

The two dwellings would have a traditional appearance flanked by garages either side. There are no community safety issues.

5.2. **Highways – Development Control:**

The application site is located within a residential area and is currently used as a garden. There is a vehicle access to the existing property and detached garage with hard standing driveway.

The applicant has proposed to create 2 semi-detached dwellings in the garden area of the existing dwelling and proposes to provide a pedestrian footway along the frontage, with off road parking facilities and 2 x 2 pedestrian visibility splays for each of the proposed dwellings and the existing.

The extended footway across the frontage of the development site is acceptable as it will improve pedestrian safety as well as visibility for the proposed vehicle accesses onto Field Lane. The applicant has also confirmed that this will be dedicated as highway as part of the development which will be subject to a Section 278 Agreement of the Highways Act 1980.

As part of the development, the applicant has proposed 3 no. vehicle accesses to the proposed dwellings as well as the existing dwelling and will be providing 2 x 2 metre pedestrian visibility splays which is acceptable in addition to the proposed footway.

Whilst being over the standard is considered acceptable for the type of development and at this location.

Recommendation:

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

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1. No development shall commence on any part of the application site unless or until a suitable highway layout has been provided at Field Lane as shown for indicative purposes only on the submitted plan reference no. 1 of 4 Revision A to the satisfaction of the Local Planning Authority.

2. No part of the development hereby permitted shall be brought into use until the proposed vehicle accesses to the site has been completed and surfaced in a bound material for a minimum distance of 5 m behind the proposed highway boundary in accordance with approved plan reference 1 of 4 Revision A.

3. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the proposed vehicle accesses. These measurements are taken from and along the proposed highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.

5.3. Disabled People's Access:

No issues raised. Compliance with the Building regulations will deliver accessible homes

6. Publicity:

Neighbour Notification Letter	Yes	Site Notice	Yes
Statutory Press Advert and Site Notice	No	Discretionary Press Advert and Site Notice	No
Other			

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

7. Representations:

The following Councillors have raised their objection to this proposal and requested that this application be dealt with by Planning Committee:

Martin Alison, Barbara Jackson, Ranjit Banwait

In addition five letters have been received from local residents. Objections made relate to the proposal on the following grounds:

- Busy and narrow width of the road that is unable to accept any further traffic generated from residents of additional dwellings within the street;
- Lack of pavements and continuity of pavements in a street which already generates a conflict with local pedestrians and pupils from the school that walk along the road;

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- Noise and disturbance generated by building works that would be detrimental to the health and well-being of local residents during the construction period; (this is not a relevant planning matter)
- Intrusion of the development in respect of privacy and other residential amenities currently enjoyed by local residents;
- Inadequate visibility splays of less than 90m of the drives serving the off street parking provision adjoin the highway.
- Surface water problems will be exacerbated by these two new dwellings

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
T4	Access, Car Parking and Servicing
T6	Provision for Pedestrians
E23	Design

The NPPF is a material consideration and supersedes the earlier PPG and PPS

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

9. Officer Opinion:

Policy Considerations:

The proposal would be located within a triangular side curtilage of a dwelling with an area of some 0.166 hectares. Being part of a domestic garden, the land is no longer considered to be previously developed under the guidance contained within the National Planning Policy Framework (NPPF) (Annex 2) published on 27 March 2012. However, the site is located within a residential street within an established residential area on land that faces directly onto the public highway and does not contain many of the attributes of what is usually considered as backland development; i.e.; situated to the rear of the building line and away from the highway.

The site is located within the urban area of the city, close to public transport routes, schools, shops and other services, all elements that would contribute to the site being considered as suitable as a location for sustainable development under criteria laid out in paragraph 6 of the NPPF. The proposal would also need to be assessed in respect of compliance with paragraph 9 of the NPPF in respect of seeking positive improvements to the quality of the built environment; providing a good design that ensures attractive, enduring, usable and adaptable places (para. 33); whether the proposal is appropriate to its context (para.34); is of a good design that is sustainable and positively contributes to making places better for people (para.56) demonstrates

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an efficient reuse of resources that optimises the potential of the site for development (para. 58)

Though minimum density is no longer a relevant issue the requirements of saved policy H13 (Residential Development-General Criteria) of the City of Derby Local Plan Review (CDLPR) remains relevant in respect of producing:

- A satisfactory form of development and relationship to nearby properties that avoids the adverse effects caused by backland and tandem developments;
- Achieving a high quality living environment and layout that creates an interesting urban form;
- Maintains standards of privacy and security
- In respect of windfall development, priority to be given to previously developed sites in urban areas.

Saved policy T4 of the CDLPR is relevant to this application in respect of satisfactory vehicular access and egress to the site and in addition to these elements of this application to provide provision for an extension to the public footway would be subject to the provisions of saved policy T6.

As well as guidance contained within the NPPF in respect of the principles of good design (paras 33 and 34), the requirements of saved policies E23 (Design) and GD4 (Design and the Urban Environment) need to be considered in respect quality of design, of maintaining the urban grain, creation of an attractive environment, the facilitation of improvements to the road network and consideration of the promotion of journeys made by means other of than motor car.

Assessment

The site is located within an established residential area on land that faces directly onto the highway and does not contain many of the attributes usually associated with backland development.

In effect, the proposal would serve the function of a small infill development similar in terms of its scale and design within the building line of residential development in which it would be located. Narrow front curtilages would face over an extended 1.6m wide footpath to the highway. Sufficient amenity space for the dwellings would be provided by a rear curtilage of some 250 sqm for dwelling 56a and a triangular side curtilage of some 75sqm for 56b. Each dwelling would have the benefit of side garage and at least one external off street vehicular parking space. Two off street parking spaces would also be provided for the existing dwelling at No. 56 Field Lane.

In terms of external appearance, the design utilising ground floor bays and upper floor false gables to the front elevation would provide a configuration to the front elevation that reflects the early 20th century architectural character of the street. Overall the design elements would be commensurate with the residential street in which they would be located and, as such, comply with the requirements of saved policies GD4, H13 and E23 in providing a satisfactory form of infill development in keeping with the urban form and residential character of the locality.

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Concern has been expressed by a number of residents in respect of any increased pressure in on-street parking that might be exacerbated by this development. Also of concern is the absence of a public footpath on this part of the highway.

The application has been amended provide a 1.6 metre wide pedestrian footpath along the frontage on the formerly hedge covered highway land. The Highway Officer, in raising no objections, has observed that this would serve to improve pedestrian safety as well as visibility for the proposed vehicle accesses onto Field Lane, the footway would be dedicated as highway.

Neighbour objections would appear to centre upon parking congestion at certain times of the day notably when children are driven to or collected from the nearby school during term time. Such parking congestion is beyond the scope of this planning permission. However, the proposal has demonstrated that it would provide sufficient off-street parking for the two dwellings to be created as well as providing parking provision for a third dwelling, all of which would serve to improve the issue of parking on the street. With the extension to the footway, highway land is reintroduced into use along the frontage of the site to the benefit of pedestrian users. On balance, the proposal would provide sufficient off-street parking for the development, not exacerbate any issues of on street parking in Field Lane and facilitate improvements to pedestrians in compliance with saved policy T4 of the City of Derby Local Plan Review.

Overall, the proposal would provide for a satisfactory form of infill residential development within a residential area that satisfies guidance contained within the NPPF and saved policies GD4, H13 and E23 of the CDLPR in respect of being of a good quality design that is sustainable; is able to positively contribute to the built character of the area and; demonstrates an efficient reuse of resources that optimises the potential of the site for development. Provision of sufficient off street parking spaces for the development and a neighbouring dwelling would serve to avoid exacerbation of the intermittent parking problems experienced in Field Lane. This together with the provision of an extension of the footway along the frontage of the site, constructed to adoptable standards, would both benefit highway users and improve highway safety in accordance with saved policy T4 of the CDLPR.

10. Recommended decision and summary of reasons:

10.1 To grant planning permission with conditions.

10.2 Summary of reasons:

The proposal has been considered against the saved adopted City of Derby Local Plan Review policies and the NPPF where appropriate, as indicated in Section 9 of this report, and all other material considerations. The proposal would provide for a satisfactory form of infill residential development within the urban area including provision of sufficient off street parking spaces for the development and a neighbouring dwelling which would serve to avoid exacerbation of the intermittent parking problems experienced in Field Lane. This, together with the provision of an extension of the footway along the frontage of the site, constructed to adoptable standards, would benefit highway users and improve highway safety in accordance with saved policy.

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10.3 Conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Scale 1:1250, received 09/05/2012
 - Drawing Pg 1 of 4 Block Plan revision A, Scale 1:200, received 02/07/2012
 - Drawing Pg 2 of 4 Street Scene Front Elevation, received 09/05/2012
 - Drawing Pg 3 of 4 Ground and First Floor Plan, received 09/05/2012
 - Drawing Pg 4 of 4 Rear and Side Elevations, received 02/07/2012
3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority
4. No development shall commence on any part of the application site unless or until a suitable highway layout has been provided at Field Lane as shown for indicative purposes only on the submitted plan reference no. 1 of 4 Revision A to the satisfaction of the Local Planning Authority.
5. No part of the development hereby permitted shall be brought into use until the proposed vehicle accesses to the site has been completed and surfaced in a bound material for a minimum distance of 5 m behind the proposed highway boundary in accordance with approved plan reference 1 of 4 Revision A.
6. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the proposed vehicle accesses. These measurements are taken from and along the proposed highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
7. standard use of garage condition

10.4 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 in the interests of visual amenity and in accordance with saved policies GD4, GD5 and H13 of the adopted City of Derby Local Plan Review.

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Type: Full

4. In the interests of highway safety in accordance with the requirements of saved policy T4 of the adopted City of Derby Local Plan Review.
5. To prevent surface detritus being deposited onto the highway in the interest of highway safety in accordance with the requirements of saved policy T4 of the adopted City of Derby Local Plan Review.
6. In the interests of highway safety in accordance with the requirements of saved policy T4 of the adopted City of Derby Local Plan Review.
7. to protect residential amenity

10.5 Informative Notes:

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highway Development Control on 01332 255926 or alternatively email highwaydevelopmentcontrol@derby.gov.uk for details.



1. **Address:** 19 Horwood Avenue

2. **Proposal:**

Two storey extensions to dwelling house (reception, sitting room, utility room, lobby, kitchen, 4 bedrooms, en-suite, bathroom, w.c. and enlargement of lounge, landing and bathroom), alterations to roof to form bedroom, bathroom, store and dormers, erection of detached garage/gymnasium and felling of Yew tree protected by Tree Preservation Order No. 280

3. **Description:**

The application premises is a substantial detached dwelling house which appears to date from the early 1900s standing in a road of mixed house types mostly of a similar age. The site is set on a fairly steep hill with the fronting highway (Horwood Avenue) running in a roughly north-west to south-east alignment with the higher part to the north.

At the northern end of Horwood Avenue stands a church on the north eastern side of the road and opposite this on the south western side of the road is a house that has been converted to a dental surgery. The other premises on either side of the road are all in residential use. The wider area is predominantly residential in character.

The application is a resubmission following the Council's decision to refuse a previous application on this site for extensions to the dwelling house and felling of the Yew Tree. The previous reasons for refusal as detailed in Section 4 of this report. Further amended plans have been secured throughout the life of the application relating to the design, scale, mass and impact on the root protection area of T43, Cedar Tree.

The proposal seeks to add a forward projecting hall and porch on the front elevation of the dwelling house measuring 2.9 metres by 4.8 metres in total with a hipped roof configuration. A two storey side extension is proposed on the northern side elevation with a width of 4.8 metres ground and first floor depth of 15.9 metres and 12.7 metres. A two storey extension is also proposed on the rear elevation relating to bedrooms 4 and 5, with a rear projection of 5.3 metres and 2.4 metres respectively.

The original dwelling house is a modest two storey detached dwelling comprising dining room, kitchen, lounge, WC, hall and porch with 4 bedrooms and bathroom at first floor; where as the proposal would give rise to a substantially larger property comprising of reception room, lounge, entrance hall, utility room, kitchen/diner at ground floor with 6 bedrooms at first floor with 3 en-suites and a bathroom.

The front elevation will be characterised by a central gable with porch at ground floor; the original dwelling house stands slightly back from the gable as is the proposed two storey side extension.

The north-west side elevation, adjacent to the common boundary between no's 17 and 19 consists of four windows at ground floor with two obscurely glazed windows at first floor and is approximately 3 metres from the boundary fence. The overall length of this elevation has been reduced at both ground floor and first floor from the previous submission; from 17.3 metres to 15.9 metres at ground floor and a reduction of 4.6 metres at first floor.

The rear elevation is characterised by three hips with large areas of glazing at ground floor and first floor. The kitchen, due to its greater projection comprises of a hipped roof. There are various projections, following the secured amendments which limit the impact on the existing tree and reduce the overall scale of the proposed extensions.

The south-eastern side elevation, adjacent to the common boundary between no's 19 and 21, consists of varying projections and roof configurations with three windows at ground floor, one of which will be obscurely glazed and a small obscurely glazed window at first floor.

The proposed garage is located in the rear private garden of the application site, 1 metre in from the common boundary between no's 17 and 19. The garage will have a footprint of 6 metres by 12.5 metres and comprise of a garage and gymnasium. The building will benefit from a garage door on the front elevation with a blank rear and side elevation. Pedestrian access is provided by two doors on the south-east elevation along with two windows.

A row of trees, some of which are protected by tree preservation order no.280, stand on the application site along the side boundary with no. 21 Horwood Avenue. One is a very good looking mature cedar tree, T43 which is to be retained as part of the proposal. Also identified on the Order is a yew tree identified as T42 on the TPO. On site this is somewhat difficult to understand, as there are two yew trees standing side by side a matter of about 1 metre apart in roughly the place indicated for tree T42 on the TPO Plan. Which of these trees actually benefits from the protection of the TPO is not clear, unless the trees have been taken as or mistaken for one tree. A far nicer conifer stand between the two yew trees and the cedar tree but this is not protected by tree preservation order.

4. Relevant Planning History:

DER/03/11/00303 Refused - Two storey extensions to dwelling house (reception, sitting room, utility room, lobby, kitchen, 4 bedrooms, en-suite, bathroom, w.c. and enlargement of lounge, landing and bathroom), alterations to roof to form bedroom, bathroom, store and dormers, erection of detached garage/gymnasium and felling of Yew tree protected by Tree Preservation Order No. 280

1. *The proposal by reason of its scale and design would be alien to the character and design of the existing dwelling and as such would be detrimental to the overall appearance of the streetscene. As such the proposal would be contrary to saved policy H16 of the adopted City of Derby Local Plan Review.*
2. *The proposal by reason of its size and position would be oppressive and overbearing for residents of the adjoining property at 17 Horwood Avenue, leading to a loss of sunlight, that would be detrimental to the amenity of neighbouring residents. As such the proposal would be contrary to saved policies GD5 and H16 of the adopted City of Derby Local Plan Review.*
3. *The proposal by reason of the number of windows in the north west facing side elevation of the proposal facing directly towards 17 Horwood Avenue, would result in overlooking or create a fear of overlooking to residents of that property to the detriment of their levels of privacy and residential amenity. As such the proposal would be contrary to saved policies GD5 and H16 of*

the adopted City of Derby Local Plan Review.

4. *The proposal by reason of its intended removal of two Yew trees (one of which is protected by Tree Preservation Order) would result in a detrimental impact on the visual amenity of the area, particularly when viewed from Horwood Avenue. As such the proposal would be contrary to saved policy E9 of the adopted City of Derby Local Plan Review.*
5. *The proposal by reason of its size and position close to the canopy spread of the Atlas cedar tree that is protected by Tree Preservation Order, would be likely to make habitable rooms dark and oppressive, and result in poor living conditions for future residents. In addition the close proximity of the proposed extension to the tree would be likely to result in the tree's branches coming into contact with the extension with the potential for damage to occur. Furthermore, there is likely to be deposition of debris from the tree into the gutters of the extension onto the roof of the extension and the patio below. These problems are likely to lead to requests to severely cut back the branches of the tree or even to seek its removal, which would be difficult to resist on the grounds of residential amenity but would see the removal or disfigurement of the tree. As such the proposal would be contrary to saved policy E9 of the adopted City of Derby Local Plan Review.*

DER/03/08/00328 Outline application for residential development. No decision - finally disposed of 06/01/2009.

DER/05/07/00866 Residential no.2 two storey dwelling houses. Refused 20/09/2007.

5. Implications of Proposal:

5.1. Economic:

None arising as a result of the proposed development.

5.2. Design and Community Safety:

The design of the extension is considered to be acceptable and will not have a detrimental impact on the character and setting of the established street scene of Horwood Avenue.

5.3. Highways – Development Control:

No implications arising and no objections.

5.4. Disabled People's Access:

The proposal will have a degree of accessibility through compliance with Building Regulations.

5.5. Other Environmental:

The footprint of the proposal does not extend within the root protection area of the protected Cedar Tree, T43. The felling of the Yew Tree will not have a detrimental impact on the amenity of the street scene given the screening afforded by the existing dwelling house.

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Neighbour Notification Letter	12	Site Notice	N
Statutory Press Advert and Site Notice	N	Discretionary Press Advert and Site Notice	N
Other			

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

7. Representations:

The application has attracted 7 letters of objection which are summarised below:

- Resembles the previously refused application and has not addressed the previous reasons for refusal,
- Increase in noise, traffic, congestion, on-street parking and general movement,
- Property should not be used as student accommodation or a house in multiple occupancy,
- Over development of the plot,
- Detrimental impact on the character and setting of the street scene,
- Loss of vegetation and trees,
- Massing of the boundary between no. 19 and 21 Horwood Avenue,
- Not in-keeping with the character and design of the existing street or dwelling,
- Potential overlooking,
- Property should not extend/project forward,
- Impact of the garage on the boundary,
- Excessive development and footprint of both the house and garage,
- Loss of privacy,
- No details of boundary treatments.

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:**8.1. Environmental Services-Trees:**

To be reported orally.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD4	Design and the Urban Environment
GD5	Amenity
H16	Residential Extensions
E9	Trees

E23 Design
T4 Access, Car Parking and Servicing

The NPPF is a material consideration and supersedes the earlier PPG and PPS

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

Design and Street Scene

The proposed extension, in terms of design, is considered to be acceptable and will not significantly detract from the character and setting of the original dwelling house, despite its bulky and piecemeal appearance at the rear. Whilst I accept the two storey side extension has a limited set back its narrow width and reduced ridge ensures subservience to the original dwelling house. The porch on the front elevation, given its scale, will have a neutral impact on the appearance of the front elevation as such I am of the opinion the street scene will not be detrimentally affected.

The land levels changes in this locality result in the extension and original dwelling house being relatively consistent with the public highway however the set back of the original dwelling house, some 14 metres from the back edge of the highway, will limit any impact on the street scene. In addition existing planting within the locality provides screening, from certain advantage points, thus any impact on the street scene would be negligible.

The street scene of Horwood Avenue is characterised by large plots with large detached properties set back from the highway. The proposed extension will only add to this existing character. Whilst I accept the proposals have a substantial footprint there will not be a significant reduction in private amenity space for dwelling house.

The design solution clearly references the original dwelling house; an eaves fronted side elevation with hipped roof configuration provides uniformity. The window proportions and positions along with the overall external appearance, design and scale are acceptable in my opinion. The external finish of the extension will be monitored through the use of a material condition.

Access, Car Parking and Servicing

The proposal seeks to erect a garage within the rear private amenity space of the property. Off street parking is also maintained to the frontage of the dwelling and there are no details to alter the existing access arrangement.

I note the content of the objection letters in respect of traffic, congestion, on-street parking and general movement however given the proposal is to extend a single residential property and the proposals will not alter this existing use I am of the opinion a refusal on these grounds would be unreasonable and little weight should be given to these objections. Any concerns relative to construction traffic are not material planning consideration and therefore are not considered within this report.

The proposal broadly accords with policy T4 of the adopted CDLPR and has not attracted an objection from colleagues within the highways section.

Impact on Amenity and Third Party Representations

The extensions are largely located to the north of the original property and are set in, some 5 metres, from the common boundary between no. 19 and 21 Horwood Avenue; therefore I am satisfied the proposal will have a neutral impact on their residential amenity. The staggered footprint of the extension further preserves the residential amenity of this property. The distance between the common boundary and proposed garage is considered to be significant and will not result in a detrimental impact.

The majority of the extension is located on the northern side elevation and is set in 3 metres from the boundary; some 8 metres from the side elevation of no. 17 Horwood Avenue. Given these distances I am of the opinion there would be no massing of the boundary and no loss of light or associated overshadowing. The ground floor windows will be largely screened by the existing boundary treatment and those at first floor are to be obscurely glazed. Whilst I accept the proposed garage is located adjacent to the common boundary and could result in limited massing I feel it would be unreasonable to refuse the scheme particularly when considering the distance of the garage from the rear elevation of no. 17, some 17 metres coupled with the hipped roof that pitches away from the boundary.

The properties to the rear given the distances involved will also not be affected by the proposal. The proposed windows on the front and rear elevation will create a similar relationship to the existing and other residential properties across the City. Furthermore, those windows in the rear elevation, project further into the garden, will not significantly increase overlooking or perceived overlooking due to the obscure angle and relationship to no's 17 and 21.

In note the objections made with regards to the future use of the house as student accommodation or a house in multiple occupancy. I have sought clarification from the applicants on this matter, in their letter dated 14 July 2012 they state the house is currently rented to a family but upon completion will become their family home. On this matter I am mindful that should the applicant wish to convert the property in the future this may be subject to another application.

Trees and Existing Vegetation

Amended plans have been secured in order to preserve and future proof the long term protection of the existing protected trees, namely the Cedar and Yew trees. As such I am of the opinion the proposals are acceptable in terms of impact on existing trees and vegetation and have not received an objection from colleagues within the Arboricultural Section. Therefore the proposal satisfies saved policy E9 of the City of Derby Local Plan review.

Summary

The applicant/agent has, in my opinion, sought to address the previous reasons of refusal. Furthermore, following the receipt of amended plans, the proposed extensions and erection of detached garage at no. 19 Horwood Avenue are considered to be acceptable in terms of design and impact on the character of the street scene. The secured amendments have sought to mitigate objections and concerns raised in respect of the protected trees. The residential amenity, of both neighbouring properties, is in my opinion respected and the proposal will not be detrimental in terms of overlooking, massing and overshadowing. Furthermore, I am

of the opinion the proposed garage will have a limited impact on residential amenity. The proposal is therefore considered to broadly conform to relevant saved policies of the CDLPR.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered against the saved adopted City of Derby Local Plan Review policies and the NPPF where appropriate, as indicated in Section 9 of this report, and all other material considerations. The proposed extensions would have a limited impact on the setting and character of the existing dwelling house, surrounding properties and established street scene. The proposal has sought to further preserve the existing protected trees located on the southern side boundary. The proposal has sought to respect the residential amenity of those surrounding properties through its scale and siting and through the submission of the amendments which have reduced the overall mass of the proposals. Furthermore it will not have a detrimental impact on highway safety.

11.3. Conditions:

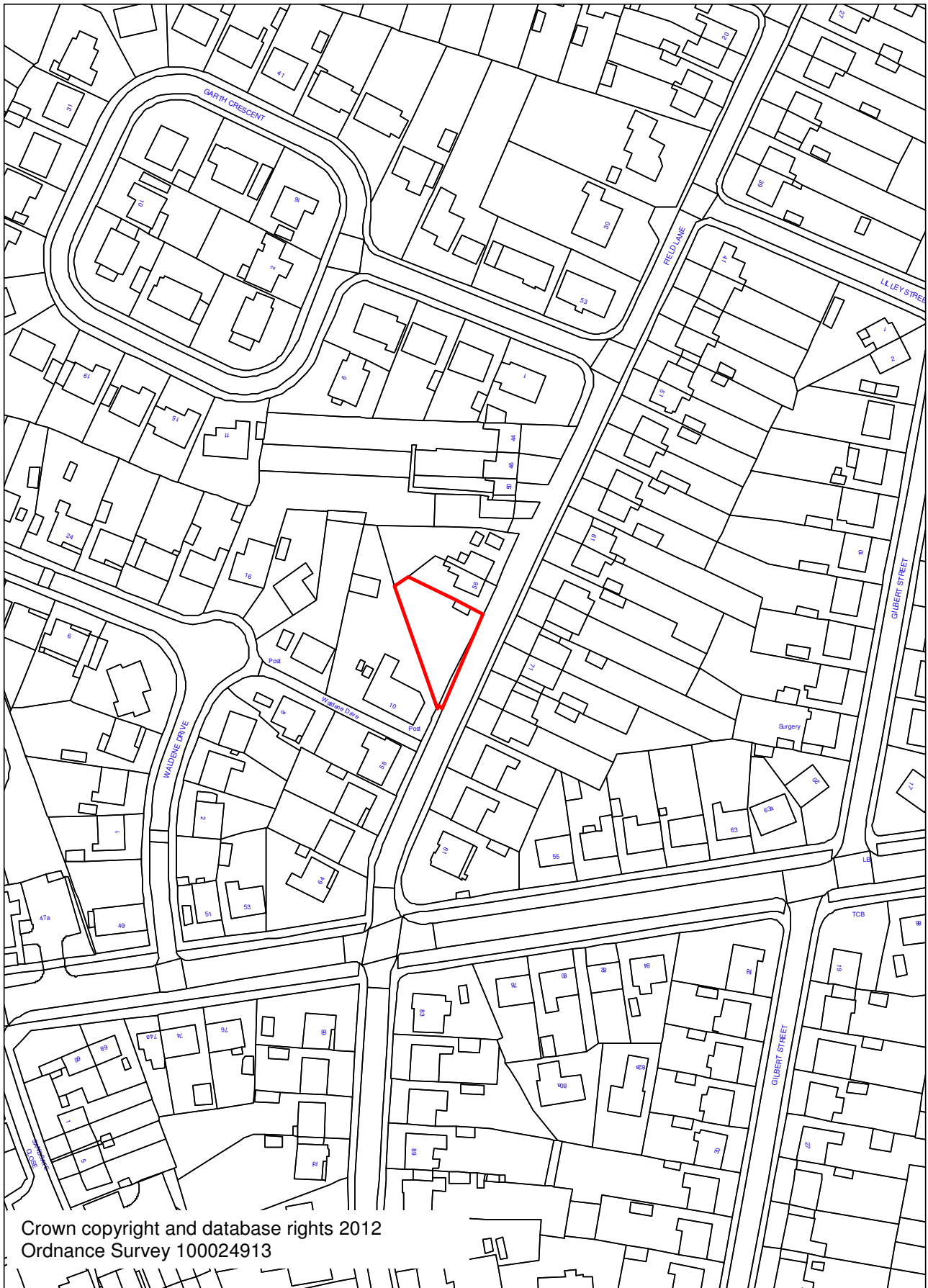
1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials)
4. Standard condition 13 (use of garage)
5. The first floor window(s) in the side elevations shall be glazed in obscure glass and must be of Class 4 or above of the Pilkington Range of Textured Glass which classifies the degree of obscuration. The obscure windows shall be retained as such in perpetuity unless the Local Planning Authority gives written approval to any variation
6. During the period of construction works all trees, hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:2012 (Trees in relation to construction - Recommendations), and in accordance with the following requirements:
 - (a) A scaled Tree Protection Plan (section 7.1 of BS 5837:2005 provides a specific list of what information it should contain) shall be submitted to and agreed in writing by the Local Planning Authority) before any development commences.
 - (b) The date of the construction of such protection and of its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works, facilitation works and site deliveries commence.
 - (c) The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.

11.4. Reasons:

1. Standard reason E03
2. Standard reason E56
3. Standard reason E14 ... policies H16 and GD4
4. Standard reason E28 ... policies GD5
5. Standard reason E28 ... policy GD5
6. The tree(s) in question are considered to be features of significance – This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site ... policy E9

11.5. Application timescale:

The 8 week target date for this application lapsed on 5 October 2011. The application is brought before committee due to the receipt of 7 letters of objection.



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Type: Full

1. **Address:** Land between 48 Pastures Hill and 1 – 3 Newcrest Close, Littleover

2. **Proposal:**

Erection of 2 dwelling houses and formation of vehicular access

3. **Description:**

Members may recall this item was deferred at the 26 July Planning Control Committee in order to carry out a site visit. The site visit took place 8 August, with Councillors Bolton, Harwood, Roberts, Pegg, Carr, S Khan and Turner in attendance, in order to consider the impact of the proposal on the residential amenity of adjoining residents, the land level changes across the site and with neighbouring properties. I have reproduced below the report for Members' consideration.

The full planning application seeks permission for the erection of two detached dwellings with detached garages and the formation of a vehicular access. The site will be accessed by a private drive off Newcrest Close, the majority of which is not adopted.

Amended plans and an amended Design and Access Statement have been submitted in order to overcome initial objections in respect of; manoeuvrability to the front of no's 6, 8 and 10 Newcrest Close; highways concerns, access arrangements and manoeuvrability within the site. A second consultation has been carried out following the receipt of these amendments.

The site is located within a residential location in close proximity to Pastures Hill and the Derby High School. The proposed development is considered to be the last phase of a larger development located to the north, north-east and north-west of the application site consisting of dwellings and apartments on Newcrest Close, Pineview Gardens, Greenway Drive and Golf Close. The access road up to the 'covered way' to Pineview Gardens and the bin collection point on Newcrest Close will be adopted with the remainder of the access remaining as a private drive.

The application site is largely rectangular with the exception of the access which projects off to the north-east. The site is bound by existing residential properties and the public highway to the south. The site is located within an Archaeological Alert Area and does lie within close proximity to a Scheduled Ancient Monument; which includes reference to the Roman Road, Bronze Age Cremation Cemetery and Iron Age Pit Alignment.

There are land level changes within the site; with those properties on Greenway Drive being set below the application site and decline towards to Rykneld Road. The access road also decreases in land levels from the bin store then rising within the application site.

The application is accompanied by a Design and Access Statement, Heritage Statement, Ecological Appraisal and Tree Survey.

The application seeks permission for the erection of 2 no. detached two storey dwelling houses with rooms within the roof space with associated access and 2 double detached garages. The proposed access will be sited adjacent to an existing drive, which serves no's 6, 8 and 10 Newcrest Close. Amendments have been secured to the access arrangement ensuring the removal of a low rise retaining wall,

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which provides increased manoeuvrability for the existing driveways and a minimum driveway width of 4 metres which is inline with the Council's standards. The driveway is approximately 26 metre in length leading to a communal turning space, four designated car parking spaces and two detached double garages.

Plot 1 House Type B

Plot 1 is located to the north of the application site and consists of private amenity space to the rear. The dwelling house has a footprint of 11.2 metres by 9.7 metres consisting of a two storey element leading to a single storey with rooms within the roof spaces which is set in from the common boundary by 4.25 metres. The proposal is an eaves fronted property with a maximum height of 9.2 metres to ridge height and 4.7 metres to eaves with the single storey element consisting of a ridge and eave height of 7.4 metres and 2.2 metres respectively. The front elevation is characterised by a slightly projecting gable which accommodates the entrance door and glazing to first floor with large areas of glazing breaking the mass of brick work; two roof lights are also proposed in the main roof plane and two are proposed in the single storey element this is the same for the rear elevation. The rear elevation accommodates two French doors with addition glazing along with windows in the ground and first floor. The side elevation accommodates a pedestrian door and landing window. The other side elevation, which is set 4.25 metres from the side boundary of no. 33 Greenway Drive, accommodates a small scale window in the two storey gable which will serve a landing which is 8.5 metres from the boundary. Drawing no. PAST/001 shows the relationship between the proposed and the existing properties on Greenway Drive.

The proposed double garage serving this property is sited adjacent to the north of the access drive with a footprint of 5.6 metres x 5.6 metres and is set in from 5 metres from the rear boundary of no. 31 Greenway Drive. The garage has a hipped roof configuration with a ridge and eaves height of 4.2 metres and 2.25 metres respectively.

Plot 2 House Type A

Plot 2 is located to the south of the application site adjacent to the Scheduled Ancient Monument and consists of private amenity to the rear. The proposal is an eaves fronted property with a maximum height of 9.2 metres to ridge height and 4.7 metres to eaves. The front elevation is characterised by a 1.1 metre forward projecting gable with adjoining balcony with large areas of glazing and four rooflight in the roof plane. The rear elevation accommodates two French doors and glazing to the ground and first floor with four rooflights. The side elevation adjacent to the shared boundary will accommodate a pedestrian door and en-suite window. 7 windows which will enjoy views over the Ancient Scheduled Monument are proposed in the side elevation.

The proposed double garage serving this property is sited adjacent to the south of the access drive with a footprint of 5.6 metres x 5.6 metres and a hipped roof configuration with a ridge and eaves height of 4.2 metres and 2.25 metres respectively.

4. Relevant Planning History:

No relevant Development Control History for this application site

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5. Implications of Proposal:

5.1. Economic:

None arising as a result of the proposal.

5.2. Design and Community Safety:

The proposed design solution of the two dwelling houses will integrate well within the existing Newcrest Close residential development.

5.3. Highways – Development Control:

Newcrest Close is partially covered by a Section 38 Agreement and bond, for approximately the first 35 metres. The remainder of Newcrest Close is privately maintained, therefore this proposal has no direct affect on the public highway, and however the following is noted.

The new access way will now be level with the adjacent private driveway serving 6 -10 Newcrest Close, therefore there is no need to provide a barrier between the two accesses.

The applicant now offers initially a 4m width access which is slightly substandard in width to serve two dwellings. Derby City Council's standards would normally require a width of 4.25m.

The applicant has enlarged the turning area to allow a service vehicle to turn in front of the properties because the proposal exceeds the recommended man carry distance. This is satisfactory.

The applicant has now removed the bin storage which was positioned 75 metres from the proposed dwellings. The prospective residents will now have to take their bins approximately 150 metres from the front door of the proposed dwellings to a recently agreed collection area for all residents. This is excessive; Manual for Streets suggests that a house holder should not have to pull a bin further than 30m to a point from which a Waste Management Operative should not have to pull that bin further than 25m to the refuse vehicle. The amended drawing suggests a bin collection area on prospective public highway. This would be unacceptable; I would suggest that a bin storage facility should be provided for all the residents of Newcrest Close behind the footway at this point.

5.4. Disabled People's Access:

The dwellings will have a degree of accessibility through compliance with Building Regulations

5.5. Other Environmental:

None arising as a result of the proposed development.

6. Publicity:

Neighbour Notification Letter	62	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

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

7. Representations:

Two consultation periods have been carried out following the submission of initial and amended drawings; the initial consultation was conducted 6th February and the second from 1st May 2012. In total the application has attracted 7 letters of objection and their concerns and objections are also summarised below:

Initial Representations

- Proposal is contrary to policies:
 - E4 Wildlife Site – the land is rich in wildlife, loss of wildlife,
 - E6 Wildlife Corridor – the majority of the has been built on by the same builder,
 - E21 Archaeology – impact on the Scheduled Ancient Monument,
 - GD5 Amenity - Overlooking into gardens and dwellings on Greenway Drive, potential loss of light due to the positions of the garages,
- Land levels will mean the proposed dwellings will be approximately 12 feet higher than those properties on Greenway Drive,
- Potential for increased water logging within surrounding gardens,
- Should develop one house rather than three,
- Advised that this area of land would not be developed when they purchased their property,
- Impact on the retaining wall to the rear of no's 25, 27, 29, 31 and 31,
- Reduced manoeuvring space for properties on Newcrest Close,
- Poor outlook for existing properties,
- Lack of street lighting and safety,
- There has been no further development with the two brick pillars which restrict access,
- Impact of the construction traffic on the block paving and retaining wall; there are already signs of movement,

Second Representations

- The re-positioning of the garages must result in an encroachment on to the Ancient Scheduled Monument,
- GD5 Amenity - Overlooking into gardens and dwellings on Greenway Drive, potential loss of light due to the positions of the garages,
- Land levels will mean the proposed dwellings will be approximately 12 feet higher than those properties on Greenway Drive,
- Over-development of the site,

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- Loss of existing planting,
- Proposed brick wall will be overbearing,
- Advised that this area of land would not be developed when they purchased their property,
- Impact of the construction traffic on the block paving and retaining wall; there are already signs of movement,
- Street lighting may shine in to bedrooms,
- Potential impact on wildlife,
- Who should maintain the Ancient Scheduled Monument?

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

8.1. Built Environment

The proposal would have a minimal impact on the built environment. Provided that no harm comes to the Scheduled Ancient Monument and any other related archaeology then we would not object. We would not object to the proposal provided the archaeology of the site is protected.

8.2. Environmental Services-Trees:

None Received

8.3. Derbyshire County Council Archaeologist:

Initial consultation:

The site is a nationally important heritage asset, containing a Scheduled Monument – a section of the Rykneld Street Roman road and remains of a Bronze Age cemetery (SM 23287, HER 32050), identified during evaluation trenching of the site by Birmingham Archaeology in 2003-4. The application is therefore subject to the policies of PPS5, in particular the requirement for heritage information at HE6 and the policies relating to designated assets at HE9. Because of the potential impacts to the Scheduled Monument and its setting, English Heritage must be consulted on this application.

I met the applicant on site early in 2011, and advised that because of the existing archaeological field evaluation data for the site it would not be necessary to carry out further pre-application field evaluation. The evaluation trenches covering the proposed development footprint contained few archaeological features, and nothing proven to be associated with the Roman road or the associated prehistoric archaeology. A couple of pits and gullies in this area were however not excavated during the evaluation, and evidence for a possible medieval plough headland bank was also encountered.

The proposed development area outside the scheduling boundary appears therefore to have some modest archaeological potential for peripheral remains perhaps associated with the Scheduled Monument, but evaluation did not identify anything here of national importance. I therefore suggested that an appropriate approach would be for the applicant to submit a detailed heritage

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statement dealing with the archaeological interest on the site, and for the local planning authority to secure an appropriate scheme of archaeological recording by means of a planning condition, in line with PPS5 HE12.3.

The applicant has included heritage information within their Design and Access Statement, and I recommend that this meets the information requirements of PPS5 HE6 in relation to the undesignated archaeology outside the Scheduled Monument. There will clearly be ground impacts within the house and garage footprints, and also potentially from the access road. I feel that these impacts should be addressed through a) strip-and-record excavation within proposed building footprints b) archaeological monitoring of groundworks for the access road and any service excavations, to be secured by means of a planning condition attached to any planning consent for the site.

In relation to the Scheduled Monument, English Heritage will be the key consultee. I feel however that the information submission in relation to the designated archaeology does not meet PPS5 HE6. In particular, the applicant should provide information relating to the proposed management of the Scheduled Monument as open space within the proposed development, and should detail how the proposed management plan will positively maintain the significance of the monument (currently threatened by self-seeded tree growth) while avoiding below-ground impacts, and how the management plan will be secured in the future.

I would also welcome some discussion of impacts to the setting of the monument, in terms of the proximity of the proposed dwellings, and the rationale behind the proposed fencing of the scheduled area. I wonder whether it might be beneficial to incorporate the scheduled area further as amenity space associated with the development, to encourage its future management and care, rather than separating it through fencing.

In relation to the scheduled monument, therefore, I recommend that the applicant submit additional information as detailed above. In relation to the undesignated archaeology, I recommend that the following conditions are attached to any planning consent.

Amended plans consultation:

The applicant has provided additional material in the design and access statement relating to the proposed treatment and management of the scheduled monument area: this addresses my concerns and I recommend that the application in relation to the scheduled monument be determined in line with the advice of English Heritage as the statutory consultee.

In relation to the rest of the proposal area (i.e. outside the scheduling boundary) I have nothing further to add to my original recommendations and suggested condition wording.

8.4. Derbyshire Wildlife Trust:

The ecological survey was undertaken at an appropriate level and we would concur with the consultant ecologist's view that the site no longer meets the criteria for a Local Wildlife Site. This conclusion supported our views on this

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particular site following an informal brief visit to the site made a couple of years ago.

The timing of the February application was such that we were able to make a request to the annual meeting of the independent Local Wildlife Site Selection Panel for LWS DE062 Crest Hotel Meadow to be removed from the LWS Register. This request was approved by the Panel when it met on 8th March 2012 and the site has now been removed from the LWS Register.

Impact of the development on nature conservation

We would advise the Council that, aside from the archaeological issues associated with this site, the proposed application is unlikely to have any significant ecological impact.

Conditions/Recommendations

Although the site no longer retains sufficient ecological interest as a LWS the fpcr survey identified some low level botanical interest. Paragraphs 4.5, 4.6 & 4.7 of the Ecological Appraisal highlight the fact that part of the site will remain undeveloped due to the presence of a Scheduled Ancient Monument and how this presents an opportunity for this area to be appropriately managed as grassland habitat with the purpose of restoring an area of species rich grassland.

We would advise the Council that if the application were approved the applicant should be encouraged to follow these recommendations as mitigation/compensation for other areas of habitat that will be lost to the development. Ideally, this would be achieved via a condition of any planning approval.

8.5. English Heritage

We are content with the amended planning proposals, proposed mitigation measures and proposals for the future management of:

- any buried archaeological remains that may be affected by the scheme;
- the scheduled monument.

We note and agree with the advice from Steve Baker, development management archaeologist to Derby City in his letter of 21 February 2012.

In determining the application we recommend that the authority pays particular attention to how the appropriate future management of the Scheduled Monument is to be secured by conditions / obligations.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

8.6 Ancient Monuments Society

No comments received

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD2 Protection of the Environment

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GD4	Design and the Urban Environment
GD5	Amenity
H2	Sites within the urban Area
H13	Residential Development – General Criteria
E4	Nature Conservation
E6	Wildlife Corridor
E7	Protection of Habitats
E9	Trees
E21	Archaeology
E23	Design
T4	Access, Car Parking

The NPPF is a material consideration and supersedes the earlier PPG and PPS

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The application site currently consists of a Scheduled Ancient Monument and area of shrub land with policies E4(a), E6 and E21 subject to compliance with the relevant planning policies the principal of residential development on this site is acceptable.

The proposed dwellings will form a termination to Newcrest Close and will integrate well into the spacious nature of the existing development, as such I am of the opinion the development can not be considered as a backland or tandem development.

Planning Policy

The saved policies of the adopted City of Derby Local Plan Review provide both generic and specific policies which will be considered throughout the Officer Opinion section of the report. This section is not exhaustive of planning policy and the proposals adherence to local plan policies and their criteria.

The following General Development (GD) policies of the adopted CDLPR are generic policies which are applicable to different development types and are therefore not site or use specific. The policies provide general criteria which planning applications are assessed against covering a wider variety of issues.

Policy GD2 states development should protect and where possible enhance the City's environment and built heritage, amongst others. The proposals do not encroach on to the Scheduled Ancient Monument and the application is accompanied by a Heritage Statement which details the steps taken by the applicant, these include preliminary meetings with the County Archaeologist and English Heritage. No objections have been received from consultees following the previous investigations undertaken by the Developer.

Policy GD4 seeks to ensure development is only permitted where it would make a positive contribution to good urban design taking into consideration local distinctiveness; urban grain, road network, access and creating an attractive environment. The application for the proposed dwellings has taken into consideration design, appearance and drawn reference from the character of the surrounding area.

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Policy GD5 seeks to ensure development is only permitted where it would provide a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of the nearby areas.

The introduction of the single storey element to plot 1 and the setting in of its garage seeks to minimise any potential impact of massing of the northern boundary. The high level window in the side elevation will be obscurely glazed and due to its scale is unlikely to introduce overlooking.

Policy H13 provides general criteria for the development of residential properties. The proposal is not tandem or backland in form and issues of relative to density are not relevant given the scale of the proposal as such the site is not overdeveloped. Furthermore the layout of buildings and open spaces to create an interesting townscape and urban form would be more referenced on larger housing schemes however there will clearly be a level of integration between the existing and proposed.

Policy T4 seeks to manage travel demands through making safe and appropriate provision for access and egress of the site for pedestrians, motor vehicles, cyclists and powered two-wheeled vehicles. The Council's parking standards are set out in Appendix A of the adopted CDLPR. There are no objections to the scheme in terms of access, car parking and servicing as the site proposed 4 designated off street parking spaces for each dwelling.

Policy E9 relates to ensuring development will only be permitted where it would not seriously damage, destroy or compromise the long term retention of individual trees, groups of trees and/or woodland areas which contribute to the amenity of the area. The application is accompanied by a Tree Survey and comments from the Council's Tree Officer are awaited.

Policy E23 expects proposals to be of a high standard of design and to complement the surrounding area. In respect of design I am content with character and appearance of the scheme given its siting within both an established street scene and urban area.

The following policies are considered to be more site specific given the designations within the adopted City of Derby Local Plan Review;

Policies E4 and E6 seek to preserve both areas of nature consideration and wildlife corridors stating planning permission will not be granted where proposals will severe wildlife corridors or would undermine their value as wildlife routes or where they would destroy or have an adverse affect. Furthermore, the proposal is not considered to have a detrimental impact on existing habitats. The proposal is accompanied by an Ecological Survey and no objections have been received from Derbyshire Wildlife Trust.

Additional information in relation to the treatment and management of the Scheduled Ancient Monument is set out in the amended Design and Access Statement. The County Archaeologist has considered the additional information and no objections have been sustained therefore the proposal is considered to conform to policy E21.

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Design and Street Scene

The application site is located at the termination of Newcrest Close which is characterised by modern detached properties with private amenity space to the rear and frontage parking. The existing properties are generally eaves fronted with detached hipped roof garages to the frontage served off a private drive.

The two proposed dwellings are of a similar scale and design to the existing properties on Newcrest Close and I consider the proposals will integrate well with the character and setting of this residential development. In terms of views from Pastures Hill views of the Schedule Ancient Monument are maintained. The proposed materials and finishes will be controlled by means of a standard condition and the landscaping details are provided on drawing no. Past – 002 Revision C.

In light of the above I am of the opinion the proposals achieve a high quality design solution when considering its external appearance, scale, mass and layout. I therefore consider the proposals to broadly conform to saved policies GD4, E23 and H13 of the adopted City of Derby Local Plan Review.

Access and Off Street Parking

This section of Newcrest Close is a private, unadopted road that is maintainable at private expense therefore the consultation response provided by colleagues within Highways Development Control is for reference only. I note the content of some objection letters in respect of damage to the private drive and general ware however this is a civil issue and not a material planning consideration, along with street lighting and the existing retaining wall. The brick pillars are not located within the red or blue edge of the application and therefore can not be considered under this application.

The application seeks to provide a sufficient turning area along with four off-street parking spaces for each dwelling within the site which exceeds the Councils Parking Standards. The access width is considered to be acceptable and manoeuvrability for the existing properties on Newcrest Close has been maintained.

The applicant has now removed the bin storage which was positioned 75 metres from the proposed dwellings. The prospective residents will have a considerable distance to take their bins; however I would suggest this is for the buyer to be aware rather than a reason to resist the proposal. The amended drawing suggests a bin collection area behind the public highway which is acceptable.

Impact on Residential Amenity

The principal windows of both properties are located on the front and rear elevations, a design solution of most properties in the City. The side elevation of plot 1 accommodates a single window which will be obscurely glazed in the interest preserve amenity.

No. 1 Newcrest Close has objected to the scheme, their objection largely relates to the preservation of the land and the Scheduled Ancient Monument and its long term maintenance; I feel these issues have been dealt with earlier in this report. They do not objection to the proposal in respect of their amenity. Given the distance between both no's 1 and 3 Newcrest Close, approximately 79 metres, coupled with the acute angle I am of the opinion the proposal will not represent concerns in relation to overlooking, massing and/or overshadowing.

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No. 3 Newcrest Close stands prominently above the access and I feel that their residential amenity will not be unduly affected by the proposal. Issues relative to their boundary are a civil matter along with comments made by the developer during the purchasing of their property.

Following the submission of the requested amendments the proposal will not unduly affect the residential amenity of no's 6, 8 and 10 Newcrest Close. Given the distance between these properties, coupled with the acute angle I conclude that the proposal will not represent concerns in relation to overlooking, massing and/or overshadowing.

The side elevation of no. 33 Greenway Drive runs alongside the common boundary of the application site; given the siting of the plot 1 coupled with its reduction to single storey the proposed will not mass, overlook or overshadow this property. Issues relative to construction and retaining wall will be duly considered during compliance with the Building Regulations.

No's 29 and 31 Greenway Drive back onto the application site, both plots have a 10.5 metre garden but are at a lower land level than the application site. However given the siting of the proposed garage for plot 1, some 6.5 metres from the boundary of no. 31 Greenway Drive coupled with the obscure angle of sight from the proposed front elevations and the distance, some 20 metres from the corner of the single storey element to closest corner of no. 31, I am of the opinion there would be little impact on their residential amenity, particularly as the existing boundary treatment will be unaltered. It is also my opinion that the proposed plot 1 garage given its siting and design would not mass the boundary.

Scheduled Ancient Monument

Following the submission of the proposed amendments the consultation responses of both English Heritage and the County Archaeologist are set out in Section 8 of this report, as neither raise an objection to the proposed dwellings I am drawn to conclude that there will be no detrimental impact on the setting of the Scheduled Ancient Monument and the proposal conforms to saved policy E21.

Third Party Representations

Firstly, a number of the issues raised within the objection letters are not material planning considerations and as such will not be considered further within this report these includes issues relative to comments made during the purchasing of various properties within the site. Drainage of the site will be dealt with through compliance with the Building Regulations.

Summary

Following consideration of the application, submitted details and consultation/publicity responses I raise no objection to the erection of two dwellings houses with detached garages and the formation of an access. The proposal is considered to be acceptable in terms of site layout, impact on the street scene, highway safety, off-street car parking provision and impact on residential amenity. Furthermore, the development has had full regard to the siting of the adjacent Scheduled Ancient Monument, trees and wildlife corridor. Therefore, I consider the proposal to broadly satisfy policies GD2, GD4, GD5, H2, H13, E4, E6, E7, E9, E21 E23 and T4 of the adopted City of Derby Local Plan Review.

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Type: Full

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review, and the NPPF where appropriate, and all other material considerations as indicated in Section 9 of this report. The proposed dwellings and associated garages will not have a detrimental impact on the character and setting of the existing development. The proposed dwelling houses have drawn reference from the distinct character of the existing development. The impact on surrounding residential properties is considered to be minimal and insufficient to warrant refusal. The layout of the development ensures the preservation of the nature conservation area and wildlife corridor and respects the Scheduled Ancient Monument. The level of off street parking exceeds the Councils current standards.

11.3. Conditions:

1. Standard condition 100 (Approved Plans)
2. Standard condition 03 (Time Limit)
3. Standard condition 27 (External Materials)
4. Standard condition 30 (Hard Standing)
5. Standard condition 38 (Foul Drainage)
6. No part of the development hereby permitted shall be brought into use until all parking areas are surfaced in a hard bound porous material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced parking areas shall then be maintained in such hard bound material for the life of the development.
7. Non-standard condition (Obscure glazing in the side elevation of plot 1)
8. Non-standard condition (removal of permitted development rights for insertion of new windows and roof extensions)
9. Non-standard condition (Tree protection measures)
10. Non-standard condition (Landscaping within 12 months)
11. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording

Committee Report Item No: 4

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- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- 12. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 11.
 - 13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
 - 14. The hereby permitted development shall be carried out in accordance with the recommendations set out in Section 4 Discussion of the Pastures Hill – Ecological Appraisal dated July 2012.
 - 15. Standard Garage Condition

11.4. Reasons:

- 1. Standard reason E04
- 2. Standard reason E56
- 3. Standard reason E14 (GD4, GD5, H16 and E23)
- 4. Standard reason E21 (T4 and H13)
- 5. Standard reason E21 (GD4)
- 6. Standard reason E19 (T4)
- 7. Standard reason E07 (GD5)
- 8. Standard reason E07 (GD5 and H13)
- 9. The tree(s) in question are considered to be features of significance – This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site. (Policy E9)
- 10. Standard reason E10 (GD4, GD5 and H13)
- 11. To safeguard and enhance the Scheduled Ancient Monument and potential archaeological remains and in accordance with saved policy E21 of the adopted City of Derby Local Plan.
- 12. To safeguard and enhance the Scheduled Ancient Monument and potential archaeological remains and in accordance with saved policy E21 of the adopted City of Derby Local Plan.

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13. To safeguard and enhance the Scheduled Ancient Monument and potential archaeological remains and in accordance with saved policy E21 of the adopted City of Derby Local Plan.
14. In order to preserve local wildlife and habitats and in accordance with saved policies E4, E6 and E7 of the adopted City of Derby Local Plan.
15. Standard reason E07 (GD5)

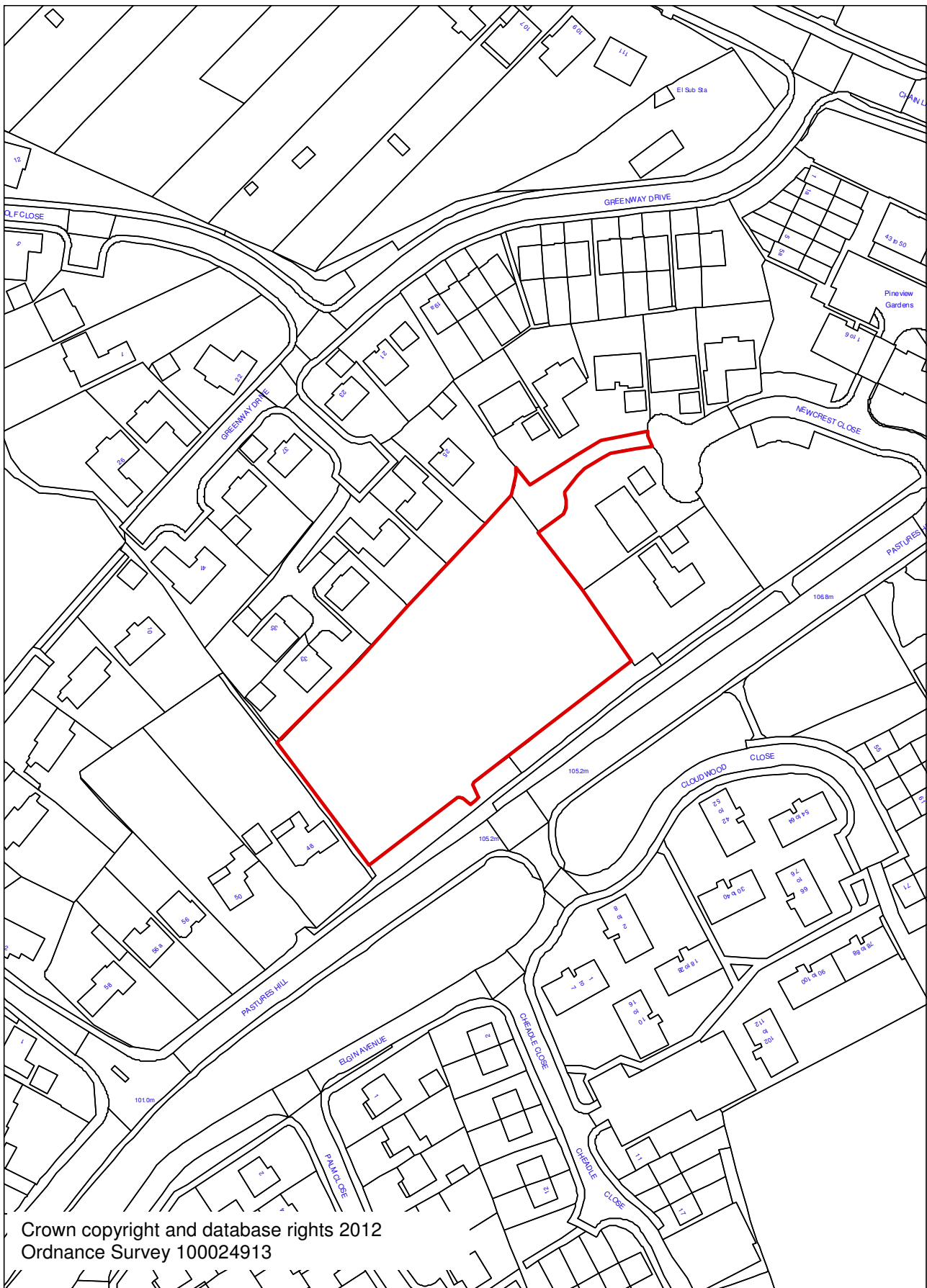
11.5. Application timescale:

The 8 week target date for determination expired 29th March and is brought to committee due to the receipt of 7 objections.

Committee Report Item No: 4

Application No: DER/02/12/00117

Type: Full



Committee Report Item No: 5

Application No: DER/06/12/00689

Type: Full

1. **Address:** Site of 109 Laburnum Crescent, Allestree, DE22 2GT

2. **Proposal:**

Demolition of bungalow and erection of two detached bungalows

3. **Description:**

The site is occupied by a bungalow which lies with its ridge and eaves parallel with the road, it is wider than most neighbouring bungalows. The street is dominated by single storey dwellings, although most have a front facing gable and are deeper than they are wide. There is a neighbourhood centre close to the site.

The site lies close to the junction with Woodlands Road and the corner property to the east is currently being extended, which includes a large garage sited close to the eastern boundary of the site. The existing bungalow has 3 bedrooms and has a vehicular access on the western end of the road frontage, which leads to an attached single garage.

The plans propose demolition of the existing bungalow and its replacement with a pair of new bungalows, each with 3 bedrooms. The existing access would be retained to access the western plot and a new vehicular access formed to serve the eastern half of the site. Each bungalow would have a single integral garage and a driveway parking space.

The bungalows would be the same layout and design and each would have a small front facing gable and would be deeper than they are wide – in common with neighbouring property. The new dwellings would be constructed partly from brick, with render and timber boarding detailing. The proposed bungalows would be sited slightly above the road level, in common with the existing and neighbouring properties. The site contains no particularly valuable landscaping and the existing building has no architectural or historic merit.

4. **Relevant Planning History:**

None

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The scale and design of the new bungalows are considered to be acceptable in context to the character of the surrounding area. There are unlikely to be any adverse community safety implications arising from the development.

5.3. **Highways – Development Control:**

No response received

5.4. **Disabled People's Access:**

The dwellings would have all accommodation on the ground floor and compliance with the relevant Building Regulations. Disability Discrimination Regulations would be applicable.

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5.5. Other Environmental:

The trees within the site are considered to have limited public amenity value and not warrant the imposition of a Tree Preservation Order. The application is accompanied by a bat survey undertaken in May 2012. This found no evidence of bats using the existing bungalow and concluded it had little potential as a bat roost.

6. Publicity:

Neighbour Notification Letter	13	Site Notice	Yes
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

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

7. Representations:

Two third party representations have been received, one of which is anonymous. The points raised are summarised below:

- Impact on wildlife especially as there are newts on adjacent gardens.
- A similar proposal at No 23 was refused planning permission, and this application relates to a smaller site and should also be refused.
- Set a negative precedent for splitting plots.
- promotes the practice of 'garden grabbing' (which is particularly relevant in an area with several bungalows and houses on larger plots).
- Increase the density of properties in the area.
- Allestree benefits from being a low density and green suburb but the practice of splitting plots is degrading this.
- Plot seems small for the proposed development.
- Issue of access to the site as this part of the road is already congested due to the school, shops and church.
- Site is crossed by shared sewage and rainwater pipes and construction work may therefore cause problems to neighbours.

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

8.1. Derbyshire Wildlife Trust:

A daytime bat survey has been undertaken in May 2012. An internal and external survey was completed that included an endoscope inspection of gaps under ridge tiles. The building is assessed as having limited potential to support roosting bats and no evidence of bats was recorded. Based on our current assessment of this application Derbyshire Wildlife Trust does not feel it necessary to consult with other

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organisations that hold nature conservation information.

The survey has been undertaken at an optimum time of year. We support the recommendations made within the report within Section 5 and do not consider that any further bat survey work is required. .

From looking at an aerial photograph of the site, the garden seems to support boundary hedgerows and trees. It is recommended that these are retained as part of the development and that if any vegetation has to be removed, then this should be undertaken outside the bird breeding season, to avoid any potential impacts on nesting birds (i.e. removed between September and February). Any vegetation that is to be removed should be replaced as part of any landscaping scheme with native species of local provenance.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

E4	Nature Conservation
E10	Renewable Energy
E12	Pollution
E17	Landscaping schemes
E24	Community Safety
E9	Trees
GD3	Flood protection
GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
T4	Access, Parking and Servicing

The NPPF is a material consideration and supersedes the earlier PPG and PPS

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

The principle of development

The site lies with a residential area and lies in a sustainable location with local facilities close by. There are a variety of transportation options for access to the City centre. In principle therefore the redevelopment of the site for 2 bungalows instead of the present single dwelling is acceptable.

In March 2012 the National Planning Policy Framework was introduced and it excluded gardens as Previously Developed land in order to resist “garden grabbing”. However in this particular case the redevelopment on a single residential plot for 2 new bungalows is not considered to represent an unacceptable form of development in principle, and would generally represent an acceptable form of modest redevelopment in a sustainable urban location.

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Impact upon the character of the area

The layout and design of the new dwellings is similar to that of the bungalows dominating the street. There would be no adverse impact upon the character of the surrounding area and, accordingly, the proposal would comply with policies GD4, E23 and H16 of the CDLPR.

Residential amenity

The new bungalows would have ground floor accommodation only and there is insufficient room in the roof space for first floor rooms. Each property includes mainly front and rear facing windows. However there are some windows in each side elevation. The eastern facing walls of each bungalow include openings to a bathroom and en suite and these are likely to be obscure glazed and not result in overlooking problems.

However each bungalow would have a kitchen window in the west facing side walls. The eastern bungalow is likely to have a poor outlook from this room as it would look onto the blank side wall of the western bungalow and be separated from it by approximately 900mm. However this shortcoming will be apparent to any potential resident and does not constitute a reason for refusing planning permission.

The western bungalow will have the same layout, although it's west facing kitchen window will look towards the boundary with the garden of No 107 to the west. This boundary is presently matched by a mesh fence and beyond this is the driveway to No 107. The kitchen window will look across this towards the bathroom window on the side wall of No 107. This juxtaposition is typical in residential layouts and a screen fence or wall, rising to at least 1.8m high, on that boundary would address any loss of privacy.

Highways Safety/parking provision

The existing access would be retained to provide access to one bungalow and a new drop kerb would be provided to lead to the second bungalow. The driveway length is sufficient size to accommodate a car parked clear of the highway. Each bungalow will have an integral garage. The provision of a second vehicular access would not be likely to give rise to highway safety problems.

Other issues

One third party objection relates to the potential impact on newts. However the area is not a characteristic habitat of Great Crested Newts, and therefore the development is unlikely to result in a significant loss of habitat

The anonymous objection refers to a similar proposal at No 23, believed to be the adjacent site to the east. No records have been identified for the construction of an additional dwelling there, but as that site is a corner plot an additional dwelling there would raise different considerations of impact on the character of the area and street scene issues, whereas the plans for this site are a form of infill development

Issues raised about the effect on shared drainage pipes underlying the site are a matter for the developer to address and make provision for, and cannot form a reason for refusal of planning permission.

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11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provision of the adopted City of Derby Local Plan Review, and the NPPF where appropriate, as indicated in Section 9 of this report, and all other material consideration. The proposed development is considered to be acceptable in terms of its design, impact upon residential amenity, highway safety and parking provisions.

11.3. Conditions:

1. Standard condition – time limit
2. Standard condition – in accordance with submitted plans
3. Standard condition - materials
4. Standard condition - means of enclosure
5. Standard condition - surfacing
6. Standard condition- foul and surface water drainage

11.4. Reasons:

1. Standard reason – time limit
2. Standard reason - avoidance of doubt
3. Standard reason - to be in keeping with the area
4. Standard reason – to provide a coordinated scheme.
5. Standard reason - to be in keeping with the area
6. Standard reason- to ensure satisfactory drainage

11.5. Informative Notes:

The formation of an access to the highway, is subject to the provisions of the Highway Act 1980 (as amended). Please contact Street Pride on 0333 2006981 or streetpride@derby.gov.uk for details of how this work can be undertaken.

Construction of Driveway – The proposed hard surfacing to the driveway shall be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area within the curtilage of the dwelling house. This will be subject to the permeability of the existing ground. Further information can be found in the document ‘Guidance on permeable surfacing of front gardens’ dated October 2008.

All parking areas shall be surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary.

The access driveway and parking shall be constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking to the public highway.

To protect nesting birds no site clearance/tree removal within the period September to February inclusive should take place

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11.6. S106 requirements where appropriate:

None

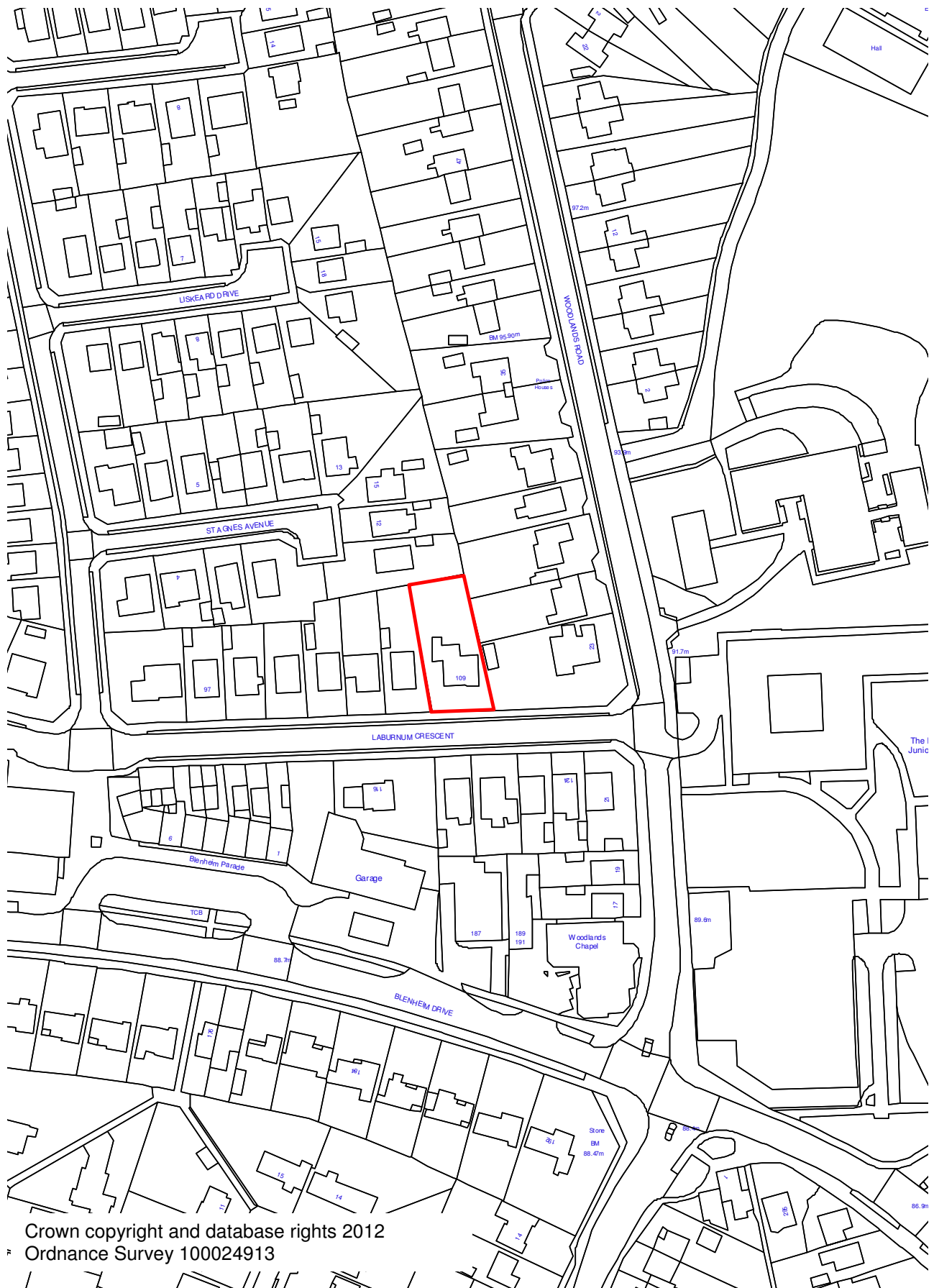
11.7. Application timescale:

The 8 week determination period for this application expired on 3 August.

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Type: Full



Derby City Council

Delegated Decisions Made Between 02/07/12 and 03/08/12

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/10/00164/PRI	Full Planning Permission	78-80 Cameron Road, Derby	Change of use of textile factory to six flats and alterations to internal layout and external elevations to facilitate residential use	Refuse Planning Permission	10/07/2012
07/10/00902/PRI	Full Planning Permission	6 Newmarket Drive, Derby	Extension to industrial unit (maturation unit)	Granted Conditionally	19/07/2012
11/10/01345/PRI	Full Planning Permission	169 Pear Tree Road, Derby	Change of Use from Retail (Use Class A1) to Hot Food Take-Away (Use Class A5)	Granted Conditionally	23/07/2012
10/11/01208/PRI	Full Planning Permission	Land adjacent 88 Nottingham Road, Chaddesden, Derby, DE21	Change of use of land from public amenity area to car sales and parking area (Sui Generis use) in connection with car wash facility (Sui Generis use) at 88 Nottingham Road, formation of vehicular access and erection of 2.2m high fencing and gates	Granted Conditionally	01/08/2012
10/11/01263/PRI	Advertisement consent	6 Friar Gate, Derby, DE1 1BU	Display of illuminated fascia sign, 4 non illuminated window vinyls and 2 floodlights	Granted Conditionally	19/07/2012
10/11/01265/PRI	Listed Building Consent -alterations	6 Friar Gate, Derby, DE1 1BU	Display of illuminated fascia sign, 4 non illuminated window vinyls and 2 floodlights	Granted Conditionally	19/07/2012
11/11/01322/PRI	Full Planning Permission	East Midlands Nuffield Hospital, Rykneld Road, Littleover, Derby, DE23 7SN	Erection of two storey 74 bed care home (Use Class C2) including ancillary accommodation	Granted Conditionally	13/07/2012
12/11/01478/PRI	Full Planning Permission	Guru Ravi Dess Sahba Temple, Duncan Road, Derby, DE23 8TR	Single storey extension to temple (prayer hall, kitchen and w.c.'s) and erection of 2.06 m high boundary wall and railings	Granted Conditionally	16/07/2012
01/12/00072/PRI	Full Application - Article 4	27 Arthur Street, Derby, DE1 3EF	Installation of replacement front door and 2 front windows.	Invalid - Finally Disposed of	04/07/2012
02/12/00127/PRI	Full Planning Permission	8 Snelston Crescent, Littleover, Derby, DE23 6BL	Two storey extension to dwelling house (kitchen, conservatory, living area, bedroom and en-suite) and formation of rooms in roof space (2 bedrooms and en-suite with dormer)	Granted Conditionally	05/07/2012
02/12/00133/PRI	Full Planning Permission	Site of 141 Station Road, Mickleover, Derby, DE3 5FL	Demolition of dwelling house and erection of 2 dwelling houses	Granted Conditionally	03/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
02/12/00173/PRI	Full Planning Permission	145 Manor Road, Derby, DE23 6BU	Change of use from offices to residential (use class C3) and two storey extensions (kitchen, utility/laundry room, shower room, 2 bedrooms, bathroom and enlargement of lounges and 2 bedrooms)	Refuse Planning Permission	31/07/2012
02/12/00176/PRI	Full Planning Permission	Laurie House, 22 Colyear Street, Derby, DE1 1LA	Alterations to front facade and formation of ramped access	Granted Conditionally	12/07/2012
02/12/00178/PRI	Full Planning Permission	Site of Bedrooms Showroom/Sales and car park, Cathedral Road, Derby	Demolition of retail unit and erection of offices (extension of time limit of previously approved application Code No. DER/02/08/00288/PRI by a further five years)	Granted Conditionally	31/07/2012
02/12/00186/PRI	Full Planning Permission	Unit 6, Southgate Retail Park, Normanton, Derby, DE23 6UQ	Change of use from retail (use class A1) to financial and professional services (use class A2)	Granted Conditionally	05/07/2012
02/12/00236/PRI	Full Planning Permission	26-27 Sadler Gate, Derby, DE1 3NL	Installation of shop front	Granted Conditionally	12/07/2012
03/12/00242/PRI	Advertisement consent	St. Peters Church, St. Peters Churchyard, Derby, DE1 1NN	Display of externally illuminated fascia sign	Granted Conditionally	23/07/2012
03/12/00253/PRI	Full Application - Article 4	21 Kingston Street, Derby, DE1 3EZ	Erection of front railings	Granted Conditionally	06/07/2012
03/12/00299/PRI	Full Planning Permission	8 Hamlet Court, Chellaston, Derby, DE73 5AH	Single storey extension to dwelling house (porch and enlargement of living room) and erection of garage	Granted Conditionally	05/07/2012
03/12/00307/PRI	Full Planning Permission	9 Vermont Drive, Chaddesden, Derby, DE21 6UU	Retention of two sheds, decking areas and ramps	Granted Conditionally	02/08/2012
03/12/00324/PRI	Full Planning Permission	Ivy House, 1 The Green, Mickleover, Derby, DE3 5DE	Single storey extension to residential care home (conservatory)	Refuse Planning Permission	03/07/2012
03/12/00339/PRI	Full Planning Permission	11 Quarn Drive, Allestree, Derby, DE22 2NR	First floor extension to dwelling house (bedroom and enlargement of bedroom and kitchen)	Granted Conditionally	03/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
03/12/00346/DCC	Full Planning Permission	46-48 Waverley Street, Derby	Change of use of clinic (use class D1) to dwelling house (use class C3) including alterations to elevations	Granted Conditionally	06/07/2012
03/12/00353/PRI	Full Planning Permission	91 Prince Charles Avenue, Mackworth, Derby, DE22 4BG	Installation of shopfront, air conditioning condensers and extract grille	Granted Conditionally	12/07/2012
03/12/00358/PRI	Full Planning Permission	Celanese Acetate Ltd, 1 Holme Lane, Spondon, Derby, DE21 7BP	Installation of two boilers with associated chimneys and relocation of storage silo with associated plant and machinery	Granted Conditionally	23/07/2012
03/12/00360/DCC	Full Planning Permission	19-21 Glossop Street, Derby, DE24 8DU	Change of use from office (Use Class B1) to dwelling house (Use Class C3) including demolition of porch (No. 21) and alterations to the front and side elevations	Granted Conditionally	06/07/2012
03/12/00385/PRI	Full Planning Permission	The Great Northern Public House, Station Road, Mickleover, Derby, DE3 5FB	Retention of marquee	Refuse Planning Permission	01/08/2012
03/12/00392/PRI	Full Planning Permission	1-21 Friar Gate Court, Derby, DE1 1HE	Installation of 3 replacement entrance doors	Granted Conditionally	09/07/2012
03/12/00393/PRI	Full Planning Permission	Units A1, A2 and A3 Cranmer Road, West Meadows Industrial Estate, Derby, DE21 6JL	Partial demolition of units A1 & A2. Extensions to units A1 & A2 (offices), installation of security shutters to units A2 & A3 and external alterations to all 3 units including alterations to windows and doors	Granted Conditionally	05/07/2012
03/12/00396/PRI	Full Planning Permission	45-47 Kedleston Road, Derby, DE22 1FN	Change of use of ground floor from veterinary surgery (use class D1) to residential (use class C3)	Granted Conditionally	03/07/2012
04/12/00400/PRI	Full Planning Permission	18 Kenilworth Avenue, Derby, DE23 8TW	Retention of garage	Granted Conditionally	05/07/2012
04/12/00401/PRI	Listed Building Consent -alterations	50-51 Friar Gate, Derby, DE1 1DF	Display of non-illuminated wall plaque	Granted Conditionally	01/08/2012
04/12/00402/PRI	Full Planning Permission	2 and 2a York Street, Derby, DE1 1FZ	Insertion of windows in flats	Granted Conditionally	09/07/2012
04/12/00417/PRI	Full Planning Permission	144 Danebridge Crescent, Oakwood, Derby, DE21 2HF	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	12/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/12/00443/PRI	Variation/Waive of condition(s)	Site of University of Derby Mickleover Campus, off Western Road, Mickleover, Derby (including land off Chevin Avenue)	Variation of condition No.1 of previously approved planning permission Code No. DER/11/05/01874 to amend the design of the changing rooms	Granted Conditionally	05/07/2012
04/12/00447/PRI	Full Planning Permission	25 Grafham Close, Chellaston, Derby, DE73 1XJ	Two storey extension to dwelling house (utility room, games room and enlargement of bedroom)	Granted Conditionally	09/07/2012
04/12/00462/PRI	Full Planning Permission	Osmaston Park Hotel, Osmaston Park Road, Derby, DE24 8BT	Extensions and alterations to Public House (Use Class A4) to form six apartments (Use Class C3) on first floor	Granted Conditionally	20/07/2012
04/12/00463/PRI	Full Planning Permission	37 West Bank Road, Allestree, Derby, DE22 2FY	Single storey front and side extension to dwelling house (lobby and store)	Granted Conditionally	09/07/2012
04/12/00470/PRI	Full Planning Permission	80-82 Monk Street, Derby, DE22 3QB	Change of use from Retail (Use Class A1) to Education on ground floor (Use Class D1) and Residential on first floor (Use Class C3)	Granted Conditionally	20/07/2012
04/12/00471/PRI	Full Planning Permission	36 Colwyn Avenue, Derby, DE23 6HG	Two storey extension to dwelling house (car port, bathroom and enlargement of bedroom)	Granted Conditionally	05/07/2012
04/12/00473/PRI	Works to Trees under TPO	15 Church Lane, Darley Abbey, Derby, DE22 1EX	Crown lift, crown reduce, crown clean and removal of deadwood of Cedar tree protected by Tree Preservation Order No 504	Granted Conditionally	12/07/2012
04/12/00480/PRI	Outline Planning Permission	The Workshop, The Maltings, Manchester Street, Derby, DE22 3GA	Residential development comprising renovation of 'the Maltings' to form 6 apartments, with associated bicycle and bin storage	Invalid - Finally Disposed of	04/07/2012
04/12/00482/PRI	Full Planning Permission	37 Vicarage Road, Chellaston, Derby, DE73 1SD	Single storey extension to dwelling (conservatory)	Granted Conditionally	20/07/2012
04/12/00495/PRI	Full Planning Permission	Site of Windmill Garage, Hilltop, Breadsall, Derby, DE21 4FW	Substitution of house types (Plots 4-8) on previously approved planning permission Code No. DER/04/08/00652	Refuse Planning Permission	02/07/2012
04/12/00501/PRI	Full Planning Permission	160 Pear Tree Street, Derby, DE23 8PL	Two storey extension to dwelling house (kitchen, shower room, boiler room and bedroom)	Refuse Planning Permission	05/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/12/00514/PRI	Outline Planning Permission	Land at side of 23 Brigden Avenue, Allenton, Derby, DE24 8LJ	Erection of dwelling house	Refuse Planning Permission	13/07/2012
04/12/00518/PRI	Full Application - disabled People	1 Lathkill Road, Chaddesden, Derby, DE21 4JT	Installation of platform lift and stepped approach	Granted Conditionally	12/07/2012
04/12/00522/PRI	Full Application - Article 4	11 Darley Street, Darley Abbey, Derby, DE22 1DX	Replacement of windows in front elevation	Granted Conditionally	10/07/2012
05/12/00528/PRI	Listed Building Consent -alterations	315 Burton Road, Derby, DE23 6AG	Extension to dwelling house (rear balcony and door)	Granted Conditionally	09/07/2012
05/12/00529/PRI	Full Planning Permission	315 Burton Road, Derby, DE23 6AG	Extension to dwelling house (rear balcony and door)	Granted Conditionally	09/07/2012
05/12/00531/PRI	Full Planning Permission	50-51 Friar Gate, Derby, DE1 1DF	Installation of escape door and stairs to the rear elevation and formation of 8 additional parking spaces	Refuse Planning Permission	01/08/2012
05/12/00532/PRI	Listed Building Consent -alterations	50-51 Friar Gate, Derby, DE1 1DF	Minor internal alterations and formation of escape door and stair to the rear elevation	Refuse Planning Permission	01/08/2012
05/12/00536/PRI	Full Planning Permission	139 Whitaker Road, Derby, DE23 6AQ	Formation of pitched roof on garage - retrospective amendments to previously approved permission DER/09/09/01079 (alterations to door and inclusion of additional windows)	Granted Conditionally	11/07/2012
05/12/00541/PRI	Full Planning Permission	78 Pastures Hill, Littleover, Derby, DE23 7BB	Erection of 1.8m high boundary wall	Granted Conditionally	01/08/2012
05/12/00545/PRI	Variation/Waive of condition(s)	30-32 Curzon Street, Derby, DE1 1LL	Variation of Condition 2 of previously approved application DER/01/12/00081/PRI to erect timber shelter to the rear elevation, alterations to rear elevation and installation of extract flue	Granted Conditionally	05/07/2012
05/12/00552/DCC	Local Council own development Reg 3	Village Primary School, Village Street, Derby, DE23 8DF	Remediation works to playing field to include excavation works to replace soil to an approximate depth of 300mm	Granted Conditionally	12/07/2012
05/12/00554/PRI	Full Planning Permission	50-51 Friar Gate, Derby, DE1 1DF	Change of use of first, second and third floors of 50-51 Friar Gate from office (Use Class B1) to residential (Use Class C3)	Granted Conditionally	01/08/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00555/PRI	Listed Building Consent -alterations	50-51 Friar Gate, Derby, DE1 1DF	Change of use of first, second and third floors of 50-51 Friar Gate from office (Use Class B1) to residential (Use Class C3), minor external alterations to rear and internal alterations to the ground floor entrance hall and stair of 51 Friar Gate	Refuse Planning Permission	01/08/2012
05/12/00557/PRI	Full Planning Permission	56 Locko Road, Spondon, Derby, DE21 7AQ	Demolition of garage. Single storey front extension and two storey side and rear extensions to dwelling house (porch, sitting room, family room, bedroom, 2 en-suites, dressing room and enlargement of kitchen and bedroom)	Granted Conditionally	03/07/2012
05/12/00558/PRI	Full Planning Permission	8 Albert Crescent, Chaddesden, Derby, DE21 6TD	Single storey extension to dwelling house (conservatory)	Granted Conditionally	03/07/2012
05/12/00566/PRI	Variation/Waive of condition(s)	5 Morledge, Derby, DE1 2AW	Extension to amusement arcade (staircase) -Variation of Condition No.1 of previously approved application Code No. DER/11/09/01269/PRI	Granted Conditionally	03/07/2012
05/12/00569/PRI	Full Planning Permission	140 Mansfield Road, Derby, DE1 3RA	Change of use of first floor from video shop (Use Class A1) to beauty salon (Sui Generis use)	Granted Conditionally	05/07/2012
05/12/00570/PRI	Full Planning Permission	South Field, 6 Friars Close, Darley Abbey, Derby, DE22 1FD	Demolition of garage. Single and two storey side and rear extensions (dining room, study, utility room, bedroom, shower room and enlargement of bedroom) and erection of detached garage/store	Granted Conditionally	05/07/2012
05/12/00572/PRI	Full Planning Permission	10 Bamford Avenue, Derby, DE23 8DT	Two storey side extension and single storey front and rear extensions (porch, lounge, bathroom and 2 bedrooms) to dwelling house	Granted Conditionally	05/07/2012
05/12/00575/PRI	Full Planning Permission	16 Marquis Gardens, Chellaston, Derby	Single storey extension to dwelling house (enlargement of kitchen)	Granted Conditionally	05/07/2012
05/12/00577/PRI	Advertisement consent	Asda, Sinfon District Centre, Sinfon, Derby, DE24 3DS	Display of 4 non illuminated freestanding banner signs	Granted Conditionally	06/07/2012
05/12/00579/PRI	Full Planning Permission	173 Duffield Road, Derby, DE22 1AJ	Demolition of garage and erection of two storey side extension to dwelling house (dining/kitchen, utility room, garage/store, bedroom and en-suite)	Granted Conditionally	03/07/2012
05/12/00583/PRI	Full Planning Permission	32 Western Road, Mickleover, Derby, DE3 5GP	Demolition of conservatory. Single storey extension to dwelling house (conservatory)	Granted Conditionally	10/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00586/PRI	Full Planning Permission	64 Cummings Street, Derby, DE23 6WW	Change of Use from Light Industrial (Use Class B1) to Residential (Use Class C3) including alterations to elevations	Granted Conditionally	03/07/2012
05/12/00588/DCC	Full Planning Permission	The Council House, Corporation Street, Derby, DE1 2ZL	Erection of intake and outlet structures for river water cooling system for the	Granted Conditionally	26/07/2012
05/12/00589/PRI	Full Planning Permission	109a King Street, Derby, DE1 3EE	Change of use from retail (Use Class A1) to dual use - hot food take-away (Use Class A5) and cafe (Use Class A3)	Granted Conditionally	20/07/2012
05/12/00591/PRI	Full Planning Permission	13 Bridgeness Road, Littleover, Derby, DE23 7UJ	Two storey extension to dwelling house (store, lounge, bedroom with en-suite)	Granted Conditionally	01/08/2012
05/12/00592/PRI	Full Planning Permission	Land at side of 2 Uplands Gardens, Derby, DE23 6AS	Erection of 2 dwelling houses - extension of time limit of previously approved application Code No. DER/001/09/00032/PRI by a further three years	Granted Conditionally	05/07/2012
05/12/00595/PRI	Works to Trees under TPO	20 Golf Close, Littleover, Derby, DE23 4TL	Felling of Cedar Tree protected by Tree Preservation Order No 248	Granted Conditionally	09/07/2012
05/12/00597/PRI	Full Planning Permission	20 St. Wystans Road, Derby, DE22 3JZ	Two storey extensions to dwelling house (sunroom, bedroom, 2 en-suites, utility room, enlargement of kitchen and bedroom)	Granted Conditionally	05/07/2012
05/12/00598/PRI	Certificate of Lawfulness Proposed Use	8 Princes Drive, Littleover, Derby, DE23 6DW	Single storey rear extension to dwelling house (enlargement of dining room and kitchen)	Granted	11/07/2012
05/12/00599/PRI	Full Planning Permission	17 New Road, Darley Abbey, Derby, DE22 1DR	Demolition of detached garage. Erection of outbuilding, installation of render and alterations to lean-to roof	Granted Conditionally	17/07/2012
05/12/00601/PRI	Full Planning Permission	232 Blagreaves Lane, Littleover, Derby, DE23 7PS	Two storey extension to dwelling house (passageway, bedroom and bathroom)	Granted Conditionally	12/07/2012
05/12/00602/PRI	Advertisement consent	14 Albion Street, Derby, DE1 2PR	Display of internally illuminated fascia sign and internally illuminated projecting sign	Granted Conditionally	12/07/2012
05/12/00603/PRI	Full Planning Permission	10 Robinia Close, Oakwood, Derby, DE21 2XD	Two storey side extension to dwelling house (bedroom, en-suite and enlargement of garage)	Granted Conditionally	20/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00604/PRI	Full Planning Permission	29 Morningside Close, Allenton, Derby, DE24 9JQ	Extension to dwelling house (utility room, w.c.and enlargement of kitchen, dining room, hall and bedroom) - amendment to previously approved permission Code No. DER/05/10/00588	Granted Conditionally	12/07/2012
05/12/00605/PRI	Full Planning Permission	198 Francis Street, Derby, DE21 6DF	Two storey extension to dwelling house (lounge and bedroom), installation of canopy to front elevation, enlargement of garage and erection of boundary wall/railings and steps	Granted Conditionally	31/07/2012
05/12/00607/PRI	Full Planning Permission	59 Churchside Walk, Parliament Street, Derby, DE22 3WL	Change of use of ground floor from common room to flat	Granted Conditionally	20/07/2012
05/12/00608/PRI	Full Planning Permission	Land at side of 8 Foremark Avenue, Derby, DE23 6JR	Demolition of garage. Extensions and conversion of detached garage to form dwelling house (Use Class C3)	Granted Conditionally	12/07/2012
05/12/00610/PRI	Full Planning Permission	34 Western Road, Mickleover, Derby, DE3 5GP	Single storey extension to dwelling house (coffee room and shower room)	Granted Conditionally	12/07/2012
05/12/00611/PRI	Full Planning Permission	Revive Healthy Living Centre, 23 Roe Farm Lane, Derby, DE21 6ET	Infilling of first and second floor balconies with timber cladding and installation of windows	Granted Conditionally	03/07/2012
05/12/00612/PRI	Full Planning Permission	Land at side of 156 Greenwich Drive South, Derby, DE22 4FX	Demolition of garage and erection of dwelling house	Granted Conditionally	20/07/2012
05/12/00613/PRI	Full Planning Permission	38 Gravel Pit Lane, Spondon, Derby, DE21 7DB	Single storey extension to dwelling house (conservatory)	Granted Conditionally	03/07/2012
05/12/00614/PRI	Full Planning Permission	29 Merchant Avenue, Spondon, Derby, DE21 7NB	Two storey extension to dwelling house (kitchen, utility, bedroom, dressing room and en-suite)	Granted Conditionally	03/07/2012
05/12/00615/PRI	Full Planning Permission	2 Lulworth Close, Littleover, Derby, DE23 7HX	Two storey side extension to dwelling house (study, bedroom, shower room and enlargement of two bedrooms)	Granted Conditionally	13/07/2012
05/12/00617/PRI	Advertisement consent	Red Cow PH, 2 St. Edmunds Close, Allestree, Derby, DE22 2DZ	Retention of double sided non-illuminated post sign	Granted Conditionally	16/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00619/PRI	Full Planning Permission	30 Lawrence Street, Derby, DE23 8TU	Two storey side and single storey rear extension to dwelling house (guest room, utility room, 2 bedrooms and enlargement of kitchen/diner and lounge) and installation of veranda and pillars on the front elevation	Granted Conditionally	01/08/2012
05/12/00621/PRI	Full Planning Permission	10 Carnaby Close, Mackworth, Derby, DE22 4FD	First floor extension to garage (games room)	Granted Conditionally	19/07/2012
05/12/00622/PRI	Works to Trees in a Conservation Area	166 Duffield Road, Derby, DE22 1BH	Removal of epicormic growth from stem to a height of 2.5m of Lime tree within Strutts Park Conservation Area	Raise No Objection	06/07/2012
05/12/00623/PRI	Full Planning Permission	4 Shrewsbury Close, Oakwood, Derby, DE21 2RW	Two storey extension to dwelling house (garage, cloakroom, utility, bedroom, en-suite and dormer)	Granted Conditionally	05/07/2012
05/12/00629/PRI	Full Planning Permission	Land at side of 27 Keats Avenue, Littleover, Derby, DE23 7EE	Erection of dwelling house	Withdrawn Application	11/07/2012
05/12/00630/PRI	Full Planning Permission	20 Westleigh Avenue, Derby, DE22 3BX	Single storey side and rear extension to dwelling house (garage)	Granted Conditionally	03/07/2012
05/12/00631/PRI	Works to Trees in a Conservation Area	65 Belper Road, Derby, DE1 3EP	Felling of Conifer within Strutts Park Conservation Area	Raise No Objection	06/07/2012
05/12/00632/PRI	Full Planning Permission	11/12 Corn Market, Derby, DE1 1QH	Change of use of ground floor from Retail (Use Class A1) to Estate Agents (Use Class A2)	Refuse Planning Permission	01/08/2012
05/12/00633/PRI	Full Planning Permission	Unit 2, Newmarket Court, Newmarket Drive, Derby, DE24 8SW	Change of use from Fire Station (sui generis use) to allow flexible planning permission for B1c, B2 and B8 uses, within the scope of Class E Part 3 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995	Granted Conditionally	19/07/2012
05/12/00634/PRI	Full Planning Permission	1 East Street, Derby, DE1 2AU (Millets)	Change of use of ground and first floor from Retail (Use Class A1) to Financial and Professional Services (Use Class A2)	Refuse Planning Permission	23/07/2012
05/12/00635/PRI	Advertisement consent	Ye Olde Spa Inn, 204 Abbey Street, Derby, DE22 3SU	Display of various illuminated and non-illuminated signage	Granted Conditionally	03/08/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00639/PRI	Advertisement consent	483 Nottingham Road, Derby, DE21 6NA (Tesco)	Display of various signage	Granted Conditionally	05/07/2012
05/12/00640/PRI	Full Planning Permission	34 Nevinson Avenue, Sunnyhill, Derby, DE23 7GT	Single storey extension to dwelling house (kitchen/dining room)	Granted Conditionally	05/07/2012
05/12/00641/PRI	Full Planning Permission	3 Tresillian Close, Darley Abbey, Derby, DE22 2AG	Extensions to dwelling house (enlargement of rooms in roof space including dormers)	Granted Conditionally	03/07/2012
05/12/00642/PRI	Full Planning Permission	31 Richmond Avenue, Littleover, Derby, DE23 7DL	Single storey side extension to dwelling house (kitchen, utility, dining room and enlargement of bedroom and bathroom)	Granted Conditionally	13/07/2012
05/12/00643/PRI	Full Planning Permission	26 Cotton Brook Road, Derby, DE23 8YJ	Change of use and sub-division of unit from light industrial (Use Class B1) to Storage and Distribution (Use Class B8) and installation of shutter door to the front elevation	Granted Conditionally	13/07/2012
05/12/00644/PRI	Full Planning Permission	12 Rushdale Avenue, Littleover, Derby, DE23 7HY	Single storey extension to dwelling (lounge/dining room and porch)	Refuse Planning Permission	20/07/2012
05/12/00645/PRI	Full Planning Permission	193 Stenson Road, Derby, DE23 7JN	Retention of front and side extensions to dwelling house (kitchen, porch and verandah)	Granted Conditionally	05/07/2012
05/12/00647/PRI	Full Planning Permission	1-3 King Alfred Street and 74 - 76 Monk Street, Derby	Installation of shop fronts and security shutters	Granted Conditionally	23/07/2012
05/12/00650/PRI	Full Planning Permission	29 Silverburn Drive, Oakwood, Derby, DE21 2JJ	Two storey side and rear extensions to dwelling house (kitchen, 2 bedrooms and breakfast room)	Granted Conditionally	13/07/2012
05/12/00651/PRI	Advertisement consent	1-3 King Alfred Street and 74 - 76 Monk Street, Derby	Display of 3 externally illuminated fascia signs and 2 non illuminated wall signs	Granted Conditionally	23/07/2012
05/12/00652/PRI	Full Planning Permission	72 Muirfield Drive, Mickleover, Derby, DE3 5YF	Erection of 1.8m high boundary wall with railings and gate	Granted Conditionally	05/07/2012
05/12/00653/PRI	Full Planning Permission	46-51 Crown Walk, Derby, DE1 2NP	Alterations at lower and upper levels to form retail unit and installation of external plant room	Granted Conditionally	24/07/2012
05/12/00657/PRI	Full Planning Permission	8 Tregaron Close, Oakwood, Derby, DE21 2TE	Demolition of conservatory. Single storey rear and two storey side extension to dwelling house (family/dining room, bedroom and enlargement of garage and bedroom)	Granted Conditionally	13/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
05/12/00658/PRI	Full Planning Permission	1-3 Stables Street, Derby, DE22 3EJ (Osmaston Fish Bar)	Erection of external w.c	Granted Conditionally	01/08/2012
05/12/00659/PRI	Full Planning Permission	14 Shardlow Road, Alvaston, Derby, DE24 0JH	Single storey rear extension to cafe (kitchen and storage area)	Granted Conditionally	01/08/2012
05/12/00661/PRI	Full Planning Permission	57 St. James Road, Derby, DE23 8QY	Two storey rear extension to dwelling house (store room and bedroom)	Granted Conditionally	05/07/2012
05/12/00662/PRI	Full Planning Permission	40 Osmaston Road, Derby, DE1 2HW	Change of use of first, second and third floors from offices to 3 flats including installation of replacement windows, cladding, balconies, shop front and alterations to rear staircase	Granted Conditionally	01/08/2012
05/12/00663/PRI	Full Planning Permission	18 Glen Park Close, Chellaston, Derby, DE73 1NT	Single storey front extension to dwelling house (family room/study)	Granted Conditionally	05/07/2012
05/12/00665/PRI	Full Planning Permission	41 Hillsway, Littleover, Derby, DE23 7DU	Single storey rear extension to dwelling house (enlargement of kitchen and lounge)	Granted Conditionally	13/07/2012
05/12/00667/PRI	Full Planning Permission	11 Queensbury Chase, Littleover, Derby, DE23 7UD	Relocation of 1.8m high boundary fence	Granted Conditionally	02/08/2012
05/12/00668/PRI	Works to Trees under TPO	5 Spinney Close, Darley Abbey, Derby, DE22 1EG	Felling of dead trees and trees closest to dwelling house and reduction in height of remaining trees to 3m all protected by Tree Preservation Order No 439	Granted Conditionally	31/07/2012
06/12/00670/PRI	Full Planning Permission	1 Napier Close, Mickleover, Derby, DE3 9JL	Formation of pitched roof to front elevation	Granted Conditionally	13/07/2012
06/12/00671/PRI	Full Planning Permission	Unit 3, Colombo Street, Derby, DE23	Change of use from warehouse (Use Class B8) to martial arts studio (Use Class D2)	Granted Conditionally	01/08/2012
06/12/00673/PRI	Full Planning Permission	23 Whitaker Street, Derby, DE23 8FB	Single storey rear extension to dwelling house (kitchen/shower room)	Granted Conditionally	05/07/2012
06/12/00674/PRI	Full Planning Permission	196-198 Normanton Road, Derby, DE23 6UX	Sub-division of Cafe (Use Class A3) into retail (Use Class A1) and cafe (Use Class A3) and alterations to shop front to form door	Granted Conditionally	20/07/2012
06/12/00678/PRI	Certificate of Lawfulness Proposed Use	7 West Bank Avenue, Derby, DE22 1AQ	Enlargement of vehicular access and driveway	Granted	16/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
06/12/00679/PRI	Full Planning Permission	Unit 10, Racecourse Industrial Park, Mansfield Road, Derby, DE21	Change of use from leisure use (Use Class D1) to storage and distribution (Use Class B8) and business (Use Class B1)	Granted Conditionally	01/08/2012
06/12/00680/PRI	Full Planning Permission	Units 5 - 9 Kingsway Retail Park, Derby, DE22 3FA	External alterations to facades of retail units 5-9, formation of entrance features, insertion of rear escape door, erection of bollards and formation of hard landscaping	Granted	20/07/2012
06/12/00682/PRI	Full Planning Permission	1 Meynell Court, Allestree, Derby, DE22 2NW	Two storey and single storey extensions to dwelling house (enlargement of kitchen, dining room, utility room, bedroom and en-suite)	Granted Conditionally	20/07/2012
06/12/00683/PRI	Full Planning Permission	6 Moorland Road, Mickleover, Derby, DE3 5FX	Single storey front, side and rear extensions to dwelling house (porch, kitchen/diner, utility room, bedroom and en-suite) - amendment to previously approved planning permission Code No. DER/08/11/00952- to incorporate 4 additional rooflights	Granted Conditionally	01/08/2012
06/12/00684/PRI	Full Planning Permission	61 Lambourn Drive, Allestree, Derby, DE22 2UT	Single storey extension to dwelling house (sun lounge and passageway) and formation of raised patio	Granted Conditionally	20/07/2012
06/12/00687/PRI	Full Planning Permission	5 Chaddesden Park Road, Derby, DE21 6HE	Demolition of conservatory. Single storey extension to dwelling house (living/dining room, utility room and store)	Granted Conditionally	01/08/2012
06/12/00690/PRI	Full Planning Permission	First floor, Unit 6, 227 Derby Road, Chaddesden, Derby, DE21 6SY	Change of use of first floor from light industrial (Use Class B1) to Martial Arts Centre (Use Class D2)	Granted Conditionally	01/08/2012
06/12/00691/PRI	Full Planning Permission	5 Derby Road, Chellaston, Derby, DE73 1SA (Chellaston Post Office)	Demolition of garage/store. Two storey rear extension and change of use to form enlarged shop on ground floor (Use Class A1), enlarged flat on first floor and extension to form separate single storey shop unit (Use Class A1)	Granted Conditionally	23/07/2012
06/12/00693/PRI	Listed Building Consent -alterations	Ye Olde Spa Inn, 204 Abbey Street, Derby, DE22 3SU	Display of various illuminated and non-illuminated signage, and painting of the exterior of the building	Granted Conditionally	03/08/2012
06/12/00694/PRI	Full Planning Permission	176 Uttoxeter Road, Mickleover, Derby, DE3 9AA	Two storey rear extension to dwelling house (utility room and en-suite)	Granted Conditionally	05/07/2012

Enclosure

Application No	Application Type	Location	Proposal	Decision	Decision Date
06/12/00696/PRI	Advertisement consent	Unit 2, Kingsway Retail Park, Derby, DE22 3FA (Pets at Home)	Display of internally illuminated fascia sign and non illuminated fascia and totem signs	Granted Conditionally	01/08/2012
06/12/00697/PRI	Full Planning Permission	17 Porters Lane, Oakwood, Derby, DE21 4FZ	Demolition of sun lounge/outhouse. Single storey extension to dwelling house (kitchen/dining room)	Granted Conditionally	01/08/2012
06/12/00701/PRI	Full Planning Permission	4 Ribblesdale Close, Allestree, Derby, DE22 2TQ	First floor extension to dwelling house (bedroom and landing)	Granted Conditionally	31/07/2012
06/12/00702/PRI	Reserved Matters	Land at side of 100 Finchley Avenue, Derby, DE22 4EU	Erection of 2 dwelling houses (approval of all reserved matters under Outline permission Code No. DER/10/11/01285/PRI)	Granted Conditionally	31/07/2012
06/12/00716/PRI	Certificate of Lawfulness Proposed Use	10 Lime Grove, Chaddesden, Derby, DE21 6WN	Re-configuration of internal layout and the installation of a window to the side elevation	Granted	16/07/2012
06/12/00728/PRI	Works to Trees in a Conservation Area	8 The Green, Mickleover, Derby, DE3 5DE	Felling of 2 Corsican Pine trees within Mickleover Conservation Area.	Raise No Objection	30/07/2012
06/12/00739/PRI	Certificate of Lawfulness Proposed Use	15 Palladium Drive, Littleover, Derby, DE23 7XH	Installation of solar panels	Granted	16/07/2012
06/12/00760/DCC	Local Council own development Reg 3	Gayton Junior School, Gayton Avenue, Littleover, Derby, DE23 1GA	Refoofing of school	Invalid - Finally Disposed of	03/07/2012
06/12/00766/PRI	Full Planning Permission	47 Church Lane, Darley Abbey, Derby, DE22 1EX	Formation of vehicular access	Granted Conditionally	01/08/2012
06/12/00780/PRI	Demolition-Prior Notification	Hanson Building Products Ltd, Alfreton Road, Derby, DE21 4BN	Demolition of industrial units	Raise Objections	31/07/2012
07/12/00806/PRI	Non-material amendment	177 Drewry Lane, Derby, DE22 3QT	Formation of rooms in roof space (bedroom, en-suite and dormer) Non material amendment to previously approved permission Code No. DER/07/10/00910/PRI to amend external material type to rear dormer	Granted	24/07/2012
07/12/00819/PRI	Certificate of Lawfulness Proposed Use	76 Enfield Road, Derby, DE22 4DG	Conversion of attached garages to dining room, bedroom and shower room)	Granted	31/07/2012

Application No	Application Type	Location	Proposal	Decision	Decision Date
07/12/00895/PRI	Listed Building Consent -alterations	St. Benedict RC School & Sixth Form Centre, Duffield Road, Derby, DE22 1JD	Remove 2 windows under existing canopy, formation of air lock and formation of disabled accesses to library	Invalid - Finally Disposed of	26/07/2012

Total Number of Delegated Decisions made during this period: 151