

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

- 5.1 None.

Other options

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

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None.

Climate implications

- 9.1 None.

Other significant implications

- 10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	26/09/2023
Other(s)	Ian Woodhead	26/09/2023

Background papers:	None
List of appendices:	Appendix 1 – Development Control Report

Planning Control Committee 05/10/2023
Items to be Considered Index

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
7.1	1 - 11	23/00931/FUL	50 St Chads Road Derby	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	To grant planning permission with conditions.
7.2	12 - 24	23/00374/FUL	187 Vicarage Road Mickleover Derby	Change of use from single dwelling (Use Class C3) to five self-contained residential units (Use Class C3(b))(supported living) and use of outbuilding for use as office in association with main use - retrospective application	To grant planning permission with conditions.
7.3	25 - 42	22/01233/FUL	Land On The West Side Of Vicarage Road Mickleover Derby	Change of use of barns into 3 no. dwellings, together with erection of 6 linked dwellings and associated ground works	To grant planning permission with conditions.
7.4	43 - 63	23/00755/OUT	Land At Lees Brook Community School Morley Road Derby	Residential development - maximum of 18 dwellings (Use Class C3)	A. To authorise the Director of Vibrancy & Growth to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement. B. To authorise the Director of Vibrancy & Growth to grant permission upon conclusion of the above Section 106 Agreement.

Committee Report Item No: 7.1

Application No: 23/00931/FUL

Type: Full Application

1. Application Details

1.1. Address: 50 St Chads Road, Derby

1.2. Ward: Arboretum

1.3. Proposal:

Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00931/FUL>

Brief description

The application property a traditional 2-storey, mid-terraced property, of a typical style with a rear outrigger. The dwelling has an existing loft conversion, served by a rear dormer window, and a single storey rear extension. Existing extensions have been constructed under the property's permitted development rights.

The property is already in use as 6-bedroom, 6-occupant house in multiple occupation. The existing accommodation provides both studio apartments with their own in-room cooking facilities and bedroom accommodation. Each bedroom has an en-suite. Occupants also have access to a communal ground floor kitchen/dining area and a rear yard. Rear access is provided by way of an alleyway between the application property and No. 48 St Chads Road.

No off street parking is provided at the property. There are existing parking restrictions on the street directly outside property. On street parking is available on the opposite side of the road and further along St Chad's Road. The site is surrounded by similar terrace dwellings.

The Proposal

This proposal seeks permission for the conversion of this existing HMO to a "sui generis" large 6-bedroom, 8-occupant house in multiple occupation. No external or internal changes are proposed to the building. The proposal would result in two of the existing studios: the studio the loft (approx. 19.8m² in floor area); and the front first floor studio (approx. 19.1m² in floor area) becoming dual occupancy rooms.

2. Relevant Planning History:

There is no relevant planning history at this address.

3. Publicity:

- Neighbour Notification Letters – 3
- Site Notice

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

2 objections have been received following the consultation on the application. The issues raised within the representations are summarised below:

- Concerns about noise and disturbance and the potential increase in noise and disturbance as a result of the additional occupants
- Inadequate parking/concerns about parking problems in the area

The following comments have been provided by Councillor Khan, who has requested that the application be considered by Committee members.

'I would like this to be brought before the committee unless you're refusing it under delegated powers. If it goes to committee then I would like to represent the residents and speak on their behalf at the committee meeting'.

5. Consultations:

5.1. Highways Development Control:

These observations are made on the basis of the submitted documents and a site visit.

The property is a mid-terrace fronting onto St Chad's Road. There is no off-road parking available or proposed, and parking is at a premium on street. There is a No Waiting At Any Time restriction directly outside the property on one side of the road. On street parking is available on the opposite side of the road and further along St Chad's Road.

The applicant proposes no internal or external changes to the property, looking to increase occupancy of the existing rooms by two, to eight persons, which could potentially lead to additional pressures placed on the highway to accommodate extra vehicles.

By reference to Table A2.4 from 'Residential Car Parking Research', (Queen's Crown Copyright, 2007), research carried out by the former Department for Communities and Local Government, on car residential ownership and parking demand ' which was based on analysis of Census information not generally published in the public domain.

This shows that for a 1 room non-owner occupied flat that the average car ownership is 0.3 vehicles. As such, for the six bedrooms proposed in this development, this would equate to around 2 vehicles.

Para 111 of the National Planning Policy Framework states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

To be clear, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development.

Whilst the scheme would potentially increase demand for parking spaces, it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

The property is within walking distance of the city centre, close to bus links, and benefits from secure cycle storage to the rear, encouraging sustainable travel.

Recommendation:

The Highway Authority has **No Objections** to the proposals with no conditions.

5.2. Resources and Housing (HMO):

This department has reviewed the planning application in accordance with the relevant housing legislation and guidelines which are applied by this department. It does not have any objections to the proposals, but it has the following comments:

It is noted that the property is a HMO which requires a mandatory licence. It will need to be adequately managed in accordance with the Management of houses in multiple occupation (England) regulations 2006 and free of significant hazards under the Housing Health and Safety Rating System (HHSRS).

The size of the rooms and flats within the property and the facilities are considered suitable for the number of persons proposed to be housed.

Any conversion or renovation work must be carried out in accordance with current building Regulations. Substantial alterations in residential accommodation which is not carried out to the current standards may later be subject to enforcement under the Housing Act 2004, depending on the circumstances.

6. Relevant Policies:**6.1. Relevant Policies:**

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
H14	Re-use of Underused Buildings

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least

every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.69 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of the Development

7.2. Provision of a satisfactory living environment for Future Occupiers

7.3. Impact on Neighbour Amenity/Character of the Area

7.4. Highway/Parking Issues

7.5. Conclusion

7.1. The Principle of the Development

There are no site-specific policy constraints in this location. The site is located in an established residential area, reasonably close to local amenities and public transport and so could be argued to represent a sustainable location for residential development, the provision of which is to be given significant weight.

The proposal would increase variety and maximise the efficient use of the site contributing to housing delivery in line with the intentions of Local Plan saved Policy H13 of the CDLPR and Policy CP6 of the Derby City Local Plan – Part 1(Core Strategy). As a result, there are no ‘in principle’ concerns with the proposal; particularly taking into account the City’s housing supply position and the need to consider the tilted balance.

Subject to a detailed assessment of its ability to create a high quality living environment, impact on amenity, and any parking/highway issues, the proposal is considered to be acceptable.

7.2. Provision of a satisfactory living environment for Future Occupiers

Policy H13 specifically refers to Use Class C1, C2, C3 and hostels but can, by extension, be considered as guidance for other residential uses such as HMOs. Saved Policy H13 of the City of Derby Local Plan Review requires, amongst other things, that new development to provide a satisfactory form of development and a high-quality living, with good standards of privacy and security. Saved Policy GD5 also requires development to provide a satisfactory level of amenity within the site.

The proposed conversion shows six bedrooms, with the two largest proposed double occupancy rooms, all with en-suites and most with cooking facilities. All the bedrooms have full sized windows and achieve the required minimum floor space standards for HMO’s as contained with the City Council’s ‘*Amenities and Space Standards for Houses in Multiple Occupation*’ document. No objections have been raised by the Housing Standards Officer. The ground floor kitchen/dining room provides a satisfactory communal facility and a shared rear garden area/yard would be retained for use by the occupants.

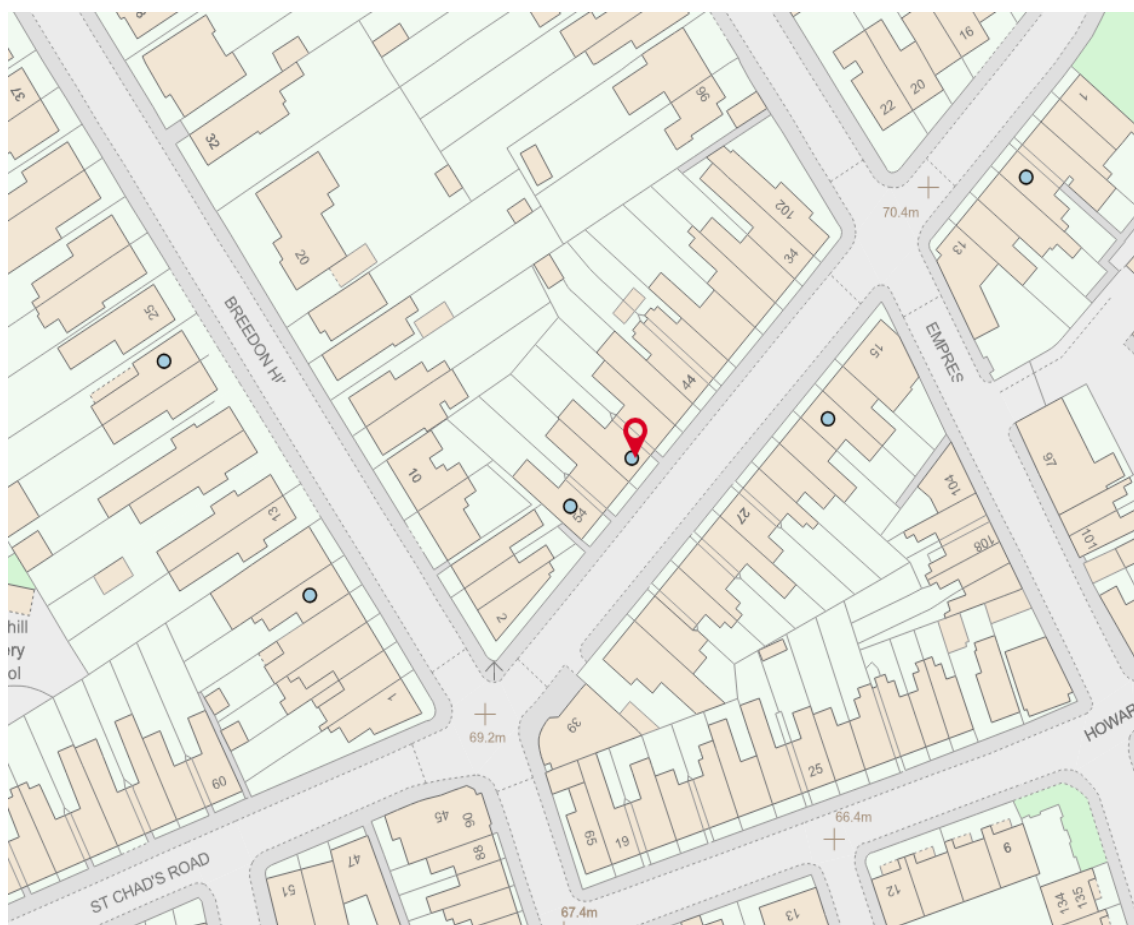
Overall, it is considered that the proposed layout provides an appropriate standard of living accommodation for future residents in compliance with saved Local Plan policies GD5 and H13.

7.3. Impact on Neighbour Amenity/Character of the Area

Policy GD5 seeks to ensure that new development does not cause unacceptable harm to the amenity of nearby areas. Policy H14 supports the re-use of underused buildings, including intensifying residential uses, provided that the scale and intensity of the use is sufficiently similar to the surrounding area so that it would not detract from its general character or amenity.

The site is located within a dense urban residential area in Normanton and the dwelling is already operating lawfully as a 6-person HMO. Although there may be some modest increase in comings and goings it is considered that the additional impact on neighbour amenity from two extra occupants is unlikely to be so severe as the warrant refusal of the application. In this regard the development is considered to reasonably comply with saved policy GD5 of the City of Derby Local Plan Review and Policy CP6 of the Derby City Local Plan – Part 1. A management condition is recommended to limit the overall number of occupants to 8, ensuring no further intensification of the use can occur.

According to the Council's register of licensed HMOs, which records licences issued for HMOs of five occupants or more, there are five other HMOs located in the vicinity of the application site (see map below). The nearest licensed HMO is located two doors away at No. 54 St Chad's Road. However, there is no evidence to suggest that there is an unacceptable proliferation of larger scale HMOs locally, or that this conversion would significantly alter the area's character, as a result.



Licensed HMOs in the immediate area shown by blue circles.

Overall, it is considered that the development would not have any overriding adverse impact on neighbour amenity, or on the general residential character of the area. Consequently, the proposals would comply with saved Policies GD5 and H13 of the City of Derby Local Plan Review. I am also mindful of the contribution the development would make to housing delivery in the City, a factor which should be given significant weight taking into account the City's housing supply position and the need to consider the tilted balance.

7.4. Highways/Parking Issues

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Paragraph 110(b) of the NPPF encourages Local Planning Authorities to ensure that safe and suitable access can be achieved for all users.

The site is in a sustainable location a short walk from shops and other services located in the Normanton Road District Centre. The area is also well served by bus routes which extend along St Chad's Road itself and Burton Road. It is a location where the use of more sustainable modes of transport should be encouraged and where car free development would be difficult to resist. The proximity of shops, services and transport facilities would substantially reduce the necessity for any future occupiers to own individual cars. The applicant has advised that only one of the existing tenants owns a car and due to the presence of double yellow lines occupants would not be able to park directly outside the property.

Although the scheme could result in some additional demand for on-street parking spaces in nearby streets, it is the view of the Highway Authority that it would not be possible to argue that this would lead to "unacceptable impacts" on highway safety. It is also unlikely that the small increase in parking demand which could potentially arise would result in any significant congestion issues in the area to the detriment of neighbour's amenity. As a result, I conclude that the proposal would not conflict with the amenity requirements of saved Policy GD5, or transport objectives of Policy CP23 of the Derby City Local Plan – Part 1. It is understood that some cycle parking provision already exists at the rear of the property, however, it is recommended that precise details of the nature and location cycle parking, as well as its future retention, are controlled by condition to encourage the use of more sustainable means of transport at the property.

7.5. Conclusion

The application site is located in an established residential area, close to local amenities and public transport links and is therefore considered to be a sustainable location for new residential development to be situated. The proposed intensification of the residential use of this property would increase the variety and amount of housing delivery in line with the intentions Local Plan Policies H13 and CP6; policies which are given additional weight due to the housing supply position and the need to consider the tilted balance. The proposal meets the Council's housing standards, regarding room sizes and a satisfactory quality of living accommodation is proposed. The proposal is also considered to be acceptable in terms of its impact on the character of the area and the residential amenity of neighbouring properties. Although objections

have been received, in this instance, it is considered that the proposal would not cause any overriding adverse impact on neighbour amenity, parking and/or highway safety, which would “significantly and demonstrably outweigh the benefits”. It is considered that all relevant planning matters have been adequately addressed and the proposal reasonably satisfies the requirements of the adopted Local Plan policies as included within this report, with the tilted balance being taken into consideration.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The “tilted balance” is engaged, meaning great weight must be given to the provision of residential accommodation. Whilst the proposed intensification of residential use may give rise to some additional on-street parking, it is considered that this is unlikely to result in any demonstrable harm to highway safety, or residential amenity as a result. Nor would the proposal overall have such an overriding impact on residential amenity, or the general character of the area, as to warrant a refusal. The minor adverse impact of granting permission in this case, if any, would be outweighed by the benefits of increasing the City’s residential accommodation by even a small amount. The proposal is considered to be acceptable in principle, and with specific regard to the provision of a high-quality living environment and impacts on residential amenity, the local highway network and the character of the area.

8.3. Conditions:

1. Three year expiry from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved plans as listed below.

- Location Plan – 21102-P-001
- Site Plan - 21102-P-103
- Proposed Floor Plan - 21102-P-102

Reason: For the avoidance of doubt.

3. Condition controlling the provision and retention of cycle storage area.

Reason: To promote the use of sustainable modes of transport.

4. Condition controlling the use of the building as an HMO for a maximum 6 bedrooms and 8 occupants

Reason: To ensure a satisfactory living environment is provided and because a more intensive use may not be acceptable in this location because of the potential impact on the amenities of neighbouring occupiers and parking issues.

Committee Report Item No: 7.1

Application No: 23/00931/FUL

Type: Full Application

8.4. Informative Notes:

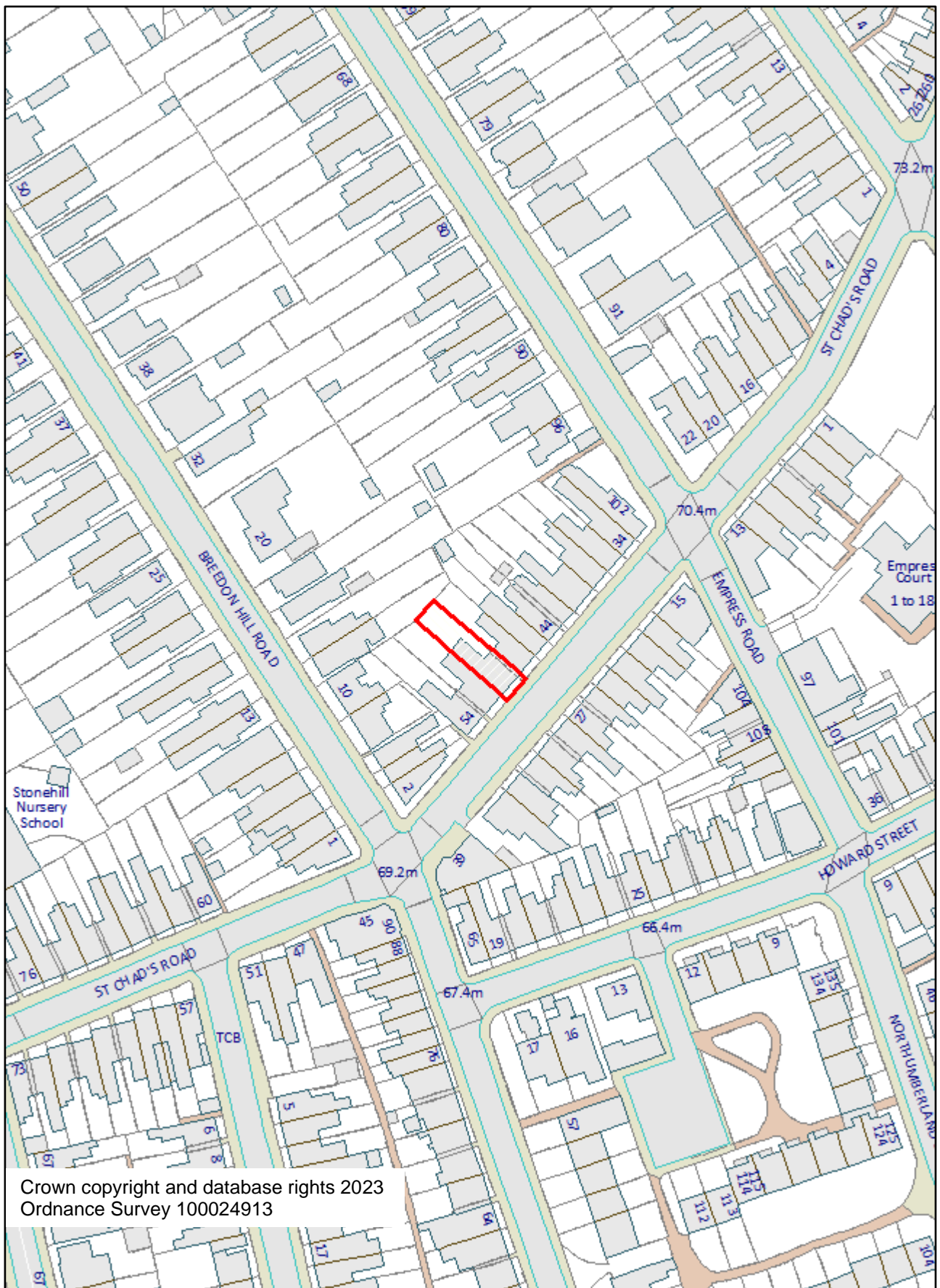
The applicant should note the Housing Standard's Officer comments with regards Housing Standard's legislation, Health and Safety legislation and Building Regulations.

8.5. S106 requirements where appropriate:

None required.

8.6. Application timescale:

The application has been called in to committee by Councillor Khan. The target timeframe for determination of the application is the 12th October.



Committee Report Item No: 7.2

Application No: 23/00374/FUL

Type: Full Application

1. Application Details

1.1. Address: 187 Vicarage Road, Mickleover, Derby

1.2. Ward: Mickleover

1.3. Proposal:

Change of use from single dwelling (Use Class C3) to five self-contained residential units (Use Class C3(b))(supported living) and use of outbuilding for use as office in association with main use - retrospective application.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00374/FUL>

Brief description

187 Vicarage Road is a residential corner plot on the west side of the street. The property is a bungalow which is adjoined to 189 Vicarage Road to the north and pedestrian footpath linking Vicarage Road and Mickleover Recreation Ground which lies to the south. The bungalow has been extended and occupies much of the north-western half of the site and a single storey outbuilding stands at the site's southern corner with the remainder of the plot being hard paved.

The site has been in use as a supported living facility since August 2022. Permission is sought to retain the use of the site for supported living to include five individual residential units within the original building and the use of the site's outbuilding as a staff office.

2. Relevant Planning History:

Application No:	02/10/00233	Type:	Full Application
Decision:	Granted Conditionally	Date:	21.04.2010
Description:	Extensions To Bungalow (Hall, Utility Room, Cloaks/WC & Kitchen/Dining Room/Living Area-Amendment To Previously Approved Application Code No. DER/04/09/00469)		
Application No:	04/09/00469	Type:	Full Application
Decision:	Granted Conditionally	Date:	08.10.2009
Description:	Extensions To Bungalow (Hall, Utility Room, Cloaks/W.C. And Kitchen/Dining Room/Living Area)		

3. Publicity:

- Neighbour Notification Letter
- Site Notice

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

39 comments have been received including one from Councillor Pattison. The following issues are raised:

- Behaviour of residents
- Parking and access
- Lighting
- The appearance and maintenance and of the buildings on the site and the boundary wall adjacent to the footpath between Vicarage Road and Mickleover Recreation Ground
- Litter
- Drainage
- Removal of trees to facilitate site office
- Property devaluation
- Unsuitable land use for a residential area.

5. Consultations:

5.1. Highways Development Control:

The property is located on a short cul-de-sac branching off Vicarage Road proper. The property is located close to Vicarage Road Recreation Park. There is Mickleover Primary school approximately 300m south along Vicarage Road with a "School Safe Haven Zone" Experimental Traffic Regulation Order (ExpTRO) in effect outside. This prevents motor vehicle traffic at certain times on weekdays, there is an exemption to those with a specific permit.

On the road outside of the property there are no parking restrictions, however the road width is narrow at between 4.6 and 4.8m. During my site visit there was a moderate amount of on-street parking. The width of the road onto the short cul-de-sac is 3.9m at it's narrowest, it currently services three dwellings and a public footpath. Due to the width of the access, there is no way for vehicles to safely pass one another whilst waiting to gain entry to the property. Therefore, vehicles will have to reverse out of the cul-de-sac to allow cars to exit the property. This could lead to dangerous manoeuvres onto the busier Vicarage Road.

There is no stipulation as to how many vehicles these five dwellings (plus an office) will serve. The application form mentions that it is an assisted living facility however I

Committee Report Item No: 7.2

Application No: 23/00374/FUL

Type: Full Application

cannot presume that the number of vehicles will fall due to this. The type of vehicle may change dependant of residents needs but this will most likely skew towards larger, ambulance type transporters.

The entrance to the property is through a gate bordered on both sides by a stone wall. The width of this access is 2.5m. beyond this there is a long area of hardstanding along the length of the dwellings. The Design and Access Statement refers to this as being a communal hardstanding and is not considered an off-street parking area. Delivering Streets and Places "Design Element Sheet: Vehicular Access to Dwellings" (page 97), (Table 8.12) gives advice on the minimum effective width for private driveways and advises that the effective minimum width for a private driveway to serve 2-5 dwellings is 4.25m. It also advises that 0.5m shall be added if bounded on one side by a wall, fence, hedge, line of trees or similar, and 1.0m if bounded on both sides. Therefore, from this advice there should be a minimum width for this access of 5.25m. The access is existing and due to boundary constraints, it is extremely unlikely to achieve these minimum widths.

The Design and Access Statement indicates that residents will not own cars, there is no specific parking provision for residents. Staff and visitors are encouraged to use the surrounding on street parking, or alternatively the public car park at the Old Market Square located a short walk away. There will always be at least one member of staff on site; a manager/team leader from 09:00-17:00, shared waking night staff on site 24 hours a day, 7 days a week to support if required and 1:1 support ranging from 70 hours/week to 252 hours/week.

On balance the proposed use is considered unlikely to result in a material rise in vehicular trips over those which would be anticipated in respect of the existing vehicular use of the site.

Para 111 of the National Planning Policy Framework states that

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

To be clear, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development.

Whilst the scheme would potentially increase demand for parking spaces, it is the view of the Highway Authority that would not be possible to argue that the staff and visitors to the occupants within the dwellings would lead to 'unacceptable impacts' to highway safety or a severe cumulative impact upon the adjacent highway network.

Recommendation:

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

Condition:

The consent shall remain personal to the applicant.

Committee Report Item No: 7.2

Application No: 23/00374/FUL

Type: Full Application

[In response to additional comments from neighbours]

Thank you for providing your comments to us regarding the recent Highways Response to the Planning Application 23/00374/FUL. Please see below my response to the points raised.

I have been out to site on Weekdays, once at 7:30am and once at 3:00pm. This was to get an understanding of residents/staff parking and the impact at different times of the day. A colleague also visited at the weekend and came to the same conclusion. That is, whilst there is parking along Vicarage Road, we refer to Para 111 of the National Planning Policy Framework. This states that :

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

To be clear, ‘severe’ does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. Whilst the scheme would potentially increase demand for parking spaces, it would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety.

The parking during the visits was not excessive so as to cause congestion, Vicarage Road is a quiet residential street where speeds and vehicle volumes are low. I witnessed between one and four vehicles parked on-street in the vicinity of the development during my visits. This does not constitute excessive.

The cul-de-sac currently serves 3 other dwellings that all have cars parked on drives. There is currently no known issue with regard to these residents navigating the cul-de-sac.

5.2. Police Liaison Officer:

The proposal is set in the context of a national policy drive to move residential care services away from institutional settings to more traditional family environments. Because of this we have seen a significant rise in consultation requests for a change of use from C3 domestic to a variety of care provisions, for both children and adults with special needs. Our approach has been primarily to assess the setting for risks to more vulnerable occupiers, but also to attempt to assess as to whether or not the specific location is suitable for the use intended when considering community risks and tensions. This aspect of the process can be problematic, in that the use classes proposed can bring about a variety of uses with very different occupier impact. Additionally, I’m aware that there are appeal decisions within this arena which set down inspector’s views that the behaviour of individuals is not a material planning consideration, and that consideration should be solely connected to the suitability of land use.

Furthermore that disturbances from unaltered structures would correlate with what might be expected from any large, fully occupied family home. The success and integration, or otherwise, of such community care settings rests primarily, in my view, on the suitability of individuals for community resettlement, and the quality of care provided on site. Again, the needs of those going through the resettlement process is not within the control of the planning authority, and we trust in the professionals

involved to reach the correct balance, and the Care Quality Commission to be gatekeepers for monitoring facilities.

As a retrospective application, the premises concerned has been in operation for some time, and it is evident that some current or past residents have challenging needs, which has manifested in behaviour which has raised significant community concerns. This has been raised with the police, both through central safeguarding teams, and locally with the area Safer Neighbourhood Team, and I know that multi-agency meetings have been held, and specific action plans put into place to tackle the behaviours concerned. This seems to have had a positive effect on associated unwanted behaviour connected to the site.

On the matter of situation and suitability for the use applied for, there do seem to be site specific risks present. There is a large area of open space with play areas and a community pavilion close by, which is accessed through a narrow, constrained alleyway. It would seem that the recreation ground has been the setting for anti-social behaviour from the care facility residents, often under the influence of drink. The access route provides the potential for confrontation or the apprehension of confrontation, should an encounter occur within the constraints of the alleyway or the poorly supervised immediate footpath network. This is of course accepting that such encounters are by no means inevitable for all of the reasons set out above.

The site footprint has been extended and buildings raised in height from the previous single occupancy, so although I understand that permission has been granted for all of the constructed extensions, it cannot be directly compared with prior use, and does sit a little incongruously in its setting. Its high boundary walls and outbuildings, the quantum of buildings on site, and the CCTV sited around external walls present a commercial rather than residential facade. The site is gated, with total enclosure, which also does not match the domestic setting, but of course provides the opportunity for a secure site in respect of the care and control of residents. Whilst on site noise, on this occasion raised voices and music were noticeable from the immediate periphery. Probably one for your Environmental Health Officer to consider, and again of course something that might be expected from any residential site, but in looking to be good neighbours the applicants may wish to take stock of this.

In summary, it wouldn't be appropriate for us to object to the application in principle, but if the authority are minded to approve the application, it may be appropriate to set management and noise attenuation conditions to reduce the likelihood of future resource demand and community tensions.

5.3. Environmental Health:

We have a couple of complaints on our system in relation to this address. One from back in 2021 and one from March this year, both relating to noisy behaviour. Neither of these complaints were substantiated due to a lack of evidence, however it is noted that some discussions took place with the complainant and local Cllrs at that time regarding the alleged issues.

6. Relevant Policies:**6.1. Relevant Policies:**

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP3	Placemaking Principles
CP4	Character and Context
CP7	Affordable and Specialist Housing
CP11	Office Development
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.69 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. Principle of development

7.2. Amenity

7.3. Highways & parking

7.4. Other matters

7.5. Planning balance & recommendation

7.1. Principle of development

The current use of the site is considered to fall within Use Class C3(b), dwellinghouses where care is provided for residents. A change of use from Use Class C3(a) (a dwellinghouse used by a single household) to C3(b) may not normally require planning permission as the change would be within the C3 use class. In this case the original C3 dwelling has been subdivided into five dwellings each operating as a single household where an element of care is provided. Although all the dwellings are contained within the original site, all are self-contained dwellings and this is the reason planning permission is required in this case.

The site of the proposal is not allocated for any particular use in the Local Plan and is within a long-established residential area. Policies CP7 (Affordable and Specialist Housing) states the Council's intention is to "support the provision of housing which is capable of meeting the needs of the aging population and people with disabilities and which satisfies and does not conflict with the other policies of this Plan". The type of housing provided in this case is considered to be specialist housing for the purposes of this assessment. The site office is relatively small, much of the building is taken up by a bedroom and shower room for the overnight staff and is ancillary to the operation of the supported living units on site. Due to the close operational link with the main use of the site, there would be nothing to be gained by requiring a sequential approach to site selection on this occasion. However, a condition should be imposed to prevent the office being used separately to the supported housing use, as any other office use would need to demonstrate a sequential approach to site selection.

The aim of the Public Sector Equality Duty is to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who do, and to eliminate unlawful discrimination, victimisation and harassment. Protected characteristics have been identified with regard to occupants of the site and also amongst neighbouring residents and we should be mindful of this duty in the consideration of this case.

Overall, the proposed use is considered to be acceptable in principle, in its provision of specialist residential accommodation - in general through application of the tilted balance, and in particular through the provisions of Policy CP7 subject to consideration of amenity and highways impacts. A discussion of these follows.

7.2. Amenity

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the provisions of saved policy H13 Residential Development – General Criteria" which also requires the creation of a "high quality living environment." These in turn are supported by the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130) and the National Design Guide which requires homes and buildings to "support the health and wellbeing of their users".

Concerns have been expressed around the proposed residential use of the site in terms of the concentration of people it represents and the consequent implications for the living environment that would be created and the potential for overdevelopment of the site and harm to the character of the street through changes to its social composition and increased activity. Concerns have also been raised around the behaviour of individual occupants. For clarity, it should be noted that this assessment is concerned with the principle of the use of the site for supported living accommodation. The behaviour of individuals is a management issue to be addressed through the site's management and regulatory procedures. It is not a planning matter to be considered under this application.

Two complaints have been received by the Council's Environmental Health team in regard to noise arising from the occupants of the property but these have not been substantiated. With regard to planning issues, the amenity of nearby properties is impacted by the intensity of the residential use, through the levels of activity it generates and the appearance of the site in the streetscene.

The use is a relatively intensive one in that it provides accommodation for five people, on site staff and involves regular visiting staff. Whether this level of activity constitutes "unacceptable harm" is a matter for the committee but my opinion is that this would be a difficult position to sustain at a planning appeal and that the levels of activity generated are comparable to other intensive residential uses that may occur without the need to apply for planning permission, for example as a house in multiple occupation for up to six occupants or a single dwelling occupied by a large family. The most disruptive aspect of the use appears to be the movements and parking of staff vehicles and storage of bins on the street. Conditions are recommended below to secure details of a travel plan, and bin and bike storage to minimise this disruption.

As noted by the Police Liaison Officer there are aspects of the site's appearance which appear more institutional than residential – specifically the boundary wall which is high at points, the appearance of the extension, CCTV and gated access. Lighting has also been raised as an issue affecting residential amenity. The extension and majority of the boundary wall were built and used during the site's use as a single-household dwelling and pre-date the current use of the site by some years. The outbuilding, which includes the tallest parts of the boundary wall, is the subject of some discussion (see section 7.4) and could be argued to have a moderately harmful impact on the amenity of the site and surrounding area. The site's lighting appears to be relatively extensive but the lights themselves are positioned at mainly low levels, with most (although) not

all below head height. A planning condition to control the lighting of the development in the interests of residential amenity is recommended below.

The site access from Vicarage Road is narrow and allows little visibility into the site whether gated or not. It appears that a Willow tree at the site's southern corner was felled between March and April 2021 which has affected the site's appearance. Again, although not formally protected, this could be argued to have had a negative impact on the site's amenity.

Overall, it is considered that the appearance of the site and the proposed residential units would not have any significant adverse impacts on residential amenity, subject to the use of the recommended planning conditions.

7.3. Highways & parking

Adopted policy CP23 (Delivering a Sustainable Transport Network) seeks to ensure that new development provides appropriate levels of parking. Paragraph 110(b) of the NPPF encourages local planning authorities to ensure that safe and suitable access can be achieved for all users.

No objection is raised by the Highway Authority to the proposed residential use. It does appear likely that staff vehicles are parked outside the site at times to the irritation of neighbours. However, this is an amenity issue rather than a highway safety one and the recommended travel plan condition should help address the parking issues around the property. A condition regarding bin and bike storage is also recommended below for similar reasons.

Overall, there are no objections raised on highway safety grounds and the parking and bin storage issues can be dealt with through suitable planning conditions. The proposed use would therefore meet the transport objectives in Policy CP23 and the NPPF.

7.4. Other matters

The extension to the site's main building do not completely correspond to the approved plans submitted in 2010 and the boundary wall does not appear in the plans. It has also been suggested that the extension was built over several years and that the structure may have been exposed to weathering during that time. The extension and the majority of the boundary wall are now immune from enforcement action and date from before the current residential use of the site was in operation. It is also unlikely that enforcement action would be taken regarding the extension given the building's lack of visual presence in the streetscene. The boundary wall adjacent to footway appears in Streetview photos from 2012 and was presumably built at a similar time to the extension. The Council has records of a Building Control case regarding a "Dangerous Wall on Public Footpath". The case was opened and closed in February 2016.

At this point it is unclear when the outbuilding, which includes the tallest parts of the boundary wall, was constructed. It has been suggested it was built during summer 2022 but this has not been confirmed. The building's dimension suggest it may require planning permission. The enforcement case on the site remains open and provides a mechanism for further investigation and regularisation if necessary, this application

relates to the land use only and the site's buildings fall outside its scope. The structural integrity of the site's buildings and wall is a Building Regulations matter, as is the site's drainage. Littering is a management question although it may benefit from bin provision as discussed above. Property devaluation is not a material planning consideration and is not considered here.

7.5. Planning balance & recommendation

Since this a proposal for provision of additional housing, the "tilted planning balance" is engaged. This residential development would deliver four additional homes and the test for a refusal of this proposal is whether the adverse effects of granting permission would "significantly and demonstrably outweigh the benefits" of doing so. The benefit in this case is the provision of residential accommodation in the context of a significant shortfall, and the provision of specialist housing which is an objective of the Local Plan. The adverse amenity impacts of the proposal described in paragraph 7.2 relate to the property being used for a more intensive form residential use for specialist accommodation.

My opinion, as outlined above, is that the adverse effects attributable to the development can be minimised through the use of conditions and would not significantly and demonstrably outweigh the proposal's benefits. It is considered that all relevant planning matters have been adequately addressed and the proposal reasonably satisfies the requirements of the adopted policies of the DCLP1 and the saved policies of the adopted CDLPR as included within this report, with the tilted balance being taken into consideration.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

This residential development would deliver four additional homes and the provision of specialist residential accommodation in an existing residential area and in the context of a significant shortfall in housing supply. There are no adverse impacts on visual amenity or on the local highway network and the adverse amenity impacts of the proposal relate to the property being used for a more intensive form residential use for specialist accommodation and can be mitigated through suitable conditions.

8.3. Conditions:

1. Standard time limit condition

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Standard approve plans condition

Reason: For the avoidance of doubt

Committee Report Item No: 7.2

Application No: 23/00374/FUL

Type: Full Application

3. Lighting condition

Reason: Residential Amenity

4. Bin and bike storage

Reason: To promote sustainable travel and residential amenity, and to ensure bin and bike storage are retained for the life of development

5. Travel Plan

Reason: To minimise disruption from staff travel and parking

6. Use restriction of site office (management condition)

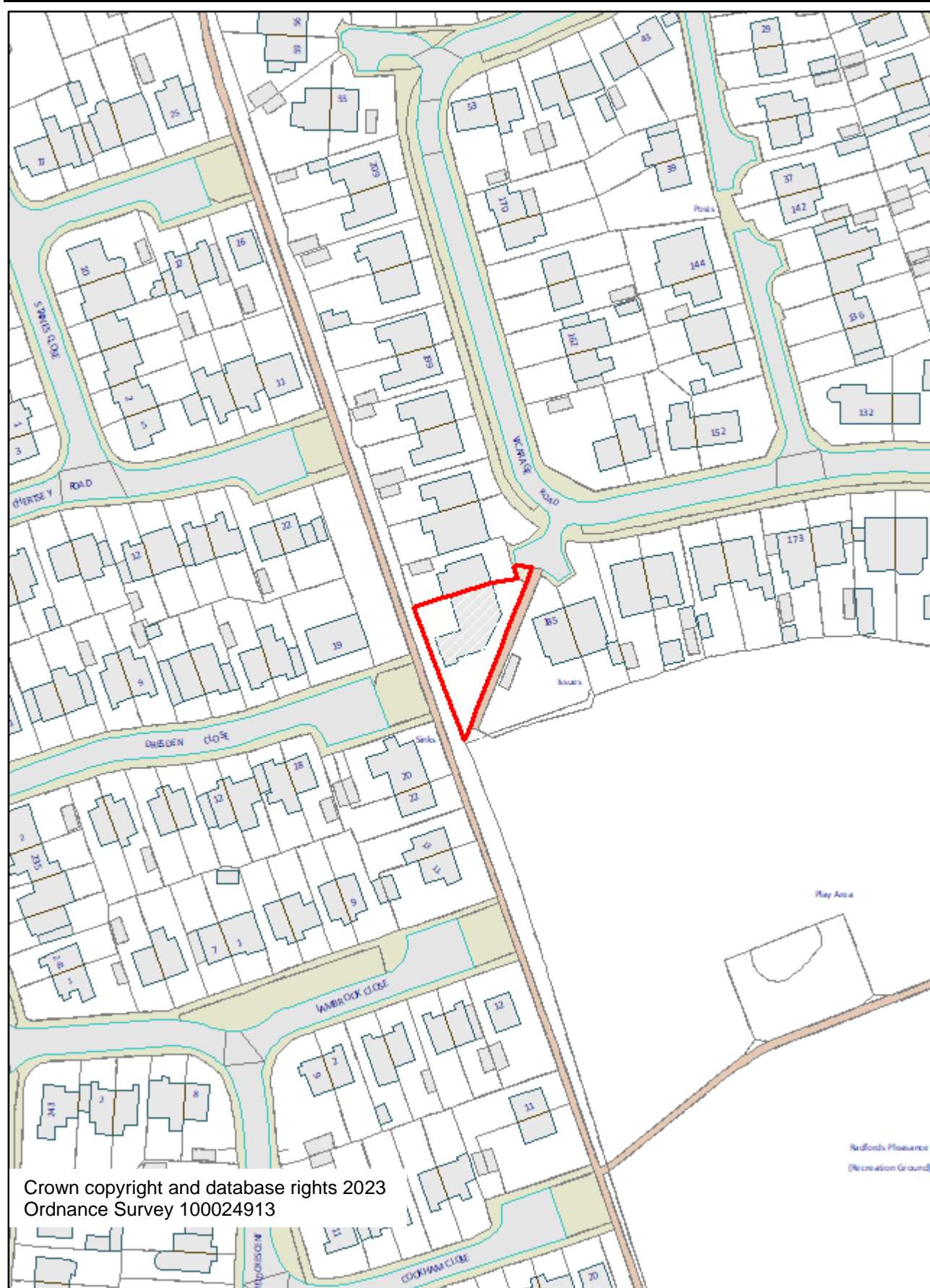
Reason: To prevent an unrestricted office use

8.4. Informative Notes:

Note on Building Regulation compliance.

8.5. Application timescale:

The application deadline has been extended until October 13th.



Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

1. Application Details

1.1 Address: Land on The West Side of Vicarage Road, Mickleover.

1.2 Ward: Mickleover.

1.3 Proposal:

Change of use of barns into 3 no. dwellings, together with erection of 6 dwellings and associated ground works.

1.4 Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01233/FUL>

Brief description

Planning permission is sought to redevelop this site which covers an area of some 0.64ha. The site is situated on the west side Vicarage Road opposite the Mickleover Library. The site is located in the Mickleover Conservation Area and the grade II listed Manor House, which is also in the applicant's ownership, sits outside of the application site boundary.

The site is served by 2 points of vehicular access off Vicarage Road. The existing barns occupy the south-eastern part of the site to the south of the Manor House and a separate access would serve the proposed barn conversion and a garage block. A vehicular access to the north would serve the proposed new dwellings.

The layout of the application, [as amended](#), seeks permission to convert the existing barns to 3 residential units together with the erection of a detached garage block which would stand perpendicular to the southern site boundary. To the west of the garage block it is proposed to erect 2 dwellings which would be served off a vehicular turning area.

The northern half of the layout would accommodate 4 dwellings laid out diagonally across the site, arranged around a split internal access road. The site layout was revised in order to accommodate key views across the site. These include views of the grade II* listed church of All Saints and Mickleover Manor from the north-west corner when entering by foot. The amended layout also affords views towards the listed farmhouse when entering at the same point and kinetic views to the south-west towards the church from the public footpath crossing the site.

As amended, the proposed new dwellings would be bungalows and a single 2 storey dwelling which would occupy plot 9. The proposed bungalows would include garages, the majority of which would be attached. The overall scheme is designed with a simple elevation form, clean lines and pitched roofs would be complemented by feature chimneys.

It is important for members to note that, in addition to this planning application, there is an accompanying application for listed building consent. This application for listed building consent deals specifically with the proposed conversion of the barns into 3 dwellings and the detailed internal/external changes to the buildings' fabric to facilitate that conversion. It is proposed to deal with the application for listed building consent

separately given that the conversion is welcomed and there are no in-principle objections. The agent has responded recently to various detailed points about the conversion, and I am confident that solutions/amendments can be agreed in due course, to secure a sensitive scheme. Safeguarding conditions would also be used, as necessary.

Procedurally, there is no issue in dealing with applications for planning permission and accompanying listed building consents separately.

This application was removed from the agenda for the September meeting in order to explore the below ground archaeological potential of the site in line with the formal comments of the DCC Archaeologist, as included in Part 5.5. At the time of writing this report, I am advised that trial trenching commenced on site on 25 September, in accordance with a Written Scheme of Investigation (WSI) which was agreed by the DCC Archaeologist. An update on this process will be provided in advance of the meeting or orally at the meeting.

2. Relevant Planning History:

Nothing of relevance to this proposal.

3. Publicity:

- Neighbour Notification Letter
- Site Notice
- Statutory Press Advert

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

The consultation process has generated 6 objections to the proposed development, and these include the following concerns:

- The impact of the development on the footpath that runs along the northern boundary and serves Chantry Close.
- The impact of the development and additional traffic to the site.
- The arrangements for boundary treatment and plans for the existing vegetation on site and the impact of this vegetation on sight lines that have been designed to safeguard key views through the proposed development.

-
- The site access arrangements, and the overall safety arrangements for pedestrians and vehicles.
 - The Civic Society considers that this development is far too intensive for the size of the site and will inevitably cause irreversible harm to the setting of the listed 18th century manor farm house.
 - Councillor Pattinson has commented on the application and, amongst other things, raises issues about the implications for the character of the area, housing delivery, traffic safety and parking issues. He also formally requested that it be considered by committee.

5. Consultations:

5.1. Highways Development Control:

Recommendation: The Highway Authority has No Objections to the proposals, subject to conditions.

Observations: These observations are primarily made on the basis of the following submitted information:-

Drawing 01005 Rev P5

Transport Technical Note (TTN)

Drawing 2106861-001 Rev A

Drawing 2106861-002 (within the TTN) For clarity and avoidance of confusion, the internal roads within the proposed development will remain as private drives and will not be suitable for future 'adoption' by the Highway Authority.

Vicarage Road is an un-classified road, is subject to a 30mph speed limit and a "no waiting at any time" (double yellow lines) parking restriction across the entire site frontage. There are no recorded Road Traffic Collisions in the vicinity of the site in the last 5 years. The site falls out towards the highway.

Drawings 001 and 002 show alterations to the western kerb line to provide suitable visibility and are therefore of interest to the Highway Authority, these having been raised as potential issues at pre-application stage.

The site has been the subject of a historic pre-application enquiry, where issues of limited visibility of and for emerging vehicles were raised as concerns.

The site is within a sustainable location with easy access to local shops in the nearby Local District Centre, and to public transport opportunities. The applicant/developer proposes therefore to widen the footway fronting the development by approximately 0.6m to permit acceptable visibility splays to be achievable. The drawings indicate that the minimum carriageway width along Vicarage Road will be reduced to 6.3m, and that refuse collection vehicles will be able to access Holly End Road without undue issues.

Delivering Streets and Places (Detailed Design Guidance – Place and Movement) indicates that the standard carriageway width for roads with a bus service is 6.0m.

Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

The Highway Authority considers that (in general agreement with the conclusions of the TTN) the proposals are acceptable and will not have a significant safety or volume of traffic impact upon the adjacent highway network.

Para 112e of the National Planning Policy Framework states that developments should “be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.” The LPA may therefore wish to require that the developer make provision for the charging of an appropriate number of vehicles associated with the proposed development.

Given that the proposed application site is in a sustainable location and well served by local transport links the Highway Authority considers that it is unlikely that the proposed development will have a significant impact on the highway.

Recommendation:

The Highway Authority has No Objections to the proposals, subject to the following suggested conditions:

Condition 1: No development shall commence unless or until a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations. The construction works shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure that suitable arrangements are provided for the construction work to be undertaken without undue effect upon the adjacent highway network, and in the interests of highway safety.

Condition 2: No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

Condition 3: The Development hereby permitted shall not be occupied unless or until the highway improvement works, shown for indicative purposes on drawings 2106861-001 Rev A and 2106861-002 have been carried out to the satisfaction of the Local Planning Authority and the Specification of the Highway Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

Condition 4: No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary.

Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Condition 5: No part of the development hereby permitted shall be brought into use until the access driveways are constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Condition 6: No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawings 2106861-001 Rev A and 2106861-002 are provided.

Condition 7: No gates shall be erected at the access to the development from the public highway.

Reason: In the interests of Highway safety.

A range of informative notes are also recommended, and these have been updated. The application has been re-consulted upon as a result of amendments to the proposal, but this original consultation of September 2022 remain the substantive comments of colleagues.

5.2. Conservation & Heritage Advisory Committee (CHAC):

Welcome conversion of existing barns. Suggested historic building recording undertaken if permission granted for this part of the proposal. Object still on previous grounds (October 2022 CHAC) in terms negative impact on setting of listed buildings and proposals do not preserve or enhance the character or appearance of the conservation area. The setting of the listed buildings are irreparably harmed and there is the loss of an important piece of open space within the conservation area through intensive layout of new dwellings. One member thought might be possible to build couple units to north-east corner. Objection.

5.3. Built Environment:

The latest relevant comments are included below. Previous comments are also included on the application web-pages and can be accessed via the link in Part 1.4.

General site proposals

The proposal is for a freestanding garage block associated with the barn conversions and main former farmhouse as well as the erection of six linked dwellings. Plots 4 and 5 and 6 and 7 are proposed to be bungalows with 8 and 9 proposed to be two storey houses.

The proposals develop a key green open space which in the past was a croft and pasture used in relation to the farm. It now forms an important part of the character and appearance of the Micklover Conservation Area. Early maps show another farm

outbuilding running along the southern boundary (which survived, seems to have been demolished since it was listed and is seen on the 1999 google earth photo) suggest a rethink as to whether the garage block or development could be reinstated along its footprint. The green open area as well as part of the character of the conservation area also contributes to the setting of the nearby listed buildings, principally the Manor Farmhouse and barns but also the Church and Mickleover Manor. There is therefore a harmful impact as proposals impact negatively on the setting (as part of significance) of these. There are key views across the site from Vicarage Road which have been highlighted, there are also kinetic views from the public footpath (Mickleover 10) which runs northwards through the site from alongside Manor Farmhouse and runs through to Chantry Close. The views of the Church and to Mickleover Manor will be obstructed by the proposal. There are also views from the public footpath (Mickleover 9) which runs outside the site along the northern boundary across the site to Manor Farmhouse.

There is strong concern about the principle of development on this area of land with the exception of the area where there was previously a building. The proposed new development is therefore inappropriate in terms of its layout, size, scale, massing and detailed design including incongruous chimney features and buff brick which is alien in the immediate historic context of the listed walls and buildings. The above comments are still relevant.

Interim conclusion:

Still relevant There is a degree of harmful impact on the significance of the listed barns as outlined above. The most harm is as a result of the proposed changes by the insertion of staircases to the west barn and the removal of the first floor to unit 2, the impact on the west elevation of the west barn and proposed landscaping. There is a benefit in getting a use into these barns to ensure their repair and long-term retention.

There is a high level of harm on the character and appearance of the conservation area as a result of the development of the former farm croft. As an important piece of open space within the conservation area the proposal to develop this area does not preserve or enhance the character or appearance of the conservation area. The proposal also impacts negatively on the setting of the listed Farmhouse and barns, Church and Mickleover Manor. In terms of the submitted assessment on Heritage Impact (within the Archaeological assessment which also covers impact on the CA and the setting of Listed buildings) there is a difference in view on the magnitude of impact, and therefore significance of effect relating to the impact on the conservation area which has been assessed as being slight in the document when the impact looks to be much more impactful. There is no impact on the war memorial as it can not be seen or experienced from the site.

Policies:

The Planning (listed building and conservation areas) Act 1990 section 16, 66 and 72 as regards the statutory duties regarding listed buildings and conservation areas is relevant here. As is E18 and E19 of the saved Local Plan Review (2006), CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is also relevant in particular, para 189, 194, 199, 200 and 202. There is harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of

harm (classified as less than substantial harm) is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

Recommendation:

There is harm as a result of the conversion of the listed barns and comments above highlight what is needed to reduce this harmful impact. Suggest amendment to scheme. In terms of the development of the current green open space there is strong concern as it is important within the conservation area and contributes positively to its character and appearance. Where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

5.4. Land Drainage:

The latest comments from colleagues are as follows:

The site will require a sustainable drainage system. It is unlikely that this will be provided by a soakaway, as the Soilsmap map shows the soil type as being 'Slightly acid loamy and clayey soils with impeded drainage'. This can be confirmed by a site investigation. The site will need to have its run-off restricted to greenfield rates, which will be found to be approximately 2 l/s. The necessary storage can be provided by an open pond located in open space, the use of permeable paving with additional underground storage or as a last resort underground tanked storage.

The site requires the submission of calculations for its sustainable drainage, drawings showing the exceedance flow paths, details of the control structure controlling the site run-off, details of the point of discharge, etc. This could be controlled by a condition, but the applicant must demonstrate that sustainable drainage on the site can be achieved before planning permission can be granted.

5.5. Derbyshire County Council Archaeologist:

The latest comments of the Archaeologist are as follows:

The Desk Based Assessment has identified a high chance of archaeology being present on the site dating to the medieval period. The proposed development area also encroaches on what might have been part of the graveyard of All Saints' Church. Previously, my colleague has previously advised that an archaeological remote sensing survey (such as GPR) be undertaken possibly followed by evaluation trenching, depending on the results, predetermination and in my view this recommendation is still valid.

These works should be undertaken in compliance with a WSI prepared by the professional archaeological contractor who will undertake the work and implement in the field, the WSI must be approved by this office in advance of its implementation.

Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

This application was removed from the agenda for the September meeting in order to explore the below ground archaeological potential of the site in line with these formal comments of the DCC Archaeologist. At the time of writing this report, I am advised that trial trenching commenced on site on 25 September, in accordance with a Written Scheme of Investigation (WSI) which was agreed by the DCC Archaeologist. An update on this process will be provided in advance of the meeting or orally at the meeting.

5.6. Derbyshire Wildlife Trust (DWT):

The latest comments from DWT are as follows:

Response

We have reviewed the results of the third nocturnal bat survey at the above site and the submission of Addendum Report (Eyebright Ecology, July 2022). The results of the final bat survey on building B1 confirm the roost status and will inform an application for a European Protected Species Licence from Natural England. As such we refer to our previous correspondence relating to this issue and have no further comments to make regarding the impacts on bats.

Outstanding issue

This leaves the outstanding issue in relation to the loss of the neutral grassland within the development site that has not yet been addressed by the on-site mitigation measures.

Recommendations

The Council is recommended to request further information from the applicant with respect to this outstanding issue. It may be possible for the development to make an off-site contribution to support the management and enhancement of grassland habitats elsewhere within Derby (e.g., Mickleover Meadows Local Nature Reserve or Millennium Wood Local Wildlife Site). It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Earlier comments from DWT dated 10 October 2022 can be accessed via [this link](#) and it deals with proposed biodiversity net gain in the context of DEFRA's trading metric.

6. Relevant Policies:**6.1. Relevant Policies:**

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

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

GD5	Amenity
H13	Residential Amenity – General Criteria
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses Within Building of Architectural or Historic Importance
E21	Archaeology

Saved CDLPR Policies

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). As of April 2023 the supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.69 years is a

significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. Development Plan

7.2. Heritage

7.3. Highways & Access

7.4. Archaeology & Ecology

7.5. Conclusions

7.1. Development Plan

The starting point for all decisions is the Development Plan. The relevant policies are included in Part 6.1 and, as this proposal involves the supply of housing, the policy position included in Part 6.2 should be fully considered. In that context it is important to stress that, as this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations.

This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.69 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

It is also important to note that, as the site is located within the Mickleover Conservation Area and within the setting of a listed building, the Planning (Listed Building and Conservation Areas) Act 1990 section 16, 66 and 72 as regards the statutory duties are engaged.

The detailed components of the scheme are addressed below.

7.2. Heritage

The specialist comments of my colleague in relation to the impact of the proposal on the listed building and other heritage assets are included in Part 5.3. I don't propose to repeat those comments, but the conclusions are as follows:

..."There is harm as a result of the conversion of the listed barns and comments above highlight what is needed to reduce this harmful impact. Suggest amendment to scheme. In terms of the development of the current green open space there is strong concern as it is important within the conservation area and contributes positively to its character and appearance. Where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer".

Weighing the "less than substantial harm" to heritage assets against public benefits is a policy test required under paragraph 202 of the NPPF.

In this case the public benefits, that are required to be weighed against the identified less than substantial harm, are as follows:

1. The development would provide new residential accommodation in a highly sustainable location. The site is located opposite the library and very close to the Mickleover District Centre which offers a range of shops, services and amenities.
2. The delivery of new residential accommodation would contribute to the challenging housing requirements of the City Council as outlined in Part 6.2 and the 'tilted balance' policy context.
3. In addition to the locational merits of the site, the proposed new build component of the development is, in my opinion, well designed and would afford new occupants a high standard of internal/external accommodation to enjoy.
4. In terms of the construction phase the agent has indicated that a local building firm has been appointed should they be successful with planning – they use local trades ('local' meaning within Derbyshire) and estimate that over the life of the development will create circa. 50 jobs (i.e. groundworkers, joiners, electricians, plumbers, kitchen fitters etc.). As well as using local trades, the Principal Contractor and sub-contractors will seek to utilise apprenticeship schemes where possible.
5. The agent has indicated that, in terms of initial interest, that, due to the location of the site and the easy access to amenities, and given the housing stock proposed, they are expecting high demand. They have already had 5 local enquiries off the back of the planning application having been submitted – stating that they have not done any marketing or advertising to-date due to not having the planning certainty. The enquiries so far have related to the bungalow accommodation.
6. The agent has also estimated that the investment will be in the region of £2.5m.

In terms of the urban design quality of the proposed development, I also consider that the proposed layout and landscaping quality compliment the scale and design of the new dwellings. The modest scale of the proposed development would also be commensurate with the scale of existing neighbouring properties to the east and north of the site on Vicarage Road and Chantry Close.

7.3. Highways & Access

Part 5.1 of your report includes the specialist advice of colleagues in Highways Development Control. My colleagues highlight that the site is within a sustainable location with easy access to local shops in the nearby Local District Centre, and to public transport opportunities.

In terms of on-site detail, the applicant/developer proposes to widen the footway fronting the development by approximately 0.6m to permit acceptable visibility splays to be achievable. The drawings indicate that the minimum carriageway width along Vicarage Road will be reduced to 6.3m, and that refuse collection vehicles will be able to access Holly End Road without undue issues.

Colleagues conclude that the Highway Authority considers that (in general agreement with the conclusions of the TTN) the proposals are acceptable and will not have a significant safety or volume of traffic impact upon the adjacent highway network.

Given that the proposed application site is in a sustainable location and well served by local transport links the Highway Authority considers that it is unlikely that the proposed development will have a significant impact on the highway.

As a result, no objections are raised on highways grounds and, subject to a number of safeguarding conditions to control highways details, policy CP23 of DCLP1 would be met.

In terms of Public Rights of Way (PRoW) and access, Footpath 10 (Mickleover) runs through the site from Vicarage Road in a north-westerly direction and connects with Footpath 9 which sweeps around the northern site boundary. I understand that, whilst Footpath 10 has been largely inaccessible in recent years as a result of restricted access into the site, the footpath has never been formally extinguished. The route of Footpath 10 largely sits on the internal access road that sits between plot nos. 4 and 5 and connects to the pedestrian gate adjoining Chantry Close which is annotated on the amended site layout plan. Therefore, this footpath connection would be restored, and the Council's PRoW officer is satisfied with that arrangement. In my opinion, this is a positive feature within the amended site layout.

7.4. Archaeology & Ecology

Archaeology

The specialist comments from the Archaeologist are included in Part 5.5 and, at the time of writing, dialogue is ongoing with the applicant's consultant with regard to the preparation of a Written Scheme of Investigation (WSI) and potential remote sensing survey. This is needed in advance of any decision as we are advised that this is all the more important given the possibility that a medieval and later graveyard might be present on the site.

I am advised that the application is accompanied by a Desk Based Assessment (DBA) on archaeological potential, which is a good piece of work, and this has provided the consultee with useful information on potential below ground archaeological impacts.

Further investigation work, in the form of agreed programme of trial trenching is being completed, and an update on this issue will be provided in advance of the meeting, or orally at the meeting.

Providing the additional investigation work and its output are agreed by the Archaeologist, I am satisfied that suitable safeguarding conditions can be attached and, therefore, saved policy E21 of the CDLPR would be met.

Ecology

The accompanying ecological information and proposed on-site mitigation package has been assessed by officers at DWT. The application has also been supplemented by additional work relating to protected species and the remaining issue of concern for DWT is that the proposed development would involve the loss of existing grassland on-site and the proposed mitigation on-site results in 4.66 habitat units on site post development.

Most of this mitigation (some 80%) is achieved through planting trees, together with some retention of grassland and establishment of gardens as part of the properties. Although the habitat units on site post development is slightly more than the pre-development baseline the inability to satisfy the trading rules of the metric mean that with respect to grassland loss a net gain for biodiversity cannot be achieved under the current scheme.

It is important to note that whilst the Council are gearing up for the introduction of the mandatory Bio-diversity Net Gain (BNG) regime in November of this year (for major projects) the current starting point for ecological enhancement is policy CP21 which spells out the Council's ambitions for biodiversity and geodiversity enhancement.

It states..."all development should ensure the protection, conservation, and where possible, *enhancement* of biodiversity".

In this case the proposal would provide a net gain of some 0.9 habitat units and, therefore, it meets the requirements of policy CP21, as it provides enhancement. I acknowledge that in line with the trading rules of the metric this is of concern to DWT but, in my opinion, the current Development Plan position is met.

In this context I am satisfied that, subject to the conditions outlined in DWT's latest response, the proposal is acceptable on ecology grounds.

7.5. Conclusion

The application has drawn objections on heritage grounds and these concerns have also been voiced by CHAC and the Derby Civic Society. Members will be familiar with the heritage policy tests which are engaged once a level of "less than substantial harm" is reached and the weighing up process that needs to be carried out with the public benefits of the proposal within the umbrella of the tilted balance referred to earlier.

The public benefits are included in Part 7.2 and, in my opinion and judgment, these public benefits outweigh the "less than substantial harm" identified to the setting of heritage assets in this case. I do, however, feel that this case is finely balanced.

The proposal, as amended during its life, would provide high quality living environments for future occupiers and the site layout would include Footpath 10 again through the site and key views to the Manor House and neighbouring Church would be accommodated.

The site is located in a highly sustainable location in easy reach to a range of local amenities for future residents. The majority of the new dwellings would be bungalow accommodation and I anticipate that this would be attractive to people in the local area who are seeking to downsize to a self-contained accessible location.

Overall, there are no objections to the proposed development on access and highways grounds, subject to conditions, and further work is being progressed to address the archaeological issue. The proposal provides some uplift in bio-diversity, in line with DCLP1 policy CP21, and I am satisfied that improvements to the site layout enhance the design quality of the scheme. Therefore, on balance, and bearing in mind the terms of the 'tilted balance' I recommend that permission be granted accordingly.

The conditions listed below are in an abbreviated format and will be fleshed out and properly worded before any decision is issued.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal, as amended during its life, would provide residential accommodation in a sustainable location in close proximity to the Mickleover District Centre and other amenities. The proposal would result in "less than substantial harm" to the setting of heritage assets and this level of harm has been considered against the identified public benefits of the proposal. In this case it is considered that those public benefits outweigh the harm, albeit the amended proposal is finely balanced.

Overall, there are no technical objections to the proposed development on access and highways grounds, subject to conditions. The proposal provides some uplift in biodiversity, in line with DCLP1 policy CP21, and the Local Planning Authority is satisfied that improvements to the site layout enhance the design quality of the scheme.

8.3. Conditions:

General Conditions

1. Standard time limit condition.

Reason: To accord with statutory provisions.

2. Standard approved plans and details condition.

Reason: For the avoidance of doubt and to define the bounds of this decision.

Pre-commencement Conditions

3. Condition requiring a construction management plan or construction method statement.

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core

Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. Condition requiring a construction environmental management plan

Reason: In the interests of safeguarding biodiversity interest on-site and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

5. condition requiring potential archaeological work / mitigation.

Reason: In the interest of preserving below ground archaeology and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

6. Condition requiring a surface water drainage scheme.

Reason: In the interest of providing a sustainable drainage scheme and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

7. Condition requiring the submission and approval of all surface and external materials.

Reason: To ensure that the overall design is of a high quality and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Pre-Occupation Conditions

8. Condition tying the permission to the highway improvement works, shown for indicative purposes on drawings 2106861-001 Rev A and 2106861-002.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

9. Pre-occupation condition to control the surfacing material on the access.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Committee Report Item No: 7.3

Application No: 22/01233/FUL

Type: Full Application

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- 10.** Pre-occupation condition to control the design/content of a landscaping scheme and the biodiversity component of the layout.

Reason: To ensure that the proposed layout is of a high quality design and form and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

- 11.** Condition requiring protected species (bat) mitigation as outlined in the submitted Ecological Impact Assessment.

Reason: To ensure the proposal accommodates the necessary level of protected species mitigation and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Management Conditions

- 12.** Management condition to control the maintenance arrangements for the landscaping and biodiversity component of the layout.

Reason: To ensure that the proposed layout is of a high quality design and form and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Informative Notes:

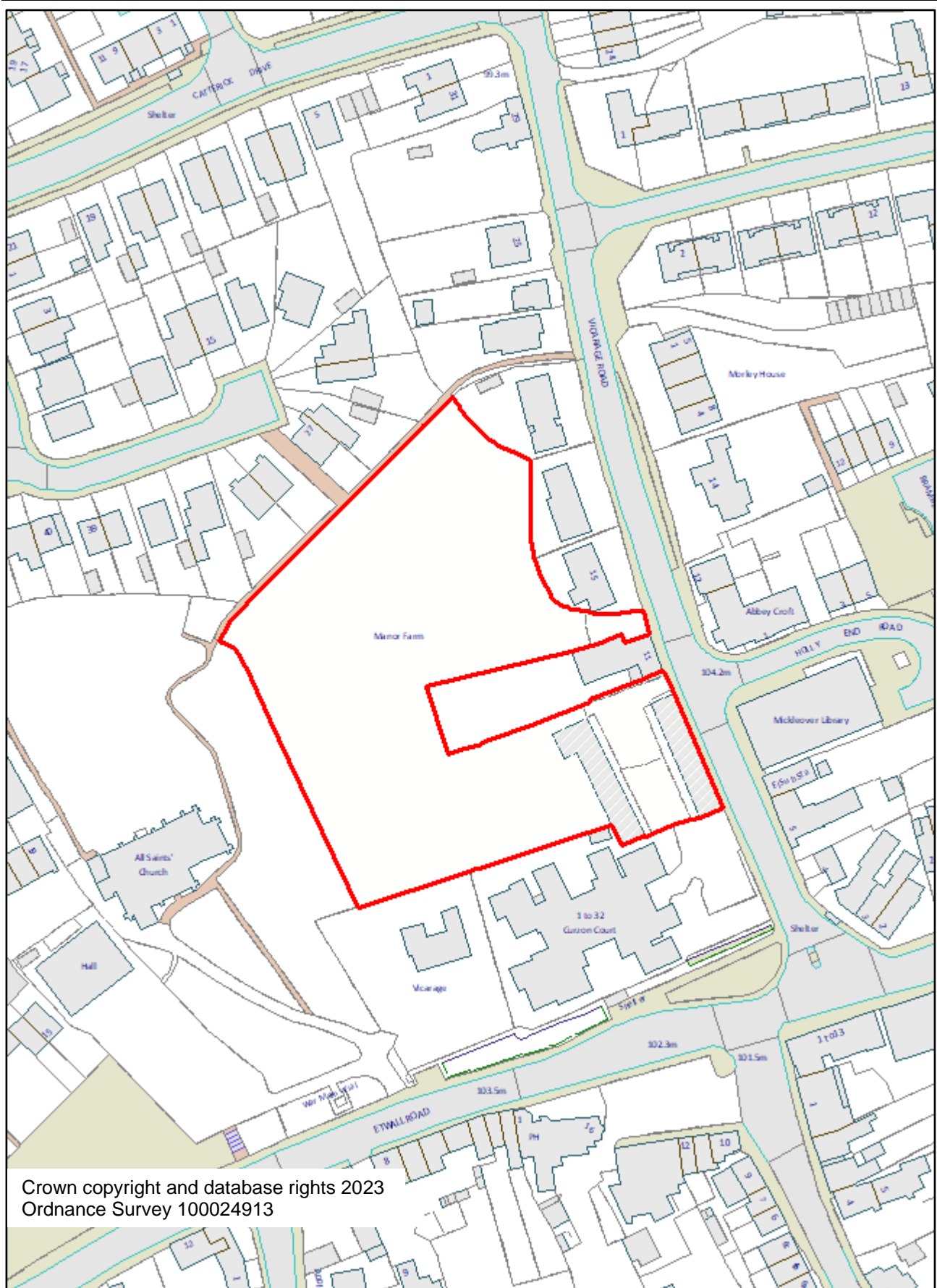
A range of informative notes are also recommended from Highways Development Control colleagues.

8.5. S106 requirements where appropriate:

None.

8.6. Application timescale:

To be reported orally.



Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

1. Application Details

1.1. Address: Land at Lees Brook Academy, Morley Road, Oakwood

1.2. Ward: Oakwood

1.3. Proposal:

Residential development – up to 18 dwellings (Use Class C3)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00755/OUT>

Brief description

The application site is land within Lees Brook Academy, a secondary school which lies east of Morley Road in Oakwood.

The site is a relatively narrow piece of land, currently unused by the school, which was previously a playground with an area of grassland, scrub and trees to the south. It sits alongside the western boundary of the school, with residential properties to the west and north on Morley Road and Lawrence Avenue. These comprise two storey houses and bungalows with front and rear gardens. The land levels across the site are gently sloping from north to south from Morley Road, to Lees Brook which is at the southern boundary of the school.

A vehicular access to the school runs adjacent to the site and is within the red line boundary. It appears to be a secondary access with the main entrance being from another access off Morley Road to the north. The school site sits on the eastern edge of the city, with open fields to the south and east, which are designated as Green Wedge or Green Belt. To the north and west are the post-war residential areas of Chaddesden and Oakwood.

Outline permission is sought for residential development on the site, with means of access to be approved, for up to 18 dwelling houses. An indicative site layout plan and Design and Access Statement have been submitted with the application, which suggests the provision of two and three bedroom houses served off a cul-de-sac arrangement. Access would be from Morley Road, using the current access into the school, which would become a 5.5m width two way access road with 2m wide footway. It is proposed that the school would be accessed using only the other existing access to the north. A SuDS drainage feature and landscape buffer is also suggested to form part of the development.

2. Relevant Planning History:

None of relevance.

3. Publicity:

- Neighbour Notification Letter - (15 letters)
- Site Notice
- Statutory Press Advert

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

33 third party representations have been received, including one support, one neutral and 31 objections to the application. The main issues raised are as follows:

- Land is Green Wedge and should not be built on.
- Land should be used for school purposes.
- Increase in traffic would cause issues for the school and on local roads.
- Limited visibility at access onto Morley Road.
- Noise and light pollution to nearby properties.
- Overlooking and loss of privacy to nearby properties.
- Access road may not be wide enough.
- Impact on local services and amenities.
- Would increase flooding in local area.
- Site is a mound of waste material over former tennis courts.
- Bus services are limited in this area.
- Houses should be bungalows only.

Derbyshire Swift Conservation Project: Integrated swift bricks are recommended to be used and preferable to external bird boxes.

5. Consultations:

5.1. Highways Development Control:

The Highway Authority has No Objection to the proposals, subject to conditions.

According to the Application Form, the application is outline; with only access being determined; therefore the details of the layout shown are indicative only. As all other matters are reserved; it is only necessary to establish that safe and suitable access to the site can be gained from the adjacent highway (Morley Road).

Existing site conditions.

Morley Road is a "Classified Unnumbered" road, is traffic calmed, and is subject to a 30mph speed limit. As historically, the access has been used as an egress point for the school (this use has apparently ceased), there are yellow "zig-zag" markings on the carriageway which would need to be removed.

The existing access is approximately 4.2m wide, with a 1.6m wide verge on the west side and a 2.4m wide footway (and unmeasured verge) on the east side. There is a telecoms pole located centrally in the private footway. The site appears to fall generally towards the highway and the access is gated at approximately 8.6m from the back edge of the highway footway, with the gates opening inwards. The site is fronted by a footway of approximately 2.4m width ~ this means that appropriate visibility splays can be achieved in either direction. There are bus stops on to the west of the site on either side of Morley Road.

As a note, the remaining school access is (in the view of the Highway Authority) suitable for shared use associated with the school itself.

The Design and Access Statement suggests that "A 5.5m wide two-way access is proposed with 6m corner radii and a 2m wide footway on the western side of the road. Existing services and street furniture will be relocated as required" which in turn suggests that the applicant may be looking to provide an adoptable layout.

Any such layout should conform to design guidance set out in Delivering Streets and Places and any subsequent documents adopted by the Highway Authority. 6m corner radii are also suggested; these would not be necessary as the access onto the highway can be constructed in a "dropped crossing" arrangement (in a similar manner to the existing) in order to give priority to pedestrians rather than vehicles.

Delivering Streets and Places "Design Element Sheet: also gives advice on the minimum effective width for private driveways.... and advises that the effective minimum width for a private driveway to serve 2 or more dwellings is 4.25m and advises that 0.5m shall be added if bounded on one side by a wall, fence, hedge, line of trees or similar, and 1.0m if bounded on both sides.

Typical dropped kerb widths for private driveways onto a classified road for more than 6 dwellings would be dropped kerbs (9.2m). These appear to be achievable within the land shown to be in the applicant ownership/control. The proposals will result in a "crossroads" type arrangement with Brookfield Avenue. However, both sites will have relatively low levels of trip generation, and this layout is not considered to be hazardous. The Design and Access Statement also suggests that "if required, a gated emergency access could be maintained to the school via the new improved access if

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

required.” This would be desirable and welcome, in particular if the access road is likely to be offered up for adoption; but would be something which could better be dealt with at Reserved Matters stage.

Recommendation:

The Highway Authority has No Objections to the proposals, subject to suggested conditions, relating to construction details for internal layout.

5.2. Highways Land Drainage:

The site is shown on the EA's website as being partly in Flood Zone 2 and 3 as well as having a high risk of surface water flooding. It is however clear that the developed area of the site is on raised ground and the flood risk is restricted to the south east portion of the site where no development is proposed. The FRA discusses the flood risk and the surface water run-off from the site and is generally in accordance with the LLFA's requirements.

There is a private foul sewer that is flowing across the site from west to east which will be diverted. There is no obvious reason why the sewerage from the site should not follow that route which would be better than pumping.

5.3. Environmental Services (Health – Pollution):

Contaminated Land:

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

The applicant has submitted the following report in support of the application:

- Phase 1 Desk Study report (BSP Consulting ref: MRCD-BSP-XX-XX-T-G-0001-P02_Phase_I_Desk_Study dated 28th April 2023)

This report has reviewed the historic records available for the site and reports on a site walkover and initial conceptual model for the site. The proposed site is currently part of the Lees Brook Academy, Chaddesden and includes redundant tennis courts and associated land. The site was formerly rural but the report states that the site has been subject to a cut and fill exercise in the past to alter site levels and remove a previous slope. There is therefore a likelihood of made ground associated both with the current land use and relating to the change in site levels.

The report has therefore concluded that further intrusive investigations are required to determine whether there is any contamination of the ground that may impact on the proposed residents. We would concur with this conclusion and therefore would recommend the following conditions be attached to any planning permission granted:

Conditions to secure:

Phase II contamination assessment

Remediation Strategy

Validation Report

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

Air Quality:

No comments

Noise:

I am concerned that the proposed residential units would be exposed to significantly high levels of traffic noise and potential noise break in from the school (raised voices and screaming from kids playing) within proximity especially during breaktimes and rush hours.

For the reasons given above, I would have very serious concerns of detriment that will be caused to future occupiers of the proposed residential units due to noise. If planning application is granted, I would recommend that the following condition is attached:

Noise assessment and mitigation.

5.4. Natural Environment (Tree Officer):

Trees on the site are not protected by TPOs.

The submission of the AIA and AMS is welcomed at the outline application stage.

The AIA has identified the trees, the constraints they pose and trees to be removed to facilitate development. I am satisfied that the AIA has correctly identified the tree constraints and retention categories.

The trees identified for removal are not visually significant and all are 'C' retention category apart from T13 which is a 'U'. The removal of C and category trees is considered acceptable in order to facilitate development.

Although the trees shown for removal are of low quality there will still be a loss of tree canopy and the benefits that trees provide. I would not like to see a net loss of tree canopy cover. Mitigatory tree planting will be required and must take into account BNG calculations.

Conclusion:

I have no objection to this outline application. A full application must be supported by the AIA and AMS (which would need to be conditioned). A landscape schedule and plan must be supplied at the full application stage.

5.5. Sport England:

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport#planning_applications

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

5.6. Environment Agency:

Revised comments – 7 September 2023:

Thank you for providing the 'Protected and notable species report, Land at Lees Brook Academy, July 2023 by Ramm Sanderson'. We are satisfied with the findings. The legally protected species objection can be lifted.

Previous comments received on 20 June 2023:

We object to the residential development of up to 18 dwellings proposed as part of this planning application due to the likely effect this will have on water voles if present adjacent to the site. Insufficient information has been provided to assess the risks posed by this activity to water voles on the banks of the Lees Brook. We therefore recommend that planning permission is refused.

Reasons

Water voles are protected species under the Wildlife and Countryside Act 1981 (as amended). The Ecological Data Search undertaken by Elite Ecology February 2023, identified records of this species being present within 54m of the site. The application does not include adequate information about the measures proposed to protect the water voles in this location. Specifically, the ecological appraisal does not take into consideration the increase in recreation activity along the brook and an increase in domestic animals in the area. These additional pressures could have a detrimental impact on the local water vole population.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our objection

Up to date water vole surveys should be undertaken along the Lees Brook and tributary to the north, that run adjacent to the site boundary. If water vole presence is confirmed, then a suitable mitigation strategy should be implemented to reduce long term disturbance to these animals.

5.7. Derbyshire Wildlife Trust:

Revised comments 10 August 2023:

Following my comments on the 3rd August I have been in discussion with Elite Ecology to try and address some of the concerns raised in my letter. As a result of these discussions (Holly Vaughan, Elite Ecology) I have amended my recommendations as set out below:

The PEA has identified a need for further surveys for reptiles and invertebrates at the site and I understand that these will be available for comment shortly.

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

Great crested newt - there is an old record for this species occupying a pond around 120m to the north-east. The PEA was not able to access this pond and the exact location is unclear. However, on the basis that the area of suitable habitat for great crested newt that will be affected is no more than 0.5 ha it should be possible to address any potential impacts under a method statement. Habitat retention and enhancement will be essential along the Lees Brook and the ditch area running north from the brook.

Bats - I have received confirmation that the Preliminary Ecological Assessment included a preliminary ground level roost assessment and as such no further tree assessments are necessary.

Recommendations

We support the conclusions reached in the PEA that a reptile presence/absence survey should be undertaken prior to the determination of the application to ensure there is sufficient information on the use of the site by reptiles.

The need for a full invertebrate survey is probably low as the site is small and the habitats are not particularly rare or unusual. There is likely to be a community of invertebrates present at the site, but the species present are most likely to be more widespread and generalist species.

The PEA refers briefly to Biodiversity Net Gain and a metric, but the assessment currently does not provide sufficient information for the Council to know whether a net gain for biodiversity can be achieved on-site or not. Clearly the development will result in the loss of habitats, and these will need to be off-set against the creation and enhancement of habitats elsewhere within the site.

The current proposed development plan indicates that part of the site to the east and south will not be developed and this may be sufficient to allow for habitat improvement measures that will address the habitat loss in combination with other measures such as tree planting, vegetated gardens and any green space provision within the development. However, this needs to be fully quantified, and it is recommended that the latest Biodiversity Metric (Defra V4) is used to quantify habitat loss and gain at the site.

Following the submission of the further information, the Trust will be able to provide further recommendations in terms of biodiversity enhancement, species safeguarding and mitigation as necessary.

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1(a)	Presumption in favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP18	Green Wedges
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

Saved CDLPR Policies

H13	Housing Development (general criteria)
GD5	Amenity

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.69 years is a

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. Principle of residential development

7.2. Green Wedge impact

7.3. Highways impact

7.4. Design and Amenity

7.5. Environmental impacts

7.6. Section 106

7.7. Conclusion

7.1. Principle of residential development

Outline permission is sought for residential development of up to 18 dwelling houses, with all matters reserved, except for means of access, on land which is in Lees Brook Academy, a secondary school on Morley Road, in Oakwood. The land was previously tennis courts and play ground and is part of the school's land but is not currently in use by the school. The remaining part of the site is grassland, scrub and trees, which are located along the east and south edges of the site. There is an existing access road into the school from Morley Road, which is proposed to serve the development.

The school is on the eastern edge of the city and all of the school land, including the application site, is designated as Green Wedge. Policy CP18 of the Local Plan seeks to protect Green Wedges from inappropriate development and criterion (a) lists the uses which the Council consider to be appropriate and housing development, as is proposed, is not considered to be an appropriate use. The principle of residential development within Green Wedges is therefore contrary to policy. The impact of this proposal on this Green Wedge and its implications for wider Green Wedge policy are discussed further in the next section.

The site sits within a residential area between Oakwood and Chaddesden comprising of suburban housing. The land to the south is known as Brook Farm, which is open fields and allocated for residential development under Policy AC25 of the Local Plan, with Lees Brook watercourse running along the southern boundary of the site.

The Council's Level 1 Strategic Flood Risk Assessment indicates that eastern boundary of the application site falls within Flood Zone 3. The Lees Brook is also a designated Local Wildlife Site; in addition to this designation, the brook and the open watercourse which runs along the eastern boundary of the site is a wildlife corridor designated by Derbyshire Wildlife Trust.

The proposal would deliver up to 18 new houses to the Oakwood/Chaddesden area, including the provision of affordable housing and contribute to the wider need for housing delivery in the city. Given that Policy CP6 is now out of date and there is no longer a five year supply of housing, the benefits of delivering a new housing development in this location, must be given considerable weight in the tilted balance. The overall provision of new housing meets the intentions of the NPPF, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The main benefits would be the provision of 18 new homes, including affordable homes which would be provided in the context of very significant housing needs resulting from the increased dwelling numbers required in the standard method. There would also be temporary economic benefits through job creation for the construction of homes and infrastructure and marketing of the site.

Whilst there is a fundamental conflict with the principle of residential development within a Green Wedge, further consideration is required as to whether the application will have an impact on the openness and its character. By its nature, the development will increase the number of people, traffic and noise and this, again, is contrary to Green Wedge Policy CP18.

7.2. Green Wedge impacts

The application site is located on land designated as Green Wedge in the Derby City Local Plan – Part 1 and sits on the eastern side of the city, centred around Lees Brook Academy.

The main policy conflict revolves around the proposed development being located within the Lees Brook Green Wedge. There are 13 Green Wedges around the City which define the urban structure of distinct neighbourhoods within the city and allow the open countryside around Derby to penetrate into the urban area. They are a long-established feature of the city and Green Wedge land has been protected from unacceptable built development for many years. Policy CP18 seeks to protect the wedges from inappropriate development and criterion (a) lists the uses which the Council consider to be appropriate and housing development, as is proposed, is not considered to be an appropriate use.

Criterion (b) adds additional considerations to ensure that suitable development does not endanger the open and undeveloped character of the wedge. Consideration in this instance should be given to scale, siting, design, materials and landscape treatment; in addition, development should not lead to an excessive increase in numbers of people, traffic or noise.

The applicant, in their Planning Statement has provided their own Green Wedge assessment of the site, judging the development against their own criteria. These three criteria are significantly less detailed when compared to the requirements of those in Policy CP18 and surprisingly, the applicant concludes that there is no conflict.

The applicant has also referred to the City Council's conclusions relating to this wedge from the Green Wedge Review (2012). The Review does recognise that there may be an argument to de-allocate the wedge but goes on to acknowledge that it does provide an important role in providing a link to the open countryside and suggests that there is

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

a case to retain the designation due to its relationship with the Green Belt to the east. It concludes that there may be scope for development at the western extent of the wedge, where it is already narrow.

The Green Wedge Review was used to evidence the policies in the adopted Local Plan, namely policy CP18 (Green Wedges) and several housing allocation policies where land was removed from Green Wedges to support housing delivery through the Local plan process. These include Policy AC25, which allocates land at Brook Farm directly to the south of the application site.

There is a fundamental conflict with the principle of residential development, being sited within a Green Wedge and further consideration is required as to whether the application will have an impact on the openness and its character. By its nature, the development of housing will increase the number of people, traffic and noise within the Wedge and this, again, is contrary to the Green Wedge policy.

The application site is situated on the western periphery of the Lees Brook Green Wedge and the application site includes a former sport and play provision associated with the school, which is now disused. The Planning Statement advises that this has been replaced with new playground facilities for the school and the land is therefore surplus to requirements. The school is owned and managed by an Academy Trust, so it is not under the control of the Council's Local Education Authority. Education colleagues do not therefore have any concerns to raise in relation to the loss of school land. Any future expansion of school places in this part of the city, as a result of new housing development would have to be accommodated somewhere, but the proposed development would reduce the overall area of Lees Brook Academy, which may be available for additional school place provision.

The Council's Green Wedge Review acknowledges that the school currently has an impact on the Wedge. It also recognises that, the housing allocation to the south at Brook Farm (AC25) truncates the wedge further, such that it has been narrowed in its extent. In addition, land to the north and east of the school, which is within the Green Belt in Erewash Borough, is currently being considered for allocation of up to 600 dwellings, through preparation of their Core Strategy Review. Erewash's Core Strategy Review has been submitted for independent examination by the Planning Inspectorate, as such the proposed housing allocation is not confirmed. Visuals highlighting this proposed housing allocation, together with the Policy AC25 housing allocation in DCLP – Part 1, will be presented at the meeting.

If this were to be confirmed then it would result in a further loss of openness and green space around the eastern edge of the city, such that the area of this Green Wedge would be largely confined to the land which is within Lees Brook Academy and east of the school up to Acorn Way.

The Green Wedge policy is material and has been tested at planning appeal on numerous occasions and found to be in line with national planning policy. This includes appeals into major housing schemes in Green Wedge at a time when the Council could not demonstrate a five-year housing land supply. However, this was prior to amendments to the presumption in favour of sustainable development, set out in the NPPF, and therefore wasn't in the current situation of having to invoke the more onerous tilted balance. The applicant has referred to an appeal decision from 2015

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

relating to proposed residential development on the Brook Farm land, although this is an allocated housing site in the Local Plan, such that the principle of residential development in this location was accepted through the Local Plan.

This proposal for up to 18 dwellings is a relatively small scheme, which would result in a narrowing of the Lees Brook Green Wedge on the western edge of the school. It would further urbanise land within the Wedge, which has already been narrowed by the release of land to the south at Brook Farm. Despite the previous planning permission, residential development of this land has not yet come forward and the previous outline permission has now lapsed. The land however remains allocated in the Part 1- Local Plan for housing. In allocating land at Brook Farm, the Local Plan sets out that:

“When the site has been developed the remaining Lees Brook Valley Green Wedge will not fulfil the purposes of Green Wedges and will therefore be removed in the Local Plan Part 2.”

The conclusions of the Green Wedge Review in relation to Brook Farm and the wider Lees Brook Green Wedge also need be taken into consideration in relation to this proposal. The Green Wedge Review (2012) states that:

“There may be an argument to de-allocate this GW as it makes little contribution to separating distinct neighbourhoods. There is no historical reason to maintain separation between these areas and it makes limited contribution towards enhancing the urban structure of the city.

The Spondon/ Chaddesden Green Wedge provides this area of the city with a degree of structure and separation and provides residents of Chaddesden access to the open countryside. Chaddesden Park also provides excellent recreational opportunities in this area. Whilst the Green Wedge does provide some level of definition and penetration, it is limited in terms of wider function.”

The proposed development of housing on part of school land within Lees Brook Academy would result in the development of part of the Lees Brook Green Wedge, which would be contrary to the Policy CP18 of the DCLP – Part 1. However, having regard for the significant need for new housing in the city and the requirement to provide land to address this housing need, consideration must be given to the release of land for new housing, and this means that development of this site within the Lees Brook Green Wedge must be given due weight in the planning balance.

The proposal would result in development of part of the Green Wedge, contrary to policy. Although, in this instance, it is acknowledged that the overall function and role of this Wedge in separating distinct neighbourhoods and penetrating the open countryside into the city was assessed in the Green Wedge Review and found to be more limited than other Green Wedges.

The Local Plan also states that once the housing allocation at Brook Farm has been delivered the role of the Lees Brook wedge will be further diminished, such that is deletion should be considered. The housing development at Brook Farm has yet to be delivered, and there is no current planning permission in place, therefore the conditions for considering deleting this Green Wedge set out in the Local Plan have not yet been met. However, given the scale of housing required within the City, it is likely that the

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

Brook Farm allocation will have to continue to be included in the new Local Plan, if it can be demonstrated that is deliverable. As such the potential for removing the Green Wedge designation from the application site remain highly relevant.

This position, which is specific to the Lees Brook Green Wedge, must be taken into consideration in assessing the merits of the proposed housing development. In this instance, given the Council's assessment of this Green Wedge; and the limited urbanising impact that this scheme would have, given the sites position in relation to the school and adjacent properties, the development of this land for housing must be given significant weight, in the context of no five year supply of housing. The benefits of the additional housing are therefore considered to outweigh the impact on Green Wedge in this specific case – albeit, in my opinion and judgment, this position is very finely balanced.

In relation to the loss of former sports provision, Sport England do not raise any concerns about the proposal and have made no specific comments on the application.

7.3. Highways impact

Means of access is being determined under this outline application for up to 18 dwellings. The proposed development would be accessed from Morley Road via, the existing access road into the school. It is intended that this access would be closed to the school and sole access to the Lees Brook Academy would be from the second existing entrance, which is to the north of the site. A 5.5 metre wide access road is proposed with 2 metre wide footway which would only serve the new housing on the site. The existing access onto Morley Road has appropriate visibility and is of suitable width, such that it is suitable for the proposed residential use.

The Highways Officer has raised no concerns with the design or layout of the proposed access on highway safety grounds.

In terms of traffic impacts, a Transport Assessment has been submitted to support the application. However, the development is likely to have a relatively low level of traffic generation, so there are no concerns raised about impacts of the new housing on the local highway network. The design and layout of the internal roads would be dealt with at reserved matters stage, so these details are not being considered under this application.

Overall, the proposed means of access to the development is considered acceptable and would have acceptable impacts on the local highway network. This would therefore meet the transport objectives in Policy CP23 of the DCLP- Part.

7.4. Design and Amenity

Policies CP3 and CP4 of the DCLP – Part 1 and saved Policy H13 of the City of Derby Local Plan Review seek high quality design and efficient use of land in residential development. Saved Policies H13 and GD5 both require development to safeguard amenity of both existing and future residents.

Scale, siting and landscaping matters are all reserved matters for this application, although an indicative layout has been submitted, which is not to be determined under this outline application. The Design and Access Statement also sets out the design

principles for the proposed housing development of 18 dwelling houses. This suggests a suburban-style development of 2 storey houses served off a private drive arrangement and fronting onto landscaped open space and woodland to the south. This type of housing development would be consistent with the existing housing in the immediate area to the north and west along Morley Road, which is primarily detached houses and bungalows, with rear gardens and off-street parking. Overall, the site is capable of achieving an acceptable form of housing development, which would provide a high quality living environment and urban design quality, which fits in with the general residential character of this part of Oakwood and Chaddesden.

In relation to potential noise disturbance to future residents of the site, the Environmental Health Officer has raised some concerns that the development could be exposed to significant noise levels, resulting from traffic and potential noise break from the adjacent school, particularly during break times and beginning and end of the school day. For these reasons, a comprehensive noise assessment is recommended to be secured through a planning condition to determine the level of likely disturbance and requirement for sound insulation measures to be included at the detailed design stage. A suitable noise mitigation scheme to be agreed at reserved matters should be sufficient to address these concerns and ensure that a suitable living environment is provided for future occupants.

In terms of impacts on existing residential properties, houses on Morley Road and Lawrence Avenue back onto the site, which is currently disused and comprise of trees, grassland and scrub. Some of the properties have relatively small rear gardens, so there is likely to be some impact on their amenity from the siting of new housing behind their rear gardens. However, an appropriate residential layout of up to 18 dwellings could be achieved on the site, particularly in the form of bungalows and two storey houses, without significant detriment to the privacy or daylight for existing properties in the surrounding area. The proposed residential development could be satisfactorily formed on the site, without substantial adverse impacts on the living environment of neighbouring houses.

Overall, the proposal is capable of forming a housing scheme, which achieves a high quality design and efficient use of land, as well as providing a good quality living environment for future residents and without significant harm to amenities of existing properties. In principle, the development would therefore meet design principles and amenity requirements set out in Policies CP3 and CP4 of the DCLP – Part 1 and saved Policies H13 and GD5 of the CDLPR.

7.5. Environmental impacts

Biodiversity and Trees

The site is disused school land, which has become naturalised and is a mix of grassland, scrub with trees around the perimeter. The Lees Brook watercourse runs to the south and also has a woodland corridor, which is a designated Local Wildlife Site.

A Preliminary Ecological Appraisal has been submitted in support of the application and a subsequent Protected species report was provided to survey for water vole, otters, reptiles and invertebrates within the site and the adjacent Lees Brook corridor. The surveys did not find evidence of any of the identified species and for these reasons it is considered that no further survey work is necessary to support the application.

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

Derbyshire Wildlife Trust and Environment Agency are satisfied with the recommendations of the submitted appraisal and survey report in relation to protected species. DWT have recommended that further information is provided to demonstrate whether biodiversity net gain can be achieved on the site, given that there would be some loss of habitat as a result of the development. However, since the proposal is in outline only, with landscaping works being a reserved matter, a full biodiversity net gain assessment and mitigation scheme can reasonably be secured through a reserved matters application. I am also mindful that this is not currently a mandatory requirement of the planning process.

In relation to trees on and adjacent to the site, and Arboricultural Impact Assessment and Method Statement have been submitted which has surveyed the affected trees. Most are considered to be Category C quality. The Tree Officer has welcomed the reports and considers that the trees which are to be removed to form the development are not of visual significance. There would still be a net loss of tree cover from the site, so a planting scheme of replacement trees to achieve a net gain, is recommended which could reasonably be provided through a landscaping scheme for the development. This can be appropriately secured through a reserved matters application for a detailed scheme of development.

With regard to the impacts of the development on biodiversity, habitat and trees, I am satisfied that there would not be any significant harm and any adverse impacts can be mitigated through an appropriate landscape and habitat creation scheme to achieve a net gain in biodiversity. The proposal would therefore meet the intentions of Policies CP16 and CP19 of the Derby City Local Plan – Part 1.

Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy has been submitted with the application and it is noted that it is in accordance with the Councils Land Drainage requirements. The application site is located partly in Flood Zones 2 and 3 and therefore at a high risk of flooding from surface water. However, it is in an elevated position relative to the land to the east and Lees Brook to the south. The Land Drainage Officer has noted that given the development would be on raised ground, any flooding would not impact on the land where the development is to take place. No objections are therefore raised on flood risk and drainage grounds.

Subject to planning condition to secure an appropriate surface water drainage scheme the development is considered to meet the flood risk and drainage intentions set out in Policy CP2 of the DCLP – Part 1 and the Technical Guidance for flood risk.

Site Contamination

The site accommodates former hard surfaced play ground and sports provision which is now in disuse. A Phase I site contamination assessment has been submitted in support of the application, which notes that the land levels have previously altered, with a cut and fill of material, related to the construction of the new school buildings. The assessment report recommends that further site investigation is carried out on the site, prior to any development taking place. The Environmental Protection Officer agrees with the conclusion of the report and has raised no objections to the proposed development subject to conditions to secure further investigation and remediation of

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

the site. Subject to compliance with the conditions the proposed works, would satisfy the requirements of saved Policies E12 and GD5.

7.6. Section 106

A Section 106 package of contributions, based on the adopted Planning Obligations Supplementary Planning Document (2018) for up to 18 residential units, has been agreed in principle and a final position will be reported to Members at the committee meeting. The proposed housing development would normally attract a requirement for the following:

- 30% affordable housing provision
- Amenity green space, with future maintenance
- Sustainable transport contribution and/or safety improvements to Morley Road, Chaddesden Lane and surrounding roads.

7.7. Conclusion

This proposal seeks outline permission, with means of access for development of up to 18 dwellings and associated landscaping works and drainage attenuation, on former play area and sports provision at Lees Brook Academy, Morley Road. Access would be via an existing access road, which currently serves the school. The site is on land designated as Green Wedge and is adjacent to a Local Wildlife Site.

The development would deliver a quantum of new housing in the Oakwood/Chaddesden area, which would make a positive contribution towards the city's housing need. The tilted balance must be applied because the proposal is for the provision of housing and the Council cannot demonstrate a five year housing supply. The NPPF therefore requires that an application should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This requires applying weight to the various benefits and adverse impacts and then considering them in the context of the tilted balance. As this is an outline application, at this stage, we can only deal with the principle of residential development, as many of the details are unknown.

The main benefits would be the provision of a significant number of new homes in a sustainable location within an existing residential area and potentially a quantum of affordable homes which would be provided in the context of very significant housing need, resulting from the increased dwelling numbers required in the standard method. There would be temporary economic benefits through job creation for the construction of homes and infrastructure.

There are however significant adverse impacts arising from the proposed development of housing, which include the development of part of the Lees Brook Green Wedge, which is contrary to Policy CP18 of the DCLP1.

However, given the significant housing need and the absence of a five year supply, the implications for development on this Green Wedge must be afforded considerable weight in the planning balance. The function and character of the Wedge in this location has been considered and the proposed development in this western edge of the Wedge, where it is narrow and adjoins the existing residential area, would not

undermine one of the main purposes of the Green Wedge in this location, which is to penetrate the open countryside into the urban area.

Regard must also be had for the conclusions drawn regarding the Lees Brook Green Wedge both in the adopted Local Plan and Green Wedge Review, which conclude that the de-allocation of the Lees Brook Wedge would be appropriate should the housing allocation at the nearby Brook Farm site be delivered.

Given the very specific conclusions drawn about the Lees Brook Green Wedge, in the Green Wedge Review and the adopted Local Plan, it is not considered that the recommendation to approve this application would limit the Council's abilities to defend other areas of Green Wedge from development, which are contrary to Policy CP18.

In the overall planning balance, it is considered that whilst the principle of the residential development of this site, within the Green Wedge, is contrary to policy, that taking account of the 'tilted balance' the adverse impacts on the Green Wedge in this particular instance do not significantly and demonstrably outweigh the benefits of the scheme and that in term of its impacts on the local highway network, biodiversity and trees, site contamination and residential and visual amenity the scheme is acceptable. In this policy context the proposal is very finely balanced but it is recommended that outline permission be granted with the recommended conditions and accompanying Section 106 agreement.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To authorise** the Director of Vibrancy & Growth to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.
- B. To authorise** the Director of Vibrancy & Growth to **grant permission** upon conclusion of the above Section 106 Agreement

8.2. Summary of reasons:

The proposed development of housing on land at Lees Brook Academy, in the Green Wedge is contrary to Policy CP18 of the DCLP1, although given the significant housing need and the absence of a five year supply in the city, the implications for development on this Green Wedge must be afforded considerable weight in the planning balance. The development would deliver a quantum of new housing in the Oakwood/Chaddesden area, which would make a positive contribution towards the city's housing need. The tilted balance must be applied because the proposal is for the provision of housing and the Council cannot demonstrate a five year housing supply. The NPPF therefore requires that an application should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The main benefits would be the provision of a significant number of new homes in a sustainable location within an existing residential area and potentially a quantum of affordable homes which would be provided in the context of very significant housing need, resulting from the increased dwelling numbers required in the standard method. The

implications for development on this Green Wedge must also be afforded considerable weight in the planning balance. The function and character of the Wedge in this location has been considered and the proposed development in this western edge of the Wedge, where it is narrow and adjoins the existing residential area, would not undermine one of the main purposes of the Green Wedge in this location, which is to penetrate the open countryside into the urban area. Regard must also be had for the conclusions drawn regarding the Lees Brook Green Wedge both in the adopted Local Plan and Green Wedge Review, which conclude that the de-allocation of the Lees Brook Wedge would be appropriate should the housing allocation at the nearby Brook Farm site be delivered. Given the policy context, the proposal is very finely balanced and it is considered that whilst the principle of the residential development of this site, within the Green Wedge, is contrary to policy, that taking account of the 'tilted balance', the adverse impacts on the Green Wedge in this particular instance do not significantly and demonstrably outweigh the benefits of the scheme and that in term of its impacts on the local highway network, biodiversity and trees, site contamination and residential and visual amenity the scheme is acceptable.

8.3. Conditions:

General Conditions

1. Standard condition (outline permission time limit)

Reason: Time limit reason

2. Standard condition (reserved matters)

Reason: To accord with relevant legislation

Pre-Commencement Conditions

3. Detailed Suds drainage strategy to be submitted and agreed

Reason: To minimise flood risk and provide satisfactory drainage solution

4. Phase II site contamination assessment to be submitted and agreed. Where significant contamination is found a remediation strategy shall be submitted and implemented.

Reason: To minimise risks to human health.

5. Arboricultural impact assessment and Method Statement to be submitted and agreed with reserved matters.

Reason: To protect trees on and adjacent to the site

6. Assessment of biodiversity impacts and mitigation to be submitted as part of a landscaping scheme to be submitted and agreed with reserved matters.

Reason: To ensure a landscaping and habitat creation scheme are delivered with no net loss of biodiversity.

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)

Pre- Occupation Conditions

7. Remediation strategy to be implemented in full and Validation report be submitted and agreed.

Reason: To minimise risks to human health

8. Construction details for internal road layout approved and at the adjoining public highway to be submitted and agreed.

Reason: In interests of highway safety.

9. Comprehensive noise assessment to be submitted and agreed and any mitigation scheme agreed and implemented before occupation.

Reason: To protect residential amenity from excessive noise impacts.

8.1. Informative Notes:

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

8.2. S106 requirements where appropriate:

- 30% affordable housing provision
- Amenity green space, with future maintenance
- Sustainable transport contribution

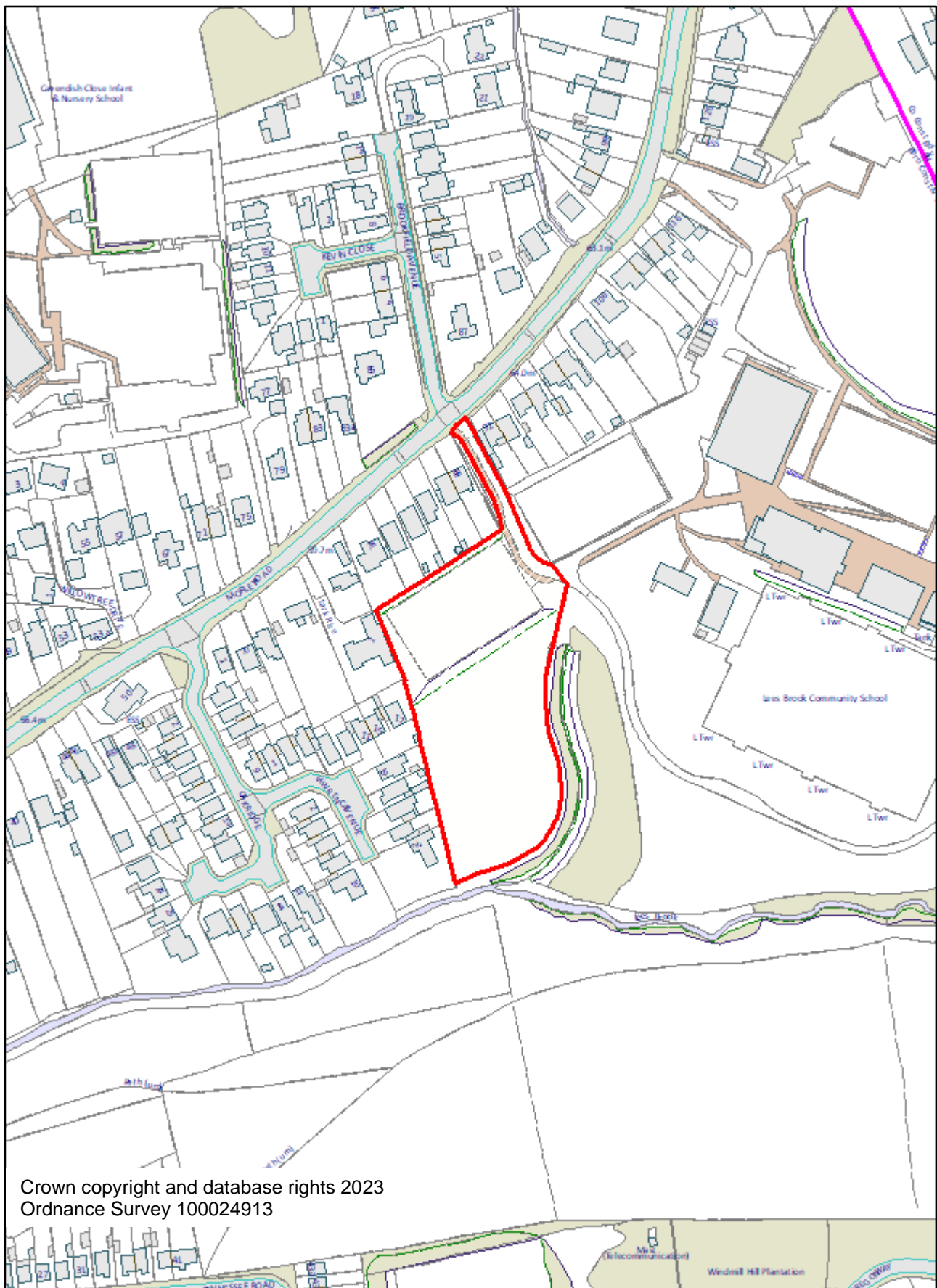
8.3. Application timescale:

The 13 week target has expired and there is an agreed extension of time for the decision until 15 October 2023.

Committee Report Item No: 7.4

Application No: 23/00755/OUT

Type: Outline (with access)



**Delegated decisions made between
01/08/2023 and 31/08/2023**

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00958/ADV	Advertisement Consent	471 - 473 Burton Road Derby DE23 6FQ	Display of various Illuminated signage	Finally disposed of	01/08/2023
21/00978/FUL	Local Council Own Development Reg 3	Wren Park Primary School Jackson Avenue Derby DE3 9AY	Re-roofing and high level window replacement	Finally disposed of	01/08/2023
21/01919/FUL	Full Application	1 North Parade Derby DE1 3AY	Installation of iron railings and gate on front boundary	Approval	07/08/2023
21/01920/LBC	Listed Building Consent	1 North Parade Derby DE1 3AY	Installation of iron railings and gate on front boundary	Approval	08/08/2023
21/02049/OUT	Outline Application	Land To The Rear Of 2-4 Lonsdale Place Derby DE22 3NQ (Access Via Hoult Street)	Residential development - two dwellings (Use Class C3)	Approval	07/08/2023
22/00742/FUL	Full Application	10 West Close Derby DE22 2BT	Two storey side and single storey rear extensions to dwelling house (sitting room, kitchen, study, garden room, two bedrooms and en-suite)	Approval	11/08/2023
22/00785/FUL	Full Application	27 Wardwick Derby DE1 1HA	Single storey side/rear extension to drinking establishment	Finally disposed of	01/08/2023
22/00989/FUL	Full Application	84 - 88 Wiltshire Road Derby DE21 6EZ	Change of use of first floor from offices to eleven apartments (Use Class C3) including installation of new windows, doors and balconies	Approval	14/08/2023

22/01006/LBA	Listed Building Consent-Alterations/Demo	27 Wardwick Derby DE1 1HA	Single storey side/rear extension and alterations including removal of two walls	Finally disposed of	01/08/2023
22/01299/FUL	Full Application	62 Bethulie Road Derby DE23 8UT	Two storey side and rear and single storey rear extensions to dwelling house (wet room, kitchen/dining area, bathroom and two bedrooms)	Approval	25/08/2023
22/01433/FUL	Full Application	Car Park Middleton Avenue Derby DE23 6DN	Erection of a three storey building comprising of five retails units (Use Class E) and eight apartments (Use Class C3)	Refused	10/08/2023
22/01458/FUL	Full Application	3 Askerfield Avenue Derby DE22 2ST	Two storey side and rear and single storey rear extensions to dwelling house (study, W.C., utility, play room, landing, bedroom and enlargement of kitchen/dining area, bedroom and bathroom) with rooms in the roof space (bedroom and en-suite)	Approval	07/08/2023
22/01748/FUL	Full Application	50 - 51 Friar Gate Derby DE1 1DF	Change of use of upper floors to form two apartments (Use Class C3)	Approval	08/08/2023
22/01749/LBA	Listed Building Consent-Alterations/Demo	50 - 51 Friar Gate Derby DE1 1DF	Internal alterations to create reconfigured residential floorspace	Approval	08/08/2023
22/01809/FUL	Full Application	Eagle Market, Morledge And Castle And Falcon PH East Street Derby	Part demolition of existing Eagle Market building and full demolition of public house, allowing for change of use of the retained part of the Eagle Market from Retail (Class E) to indoor go-karting, drinking establishment, family entertainment, amusement centre (Use Class E/ Sui Generis). Installation of a new building façade alongside associated access, parking, servicing area and landscaping.	Approval	01/08/2023
22/01842/FUL	Full Application	Humbleton Barn Radbourn Lane Derby DE22 4LX	Extension and conversion of stable buildings to form ancillary residential accommodation with associated boundary treatments	Refused	07/08/2023

22/01874/FUL	Full Application	133 Greenwich Drive South Derby DE22 4AH	Raising of the roof height and installation of a dormer to the rear elevation to form rooms in the roof space (bedroom, en-suite and storage)	Application Withdrawn	30/08/2023
22/01907/FUL	Full Application	15 Smalley Drive Derby DE21 2SF	Two storey front extension to dwelling house (enlargement of lounge and bedroom)	Approval	29/08/2023
22/01909/VAR	Variation of Condition	Progressive Buildings 25 - 33 Babington Lane Derby DE1 1SX	Partial demolition of ground floor level. Extensions to the ground and upper floors, conversion and change of use to create 108 apartments for student accommodation, including an ancillary gym located at basement level and a ground floor retail unit (Use Class E) - Removal of condition 3 (drainage) of previously approved planning permission Code No. 20/01413/FUL	Refused	21/08/2023
23/00001/FUL	Full Application	17 Chain Lane Derby DE3 9AJ	Two storey side/rear extensions to dwelling house, replacement of front bay window and installation of a canopy	Approval	11/08/2023
23/00004/FUL	Full Application	Five Lamps Dental Practice 26 Duffield Road Derby DE1 3BH	Change of use from dental practice (Use Class E) to House in Multiple Occupation (Use Class C4) including first and second floor rear extensions, rear dormer, alterations to windows, installation of roof lights.	Approval	29/08/2023
23/00193/FUL	Full Application	Derbyshire Tennis Centre Ashe Place Derby DE23 8BF	Alterations to existing outdoor tennis court to create a 'Padel' tennis court including weld mesh fencing and surfacing and installation of flood lighting.	Approval	25/08/2023
23/00239/FUL	Full Application	609 Burton Road Derby DE23 6EJ	Single storey side/rear extension to dwelling house (indoor pool and enlargement of lounge)- retrospective application	Approval	25/08/2023
23/00268/FUL	Full Application	603 London Road Derby DE24 8UQ	Change of use from retail unit with flats above (Use Classes E and C3) into four flats in multiple occupation (Sui Generis) (20 rooms)	Approval	14/08/2023
23/00282/FUL	Local Council Own	Agricultural Land South Of Wilmore	Creation of a new channel to divert Cuttle	Approval	18/08/2023

	Development Reg 3	Road And West Of Infinity Park Way Derby	Brook (a main river) and modifications to Meadow Drain (an ordinary watercourse) including biodiversity enhancements, and infilling a section of Cuttle Brook that will be unused		
23/00431/FUL	Full Application	21 Crich Avenue Derby DE23 6ET	First floor side extension and single storey rear and extensions to dwelling house (bedroom and enlargement of kitchen/lounge with lantern) and formation of room in the roofspace (bedroom)	Approval	08/08/2023
23/00472/PNRIA	Prior Approval - Commercial to Resi	14 Bainbrigge Street Derby DE23 6SX	Change of use from retail (Use Class E) to one dwelling house (Use Class C3)	Approval	07/08/2023
23/00509/FUL	Full Application	130 Boulton Lane Derby DE24 0FG	Two storey side and single storey rear extensions to dwelling house (porch, passageway, garage, kitchen, two bedrooms and annexe accommodation). Erection of boundary wall and gates	Refused	09/08/2023
23/00518/FUL	Local Council Own Development Reg 3	Meadow Farm Community Primary School Foyle Avenue Derby DE21 6TZ	Installation of replacement high level windows to the School hall	Approval	29/08/2023
23/00543/FUL	Full Application	Coleridge House 234 Caxton Street Derby DE23 1RJ	Erection of a boundary fence - retrospective application	Approval	17/08/2023
23/00578/FUL	Full Application	68 Brisbane Road Derby DE3 9JY	Two storey side and two storey and single storey rear extensions to dwelling house (hall, bedroom, wet room, laundry, two bedrooms, two en-suites and enlargement of kitchen and lounge/dining area)	Approval	25/08/2023
23/00590/FUL	Full Application	Service Station Traffic Street Derby DE1 2NL	Demolition of car wash and plant room. Erection of EV chargers, canopy, two jet wash bays, sub-station enclosure and associated forecourt works	Approval	07/08/2023

23/00601/FUL	Full Application	59 Gilbert Street Derby DE24 0LE	Roof alterations and side extensions to dwelling (study, kitchen, bedroom and en-suite)	Approval	31/08/2023
23/00607/PNRT	Prior Approval - Telecommunications	Highway Verge Parkway Derby (adjacent To Thurstone Furlong)	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	07/08/2023
23/00611/TPO	Works to a tree with a TPO	21 Tregaron Close Derby DE21 2TE	Removal of lowest limb and deadwood together with crown reduction by 2-3 metres and reduction by 3-4 metres adjacent to neighbours property of Oak Tree. Protected by Tree Preservation Order No. 31	Approval	29/08/2023
23/00649/RES	Reserved Matters	Former Celanese Site 1 Holme Lane Derby DE21 7BS	Reserved matters approval for Phase 4, Plot 5, relating to outline planning permission reference: Code No. 23/00148/VAR, for the construction of food manufacturing and technology centre (Use Class B2, B8 and associated Class E and F1 and ancillary uses), together with access roads, car parking, landscaping, drainage works and all associated works.	Approval	21/08/2023
23/00661/FUL	Full Application	131 Bower Street Derby DE24 8RS	Erection of two storey building with rooms in the roof space to create three residential units (Use Class C3)	Refused	17/08/2023
23/00672/VAR	Variation of Condition	143 Pastures Hill Derby DE23 4AZ	Front, side and rear extensions to dwelling house. Variation of conditions 2 and 4 on previously approved application 21/01451/FUL to alter the appearance of the dwelling	Approval	07/08/2023
23/00680/RES	Reserved Matters	St Modwen Park Andressey Way Derby DE21 6YH	Reserved Matters application pursuant to outline planning permission Code ref. 22/01899/VAR providing details of scale, layout, appearance and landscaping in respect of Phase 5 - Erection of one commercial unit within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure	Approval	08/08/2023

23/00689/FUL	Full Application	64 Pastures Hill Derby DE23 4BA	Front, side and rear extensions to dwelling house with rooms in the roof space and erection of an outbuilding (living space and store)	Refused	07/08/2023
23/00708/FUL	Full Application	3 Bromley Street Derby DE22 1HL	Change of use of ground floor from retail (Use Class E) to a small house in multiple occupation (Use Class C4) together with a single storey side/rear extension and installation of a bay window to the front elevation	Application Withdrawn	15/08/2023
23/00711/ADV	Advertisement Consent	Road Traffic Island, Mansfield Road (Junction With Bishops Drive/Hilltop) Derby	Display of four non illuminated post signs	Approval	02/08/2023
23/00712/ADV	Advertisement Consent	Road Traffic Island Osmaston Road (Junction Of Lara Croft Way / Bradshaw Way) Derby	Display of four non illuminated post signs	Approval	02/08/2023
23/00724/FUL	Full Application	396B Duffield Road Derby DE22 1ES	Erection of an outbuilding (garden room/shelter)	Approval	02/08/2023
23/00731/FUL	Full Application	3 Wyndham Street Derby DE24 0EP	Single storey rear extension to dwelling house (kitchen)	Approval	07/08/2023
23/00735/DISC	Compliance/Discharge of Condition	Land Adjacent To Field Lane Alvaston Derby DE24 0GW	Erection of a school with nursery provision (Use Class D1) - Discharge of conditions 10 (landscaping) and 13 (cycle parking) of planning permission 20/00215/FUL	Approval	29/08/2023
23/00742/LBA	Listed Building Consent-Alterations/Demo	Museum And Art Gallery The Strand Derby DE1 1BS	Alterations and repair works to spire and replacement/reinstallation of timber boarding behind lead cladding	Approval	10/08/2023
23/00743/NONM	Non-Material Amendment	7 Hill Top And Land At The Rear Of 7-12 Hill Top Derby	Demolition of Outbuildings. Erection of six bungalows (Use Class C3) and all associated ground works - Non-material amendment to	Approval	11/08/2023

		DE21 4FW	previously approved planning permission 20/00658/FUL to amend the approved floor plans		
23/00762/FUL	Full Application	42 Lawn Heads Avenue Derby DE23 6DQ	Two storey side and rear and single storey rear extensions to dwelling house (office, shower room, utility, kitchen/dining area, lounge, two bedrooms and en-suite)	Approval	31/08/2023
23/00788/FUL	Full Application	234B Uttoxeter New Road Derby DE22 3JD	Change of use from sandwich bar (Use Class E) to mixed use retail/restaurant/cafe (Use Class E) and hot food takeaway (Sui Generis)	Approval	07/08/2023
23/00793/OUT	Outline Application	18 Station Road Mickleover Derby DE3 9GH (access Off Hilton Close)	Residential development - one dwelling (Use Class C3)	Refused	02/08/2023
23/00796/TPO	Works to a tree with a TPO	St Georges House 14 St Georges Close Derby DE22 1JH	Various works to trees protected by Tree Preservation Order no's 236 and 288	Approval	07/08/2023
23/00799/FUL	Full Application	25 Winchester Crescent Derby DE21 4EN	Two storey side extension to dwelling house (bedroom, bathroom and enlargement of kitchen/dining area)	Refused	02/08/2023
23/00804/TPO	Works to a tree with a TPO	174 Duffield Road Derby DE22 1BH	Crown lift to give 5.2m clearance from ground level (roadside only), cutting back of branches to give 1.5m clearance of the lighting column and removal of deadwood of a Horse Chestnut tree protected by Tree Preservation Order no. 408	Approval	07/08/2023
23/00810/TPO	Works to a tree with a TPO	Burley Lodge Burley Hill Derby DE22 2ET	Crown lift to give two metres clearance of the dwelling of a group of Holly and Yew trees protected by Tree Preservation Order no. 235	Approval	07/08/2023
23/00811/FUL	Full Application	1 Shardlow Road Derby	Erection of an outbuilding (car shelter) - retrospective application	Approval	29/08/2023

DE24 0JG

23/00818/TPO	Works to a tree with a TPO	13 Kings Croft Derby DE22 2FP	Crown reduction by three metres in height and one metre lateral spread of a Willow tree protected by Tree Preservation Order no. 471- reduction to be maintained for a period of ten years	Approval	07/08/2023
23/00819/VAR	Variation of Condition	16 Pastures Avenue Derby DE23 4BE	Change of use from dwelling house (Use Class C3) to supported living accommodation for up to five individuals (Sui Generis) with associated internal and external alterations, landscaping and servicing. Part Retrospective. - Removal of condition 5 of previously approved planning permission 21/00553/FUL to allow the building to be used by any care provider	Approval	07/08/2023
23/00820/CLE	Lawful Development Certificate -Existing	9 Richardson Street Derby DE22 3GR	Use of the dwelling house for supported living for two young people and associated staff (Use Class C3)	Approval	16/08/2023
23/00833/FUL	Full Application	7 Derwent Avenue Derby DE22 2DP	First floor side extension to dwelling house (two bedrooms and en-suite)	Approval	07/08/2023
23/00840/FUL	Full Application	10 Broadway Park Close Derby DE22 1BU	Single storey rear extension to dwelling house (kitchen/living/dining space)	Approval	07/08/2023
23/00842/TPO	Works to a tree with a TPO	New Oakwood Lodge Morley Road Derby DE21 4TB (Trees Adjacent To 10 Clipstone Gardens)	Cutting back of a group of trees to maintain them level with the fence line and 5m from ground level and crown reduction by 2.5m and crown lift by 5m of a Cherry tree protected by Tree Preservation Order no 225 - all works to be maintained for a period of ten years	Approval	09/08/2023
23/00843/FUL	Full Application	23 Calvin Close Derby DE24 0HX	Single storey rear extension to dwelling (lounge, kitchen and bathroom)	Approval	07/08/2023
23/00845/TPO	Works to a tree with a TPO	12 St Georges Close	Reduction of four Lime trees and crown	Approval	11/08/2023

		Derby DE22 1JH	reduction by 2m of a Sweet Chestnut tree protected by Tree Preservation Order no's. 236 and 288		
23/00848/ADV	Advertisement Consent	Highway Verge The Spot Osmaston Road Derby DE1 2JA (adjacent To 9 And 10 The Spot)	Display of one internally illuminated double sided digital display screen	Application Withdrawn	22/08/2023
23/00851/CLP	Lawful Development Certificate -Proposed	45 Harcourt Street Derby DE1 1PW	Single storey side extension to dwelling house	Approval	09/08/2023
23/00860/FUL	Full Application	61 Matthew Street Derby DE24 0ES (access Off Anthony Drive)	Alterations and change of use of domestic garage to a dwelling (Use Class C3) - retrospective application	Approval	17/08/2023
23/00861/TPO	Works to a tree with a TPO	11 Courtland Gardens Derby DE24 0LJ	Crown thin by 20%, crown lift by 3m and removal of epicormic growth and dead wood of two Lime trees protected By Tree Preservation Order No 282	Approval	11/08/2023
23/00866/FUL	Full Application	Land At The Rear Of 1 Ash Close Derby DE22 2JF (access Off Lockwood Road)	Erection of a dwelling house (Use Class C3)	Refused	14/08/2023
23/00877/FUL	Full Application	4 Spencer Street Derby DE24 8RW	Single storey front and rear extensions to dwelling house (porch, shower room and kitchen)	Approval	21/08/2023
23/00878/FUL	Full Application	10 Talgarth Close Derby DE21 2RX	Single storey side extension to dwelling house (workshop)	Approval	16/08/2023
23/00881/FUL	Full Application	3 Mill Hill Road Derby DE23 6SF	Demolition of existing single storey rear projection. Single storey rear extension to dwelling house (kitchen/dining area)	Approval	16/08/2023
23/00884/FUL	Full Application	3 Homerton Vale	Single storey rear extension to dwelling house	Approval	31/08/2023

		Derby DE3 9DN			
23/00885/FUL	Full Application	1 North Close Derby DE3 9JA	Single storey rear extension to dwelling house (family Room, utility room and bathroom)	Approval	25/08/2023
23/00891/PNRH	Prior Approval - Householder	63 Merchant Avenue Derby DE21 7NB	Single storey rear extension (projecting beyond the rear wall of the original house by 5.0m, maximum height 2.79m, height to eaves 2.31m) to dwelling house	Prior Approval Not Required	07/08/2023
23/00893/CAT	Works to Trees in a Conservation Area	59 Belper Road Derby DE1 3EP	Reduction of lateral spread by up to 2-3m of a Cedar tree within the Strutts Park Conservation Area	Raise No Objection	07/08/2023
23/00895/FUL	Full Application	Ground Floor Victoria Chambers 30 - 32 St Peters Churchyard Derby DE1 1NN	Change of use of part of ground floor from a barbers (Use Class E) to one flat (Use Class C3)	Refused	25/08/2023
23/00897/VAR	Variation of Condition	21 Alice Street Derby DE1 2BY	Conversion of existing workshop and storage building into workshops, offices and stores. Demolition of storage building to east of site and construction of a parking courtyard - Variation of condition 2 of previously approved planning permission 22/00294/FUL to amend the windows and doors	Approval	18/08/2023
23/00901/FUL	Full Application	5 Woodlands Lane Derby DE73 6UP	Erection of detached garage	Approval	07/08/2023
23/00902/TPO	Works to a tree with a TPO	2 Ferrers Way Derby DE22 2AA	Various works to trees protected by Tree Preservation Order No 450	Approval	18/08/2023
23/00906/FUL	Full Application	7 Radcliffe Drive Derby DE22 3LB	Two storey side and rear extensions (covered way, kitchen/dining room, bedroom and bathroom)	Approval	07/08/2023
23/00908/FUL	Full Application	5 Maple Avenue	Single storey rear extension (lounge, kitchen	Approval	29/08/2023

		Derby DE23 1QB	and bedroom)		
23/00910/FUL	Full Application	143 Normanton Lane Derby DE23 6LF	Single storey front, two storey side and two and single storey rear extensions to dwelling house (enlargement of lobby, kitchen/diner and lounge, bedroom, two bathrooms, utility and enlargement of two bedrooms)	Approval	25/08/2023
23/00911/FUL	Full Application	52 Station Road Mickleover Derby DE3 9GJ	First floor rear extension to dwelling house (bedroom and en-suite) (Amendements to previously refused application)	Approval	25/08/2023
23/00921/FUL	Full Application	54 Repton Avenue Derby DE23 6JP	Two storey side and rear extensions to dwelling house (office, utility, dining room, two bedrooms and en-suite)	Refused	09/08/2023
23/00922/FUL	Full Application	18 Dalkeith Avenue Derby DE24 0BG	Single storey front extension to dwelling house (porch and bedroom/study)	Approval	31/08/2023
23/00925/CAT	Works to Trees in a Conservation Area	33 Park Road Spondon Derby DE21 7LN	Reduction of a Copper Beech tree to give 1-2m clearance from the house and crown reduction by 2-3m of a Norway Maple tree within the Spondon Conservation Area	Raise No Objection	16/08/2023
23/00927/FUL	Full Application	83 Shardlow Road Derby DE24 0JP	Two storey side and single storey front and rear extensions to dwelling house (garage, kitchen/dining area, bedroom, en-suite and enlargement of hall)	Approval	31/08/2023
23/00936/FUL	Full Application	170 Blenheim Drive Derby DE22 2GN	Single storey front and rear extensions to dwelling (hall, cloaks, utility, kitchen/dining/sitting area) and installation of a dormer to the rear elevation and cladding to the front elevation dormers	Approval	25/08/2023
23/00939/FUL	Full Application	41 Church Street Littleover Derby DE23 6GF	Roof alterations to include installation of a rear dormer and a new second floor side elevation window to form rooms in the roof space (bedroom and en-suite) and formation of a raised patio area to the rear elevation	Approval	30/08/2023

23/00940/PNRH	Prior Approval - Householder	13 Findern Street Derby DE22 3DX	Single storey rear extensions (projecting beyond the rear wall of the original house by 6m and 5.55m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	07/08/2023
23/00956/FUL	Full Application	47 Pulborough Gardens Derby DE23 3UE	Two storey and single storey side extensions to dwelling house (living space, play room/office, bedroom, bathroom and en-suite)	Approval	31/08/2023
23/00957/PNRH	Prior Approval - Householder	196 Village Street Derby DE23 8DE	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.55m, height to eaves 2.45m) to dwelling house	Prior Approval Not Required	07/08/2023
23/00958/CAT	Works to Trees in a Conservation Area	128 Green Lane Derby DE1 1RY	Cutting back of branches to give 1.5m clearance of the neighbouring Church building of a Lime tree within the Green Lane and St Peter's Conservation Area	Raise No Objection	16/08/2023
23/00960/CLP	Lawful Development Certificate -Proposed	43 Moorway Lane Derby DE23 2FR	Use of dwelling to a care home to care for up to 2 children	Approval	25/08/2023
23/00965/FUL	Full Application	224 Crewe Street Derby DE23 8QR	Erection of garden annex (lounge, bedroom and bathroom)	Approval	31/08/2023
23/00971/NONM	Non-Material Amendment	10 Churchdown Close Derby DE21 2ET	Single storey extensions to dwelling house (entrance hall and utility room), alterations to existing garage to include replacement roof and installation of timber cladding to form living space - Non-material amendment to previously approved planning permission 21/01684/FUL to remove two rooflights, porch and cedar cladding from the proposal	Approval	07/08/2023
23/00978/CLP	Lawful Development Certificate -Proposed	14 Max Road Derby DE21 4GX	Installation of external wall insulation with a render finish to the front, side and rear elevations	Refused	25/08/2023
23/00980/TPO	Works to a tree with a TPO	Land At Spindletree Drive Derby	Crown reduction by 2m and cutting back of branches of an Oak tree protected by Tree	Application Withdrawn	14/08/2023

		(Tree At The Rear Of 2 Fieldgate Drive)	Preservation Order No 24		
23/00981/CAT	Works to Trees in a Conservation Area	4A Siddals Lane Derby DE22 2DY	Height reduction of up to two metres and cutting back of lateral branches by up to two metres of a Eucalyptus tree within Allestree Conservation Area	Raise No Objection	09/08/2023
23/00989/CAT	Works to Trees in a Conservation Area	Strathaven 20 Kedleston Road Derby DE22 1GU	Various works to trees within the Strutts Park Conservation Area	Raise No Objection	11/08/2023
23/00994/FUL	Full Application	9 Overdale Road Derby DE23 6AU	Single storey rear extension to dwelling house (shower room)	Approval	31/08/2023
23/00996/FUL	Full Application	25 Princes Drive Derby DE23 6DX	Single storey side extension to dwelling house (utility and shower rooms)	Approval	31/08/2023
23/00998/DEM	Demolition - Prior Notification	Network House Nuns Street Derby DE1 3LS	Demolition of a two storey building	Approval	17/08/2023
23/01057/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby	Non-material amendment to previously approved planning permission 22/01150/RES (Reserved Matters application pursuant to outline planning permission Code ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in respect of Phase 4 - Erection of three commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure) - to change the external cladding materials for Units D032 and D061	Approval	18/08/2023

