

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	18/05/2021
Other(s)	Ian Woodhead	18/05/2021

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

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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 32	20/00937/FUL	Land At Rykneld Road Derby	Erection of a 66 No. Bed Care home for elderly people with associated parking, access and landscaping.	<p>A. To authorise the Director of Planning, Transportation and Engineering 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.</p> <p>B. To authorise the Director of Planning, Transportation and Engineering to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	33 - 67	20/01247/FUL	Vacant Land Uttoxeter New Road/Talbot Street, Derby (Access Off Uttoxeter New Road)	Erection of Foodstore (Use Class E) with access, car parking, landscaping and associated works	<p>A. To authorise the Director of Planning, Transportation and Engineering 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.</p> <p>B. To authorise the Director of Planning, Transportation and Engineering to grant permission upon conclusion of the above Section 106 Agreement.</p>
3	68 - 76	21/00154/FUL	46 Quarn Drive, Allestree	Retention of change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E)	To grant planning permission with conditions.
4	77 - 83	21/00305/FUL	26 Arthur Street, Derby	Single storey side/rear extension to dwelling house (living space), timber replacement door and windows.	To grant planning permission with conditions.

Committee Report Item No: 1

Application No: 20/00937/FUL

Type: Full Application

1. Application Details

1.1. Address: Land at Rykneld Road, Littleover

1.2. Ward: Littleover

1.3. Proposal: Erection of a 66 No. Bed Care home for elderly people with associated parking, access and landscaping.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00937/FUL>

Site and Surroundings

The application site covers approximately 0.7 hectares of land situated on the eastern side of Rykneld Road to the south of the roundabout with Hollybrook Way. It lies on the south-western fringes of the City, within the suburb of Littleover. The site is comprised of a roughly square-shaped piece of undeveloped agricultural grassland which is bounded by hedgerows and trees to three sides. Two Oak trees located on the site itself and two Oak trees overhanging the site boundaries are subject to a Tree Preservation Order (TPO No's 35 and 516). There is a gentle fall in land levels across the site from south-west to north-east.

The land situated directly to the north-east of the application site has recently been granted planning permission for the erection of a retail foodstore (to be occupied by Aldi stores) under application ref: 20/00741/FUL. The approved scheme also includes the creation of new vehicle access and service road from Rykneld Road. The development has yet to be implemented, although some hedgerow removal works have been undertaken to facilitate the new access point. Further to the north-east lies Heatherton Neighbourhood Centre shopping centre and the wider Heatherton housing estate. The remaining land to the east of the site is comprised of undeveloped agricultural land.

To the south/south-west the application site abuts the garden areas serving residential properties at No's 178 and 180 Rykneld Road. These houses are modern detached three-storey properties. No 180 Rykneld Road is set in a backland position relative to its neighbour. The properties are set at a slightly higher level (approx.0.7m) compared to the application site. The wider development along the western side of Rykneld Road is comprised of a mixture of detached and semi-detached dwellings. Houses are arranged in a linear form along the route of the highway extending out towards its junction with the A38 trunk road.

Planning Context

The application site falls within an area of land covered by Policy AC20 of the Derby City Local Plan – Part 1 (DCLP1). The wider site, which extends to approx. 33.3 hectares of land on both the eastern and western side of Rykneld Road, including the application site, is identified for a large-scale, mixed-use development. The Policy allocates the area for the delivery of a minimum of 900 homes plus supporting infrastructure, including a new primary school, an extension of the neighbourhood centre at Heatherton, 2.4ha of employment land, as well as specific transport mitigation measures. The site was originally covered by Policy H9 of the adopted City

of Derby Local Plan Review (CDLPR). This allocation was rolled forward into the new DCLP1 Policy AC20.

A Supplementary Planning Document (SPD) to guide the development of this area was published in 2008, supporting the provisions of CDLPR Policy H9. As Policy AC20 largely carries forward the provisions of H9, the SPD remains a material consideration, although it is acknowledged that the weight that can be attributed to it has reduced. Planning Control Committee resolved to grant an outline planning application for part of the allocated area in 2013. The application included provision of 800 homes, business units, community facilities, commercial uses (including A1) and a new Primary School. The application remains undetermined, as the S106 agreement has not been progressed by the applicant.

The Proposal

The application seeks full planning permission for the erection of care home with associated access, car parking and landscaping. The submission states that the proposed development would be a purpose-built residential care facility for older people. The scheme has been developed in a configuration which enables the facility to provide for two types of care – general residential and residential dementia, and its plan layout and internal arrangement allows the home to be split into the separate care requirements.

The proposed care home development would provide 66 bedrooms in total with associated communal and service areas, including a small ancillary café and cinema. The building would be two-storeys in overall height measuring approx. 9.5m to highest part of the ridge and approx. 5.2m to eaves height. The proposed care home would have an H-shaped footprint (approx. 55m by 41m in floor area) with a central hub area provide lounge and dining facilities, from which four bedroom wings would extend. It would be set approx. 16m back from the site frontage within a landscaped area providing secure garden areas for residents.

The main vehicle entrance into the site would be provided from Rykneld Road via a new access and service road (as approved under planning application reference 20/00741/FUL), which would be shared with the retail development to the north. The submitted plans indicate that the service road would end in a turning head to the east of the site. The care home would be served by a car parking area and ambulance/drop off area located adjacent to the north-eastern elevation of the building.

The application is accompanied by the following documents:

- A Planning Statement,
- A Design and Access Statement
- A Transport Statement and Travel Plan
- A Phase 2 Environmental Assessment,
- A Preliminary Ecological Appraisal
- A Sustainability and Energy Statement
- A Sustainable Drainage Statement

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Type: Full Application

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- An Arboricultural Report
 - A Biodiversity Net Gain Assessment

2. Relevant Planning History:

Application No:	20/00741/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	19/02/2021
Description:	Erection of a retail unit (Use Class A1) with new access and car Parking		
Application No:	19/01265/FUL	Type:	Full Application
Decision:	Refused	Date:	26/11/2019
Description:	Erection of a retail unit (Use Class A1) with new access and car parking		
Application No:	01/11/00023	Type:	Outline Planning Application
Decision:	Awaiting decision following committee resolution to grant planning permission	Date:	
Description:	Residential development (up to 800 dwellings), business units (Use Class B1), retail foodstore (Use Class A1), community facilities (Use Classes D1 and D2), commercial uses (Use Classes A1, A2, A3, A4 and A5), primary school (Use Class D1) and formation of vehicular accesses to Rykneld Road and Hollybrook Way		

3. Publicity:

Neighbour Notification Letter - two

Site Notice – yes

Statutory Press Advert – yes

Discretionary Press Advert

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

4. Representations:

It total 16 objections have been received to the proposed development. The issues raised are summarised below -

- Highway safety concerns in respect of the access from Rykneld Road
- The development should be accessed from Hollybrook Way
- The proposals aren't part of a cohesive development
- Increased traffic/congestion
- Increased pollution and noise

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- Lack of car parking
 - Loss of green environment – trees, hedgerows etc.
 - Impact on protected trees
 - Concerns about the design/visual appearance of the care home
 - Impact on neighbour amenity – overlooking, proximity to nearby homes, lighting
 - Concerns about anti-social behaviour associated with the proposed pathway
 - Concerns about level changes required on the site

5. Consultations:

5.1. Highways Development Control:

Introduction

This application are for a C2 development, purpose-built, two-storey, 66 bed residential care facility for older people. The development requires access for ambulance, occasional resident drop off and provision for general and disabled parking. Vehicular access is proposed via a new access road to be formed from Rykneld Road. This access road was recently granted planning permission as part of a separate planning application for an Aldi foodstore (20/00741/FUL).

The application area is part of a much larger development allocation as defined by Policy AC20 in the Derby Local Plan (part1). AC20 says the following, albeit this refers to the whole of the allocation.

The Council will require:

- e) measures to encourage alternative forms of transport to the car
- (f) high quality pedestrian and cycle routes within the site and links between these and existing or proposed routes beyond the site
- (g) the provision of two access points to each part of the site and on-site and off-site road and junction improvements, including improvements to the A38 / A50 junction prior to the occupation of the 500th dwelling and improvements to the Chain Lane / Burton Road / Pastures Hill / Hillsway junction prior to the occupation of the 300th dwelling.

National Planning Policy Framework (NPPF) 2018

NPPF and sets out the criteria against which the highway impact of the proposed development should tested. It is important that this is the criteria used as the Secretary of State will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 108 of the NPPF (2018) says:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;***
- b) safe and suitable access to the site can be achieved for all users; and***

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, also:

Paragraph 111 says:

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Considering the above criteria I make the following comments:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

The NPPF presumes in favour of sustainable development and consequently is seeking to influence developers to put in place measures to provide opportunity and encouragement for future residents to choose to travel by non-car modes, wherever this is realistic and feasible.

Public Transport - The site is served well by public transport with bus stops on Rykneld Road 100 metres from the development's entrance.

- The V3 bus operates on an hourly basis between Derby City Centre and Burton on Trent.
- 234 operates twice a day (7.30 and 15.10) between Royal Derby, Mickleover, Heatherton and Normanton.
- The Harlequin operates every 20 minutes between Heatherton, Littleover and Derby city centre.

It should be noted that none of the above services operate on a Sunday.

Cycling - Cycling is one of the most sustainable forms of transport, and increasing its use has great potential. To release this potential, highways, public spaces and other rights-of-way need to be organised accordingly.

Mickleover, Littleover and the area south of the Outer Ring Road between the A38 and Stenson Road is within a 3km (11 minute cycle time based on average speed of 10mph) of the site. There is a lack of dedicated cycle linkages to the City Centre on Rykneld Road, but there is a network of east to west routes, including the Orbital Cycle Route 66, and off road routes though the existing housing to the east that link to Moorway Lane and the Secondary School.

The Rykneld Road Housing Development SPD Masterplan, identifies the alignment of a shared pedestrian cycle footway to link the western and eastern side of what is now defined by Policy AC20 in the Derby Local Plan (Part1). The submission of individual applications within AC20, rather than a comprehensive outline application for the whole of AC20, is making it difficult to plan a deliverable shared pedestrian cycle route because there is no certainty about the layout of future developments within AC20 or the land use. However, the developer has agreed to set aside land to provide a shared footway/cycleway link. This alignment is shown in **Figure 1** and will be conditioned.



Figure 1. Location of Pedestrian Cycle Link, Shown in Orange.

Walking – By the very nature of walking, this mode of travel is used for short journeys i.e. to school, to the local shops and for leisure etc. The Manual for Streets (DfT, 2007) promoted the concept of walkable neighbourhoods and these are typically characterised by having a range of facilities within 10 minutes' walking distance (about 800m) of residential areas. However, 800 metres should not be taken as an upper limit and average walking distances for education, commuting and personal business can be longer.

On average a person walks around 1.4 metres per second. On this basis a 20 minute walk distance is around 1.7 kilometres or 1 mile. Presently, this means that approximately the area as far as the Hollow, Moorway Lane the outskirts of south Mickleover are approximately 2 kilometres from the development.

Footway facilities are present in the immediate area, along both sides of Rykneld Road, the footways extend the full length of Rykneld Road on the western side and to the north of Rykneld way on the eastern side. For the employees and residents, the shops and services located on Hollybrook Way are around 350 metres from the development.

Travel Plan - As part of the Transport Statement the developer has also submitted a Travel Plan for consideration. The Travel Plan is a good basis on which to promote sustainable travel. Key measures agreed as part of the travel plan are:

- the appointment of a Travel Plan Coordinator (TPC) to oversee the Travel Plan;
- the Travel Plan objectives are to be shared with visitors and staff;
- travel packs containing travel information to encourage sustainable modes of transport are to be distributed to visitors and staff;

- notice boards displaying travel information are to be displayed in the foyer and staff room;
- travel planning sessions are to be held for staff as part of their induction;
- staff shower and changing facilities will be provided for those who cycle to work;
- the possibility of subsidised bus season tickets or a subsidy towards the purchase of a bike is to be examined; and
- a travel survey and analysis of staff and visitors to the site is to be delivered within six months of first occupation.

In addition to the above points, it has been recommended to the applicant that an electric vehicle charge point is provided in the car park, to promote the use of low emission vehicles.

b) safe and suitable access to the site can be achieved for all people; and

The development requires access for ambulance, occasional resident drop off and provision for general and disabled parking. Vehicular access is proposed via a new access road to be formed from Rykneld Road. This access road was recently granted planning permission as part of a separate planning application for an Aldi foodstore (20/00741/FUL).

According to the Planning Statement (July 2020) for the Aldi development, the Masterplan for the area indicates that in the short term, the proposed access road would have a turning head and serve Aldi to the north of the development and the care home to the south. However, in future the road could be opened up to serve B1 employment and B1c development. The now consented Aldi application and access road is shown in shown in **Figure 2**.

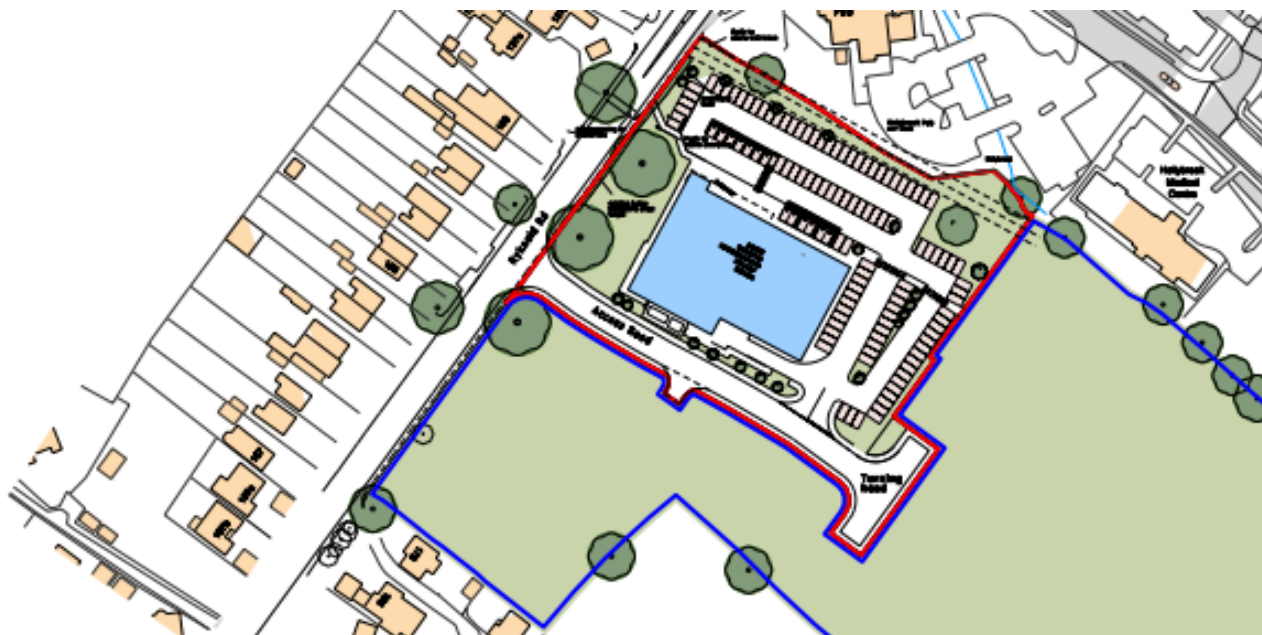


Figure 2. Location of consented Aldi and Link Road

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It should be noted that as the road only serves retail and potential future employment, that it is not of sufficient utility to the public to justify adoption and maintenance at the public's expense. Further, the use of 'Cellweb' in the construction of the link road, to provide protection for trees subject to TPO's, could render the road unadoptable if an application for housing were to come forward instead of employment.

As such, the proposed access and link road could remain private. However, as a note to the applicant, if in the future this position changes then the access junction to their site will also need to be designed and constructed to an adoptable standard as part of the link road.

Parking and Servicing – parking and servicing are considered acceptable. A total of 22 parking spaces, including two disabled bays are proposed for staff and visitors in the car park.

Peak demand for parking will be between 10:00 and 13:00 when 24 staff will be on duty. After 13:00 the number of staff drops to around 16 when kitchen staff and staff on early shift patterns leave. Local Plan guidance provides for a maximum of 1 space per staff on duty, in this case a maximum of 12 spaces, which leaves 10 spaces for visitors and residents.

The applicant has submitted survey information on the parking demand for two other care homes that they operate in Doncaster and Wakefield, both have 40 bedrooms. The surveys showed that the maximum demand for parking was 11 vehicles or 0.25 spaces per room. For a 66 bed care home this would equate to 16 spaces. On this basis the proposed 22 spaces is considered acceptable.

The developer proposes covered cycle hoops for up to 8 cycles to park on site. These cycle hoops will be located within direct sight of the manned reception area in order to maximise security.

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree,

Trip Generation - To calculate the existing trips, the applicant undertook a first principles approach. Based on the developer's experience, it is estimated that the proposed care home will generate around 58 jobs with staff working on a shift basis. A maximum of 24 staff would be on site between 10:00 am in the morning and 1:00 pm in the afternoon. After lunch time, kitchen staff and part time staff begin to leave. The night-time shift starts at 8:00 pm in the evening and a total of 6 staff generally provide cover until 8:00 am in the morning, when the shift changes over.

Vehicles trip rates are presented in **Table 1** for the weekday traffic peaks. These trip rates have been corroborated against TRICS and are considered a fair representation of trips to the development.

	Arrivals	Departures	Total
AM peak (0800-0900)	16	6	22
PM peak (1700-1800)	0	5	5

Table 1 – Weekday Peak Vehicle Trip Generation

The trip generation of the development during the AM and PM peaks is relatively small and unlikely to have any material impact on the highway.

Junction Analysis - The point of impact of this development will be on the new link road junction with Rykneld Road. The Transport Assessment for this application did not assess the junction but referred to the junction analysis undertaken in the Aldi application. Indeed, the Aldi Transport Assessment reported that with the supermarket only that the junction operates with over 80% spare capacity. Further, the trip generation for the 66 bed care home is not of a scale that it is likely to have any impact on the operation of the junction.

It should be noted that the junction has not been assessed with the full potential employment development that could be served off this link road to the east. Also, the trip rates used to test the Aldi application were not considered robust at the time, although, it was concluded that because of the amount of spare capacity in the new junction that revising the trip rates would not significantly change the results. However, future development applications to the east need to consider more robust trip rates for the supermarket when assessing the junction. There may be a future need to formalise the right turn into the development with a ghost island to maintain safety and maximise capacity.

Conclusion – No highway objection subject to the following conditions and notes.

Suggested Conditions and Notes

- 1) No development shall take place unless or until the following details have been submitted to and approved in writing by the LPA:
 - a. A longitudinal section showing that no part of the cycle path, as shown for indicative purposes on plan DE23 4AP-A-03A, exceeds a gradient of 1 in 12;
 - b. construction details of the cycle path, including the non-dig section in the vicinity of the Oak tree adjacent the SW corner of the site;
 - c. treatment including any retaining structures on the SW boundary of the site;
 - d. Details of the construction access
 - e. A wheel washing facility;
 - f. details of the Construction Management Plan including routing for construction traffic;

Reason: In the interests of highway safety and to promote sustainable travel

- 2) The proposed care home shall not become operational unless or until the following has been provided in accordance with details to be submitted to and approved in writing by the LPA;
 - a. A travel plan; and
 - b. secure and covered cycle parking;
 - c. The access for all modes from Rykneld Road, generally as shown on Drg No RYK-BWB-GEN-XX-DR-TR-101 S3 P13; as submitted as part of a

separate planning application for an Aldi foodstore (20/00741/FUL), has been constructed.

Reason – In the interests of highway safety and to encourage sustainable development.

Notes to Applicant

- 1) For details of the Highway Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

**5.2. Environmental Services (Health – Pollution):
Contaminated Land**

I have reviewed the application information and I would offer the following comments in relation to Contaminated Land implications for the development as follows.

1. The site is former greenfield (agricultural) land and is therefore not expected to be of significant concern with respect to potential contamination.
2. Nonetheless, a Phase 2 Geo-Environmental Assessment has been submitted in support of the scheme (BWB Consulting, Document Ref: RYK-BWB-ZZ-XX-RP-YE-0003-Ph2_FD, Dated: November 2018). I can comment on the report and its implications for the development as follows.
3. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than in a land contamination context.
4. All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase 2 Geo-Environmental Assessment

5. The assessment covers a site wider than the application site and as such, provides only limited data for the ground within the proposed scheme area.
6. At the time of the investigation, the proposed end-use of the land was not known, however, in order to be conservative, residential assessment criteria are used.
7. The investigation did not reveal any elevated soil contamination levels across the wider site based on a proposed residential scenario. Slightly elevated levels of copper and lead were identified within leachate analysis however.

Conclusions and Recommendations

8. Although the assessment provides only limited sampling data from within the scheme area, given the wider sampling on site and the historically green (agricultural) nature of the site, the conclusions of the report are accepted, namely that the ground poses a *"very low risk to human health and controlled waters receptors"*.
9. **Other than a watching brief during construction, the Environmental Protection Team is satisfied that contamination need not be a factor in**

determination of the application. Furthermore, no conditions are deemed necessary with respect to contaminated land risks associated with the development.

Noise (latest comments dated 19th March 2021)

1. The proposal seeks to introduce a sensitive receptor (i.e. the occupants of the proposed care home) into the area.
2. Whilst the area does not currently experience particularly high levels of noise, a supermarket has been recently granted planning permission on the adjacent site to the north (planning consent 20/00741/FUL).
3. Whilst no consideration or assessment of noise has been submitted with the current application, there was however a noise impact assessment produced for the adjacent supermarket application, which specifically considered noise potentially affecting the proposed care home.
4. **The assessment identified potentially significant noise impacts during both the day and especially at night, associated with noise from the proposed service/delivery area serving the supermarket.**
5. In response, the applicant has proposed some measures designed to mitigate potential noise nuisance from the supermarket which includes some 'good practice' management measures and a proposal to install a 2.4m high noise barrier along the southern boundary of the servicing area.
6. In addition, I note that the consent for the supermarket scheme also includes a condition which restricts deliveries from being able to take place between 11pm and 7am, which should fully mitigate night-time noise concerns.

Conclusions and Recommendations

7. Whilst I do have concerns that noise connected with the delivery/servicing area of the proposed supermarket scheme on the adjacent site to the north, could unreasonably impact upon future residents of the proposed care home, mitigation has been secured in connection with the adjacent supermarket scheme which should avoid significant impacts.
8. Whilst I do not object to the application in principle, it is advised that all windows along the northern boundary of the development are fitted with enhanced acoustic glazing in order to further mitigate noise and provide a good standard of living for residents.
9. I would recommend an advisory note is attached to the consent, should it be granted, strongly recommending the above.

5.3. Natural Environment (Tree Officer):

Latest comments dated 6th May 2021

The hedgerow and Ash (T81) have been removed as part of the approved development of the supermarket north east of the site.

It is noted that the arboricultural report (5.10) states that the non-dig access road between trees T08 and T09 should be constructed prior to any other construction commences on site. It is of vital importance that the non-dig access road is

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constructed prior to the development of the site. The method statement for the construction of the non-dig access road **must** be followed.

The report has identified incursions into the RPA's of trees T09, T10 and T11. The area (sq.m) and percentage of incursion are given as:

- • T09: 13.1 sq.m/1.9%
- • T10: 2.2 sq.m/0.3% (Amended Cycle Path has not been factored into the calculation)
- • T11: 29.sq.m/5.2%

The proposed construction within the RPA of T09 will be set above existing ground level. The minor intrusion would be acceptable as long as it is carried out under arboricultural supervision as stated within the report.

The nominal RPA of T10 has been extended to take into account existing constraints. The excavation to install the pile and beam foundation will result in some minor excavation of the modified RPA. The proposed excavation will likely result in the loss of roots and rooting environment within the relatively small RPA incursion.

I note that the fairly new dwelling 178 Rykneld Road would have been constructed within the modified RPA of T10

The proposed construction within the RPA of T11 of 5.2% will result in some infill and excavation of existing levels to construct the foundation and path. The infill is proposed to be of non-dig type.

Cycle Path:

With regards to the amended proposed Cycle Path drawing no. DE234AP-A-03A its design has not been factored into the Arboricultural report and the impact of its construction has not been assessed. The construction of the path will have an impact on T10. Within the RPA it must be of non-dig construction with no change in levels. The mulch area and subsequent landscape plan would also need to be modified to reflect its construction. Is it to be adopted? I understand that the applicant would not implement the cycle path construction and that it would be constructed only when the wider area is being developed. In the meantime I am of the opinion that the mulching should be carried out within the RPA of the tree (within the development site).

Landscaping:

The only landscape element I am commenting on are the planting of trees and the impact on landscaping to trees.

Landscape plans are not consistent with the detail of retaining walls within the Arboricultural report and do not take into account the amended cycle path.

The amended cycle path results in the loss of 3 proposed tree locations.

The proposed planting locations of the five Pyrus do not appear to have adequate provision for long term rooting environment. The Landscape architect must demonstrate that proposed trees have adequate soil provision to enable the trees to reach independence in the landscape. The use of appropriately engineered soil cells may be required.

As they are proposing to construct within RPA's (with associated loss of rooting environment) mulch areas must be maintained at the extent of the RPA with no amenity grass planted within RPA's. I suggest a final landscape plan must be conditioned.

The proposed development would effectively block the views of T11 from the public realm. The landscape plan shows two Oak trees to be planted between trees T09 and T10 along Rykneld Road. As these mature they would provide amenity value. And of course, as the wider area is opened up to development, T11 will provide amenity from different viewpoints within the development area.

Conclusion

Although there is incursion within the RPA's with associated loss of potential roots and rooting environment it is argued that the proposed mulching will improve existing root/soil environment. CEZs have also been extended laterally however the proposed cycle path will impact on T10. With the exception of the potential impacts on T10 by the cycle path the incursions are just about acceptable as long as the mulching regime is carried out and continued.

Soil Mulching 5.14. The proposed mulching of trees T08, T09 and T11 is welcomed. Mulch must be sourced with consideration to its provenance. To be of greater benefit the mulch must be sourced from the same species of tree that they are to mulch. The report states that the areas that are to be mulched will not be landscaped for a period of at least 24 months after the mulch has been applied. To be of long-term benefit mulch areas must be maintained at the extent of the RPA's.

The following (or similar) must be conditioned.

- The supply and adherence to a final TPP and AMS (to include the arboricultural monitoring).
- The supply and agreement of a final landscape plan which must show adequate soil provision for trees and continued mulching of the mature trees.

The cycle path provision is posing some difficulty with regards to conditions. As it has not been assessed I cannot comment fully on its impact on T10. If the cycle path construction would cause significant harm to T10 then I would recommend that an alternative route must be used. I suggest that it must be conditioned that the cycle path could only progress if an AIA and AMS is provided that demonstrates that it could be constructed without a significant detrimental impact on T10.

Glossary:

- AIA: Arboricultural Impact Assessment
- AMS: Arboricultural Method Statement
- CEZ: Construction Exclusion Zone
- RPA: Root Protection Area
- TCP: Tree Constraints Plan
- TPP: Tree Protection Plan

5.4. Resources and Housing (Strategy):

There follow some comments in relation to the application; which incorporates statements from our Older Persons' Housing Investment Prospectus and comments from our Housing Development Team and Adult Social Care colleagues.

The City Council has an older persons' housing strategy 2019-2029, but it is our related older persons' housing investment prospectus that perhaps holds more relevant detail in relation to the application.

In making any comments on this application I think it is important to recognise that older persons' accommodation has and will inevitably be impacted by Covid-19. Covid-19 has, obviously, been devastating nationally and locally. The pandemic has severely disrupted construction and damaged the housing sector. Arguably, nowhere has the impact been greater than for residential and care homes. A survey commissioned by the Institute for Public Policy Research (IPPR) and Policy Exchange [*Care after Coronavirus: An Emerging Consensus*" Policy Exchange May 22, 2020] , respectively the UK's leading progressive and centre right think tanks, reported in May 2020 that 40% of people polled who were aged over 65 were less likely to seek residential care after Covid-19 than before. About a third of respondents with an elderly relative also expressed a similar reluctance. Therefore, it is relevant to note that our prospectus was prepared based on pre-pandemic data and that the impacts and longer term implications of the pandemic on residential care homes are, as yet, unclear.

The Council recognises within the prospectus that there will always be a demand for residential and nursing care, particularly for older people with high levels of health and care needs. But demand for this type of accommodation has been reduced by improvements in health and social care support that have enabled people to manage more complex health and social care issues and stay in their own home for longer. Analysis summarised in the prospectus revealed significant untapped demand from older people wanting accommodation in the right place that is suitable for their needs. As residential care homes become less attractive for older people looking for alternative accommodation, and for family or other relatives looking on their behalf, the demand for standard housing designed with older peoples' needs in mind will become even greater. For several years now it has been the Council's priority to support people to live independently in their home for as long as they want to and are able to do so, and to increase the provision of extra care housing.

Adult Social Care colleagues are currently reporting vacancy rates of 20% across care homes in Derby due to the impact of the pandemic on demand and what they consider to be historic over supply. It is recommended that the applicant discuss demand direct with Catherine Young, Head of Commissioning & Market Management, People Services Directorate on 01332 642703/07766925374.

Extra care housing may also be an option for people with care and support needs who want to remain living in self-contained accommodation with care on-site; and we, as a Council, are very ambitious to increase the number of extra care homes in the city. Housing LIN analysis identified that at least a third of people moving into residential care could potentially move into Extra Care or affordable housing. But, in this specific case, Housing Development Team colleagues are of the opinion that this section of the site wouldn't be large enough to deliver Extra Care because it would

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need a bigger footprint to achieve the numbers needed to make it viable; and that as this is Planning Use Class C2 there would be no affordable provision applicable.

With all that said, I thought it relevant to draw out the following keys points, facts and caveats from our older persons' housing investment prospectus:

Before considering the individual areas, the outlook for Derby as a whole is assessed. The gaps in provision for the City are illustrated in the table below.

	DERBY CITY								
Type of accommodation	Housing Demand (75yrs+)			Housing Supply			Gap in provision (75yrs+)		
	2018	2029	2040	2018	2029	2040	2018	2029	2040
Sheltered housing / enhanced sheltered	2915	3719	4763	2568			347	1151	2195
Extra Care	501	641	822	326			175	315	496
Residential care	1308	1665	2136	1062			246	603	1074
Nursing care	905	1153	1478	915			-10	238	563
All accom types	5629	7178	9199	4871			758	2307	4328

Housing demand based on Housing Lin More Choice Greater Voice model.

Important Notes on the housing need calculations

1. The gaps in provision figures (or 'unmet housing need') tabulated within each profile below are based on a calculation of the total supply of specialist older persons' housing compared to total need. **The need figures are calculated for the 75+ age group only; they do not include housing need for the 55-74 age range. The gaps in provision figures are therefore likely to significantly understate total need.** Where an oversupply is calculated, this should also be treated with caution as the 55-74 age group is again not accounted for.
2. The methodologies used to generate the need figures are based on the 'More Choice, Greater Voice' (2008) model (a full methodology statement is provided at the end of this appendix). Since 2008 there has been an increasing move away from institutionalised forms of accommodation with support (such as residential and nursing care) and a move towards more independent, community-based solutions such as Extra Care. Derby has embraced this move as a way of promoting choice, control and independence for our older residents. **For both of these reasons, the figures tabulated below are likely to particularly underestimate the demand for Extra Care and they may overstate the demand for residential/nursing care in some areas.** They should therefore be regarded as indicative, baseline figures and subject to further verification. With respect specifically to Extra Care, The Department of Health's Extra Care Toolkit suggests there should be sufficient Extra Care accommodation for between 4 and 5% of the over 65 population, subject to local circumstances. In Derby, this equates to an estimated 360-630 additional units by 2025.

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In relation to Rykneld Rd area specifically the Prospectus states:

Based on the levels of people that are currently eligible for Council support, the table below represents projections of the numbers of people that Adult Social Care would expect to be supporting by 2040. These figures do not account for people who do not meet the criteria set out in the Care Act, or those who may be able to pay for their care costs independently.

Type of accommodation – City Wide	Social Care Commissioning Forecast/Objectives (75yrs+)		
	2018	2029	2040
Residential care	320	364	420
Nursing care	204	233	268

Residential and nursing demand based on current demand and predicted population trend³

These forecasts are based on an extrapolation of trends most recently recorded over the period 2015-2018. During this period, while the Derby population aged 75 and over increased by 3%, the demand for residential and nursing care placements by Derby City Social Care fell by approximately 27%, reflecting an increased emphasis on maintaining people living in the community.

But I would repeat: There has been an increasing move away from institutionalised forms of accommodation with support (such as residential and nursing care) and a move towards more independent, community-based solutions such as Extra Care; and Derby City Council has embraced this move as a way of promoting choice, control and independence for our older residents. For both of these reasons, the need figures within the prospectus are likely to underestimate the age 75+ demand for Extra Care and may overstate the age 75+ demand for residential/nursing care in some areas. But, those 'need' figures within the prospectus are calculated for the 75+ age group only; they do not include housing need for the 55-74 age range. The gaps in provision figures are therefore likely to significantly understate total age 55+ need.

5.5. Derbyshire County Council Archaeologist:

No objections subject to the inclusion of a condition controlling the submission/approval of a scheme of archaeological works.

5.6. Derbyshire Wildlife Trust:

Comments dated 22nd December 2020

In our previous consultation response dated 2nd October 2020 we advised that the proposed development was contrary to the NPPF and policy CP19 of the Derby City Local Plan as it failed to clearly demonstrate a net gain for wildlife.

We have now reviewed a Biodiversity Net Gain Assessment prepared by Brooks Ecological dated 29/10/2020 and a revised Detailed Landscaping Scheme submitted in support of the application.

The Biodiversity Net Gain Assessment has provided an accurate assessment but it is noted that it is based on the original landscaping plans and, as such, has identified a net loss of -0.68 habitat units and a gain of hedgerow units of 0.59 hedgerow units.

We welcome the revised landscaping scheme which includes the creation of areas of wildflower meadow and advise that a revised Biodiversity Impact Assessment based on the revised landscaping scheme should show a more acceptable level of habitat impact.

Overall, we advise that the submission of the revised landscaping scheme including wildflower meadow creation and the use of a Biodiversity Impact Assessment addresses the issues raised in our previous consultation response. It would however be useful if the Biodiversity Impact Assessment could be re-calculated on the basis of the revised landscaping scheme to obtain an accurate figure for habitat impacts.

We recommend the following planning conditions;

“The development shall be carried out in strict accordance with the Detailed Landscaping Scheme Sheets 1 and 2 Drawing No LA1 Revision P2.”

“Prior to the first usage of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan should cover all areas of retained and created habitats. The approved plan shall be implemented in accordance with the approved details.”

Latest comments dated 28th April 2021

Further to our previous comments on the above planning application provided in correspondence dated 22nd December 2020 we have been informed that the scheme has been amended to incorporate a pedestrian/cycle route.

It is understood that the proposed pedestrian/cycle route will impact upon an existing hedgerow.

We therefore advise that new native hedgerow planting will be required to fully compensate for any hedgerow impacts associated with the scheme. A revised landscaping scheme which clearly demonstrates no net loss of native hedgerow should be secured by a planning condition.

5.7. Land Drainage

Latest comments dated 7/12/2020

The response by the Applicant outlined in their email of the 20 November is not accepted by the LLFA as a reason not to implement open SuDS drainage techniques per se. However the applicant will no doubt wish to ensure that they consider the appropriate arrangements within their development to provide a safe and sustainable environment.

It is noted that the inclusion of tranquil green and blue space is widely used in in such settings and is generally considered to provide life enhancing benefit.

As such our previous comments, shown below remain.

The proposal is located in an area identified for a wider development mixed use development, including residential uses, covered by Core Strategy Policy AC20.

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There is an accompanying application for a retail store under planning application 20/00741/FUL

Records show that land and properties to the north of Holly Brook have experienced flooding from Holly Brook. This development should not exacerbate this risk. As part of a wider area of development it should seek to mitigate it where possible.

The Applicants Drainage Statement, shows surface water from this development is directed to a piped system in an adjacent application, 20/00783/FUL, which runs along a spline road before it drains to a terminal basin and then to the watercourse, Holly Brook.

However this may be better managed through open Water SuDS techniques, the applicant should consider the context of the wider development area in developing their drainage strategy. With emphasis on open water SuDS techniques such as those detailed in the SuDS manual, CIRIA C753.

Equally the deployment of open Suds within the development may add value and amenity beneficial to the development as well as encouraging and sustaining a varying range of habitats.

In addition to the observations made in our response to the associated applications, relating to the opportunities given by the application of a drainage system for the wider area, we would support the application with the following three conditions.

Conditions:

1) No development shall commence until a scheme of works has been submitted to and approved in writing by the Local Planning Authority which demonstrates using relevant drawings and calculations that no loss of flood plain storage or interference of surface water conveyance will result from the development.

Reason: To avoid an increase in flood risk to third party land as a consequence of the development and therefore ensure compliance with Paragraph 163 of the NPPF.

In order to discharge this condition, the applicant will need to demonstrate that on a level by level basis there is no increased in flood plain storage on the site and that any flows crossing the site from surface water will be directed safely around the building and associated development / infrastructure not to the detriment of third party land.

6. Relevant Policies:

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

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

CP1a	Presumption in Favour of Sustainable Development
CP1b	Placemaking Principles for Cross Boundary Growth
CP2	Responding to Climate Change

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CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network
AC20	Rykneld Road
MH1	Making it Happen
CP1a	Presumption in Favour of Sustainable Development
CP1b	Placemaking Principles for Cross Boundary Growth

Saved CDLPR Policies

E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
E24	Community Safety
T10	Access for Disabled People
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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

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

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of the Use in the Location

7.2. Design, Layout and Scale

7.3. Highway Issues, Parking and Connectivity

7.4. Impact on Neighbours

7.5. Arboricultural Issues

7.6. Other Issues

7.7. Conclusion

7.1. The Principle of the Use in the Location

Policy AC20 of the Derby City Local Plan – Part 1 (DCLP1) identifies the site (and the wider area) for a large strategic housing allocation which seeks to deliver a minimum of 900 new homes and other supporting uses as a part of the proposed extension to the existing Heatherton housing development. Accordingly, there are no objections to the proposed residential use which is considered to be appropriate in this location and would provide a contribution of 37 (based on a ratio of 1:1.8) residential units towards the City's 11,000 minimum housing requirement. In particular, the development provides an opportunity to contribute towards the City's supply of specialist housing and would assist in meeting the need for additional older people's accommodation within the City, as identified in the Council's Older Person's Housing Strategy 2019-2029. The proposal would also be line with criterion C of DCLP1 Policy CP7 (Affordable and Specialist Housing) which supports the provision of housing which is capable of meeting the needs of the aging population. Although the Housing Strategy Officer notes that there has been an increasing move away from institutionalised forms of accommodation with support (such as residential and nursing care) and a move towards more independent, community-based solutions such as Extra Care, there is a still a highlighted need for such facilities in the City, and therefore the proposed use is supported in principle.

However, it should be noted that this part of the application site was highlighted for employment uses within the Rykneld Road Supplementary Planning Document (SPD) and therefore some consideration needs to be given the whether the proposal would prejudice the wider requirement to provide employment land on the site. To address this, as part of that permission for the adjacent retail development approximately 1.7ha land to the east of the application site has been safeguarded for future employment uses through a section 106 agreement. The safeguarding of this land commenced on the issuing of planning permission for application reference 20/00741/FUL and the land is to be safeguarded for a period of three years. As such, although the care home development would prevent wider employment uses from occupying the site, there is still an opportunity for employment uses to be provided in that location and it is considered that this should not be a reason to resist the

proposal. It also is material that the Care Home development would provide employment for people – It is anticipated that the development would provide around 50-60 jobs. It is in itself an employment generating use and the principle of this has already been established through the recent retail permission land to the north-east of the site.

Furthermore, since the DCLP1 was adopted in 2017 it is clear that the city centre has suffered in terms of its core retail and commercial function. The retail and commercial off is in serious decline and footfall has reduced significantly. The impacts of Covid19 have exacerbated this and led to increased vacancy and reduced footfall. It is important that where possible commercial uses should be directed to the city centre to try to drive its recovery. Therefore, although the AC20 allocation requires 2.4ha of employment uses it remains material that any such development being directed away from the city centre to peripheral location is an opportunity lost in contributing to city centre recovery.

A care home would form a high-density residential use in line with the NPPF's emphasis on 'Making Effective Use of Land'. Given the nature of this large greenfield strategic allocation on the periphery of the city, residential dwelling densities are expected to be relatively low and so an opportunity to use land efficiently and effectively is welcomed. It is also relevant that Government sees residential uses and housing requirements as extremely important. Meeting significant housing needs as a national priority is at the heart of the Framework. In order to deliver new residential accommodation, the Government has introduced permitted development rights for the change of use of certain uses, including offices, to residential uses. Therefore, even if offices were to be provided on the identified employment land, they could easily be converted to residential uses through Prior Approval.

On balance, although the proposal may not entirely in line with the site-specific policy AC20 and the 2008 SPD, it is generally in accordance in that this is a residential use on land allocated for strategic residential growth. Due to the location of the proposed care home at the northern end of the allocation, if the application was to be approved, it would not prejudice the opportunity to co-ordinate and masterplan the rest of the CP20 site which is a significant land area, and to integrate is with the cross boundary development at Highfields Farm. Overall, I do not believe that the proposal will prejudice this further comprehensive consideration of the wider allocation.

There is an opportunity to meet housing needs and the potential for the development to form a catalyst for further development of the strategic site. Land is safeguarded for employment uses through the S106 agreement for the recently approved retail foodstore application and so there remains an opportunity for some employment uses to be delivered in this location. Given the site is located close an existing Neighbourhood Centre, a planned new retail foodstore, and could form part of the wider new residential neighbourhood in the area, it is also considered to be a sustainable location for such a specialised new residential use to be sited.

Overall, considering the development plan and the various material considerations outlined above, it is considered that the proposal would be a sustainable form of development and would be acceptable, in principle, subject to the acceptability of the more detailed issues, as considered below.

7.2. Design, Layout, Scale and Landscaping

To a certain extent the proposed siting of the development has been determined by its relationship to the protected trees on and adjacent to the site boundaries. As a result, the care home building has been positioned fairly centrally within the site to ensure that no one tree would be unduly impacted. That said, I am generally happy that the resulting layout isn't considered out of keeping with the established streetscene and the position of the building, set back from the site frontage ensures the development would sit reasonably comfortably alongside existing neighbours and the consented retail store to the north-east. Suitable boundary treatments (hedgerow planting and railings) are proposed along the site boundaries which would provide screening and help to soften the visual appearance of the building and its associated car parking area.

In terms of its overall design, the care home building would have a fairly traditional appearance with a slight modern twist. The proposal would provide a strong frontage to Rykneld Road, with the main pedestrian entrance into the building articulated through a two-storey gable and double height glazing. Although a fairly wide building, approx. 55m in total, the principle elevations of the building are broken up through the introduction of glazing and feature gables, together with the use of a mixture of brickwork, render and weatherboarding. In general, the mixture of materials and design details combined with the provision of landscaped garden areas and retained hedgerows, would help break up the overall mass of the development so that the development sits reasonably comfortably in its context.

The two-storey scale of the development is also considered to be commensurate with existing development in the vicinity of the site and the proposal would sit at slightly lower level compared with the adjacent houses, such that the development would not appear unduly prominent within the streetscene. Overall, there are no overriding design objections raised to the scheme and it is considered that the proposals would reasonably meet with the design aspirations contained within policies CP3 and CP4 of the DCLP1.

7.3. Site Accessibility, Highways Issues, Parking and Connectivity

The Highway Authority has fully assessed the trip generation associated with the development. The vehicle movements associated with the proposed care home during the AM and PM peaks are relatively small and as a result are unlikely to have any material impact on the highway. The location of the site access is consistent with that approved under application reference 20/00741/FUL and the Highways Authority is satisfied that the junction would operate safely, with both the retail foodstore development and the care home in place.

In total 22 parking spaces, including two disabled bays, would be provided on site for staff and visitors. Bin storage also is shown close to the site entrance. The scheme includes covered cycle hoops for up to 8 cycles located within direct sight of the manned reception area to maximise natural surveillance. No objections are raised to the proposed parking levels on the site, or the layout of the parking/service area. Subject to conditions, it is considered that the development would reasonably comply with policy CP23 of the DCLP1 and the guidance contained within the Appendix A (Parking Standards), relating to parking and highway safety matters.

In general, the application site is in a sustainable location with good public transport links via the numerous bus stops location on Rykneld Road and existing shops and services at Heatherton. Measures detailed within the submitted Travel Plan also aim to further help reduce the proportion of journeys made by non-sustainable modes of transport, precise details of which can be controlled through condition. However, as noted above the application site forms part of a much larger development allocation as defined by policy AC20 in DCLP1. The policy requires a co-ordinated approach to delivery across the site to ensure we have a comprehensive development, which achieves all of the policy requirements.

One of these requirements, contained in criterion (f) of policy AC20, is the provision of high quality pedestrian and cycle routes within the site and links between these and existing or proposed routes beyond the site. In order to achieve these sustainable connections, the original Masterplan for the site contained within the Rykneld Road SPD identified a potential shared pedestrian/cycle footway link running along the south-western and south-eastern boundaries of the care home site. The Masterplan then showed this link connecting into wider land to the east of the site and a crossing point providing a link to the parcel of land on the western side of Rykneld Road.

In order to achieve this desired connection, the applicant has agreed to set aside land to provide a shared footway/cycleway link running along the south-western site boundary (shown indicatively in orange on proposed site plan drawing No. DE23 4 AP-A-03A) and it is proposed that this route would be safeguarded for a suitable timeframe through a legal agreement. The legal agreement would also control future transfer of land to the City Council for the purpose of constructing a pedestrian/cycle link, in the event that funding is secured through Section 106 contributions associated with the wider development on the AC20 site, and a detailed scheme has been agreed and is ready to be implemented.

Further precise details of a scheme of earthworks for the proposed pedestrian/cycle route would need to be fully worked up, however, it is considered that they can be controlled through suitably worded conditions.

Negotiations about this element are ongoing with the applicant and updates will be provided, either in writing or orally at the meeting.

In addition to this pedestrian/cycle route, it is recommended that the obligation to safeguard the north-south route up to Hollybrook Way on land to the east of the application site, but also within the same ownership, is also controlled through a legal agreement – given that a material start has not been made on the ‘Aldi permission’. This is in also to comply with the requirements of Policy AC20 which seeks to achieve a comprehensive development which provides, amongst other things, high quality pedestrian and cycle routes within the site and links between these and existing or proposed routes beyond the site.

7.4. Impact on Neighbours

The nearest residential properties to the proposed development are those situated to the south-west of the application: No's 178 and 180 Rykneld Road. These neighbours are situated at a slightly higher level than the application site (approx.

0.7). They face towards Rykneld Road presenting predominately blank side elevations towards the application site which contain no main room windows. The intervening boundary treatment is a mixture of fencing and brambles/hedgerows.

The development would provide a separation distances of approx. 8m between the new care home building and the side boundaries of the gardens serving No's 178 and 180 Rykneld Road. Although not a substantial distance, 8m is considered to be sufficient to avoid any significant massing or overbearing issues, particularly given the slightly lower level of the application site. The position of the proposed care home building, which sits to the north-east No.s 178 and 180, would also help to minimise any significant overshadowing, or loss of light for these neighbouring properties.

Although there are window openings located within the southwestern elevation of the proposed care home building which would face towards the gardens of No. 178 and 180 Rykneld Road, these openings, which are limited in number, would serve circulation spaces such as landings and hallways and can be conditioned to remain fixed/obscure glazed, to avoid any direct overlooking. The distance between the larger areas of glazing serving communal lounge areas is approx. 26m in total and would be sufficient to avoid any significant loss of amenity.

The neighbour comments/objections raise some concerns about the introduction of a new cycle/pedestrian route abutting the boundary with existing gardens. Although these concerns are understood, the provision of pedestrian and cycle routes are not uncommon in close proximity to residential properties and do not generally give rise to significant anti-social behaviour issues. Consideration would need to be given to lighting and any required security measures along the route of the route at a future date and this information can be conditioned.

Subject to the suggested conditions, the scheme is not considered to have an unreasonable impact on the amenity of neighbours through increased noise and disturbance, or other amenity considerations. Consequently, it is considered that the development would reasonably comply with saved policy GD5 of the adopted CDLPR which states that planning permission for development will not be granted where it results in unacceptable harm to the amenity of nearby areas.

7.5. Arboricultural Issues

There are four protected Oak trees located on and adjacent to the site boundaries which have the potential to be impacted by the proposed development. Two of the trees are located along the Rykneld Road frontage, either side of the proposed site access. One tree is located within the front garden area of No. 178 Rykneld Road, close to the south-western corner of the site; and the final tree is located close to the south-eastern boundary.

Following initial concerns discussions have taken place between the applicant and the City Council's Tree Officer and an updated Arboricultural Report (dated 19/03/2021 Rev: D) has been submitted in support of the application. The latest comments received from the Tree Officer advise that, although there is incursion within the root protection areas of the trees, with associated loss of potential roots and rooting environment it is argued that the proposed mulching will improve existing root/soil environment. Construction Exclusion Zones have also been extended

laterally and, as long as the mulching regime is carried out and continued, the incursions into the root protection area associated with the proposed care home development are just about acceptable. Conditions relating the submission of a Arboricultural Method Statement and Tree Protection Plan are recommended.

The Tree Officer does, however, recommend that further investigation works would be required to fully assess the impact of the potential future pedestrian/cycle route, conditions have been recommended to cover this element of the works in order to comply with policy CP16 of the DCLP1.

7.6. Other Issues

Energy Efficiency Measures – The submission states that the building has been designed to a high specification of construction. The building has been designed with large window openings to main rooms to maximise solar gain. High levels of insulation are proposed to reduce the consumption of energy required for heating and heat recovery systems are also proposed within the building's roof space. Although various renewable energy technologies have been considered for use on the building, including photovoltaic and solar power, in this instance the applicant considers the use of Ground Source Heat Pump to be the most effective and least intrusive sustainable energy method. The installation of Ground Source Heat Pumps would involve the creation of vertical bore holes within the site to extract heat from the ground, providing all of the care home's heating and cooling and contributing to a 35% reduction in carbon emissions. Internally, low energy luminaires and occupancy sensors are used within the communal areas, corridors, bathrooms, toilets and en-suites to control and minimise the energy used and, wherever possible, natural ventilation methods would be utilised. Comfort cooling would be installed, where necessary, but this would be provided through the energy efficient ground source system. The materials used within the development will be locally sourced, where possible. Details of sustainable construction methods and design features can be controlled through a suitably worded condition in order to comply with DCLP1 policy CP2, which seeks to reduce emissions from new development.

Noise/lighting – The main noise related concern has been the relationship between the care home and the delivery/servicing area associated with the proposed supermarket scheme on the site to the north. Within his updated comments dated 18th March 2021, the EHO notes that the consent supermarket scheme includes restrictive conditions controlling the provision of a noise barrier along the southern boundary of the service area, and servicing/delivery hours and with these measures in place it is considered that any significant noise impact should be avoided. No further conditions are deemed necessary, although the inclusion of an advisory note recommending the use of enhanced acoustic glazing along the northern boundary of the development is recommended. There are no wider noise related concerns associated with the proposed scheme. Details of external lighting can be controlled through a suitably worded condition to ensure compliance with saved policy GD5 of the CDLPR.

Contaminated land – A Phase 2 Geo-Environmental Assessment has been submitted in support of the scheme. Other than a watching brief during construction, the Environmental Health Officer is satisfied that contamination need not be a factor in

determination of the application. No conditions are deemed necessary with respect to contaminated land risks associated with the development. The proposal would comply with saved policy E13 of the CDLPR.

Biodiversity – During the life of the application an updated Biodiversity Net Gain Assessment and a revised detailed Landscaping Scheme have been provided by the applicant to demonstrate that a net biodiversity gain can be achieved across the development site. Derbyshire Wildlife Trust's (DWT) updated comments welcome the revised landscaping scheme, which includes the creation of areas of wildflower meadow, and advise that the revised Biodiversity Impact Assessment now shows a more acceptable level of habitat impact. Although further negotiations to provide a pedestrian/cycle route may ultimately impact on the detailed planting scheme proposed, subject a condition controlling the submission of a revised landscaping scheme, to demonstrate no net loss of native hedgerow, there are no objections in respect of ecology/loss of habitat.

Archaeology – The site is close to the line of Rykneld Street Roman Road (Derbyshire Historic Environment Record number: MDR 10207) and recent field investigations in the area have identified a previously unknown Iron Age/Roman settlement. In view of this, there is potential for archaeological remains to be affected by the scheme. No objections have been raised by the County Archaeologist subject to a condition controlling further archaeological investigation work. This is in order to comply with saved policy E21 of the CDLPR.

Drainage – The Land Drainage Team have highlighted further opportunities to provide sustainable urban drainage techniques on the application site. However, subject to conditions no formal objections have been raised. Conditions have been recommended to ensure compliance with policy CP2 of the DCLP1.

Accessibility – Two disabled parking spaces are proposed within the car parking area. Level accesses into the building would be provided and levels access would be possible from the car parking area and main pedestrian access.

Crime prevention – The development would provide a strong frontage to Rykneld Road with clear surveillance of the street. Main access points into the development would be overlooked and the main office serving the facility would be manned 24 hours a day. Details of external lighting can be controlled through a suitably worded condition, together with precise details of boundary treatment. Consideration would need to be given to lighting and any required security measures along the route of the proposed cycle/pedestrian link.

7.7. Conclusion

There are no objections to the principle of siting new residential development on the site which is situated in a sustainable location and forms part of a large strategic housing allocation. The proposal would provide high-quality accommodation for older people which would contribute towards the City's housing needs and provide a valuable specialist housing facility in the area. With suitable safeguards in place, it is considered that the development would not prejudice the delivery of policy objectives across the wider AC20 allocation and has the potential to provide a stimulus for further development across the wider allocation.

The proposal would result in a satisfactory form of development in terms of its relationship with neighbouring properties and the wider streetscene and, subject to the imposition of suitably worded conditions, no objections have been raised in respect of arboricultural issues, flood risk and high safety matters, noise and other environment issues. Accordingly, it is considered that the development would reasonably comply with the relevant local and national planning policies and it is recommended that planning permission be granted.

All conditions listed below are abbreviated. This accords with the advice of Counsel and if any clarification is required about the need or scope of any of the recommended conditions please contact the case officer before the meeting. The final wording of any pre-commencement conditions will be agreed with the developer before any decision is issued.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. **To authorise** the Director of Planning, Transportation and Engineering 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 Planning, Transportation and Engineering to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

The principle of residential development is considered to be acceptable in this location. The proposal would provide high-quality accommodation for older people which would contribute towards the City's housing needs and provide a valuable specialist housing facility in the area and ,with suitable safeguards in place, it is considered that the development would not prejudice the delivery of policy objectives across the wider AC20 allocation. The proposal would result in a satisfactory form of development in terms of its relationship with neighbouring properties and the wider streetscene and, subject to the imposition of suitably worded conditions, no objections have been raised in respect of arboricultural issues, flood risk and high safety matters, noise and other environment issues. Accordingly, it is considered that the development would reasonably comply policies CP1(a), CP1(b), CP2, CP3, CP4, CP6, CP16, CP19, CP23, AC20 and MH1 of the DCLP1 and saved policies GD5, E13, E17, E21, and T10 of the CDLPR.

8.3. Conditions:

- 1. Standard 3 year 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 approved plans reference condition
Location Plan – Drawing No - DE23 4AP-A-01

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Proposed Site Plan – Drawing No – DE23 4AP-A-03A

Elevations - Drawing No – DE23 4AP-A-05

Elevations - Drawing No – DE23 4AP-A-07

Floor Plans - Drawing No – DE23 4AP-A-07

Reason: For the avoidance of doubt

Pre-commencement Conditions

3. Condition relating to archaeological WSI

Reason: To protect any below ground heritage assets

4. Construction Management Plan condition, including routing for construction traffic, details of construction access and wheel washing facilities.

Reason: In the interests of residential amenity and highway safety

5. Condition controlling details of external materials

Reason: In the interest of visual amenity

6. Condition controlling boundary treatment details

Reason: In the interest of visual amenity and tree health

7. Condition controlling details of landscaping/paving

Reason: In the interest of visual amenity, biodiversity enhancement and to ensure the provision of satisfactory drainage arrangements

8. Surface water drainage condition

Reason: To ensure the provision of satisfactory drainage arrangements

9. Condition controlling details of tree/hedgerow protection, to include the submission of a final Tree Protection Plan.

Reason: To protect trees and other vegetation on and adjoining the site during the course of construction works

10. Condition controlling details of any underground service runs/ bore holes associated with the ground source heat pump

Reason: To protect trees and other vegetation on and adjoining the site

11. Condition controlling the submission/implementation of a final Arboricultural Method Statement

Reason: To protect trees and other vegetation on and adjoining the site during the course of construction works

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12. Condition controlling details of a landscape and ecological management plan

Reason: In the interests of biodiversity enhancement

13. Condition controlling details of sustainable design features within the development

Reason: To promote sustainable development

14. Condition controlling finished floor levels, changes to site levels and any retaining structures.

Reason: To protect trees and other vegetation on and adjoining the site during the course of construction works, and in the interests of visual and residential amenity

15. Condition controlling the following:

1. A longitudinal section showing precise gradient for the pedestrian/cycle way.
2. Construction details including the non-dig section in the vicinity of the Oak tree adjacent the SW corner of the site; to include the submission of an Arboricultural Impact Assessment and Arboricultural Method Statement.
3. Treatment including any retaining structures on the SW boundary of the site.

Reason: To ensure the provision of quality pedestrian and cycle routes and ensure a comprehensive development in order to comply with policy AC20, and to protect trees and other vegetation on and adjoining the site during the course of construction works

16. Condition safeguarding route of proposed cycle/pedestrian route in line with agreed plan X and undertaking of associated earthworks, in accordance with a scheme that shall have first been approved in writing by the LPA.

Reason: To ensure the provision of quality pedestrian and cycle routes and ensure a comprehensive development in order to comply with policy AC20

Pre-occupation conditions

17. Condition controlling details/locations of any plant/machinery on the building

Reason: In the interests of visual and residential amenity

18. Condition requiring the submission of a details scheme of external lighting

Reason: In the interests of residential amenity

19. Travel Plan condition

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Reason: To promote sustainable modes of transport

20. Cycle Parking and bin storage condition

Reason: To promote sustainable modes of transport

21. Condition controlling construction of the vehicle access from Rykneld Road prior to occupation of the care home, and requiring detailed drawings of the access to be submitted for approval

Reason: In the interests of highway safety

22. Condition controlling details of landscaping/boundary treatment/security measures within the area proposed for the future pedestrian/cycle link.

Reason: In the interests of residential and visual amenity

Management conditions

23. Condition for the implementation/planting of landscaping

Reason: In the interest of visual amenity, biodiversity enhancement

24. Condition controlling the use of fixed (or high level) and obscure glazing in the doors and window openings located at the end to the residential wings of the building facing No's 178 and 180 Rykneld Road, to include side facing windows in two-storey bays.

Reason: In the interest of residential amenity

8.4. Informative Notes:

- 1) In order to further mitigate noise and provide a good standard of living for residents, it is recommended that all windows along the northern boundary of the development are fitted with enhanced acoustic glazing.
- 2) For details of the Highway Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.
- 3) The creation of the vehicle access requires works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For the works to proceed you will require a S278 agreement, please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of the works.

8.5. S106 requirements where appropriate:

- Safeguarding a corridor of land to enable a road to be built linking Hollybrook Way on land to the north-east of the site within land in the same ownership as the owners of the application site
- Safeguarding land along the south-western boundary of the application site for a period of 5 years and transfer of land for the purpose of constructing a

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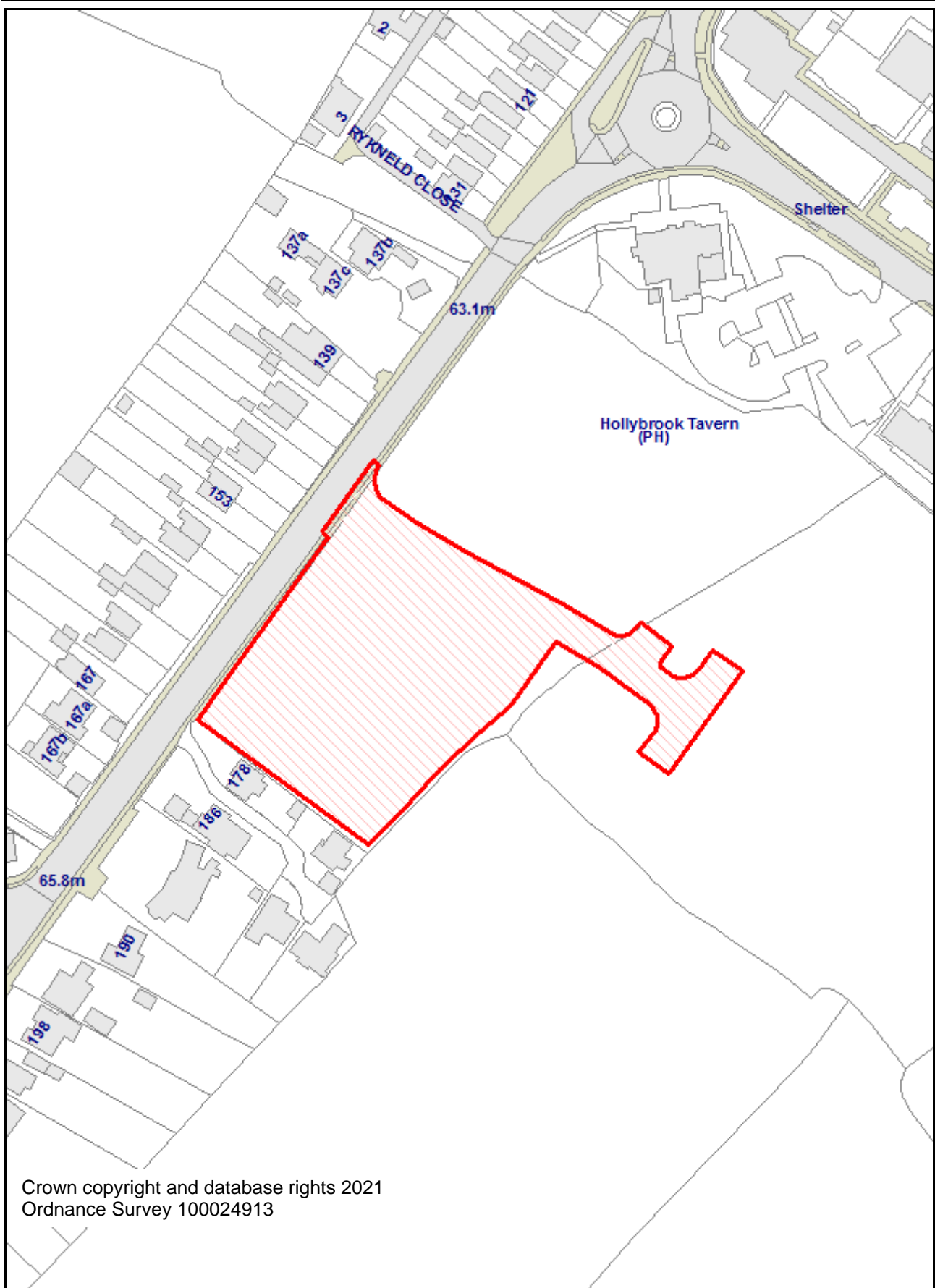
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pedestrian /cycle link in the event that funding is secured, and a detailed scheme has been agreed and is ready to be implemented.

8.6. Application timescale:

An extension of time on the determination timeframe has been requested until the 31st May to allow the application to be considered at a planning control committee meeting.



1. Application Details

1.1. Address: Vacant land at Uttoxeter New Road and Talbot Street (Access off Uttoxeter New Road), Derby

1.2. Ward: Abbey

1.3. Proposal:

Erection of food store (Use Class E) with access, car parking, landscaping and associated works.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20-01247-FUL>

Brief description

This is a full application for development of a vacant area of brownfield land, which fronts onto Uttoxeter New Road to the north and Talbot Street to the east. The site has been undeveloped for a long period of time and is largely overgrown with vegetation and small trees and is approx.0.88 ha in area. There is a low red brick wall which extends along the boundary with Uttoxeter New Road and an existing vehicular access onto the road, which served the former self-storage facility and bus depot. The land levels are largely flat and slightly elevated in relation to Uttoxeter New Road.

The site lies on the edge of the city centre and fronts onto the roundabout junction with Mercian Way and Stafford Street, which form part of the Inner Ring Road. To the south and west of the site are residential properties which are accessed from Drewry Court and Drewry Lane. To the north west, on the opposite side of Uttoxeter New Road there are a number of modern apartment buildings which are accessed from Great Northern Road and beyond these lies the site of the former Friar Gate Goods Yard which includes a number of statutory listed former railway buildings, including the derelict bonded warehouse.

Full permission is sought for development of the site for a retail food store, with associated customer car park, loading and servicing bay, landscaping works and enlargement of vehicle access onto Uttoxeter New Road to form a two way access and an additional exit only egress onto Mercian Way.

The proposed food store (Use Class E) is a single storey building, with a taller corner element on the north east elevation fronting the roundabout junction. The store would have a gross internal area of 2098 sqm and net sales area of 1325sqm, of which 85% would be convenience retail with 15% comparison goods. The building would be positioned in the north east corner of the site with the principal elevations, fronting Uttoxeter New Road and Mercian Way. The principal vehicle access is to be located towards the western boundary of the site, close to Drewry Court, which serves a car park providing 114 spaces, including 6 disabled spaces, 9 parent and child and 2 spaces for electric charging. Cycle parking is also included close to the store entrance. A separate egress lane to the east of the car park would provide additional access onto the Mercian Way northbound lane and separate pedestrian routes are proposed onto Uttoxeter New Road, Mercian Way and Talbot Street.

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Landscape planting is proposed around the edges of the car park and access, which includes some tree planting. Two trees are also to be planted along the Uttoxeter New Road frontage just behind the brick boundary wall, which is to be partially retained.

During the life of the application, the design and elevational treatment of the building has been amended to address concerns raised about the appearance of the store and impacts on the setting of nearby heritage assets on the former Friargate Goods Yard. The principle elevations of the building, which front Uttoxeter New Road and Mercian Way have been altered to incorporate red brick with arched recessed window sections and brick detailing with double height pilasters. There would be a taller corner section, with double height glazed panels on the front elevation facing onto the roundabout junction. This is intended to take design cues from listed former railway industrial buildings on the goods yard site. The rear part of the store fronting the car park to the south and west would differ in appearance and comprise a mono pitch roofline, with aluminium grey and white cladding on the elevations and flat roof glazed entrance feature. The building would have a maximum height of 10.5 metres to the taller corner section and 7.3 metres to the rest of the building. The floor layout would measure approx. 70 metres in length x 40 metres to its deepest depth. The loading area which is approx. 10 metres x 12 metres would be at the western elevation of the store building.

The application is supported by various technical documents which include a Design and Access Statement, Planning and Retail Statement, Air Quality Assessment, Flood Risk Assessment and Drainage Strategy, Heritage Statement, Noise Assessment, Site Investigation reports, Ecological Appraisal and Transport Assessment.

2. Relevant Planning History:

Application No:	DER/02/18/00286	Type:	Full Application
Decision:	Refused	Date:	24 September 2019
Description:	Erection of food store (A1) with access, car parking, landscaping and associated works		

1. The application site occupies a prominent corner location at the junction of the Inner Ring Road and on one of the main arterial routes into the City Centre in an

area which is identified as a Primary Gateway under Policy AC5. In the opinion of the Local Planning Authority the proposed design, siting, external appearance and form of the proposed food store building is of insufficient quality, which would result in a form of development which fails to respond adequately to the street frontage and would not have a robust presence in the townscape and skyline in this prominent 'Gateway' location. In particular, the large single storey expanse of the proposed development with an uninspiring roof design fails to address the surrounding context and would be a missed opportunity for providing a gateway feature at this prominent junction. Furthermore, the orientation of the building would be visually intrusive to the street scene turning its back on the public domain. The proposal is therefore contrary to the adopted Policies CP3, CP4 and AC5 of the Derby City Local Plan - Part 1: Core Strategy (adopted 2017), saved Policy GD5 of the adopted City of Derby Local

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Plan Review and the National Planning Policy Framework which advocates good design at all levels of the planning process and achieving well designed places.

2. The application fails to provide sufficient information in regards to the proposed developments impact on the setting and significance of the nearby designated heritages assets, in particular the Grade II Listed Engine House and Grade II Railway Warehouse, Friar Gate Goods Yard. As such the Local Planning Authority cannot assess the proposal under the National Planning Policy Framework and the application fails to satisfactorily meet the requirements of paragraphs 184, 189, 190 and 192 of the National Planning Policy Framework, as well as saved Policy E19 of the adopted City of Derby Local Plan Review and Policy CP20 of the Derby City Local Plan Part 1: Core Strategy.

Application No:	DER/02/15/01516	Type:	Full Application
Decision:	Refused	Date:	28 February 2017
Description:	Erection Of Foodstore (Use Class A1) With Access, Car Parking, Landscaping And Associated Works		

- 1. The application site occupies a prominent corner location at the junction of the Inner Ring Road and on one of the main arterial routes into the City Centre in an area which is identified as a 'Primary Gateway' under Policy AC5. In the opinion of the Local Planning Authority the proposed design and form of the proposed food store building, is of an insufficient quality, which would result in a form of development, which fails to respond adequately to the street frontage and would not have a robust presence in the townscape in this prominent 'Gateway' location. In particular it is considered that the position of the retail building set to the rear of the site fails to properly address the street and results in a development that would be dominated by car parking. The proposal is therefore contrary to adopted Policies CP3, CP4 and AC5 of the Derby City Local Plan - Part 1 (Adopted 2017) and the overarching guidance in the National Planning Policy Framework.*
- 2. In the opinion of the Local Planning Authority the applicant has not demonstrated that a safe and suitable access onto Uttoxeter New Road can be provided to serve the development and accordingly the development would have a significant detrimental impact upon highway safety on the local road network at the junction of Uttoxeter New Road, Great Northern Road and the Inner Ring Road. The proposal is therefore contrary to adopted Policy CP23 of the Derby City Local Plan - Part 1(Adopted 2017).*

3. Publicity:

Neighbour Notification Letter – 54 neighbours

Site Notice - Yes

Statutory Press Advert - Yes

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

4. Representations:

Twenty three supporting comments and 3 objections have been received to the application and the main issues raised are as follows:

Supporting comments:

- Would like to have a Lidl store in the area
- Would improve the site which is an eyesore and subject to anti-social behaviour
- Should attract further investment in the area
- Provide new jobs
- Would be walking distance of new store
- Benefits to local community

Objection comments:

- Would result in increased congestion
- No need for new food stores
- Insufficient quality of design which does not respond to gateway location
- No active frontage
- Proposed acoustic barrier would be detrimental to streetscene
- Insufficient information in heritage statement
- Insufficient information submitted with Transport Assessment to assess traffic impacts
- Highway safety concerns
- The sequential test for retail assessment has not been satisfied.

5. Consultations:

5.1. Highways Development Control:

Comments:

The site has been the subject to two previous applications App No 15/01516 and App No 18/00286, both of which were refused planning consent. In highway terms App No 15/01516 was refused on highway safety grounds, whilst App No 18/00286 raised no highway objections subject to planning conditions (see previous highway comments at Appendix A).

Generally, the layout shown on the latest revision 2019-146 A-PL 003 Rev C is a similar proposal to that proposed by App No 02/18/00286, consequently many of the previous comments remain extant. There have been some material changes since the matter was before committee the last time, particularly with respect to the proposed off-site works and the Council's air quality improvement scheme and these are included.

National Planning Policy Framework (NPPF) 2018

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NPPF and sets out the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 108 of the NPPF (2018) says:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, also:

Paragraph 111 says:

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Considering the above criteria I make the following comments

The NPPF presumes in favour of sustainable development and consequently is seeking to influence developers to put in place measures to provide opportunity and encouragement for future residents to choose to travel by non-car modes, wherever this is realistic and feasible. The above site is generally considered to be in a sustainable location.

As mentioned above App No 18/00286 raised no highway objections subject to planning conditions. One of the conditions was to provide localised widening on Uttoxeter New Road to provide a right turn ghost islands adjacent the site access and into Gt Northern Road. Following refusal of App No 18/00286 an application for a new secondary school off Gt Northern Road (App No 19/00631/FUL) was considered by planning committee. This application was ultimately given conditional approval with generally the same level of off-site works on Uttoxeter Road that would have been required of App No 18/00286 and which is also proposed by the above application.

During the assessment of the proposed school more work was undertaken in respect of the provision of a right turn lane into Gt Northern Road and the impact this would have on the Council's air quality improvement scheme. Below, is what was concluded, particularly in respect of the need for third party land as described by the highway comments for App No 18/00286 at appendix A:

"It is noted that site clearance work has commenced on site it is my understanding that it will take approximately one year to build the school, indicating that the school is unlikely to be open until close to the end of 2020 or even early 2021. If the Council's air quality improvement scheme is in place prior to the school opening then it will be possible to provide the RTL on Uttoxeter New Road as discussed above."

However if not then it is possible that the school building could be well underway and either the applicant is faced with acquiring 3rd party land to provide the RTL or the Council has to accept a substandard highway layout to allow the RTL to be fitted into the highway extents. It is suggested that the applicant is asked to show how they would provide a RTL within the current highway layout. In doing this all sides will have the comfort of knowing every eventuality has been covered."

In response to the above comments 'Mode' the applicant's transport consultant submitted Drg No J32-3879-PS-008. However, the drawing showed the extra space required to form the right turn lane into Gt Northern Road was achieved by reducing the westbound merge along Uttoxeter Road, which the highway authority felt to be undesirable. This is because Uttoxeter Road at its junction with the Inner Ring Road is an important section of the highway network with a number of important strategic functions to perform in distributing goods and people around the City. WYG were asked to look again at this issue and have concluded that it is possible to squeeze a right turn lane into the existing layout albeit it will result in the use of narrow lanes and will require additional widening to that shown on Mode's drawing. WYG produced a preliminary layout as shown on Drg No A081175-115 35 18 Option 4, however this a draft drawing and additional work would be required to this layout if it was ever to be implemented. If the school is built and with the NO2 reduction scheme (as anticipated, as the Council has a legal obligation in place) and hence the school is required to deliver Drg No A081175-115 35 18 Option 1, it is important that statutory undertakers plant relocated out of the northern footway adjacent the existing bus lane, is either relocated away from the land required for the Option 4 scheme or is laid at an appropriate depth to allow carriageway construction to be laid over the top of the plant. The details of protection or diversion of underground apparatus will depend on the full detailed design of a future scheme and will need to recognise the rights of apparatus owners. The applicant will need to work with Statutory Undertakers under the code of practice for diversionary works and will be responsible for the cost of works to underground apparatus.

Proposed exit only onto Mercian Way

The new 'exit only' onto Mercian Way has been proposed as an alternative exit to the right turn out onto Uttoxeter New Road. This exit will allow use of the roundabout as a means to travel anti clockwise around the inner ring road and to travel along Stafford Street. To prevent drivers turning right out of the proposed exit the applicant proposes to extend the central refuge on Mercian Way. In any future detailed design it will have to be demonstrated that the extension of the splitter island is sufficient to prevent all right turns out of the exit.

In an ideal world the proposed exit onto Mercian Way would not be supported as it is generally good practice to keep access to the Inner Ring Road to a minimum. However in these particular circumstances it is considered there is little alternative due to the difficulties describe in the previous highway comments at Appendix A.

The proposed exit onto Mercian Way is also directly affected by the Council's highway network changes relating to improving air quality on Stafford Street. When the applicant proposed the exit onto Mercian Way drivers were able to go left/ahead from the nearside land and ahead/right from the off-side lane. The changes associated with the Council's Air Quality Improvement Scheme forces all drivers to

use the offside lane to go ahead and right as the near side lane is to become left turn only. It could be argued that this potentially makes the 'exit only' less safe as more vehicles will have to move out to the outside lane than would have previously been the case. The applicant has commissioned a safety audit by independent auditors who raised no concern about the proposed exit with the Air Quality Improvement Scheme in place.

Parking and Servicing – are considered acceptable.

As described above should the above proposal obtain planning consent there would be a requirement to provide localised widening on Uttoxeter New Road to provide a ghost island right turn into the site and Gt Northern Road. These works are directly impacted by the Council's NO2 reduction scheme. Work on the Roadside NO2 project has commenced and are expected to continue through to June 2021. The Council has been working locally with officials from the Department for Environmental, Food and Rural Affairs (DEFRA) since 2015 to identify measures to ensure the government can meet its obligations to reduce levels of Nitrogen Dioxide (NO2) emissions from vehicles, in the shortest possible time.

Following public consultation on three options, the Council put forward a traffic and network management solution to tackle the one area of exceedance identified on Stafford Street, in response to prescribed limits determined by EU legislation.

It includes several junction design changes, and a significant modernisation of the Council's urban traffic management system.

The improvement works to change the junctions are part of a wider package of measures, that will enable the Council to better manage traffic flow and monitor air quality, that includes:

- changes to the junctions at either end of Stafford Street to manage traffic flow in the most sensitive area
- changes to improve resilience and capacity at the Ashbourne Road / Uttoxeter Old Road junction to help provide alternative route choices
- traffic management measures to support alternative routes such as Uttoxeter Old Road

Changes are being made to a key route in the city and will see the introduction of two traffic lanes from Uttoxeter Old Road into Friar Gate, and from Friar Gate to Bridge Street. Until the Council's No2 scheme has been completed no S278 works on Uttoxeter Road will be possible. Please be aware that this could impact on the opening date of the above food store should it receive planning consent?

Traffic Modelling – Please see the note ref TA 322 TN 05/01/21 dated 5th Jan 2021, from transport planning in which concludes:

"The application seeks the erection of a discount food store on the vacant land on Uttoxeter New Road. The Applicant has utilised existing recent traffic impact analysis conducted by ADC Infrastructure for an Aldi food store at the same location and analysis conducted for the recently approved Cathedral School on Great Northern Road. The subsequent TA has presented the key findings of the traffic modelling that concluded on both counts that the local highway network has sufficient capacity to

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accommodate the current proposals. A previous application for a Lidl food store on this location received no objections from highways subject to conditions.

The current proposals seek to carry out the off-site highway works that were planned as part of the previous application. The works have been approved by highways and the modelling shows that the Cathedral School, Lidl food store and the Councils NO2 clean air scheme can work harmoniously.

The investigation into the estimated trip generation of the proposed Lidl store has noted that the associated vehicle trips are likely to be less than that of the Aldi application. As a result, the modelling carried out provides a robust assessment. Previous comments submitted by colleagues note that there is existing congestion on the local highway network, particularly during the PM peak. It is also noted that the impact of this development will not be in terms of new traffic to the area but the alteration and redistribution of traffic, with vehicles exiting onto Mercian way having to perform a U-turn around the signalised roundabout. The conclusion of the modelling and colleagues is that the U turning movements would not cause queues to block back into the entry lanes of the roundabout."

Conclusion – No highway objections subject to the following conditions and notes:

Suggested Conditions and Notes to Applicant

1) No development shall take place unless or until:

- a. a wheel washing facility constructed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational;
- b. details of the Construction Management Plan including routing for construction traffic has been submitted to and approved in writing by the LPA.

2) The proposed development shall not be brought into use unless or until the following have been constructed in accordance with details to be submitted to and approved in writing by the LPA:

- a. A ghost island adjacent the Uttoxeter New Road access as shown for indicative purposes on Drg No A081175-115 35 18 Option 1;
- b. the vehicular access off Uttoxeter New Road, including the visibility splays and footway crossings
- c. An 'exit only' onto Mercian Way including an extension to the roundabout splitter island to prevent right turns out of the exit;
- d. The proposed car park and service area are suitably surfaced, lit and drained and is available to customers;
- e. A scheme to prevent all vehicular access from Talbot Street including 'bumping up' over kerbs;
- f. Secure and covered cycle parking;
- g. A Travel plan.

5.2. Conservation Area Advisory Committee:

Priority was for the re-use of this vacant site. Agreed that the proposal was appropriate to the context of the area. Car parking screened behind the building was welcomed. Design generally acceptable. The proposed arched design appeared to reflect the nearby railway architecture but thought to be bold and too fussy. Also the visual appearance of the end elevations appeared quite weak. May need better architectural justification. Main discussion related to how close to the UN Rd frontage the building was located, with opposing views. Some non-heritage debate about access and congestion.

Recommendation: No Objections, although some detailed design issues need reconsidering.

5.3. Environmental Services (Health – Contamination):

I have reviewed the application information and I would offer the following comments in relation to Contaminated Land implications for the development as follows.

Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than in a land contamination context.

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

You will be aware of comments issued by this Department in relation to an earlier ground investigation (produced by Castle Rock Geotech in 2015) which was submitted in connection with a similar supermarket scheme on this site.

Whilst reference to those earlier comments is advised, I note that the current application is supported by two new contamination assessments and therefore the following comments will replace any earlier conclusions.

The two reports submitted in support of the application and which have been reviewed to help inform this Department's response, are as follows:

- Phase 1 Site Investigation & Preliminary Risk Assessment, Remada Ltd, Ref: 791.01.01, Dated: July 2020;
- Phase 2 Ground Investigation, Remada Ltd, Ref: 791.02.02, Dated: September 2020.

Phase 1 Site Investigation & Preliminary Risk Assessment

The Phase 1 Report is a desk-based study which includes a review of historical information pertaining to the site, including the previous Castle Rock Geotech Report.

The report is thorough and follows general good practice.⁹ The Study recommends the following:

- Investigation of the lateral and vertical extent of made ground/fill beneath the proposed store footprint;

-
- Collection of soil and groundwater samples from the areas identified above for contaminants of concern; and
 - Ground gas monitoring.

The recommendations are broadly supported, however they only appear to suggest investigations "beneath the proposed store footprint", which is considered to be an insufficient site-coverage, especially bearing in mind the areas of soft landscaping proposed under the scheme.

Phase 2 Ground Investigation

Thankfully, the Phase 2 investigations include a scheme of sampling which covers an area wider than just the building footprint, comprising a total of 8 window sample boreholes (WS1 to WS8) and therefore the sampling strategy is considered to be sufficiently comprehensive.

Ground gas monitoring was undertaken within locations WS1, WS3 and WS4 on 4 occasions over July and August 2020.

Based on the ground gas risk assessment included in the report, a gas screening value calculation results in a CS1 classification for the site, suggesting that gas protection measures won't be needed within buildings proposed on site.

In terms of the risk assessment process, appropriate screening criteria have been used.

Based on the ground material samples taken, chemical analysis did not reveal any exceedances of the screening criteria based on a commercial end-use scenario.

It is noted that all samples were based on analysis of the near-surface made ground. The report highlights the previous investigation results (Castle Rock Geotech – 2015) which highlighted hydrocarbon contamination within the deeper natural strata.

Notwithstanding the earlier results relating to the natural strata, remediation of the made ground is not deemed to be necessary on site in order to render the site suitable for the proposed supermarket use.

Conclusions and Recommendations

The submitted contamination investigation reports confirm that contamination risks have been adequately assessed on site and that remediation is not necessary based on the proposed end-use as a supermarket. Consequently, contamination need not be a factor in determination of the application.

Furthermore, there appears to be no need for any contaminated land-related conditions to be attached to the consent, should it be granted.

5.4. Environmental Services (Health – Air Quality):

I have reviewed the application information and I would offer the following comments in relation to Air Quality implications for the development as follows.

I note that the application is for a similar supermarket scheme to various proposals which have already been considered by the Local Planning Authority at this site. You will therefore already be aware of previous comments regarding air quality in respect of the earlier schemes.

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I note the submission of an updated Air Quality Assessment in respect of the new scheme (Miller Goodall Ltd, Ref: 102371, Dated: 9 September 2020). I can comment on the assessment and its implications for the planning application as follows.

Air Quality Assessment

An assessment of construction dust impacts is included in the report. This highlights notable potential impacts if left unmitigated.

Consequently, dust mitigation measures are outlined in the report in Appendix D with an outline Dust Management Plan provided in Appendix E.

The report does not include any specific assessment of air quality impacts arising from traffic generated by the development however. Instead, it relies on the conclusions provided in an earlier assessment produced as part of the recent planning application for a new secondary school on the nearby Great Northern Road (Ref: 19/00631/FUL).

Importantly, it is noted that the school assessment includes committed development for a similarly-sized supermarket development on this site and therefore takes a scheme of this nature into account.

It is further noted that the proposed scheme is predicted to generate around 728 additional vehicle trips on the road network (AADT), although the report does not confirm the location on the network this figure relates to.

The report notes that the conclusions of the earlier assessment suggested that no receptors within the vicinity of the site would be exposed to concentrations of NO₂ and PM₁₀ above their respective annual mean objectives in the future assessment year, with or without the developments in place.

The purpose of the Stafford Street Traffic Management Scheme (TM Scheme) is to control traffic volumes along Stafford Street using a combination of junction improvements and traffic light controls. In theory therefore, the TM Scheme should apply equally to any traffic generated by the proposed supermarket scheme as it would to any other traffic on Uttoxeter New Road, Stafford Street or Mercian Way.

Provided that the Council's Highways Officers are satisfied that the proposed access/egress arrangements do not in any way compromise the functioning of the Stafford Street Traffic Management Scheme, then the conclusions in the report appear reasonable and I would therefore accept that there is no reason to refuse the scheme on air quality grounds.

Should planning permission be granted, I would strongly advise the attachment of a pre-commencement condition requiring the submission of a Construction Management Plan which should include the proposed dust mitigation measures outlined in Appendices D and E of the submitted Air Quality Assessment. This is in order to protect nearby residential dwellings from dust nuisance during construction

5.5. Environmental Services (Health - Noise):

I have reviewed the application information and I would offer the following comments in relation to noise implications for the development as follows.

Context

A noise impact assessment report has been submitted in support of the above Application. Document (s) submitted for review:

Miller Goodall Ltd Noise Assessment Report No. 102370 dated 18 August 2020 Rev 2 dated 25 September

Comments have been made against the identified sections of the report. These are generally intended to help improve future submissions made to the council.

Comments that are considered material to the Application are summarised in the Conclusion.

Planning Policy

This could helpfully focus on para 180 at 4.2.4 and present it as plainly as possible. It is for the promoter to ensure significant effects on existing premises are avoided and adverse effects minimised so far as is reasonable. The references docs could be discussed if necessary, in an Appendix with additional reference to latest WHO publications.

Local Authority Consultation

Efforts to do this and rather vague statements such as this about such discussions are generally not helpful. Consistent with above it is for the applicant to demonstrate through their submissions that they have met the policy requirements.

Standards and Guidance

The values, whether noise change or absolute values should be related to the terms set out in 4, in the context of the development, for example commercial impacting upon other commercial and residential, so the design criteria/impact thresholds, in the absence of Council guidance are clear. Discussion of the source standards could be in an Appendix or simply referenced. 8. and 9. Impact of Noise from the Proposed Development. The cumulative impacts would appear to be in line with the requirements of policy, significant effects are unlikely given the predicted values would be low impact (BS4142) and below the internal targets set out in BS8233 accounting for window loss. This could be made clearer. The provision of fences to provide a degree of noise mitigation demonstrates reasonable measures taken to reduce any adverse effects.

Deliveries are often likely to be cause of local concern and it is suggested that they could be considered in comparison to L_{Amax} and period L_{Aeq} thresholds as they are relatively short term events that occur with a degree of regularity during the day or night rather than a continuous source of noise.

Conclusion

The noise report submitted is considered sufficient to determine that this site is suitable for the proposed development from a noise perspective. As no specific noise control measures have been identified for the refrigeration plant a related condition is not considered necessary.

Recommendation

It is recommended that no objection be made to the Application on noise grounds without Condition.

5.6. Environment Agency:

The Agency has no objections in principle to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Given the site's industrial past, we would recommend that the following condition is placed on the decision notice if planning permission is granted.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that if any unsuspected contamination is identified during redevelopment of the site it is dealt with in such a way as to protect controlled waters.

5.7. Derbyshire County Council Archaeologist:

We do not consider that the proposal will have significant archaeological impact and would not wish to comment further in this case.

We would recommend however that your Conservation Officer be consulted on the scheme in terms of its impact on the setting of designated heritage assets within the environs of the proposed development.

5.8. Derbyshire Wildlife Trust:

We advise that there are no new ecology issues associated with the revised plans and therefore we have no further comments to make to those provided in our previous response dated 25th November 2020 which remain relevant and still apply. The main points are reproduced below;

The application seeking permission for the erection of a food store is supported by a Preliminary Ecological Appraisal report prepared by SLR dated September 2020. The appraisal is informed by a site survey carried out on 28th July 2020. We concur with the conclusion that the habitats present on the site have low intrinsic value for nature conservation.

The scrub and trees on the site do provide suitable opportunities for nesting birds and, as such, we support the recommendation for tree and scrub removal to be carried out outside of the bird breeding season.

Apart from the potential impact on nesting birds we advise that there should be no ecological constraints to the proposed development.

The proposed landscaping scheme is supported.

5.9. Police Liaison Officer:

As with the previously refused applications for a retail store on this site, there are no objections in principle to this proposal.

As layout is very similar to previous application 02/18/00286, matters of community safety and designing out potential issues of crime and disorder are also similar.

The majority of car parking areas have very little passive supervision, consequently approval should be conditional upon the formal surveillance of a store owned CCTV system, with full details to be agreed prior to the commencement of trading. Coverage should include all external parking, pedestrian routes and the cycle storage area.

There is a note on site plans in respect of lighting column drawings, but nothing I can see online to flesh this out. Approval should be conditional upon the installation of external lighting, with approved drawings for position, specification and a lux plan.

The large open car park has the potential to attract inappropriate use at times when the store is not trading, which would impact on both the store and amenity of neighbours.

I would recommend that boundary plans are amended to include a facility which enables the store car park to be secured against vehicle access when the site is vacant.

5.10. Conservation Officer (revised comments March 2020):

Designated Heritage Assets affected –

The proposal is near to the grade II listed Bonded warehouse and grade II listed engine shed, which are to the north of the site and adjacent road and roundabout. These are both designated heritage assets in National Planning Policy Framework terms. The Derby Skyline work (2019) identifies a nearby view as one of 31 important views across the City. The setting of the listed buildings on the Derby skyline and key views to and from the nearby heritage assets need to be taken into consideration when assessing the proposals impact.

Impact of proposals on Heritage Assets and comments –

This proposal is for a new food store at the north east corner of the site. It is single storey apart from a tower to the corner of Uttoxeter New Road and Mercian Way.

No issue with the proposed use. The impact of the proposals on the view along Uttoxeter New Road towards the City Centre have been amended and the amended information shows the use of brick instead of render to the north Uttoxeter New Road elevation and the west facing elevation seen when travelling towards the city centre. Although glazing would be preferred brickwork is an improvement.

The views to the grade II listed bonded warehouse along Mercian Way have been taken into consideration in the design. The amended information submitted shows the dotted outline of the proposal which frames the view of this building at this point.

The Engine Shed is further round on Great Northern Road so views are less prominent. The additional points made within the letter (dated 8/2/21) on the design

influence of the proposed development in relation to the listed buildings and agree that development on this site is beneficial.

There is no harm to the setting (as part of significance) of the listed buildings nearby and those on the Derby Skyline.

Policies –

The Planning (listed building and conservation areas) Act 1990 para 66 as regards listed buildings are relevant here. As are E19 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant.

Suggested conditions –

Should you be minded to grant permission I would suggest a condition to control materials, boundary treatments and landscaping.

Recommendation: No objection on heritage grounds (subject to conditions)

5.11 Highways (Land Drainage):

The application is informed by an FRA (Flood Risk Assessment) that identifies the presence of an adjacent water course.

With reference to the water hierarchy the applicant will need to investigate the options available to inform the drainage strategy. Detailed survey of local drainage networks as recommended in the applicant's FRA and ground investigation as to the appropriate means to drain the site. It is highly likely that the strategy will be required to include an element of infiltration.

The site should seek to support the replenishment of the natural aquifers by the appropriate treatment and conditioning of surface water prior to infiltration. The level at which infiltration is to be introduced to the natural ground and the quantity of water discharged by such 'natural' means will need appropriate design and consideration with respect to the wider catchment.

The offsite discharge flow rate is to be limited to the equivalent QBar for all events up to the 1:100 plus climate change (+40%), this is to ensure that the development is sustainable, does not have a detrimental effect on the local population, give rise to unnecessary power consumption as a result of pumping and protect the water assets.

Should the development be approved we would ask that the following conditions be attached on any development approved.

Condition:-

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan for surface water drainage of the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development. The scheme shall include as far as practicable:-

-
- A sustainable drainage solution, the designed system will limit offsite discharge flow rate to the equivalent Greenfield runoff rate QBar, identified on the applicants FRA as 3.63 l/s.
 - Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
 - Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - Appropriate ability to maintain the system in a safe and practical manner.
 - The strategy shall demonstrate that condensates are not drained to the surface water system. As such it will be appropriate to include details of the foul drainage system, including its internal layout.
 - The surface water drainage strategy and layout should demonstrate how surface water will be directed away from the building, where appropriate and not cause ponding.
 - Details of the management of overland flows and the protection to neighbouring properties in the event of exceedance or blockage.

5.12 Cadent Gas:

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

6. Relevant Policies:

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

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

- | | |
|-------|--|
| CP1a) | Presumption in Favour of Sustainable Development |
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles |
| CP4 | Character and Context |
| CP9 | Delivering a Sustainable Economy |

Committee Report Item No: 2

Application No: 20/01247/FUL

Type: Full Application

CP10	Employment Locations
CP12	Centre
CP13	Retail and Leisure Outside of Defined Centre
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment

Saved CDLPR Policies

GD5	Amenity
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Building and Buildings of historic importance
E24	Community Safety
T10	Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Retail Policy Context

7.2. Access, Parking and Highway Safety Issues

7.3. Design, Layout and Heritage Impacts

7.4. Residential Amenity Impacts

7.5. Environmental Impacts

7.6. Other Issues

7.7. Conclusions

7.1. Retail Policy Context

The proposal seeks full permission for the construction of a new retail unit (E use) on the south side of Uttoxeter New Road at the junction with Mercian Way and Stafford Street (Inner Ring Road) on the edge of the city centre. The store would include 2,098sqm (gross) with a proposed sales area of 1,325sqm (net). The proposed occupier is the discount food store retailer, Lidl.

Lidl are a mainstream convenience food store operator, although they generally also sell non-food comparison goods from around 20% of the net floorspace. Comparison goods are largely sold on a 'when it's gone, it's gone' basis, with no particular type of comparison good predominating. In this specific case, following pre-application engagement with officers, the applicant is seeking permission to sell comparison goods from 15% (199sqm) of the net floorspace.

This is the third in a series of planning applications that have sought permission for the development of a food store in this location. Application 12/15/01516 was refused in 2017 for two reasons relating to design and highway safety. Following this refusal, a second application 02/18/00286 was submitted and subsequently refused in 2019 due to ongoing concerns about the design of the proposal and insufficient information in relation to potential impacts on nearby heritage assets. It is important to note that highway impact was not a reason for refusal on the second application and that neither scheme was refused on retail policy grounds.

The most easterly section of the site is covered by the Central Business District (CBD) allocation as identified within the adopted Derby City Local Plan - Part 1 (DCLP1). The CBD is the sequentially preferable location for main town centre uses, apart from retail. The DCLP1 identifies a more tightly defined area at the heart of the CBD as the 'Core Area' which is the sequentially preferable location for retail development. The site of the proposal is too far removed from the outer limits of the Core Area to be considered edge-of-centre and therefore the site should be considered as an 'out-of-centre' location. This is agreed by the applicant.

On the basis that the proposal is located in an out-of-centre location, the main retail policy considerations are whether the proposal is compliant with the provisions of the

sequential and impact tests, as set out in the NPPF and Policy CP13 (Retail and Leisure Outside Defined Centres) of the DCLP1.

The applicant has submitted a new retail statement to address these issues, as opposed to relying on information used to justify the previous applications. This is to be welcomed. It is also positive to note that they have utilised data from the Council's Retail and Centres Study (RCS - 2019) to underpin the new assessment.

Sequential Test

As the site of the proposal is considered to be out-of-centre, the applicant is required to consider all in-centre and edge-of-centre locations falling within the Primary Catchment Area (PCA) of the proposal. Therefore, the starting point for considering compliance with the sequential test is to identify the PCA of the proposal.

Whilst no longer a specific policy test, identification of the PCA fundamentally relates to an understanding of the retail 'need' or 'deficiency' which the proposal intends to satisfy.

In justifying the PCA, the applicant has highlighted that Lidl's existing store at Normanton Road is trading strongly, but that the store suffers from signs of overtrading – i.e. reduced levels of customer satisfaction because the store is too busy. This conclusion is supported by the findings of the RCS, which highlights that all stores operated by the likes of Aldi and Lidl in Derby are likely to be overtrading – in some cases to a significant extent. This justification was accepted in considering the previous applications.

On the basis of the above, the applicant has concluded that the PCA for the application covers the city centre and areas to the south and west, including District Centres in Normanton and Cavendish and Kingsway Retail Park as an identified out-of-centre location.

Having reviewed available information, the applicant has concluded that there are no alternative sites at Normanton Road, Cavendish or Kingsway Retail Park that are suitable and available to accommodate the proposal. I am in agreement with this conclusion.

Based on the PCA, it would have been useful for the applicant to have also considered Littleover District Centre, however from my own knowledge I am not aware of any sites within or on the edge of the centre that could accommodate the proposal.

The applicant was advised that for the purposes of the sequential test, it is not necessary to consider Neighbourhood Centres as they are too small to accommodate development of the proposed scale.

The applicant has focussed efforts on considering alternative sites within and on the edge of the Core Area, which is the sequentially preferable location for retail in the city centre. The RCS identifies a need to improve food store provision within the City Centre to serve the increasing residential population, to try and stem the flow of expenditure derived from central areas to more peripheral areas and ultimately to drive footfall in the Core Area. The identification of a sequentially preferable location in the City Centre would help in realising this objective.

A number of potential city centre sites have been identified and ruled out by the applicant for various reasons. I am in general agreement with the applicant in ruling out the majority. The one site that does stand out as potentially being appropriate is Becketwell. The site has outline planning permission for a range of uses including food retail, so is therefore suitable in principle. On this basis, the applicant was asked to consider the merits of this site in more detail.

Additional information was submitted by the applicant which concludes that:

- The retail units (fronting Victoria Street) proposed as part of the phase 1 proposals and benefiting from full permission are too small to accommodate the proposal and are therefore unsuitable.
- Bringing forward a store on the Becketwell site would be costly due to the mixed-use nature of each phase, meaning it's likely to be unviable.
- The next phases of the Becketwell scheme are unlikely to be developed for some time and Lidl require immediate availability, with proposed opening early 2022. The site is therefore unavailable.
- The proposed store is unlikely to impact on any future retail proposals on the Becketwell site as it's likely to serve a different catchment area, with a city centre store primarily serving residential areas within the inner ring road.

I agree with the first point made by the applicant, but am less convinced by the arguments forwarded in points 2 and 3. Operators such as Lidl and Aldi are increasingly becoming more flexible in terms of their site requirements and there are examples of where stores have been incorporated into mixed use schemes in city centre locations. Without more information to substantiate this point, I'm not inclined to rule the site out on this basis. In terms of phasing, construction of phase 1 of the Becketwell project is due to commence in Spring 2021. I've not seen any evidence to suggest that there will be a significant lag (beyond the normal timescales for planning and site preparation) in future phases being brought forward and I would anticipate that timescales will be driven by market demand for the new floorspace. It is also important to note that the NPPF does not require sites to be immediately available and makes allowance for sites to become available within a reasonable period. Again, I'm not inclined to rule the site out on this basis.

Finally, I'm of the view that the final point has more validity, relating to the differing catchment areas of the proposal and a potential city centre food retail scheme at Becketwell. I tend to agree that if a food store was incorporated into the Becketwell scheme it would more than likely attract trade from the existing and proposed residential population in the city centre, plus other visitors such as office workers. I'm not convinced that a store could be incorporated into a scheme of the nature of the Becketwell proposals, whilst serving large parts of the PCA identified by the applicant. I'm therefore satisfied that the Becketwell site can be considered unsuitable for the development as proposed, based on the PCA identified. It is of note that the developers of the Becketwell scheme have not objected to this proposal, which would be expected if the proposal was likely to prejudice future plans for the Becketwell site.

On the basis of the above, I am satisfied that the proposal is consistent with the provisions of the sequential test.

An objection has been received on behalf of another operator, raising concerns about the robustness of the sequential test assessment carried out by the applicant. In their view there has not been adequate consideration of the forthcoming Becketwell development as a suitable in-centre location and have not demonstrated why it is not appropriate for the development. As set out above, I am of the view that Becketwell can be discounted as a suitable site for the development, since it would serve a different catchment area and the proposal would not prejudice the future delivery of Becketwell for new retail uses.

Impact

Paragraph 90 of the NPPF is clear in stating that proposals which would have a significant adverse impact on the factors set out below should be refused:

- existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment;

Whilst the NPPF is clear in stating that proposals that are in breach of the criteria set out above should be refused, recent case law has clarified that any such breach still needs to be weighed in the balance against other considerations set out in the NPPF and Local Plan.

Regardless of scale, the emphasis is on applicants to demonstrate that their proposal will not have significant adverse impacts, in terms of the factors set out above. Policy CP13 in the DCLP1 specifically requires proposals of in excess of 1,000sqm (gross) to submit a full impact assessment in order to demonstrate compliance with this requirement.

It is important to remember that quantitative impact assessments are merely indicators of potential trade diversion and cannot ever fully represent the complexities of shopper behaviour and retail dynamics. They are generally based on a huge number of assumptions (importantly including the operator) and therefore can only ever provide a guide and are not a decision-making tool.

Recent changes to the Use Classes Order have added even greater uncertainty to the consideration of commercial proposals (such as retail), due to the creation of use class E, which groups retail alongside a number of other commercial uses. In order to ensure that the impacts considered in the retail impact assessment are a close reflection of the eventual use of the site, it would be beneficial to either amend the description to make it clear that permission is being granted for E(a) uses only, or alternatively to impose a condition to provide this certainty.

As already noted, the applicant has submitted an impact assessment to support the application and has utilised data from the Council's Retail Centre Study (RCS) to inform this.

The most obvious way in which a new retail proposal can have a negative impact upon an existing centre is through diversion of trade. The starting point for

considering trade diversion is to determine the potential turnover of the proposed store. The applicant has estimated that based on a convenience sales floorspace of 1,126sqm (assuming 85% of sales floorspace), the new store is likely to generate a convenience goods turnover of around £11.1m once operational and trading patterns have settled (estimated 2024). This turnover figure is a reasonable and robust assumption to base the assessment on and is broadly consistent with the figures used for similar schemes.

The applicant has attempted to factor in the impact of the Aldi store at Burton Road, which opened in 2019, after the household survey was completed for the RCS.

In terms of impact, the applicant has assumed that 'like trades with like' and that the majority of trade diversion to the new store will be derived from similar operations already trading in the area. This is a logical assumption to make, as residents already have the choice of shopping at discount retailers. On this basis, the applicant has assumed that the majority of trade diversion will be from Aldi at Manor Parkway (£5.6m), with £2.5m derived from Aldi at Burton Road, £1.7m from Lidl at Normanton Road, £0.8m from Sainsburys at Kingsway and £0.5m from stores in the city centre, such as Tesco and Sainsburys. Again, this appears to be a logical distribution of anticipated trade diversion and is similar to that accepted in previous applications on this site.

Planning policy is concerned with protecting the health of defined centres, such as the City Centre and District Centres. Out-of-centre and edge-of-centre stores do not receive policy protection. The key considerations are therefore whether the proposal will result in significant adverse impacts on Normanton Road District Centre, which is home to the existing Lidl store or on the City Centre.

£1.7m diverted away from the existing Lidl store at Normanton Road would roughly equate to an impact of 15.6% on expected turnover at 2024. Taken as a whole, this level of impact on the Lidl would equate to around 8.3% impact on the turnover of the District Centre. This is a significant degree of impact, although it is acknowledged in the RCS that the store was (like most deep discounters in Derby) likely to be overtrading before the nearby Aldi opened. It is estimated that the store will continue to trade at around benchmark level even after absorbing the impacts of the Aldi store at Burton Road and the proposal.

It is acknowledged that it would be illogical for Lidl to open a new store that could potentially undermine the operation of one of their existing stores. Nonetheless, in order to try and safeguard the future of the existing store at Normanton Road and to protect the health of the centre, there is a case for imposing a restrictive planning condition requiring that the existing in-centre Lidl store on Normanton Road is kept open for a set period. It has been agreed with the agent, that such a condition will be imposed to retain the existing in-centre store for a minimum of 3 years, once the proposed store has opened.

Whilst the turnover of the city centre as a whole means that the proportional impact of a scheme of this nature is most likely to be negligible, it should be noted that where impacts are focussed on anchor stores, there can be a disproportionate impact on overall vitality and viability if the store was to shut. In this case, impacts are spread across other convenience operators such as Sainsburys, Tesco and Iceland. Impacts

on individual operators are likely to be minor and unlikely to result in the closure of any of these stores.

The consideration of impact should also be in the context of the overall health of centres that are being considered. The health of Normanton Road is considered in the RCS and is considered to be vital and viable, although investment in the commercial property stock is needed. On the basis that the centre is considered vital and viable, it is likely to be more capable of absorbing impacts.

The city centre has suffered significantly recent months due to the ongoing impacts of the Covid-19 pandemic. The vacancy rates have soared and footfall has been hit by consecutive lockdowns. It's therefore important that the Council does everything within its powers to help with recovery, support retailers and limit any further adverse impacts. Whilst this proposal will more than likely divert some trade away from city centre operators, as noted above the degree of impact will be relatively minimal and is unlikely to result in the closure of any of the stores affected by trade diversion to the proposal site.

In terms of the overall level of comparison turnover, I am satisfied that it will not lead to significant adverse impacts on any centres, provided that comparison sales are limited to 15% of sales floor space, as suggested by the applicant. Whilst the level of comparison turnover is not insignificant in itself, the nature of such sales from discounters means that there is unlikely to be sustained periods of trade diversion from any single in-centre operator. Limiting comparison goods sales to 15% of the net sales area would also avoid potential conflict with the Council's overall retail strategy, which seeks to maintain complementarity between the nature of goods sold from in-centre and out-of-centre locations.

Instead of applying a blanket condition on comparison goods, I consider that a more bespoke approach is required by limiting the sale of specific goods (listed in CP13) to no more than 15% (or equivalent net floorspace figure) of the sales area. This would provide the applicant with some level of flexibility, whilst protecting the Council's overall strategy.

The subjective nature of impact consideration means that the bar has been set very high in terms of what has been accepted as 'significant adverse impact'. Generally, refusals have only been upheld in relation to large superstores where impacts are pronounced and demonstrable. I am satisfied that this proposal will not breach this threshold, particularly in light of the findings of the Council's RCS which identifies capacity for new convenience floorspace and highlights that a number of existing discount retailers are currently overtrading (in some cases significantly), thus creating more headroom for impacts to be absorbed.

I am also satisfied that the proposal will not undermine existing, committed or planned public and private investment in any centre.

7.2. Access, Parking and Highway Safety

The principle access to the development is proposed to be onto Uttoxeter New Road, allowing left and right turn into the site, but only left turn egress out onto the highway. A second left turn egress only is proposed onto Mercian Way.

The development would be served by 114 car parking spaces, including 6 disabled person's bays and 9 parent and child spaces. Two spaces equipped for EV charging will also be provided, as well as ten customer cycle parking spaces.

The National Planning Policy Framework (NPPF) states in paragraph 32 that "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people and;
- Improvements can be undertaken within the transport network that limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 111 says: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Policy CP23 seeks to ensure that people, living, working and travelling within Derby have viable travel choices and seeks to actively manage the pattern of development to ensure that it would not cause or exacerbate severe transport problems, including unacceptable impacts on congestion, road safety, access and air quality, including cumulative impacts on Air Quality Management Areas.

Access to the food store is a significant issue for this site, due to its proximity to a busy junction with the Inner Ring Road and Great Northern Road and minimal scope to increase capacity for traffic flows. During the life of the application, Highways colleagues have negotiated with the applicants highways consultants to agree appropriate improvements to both access points onto Uttoxeter New Road and Mercian Way, to ensure that a safe and suitable access can be provided to serve the proposed development. The issue of traffic generation and the safe operation of the proposed development in highways terms is a significant factor in the determination process.

The revised access layout which is being considered, is similar to the proposal put forward under the previous application in 2018 ref:02/18/00286. This scheme was refused permission, but not on any highways grounds.

The outline planning consent ref:03/11/00246 for the redevelopment of Friargate Goods Yard has now lapsed and consequently is no longer considered to be committed development in respect of assessing the current proposal. Since the last

refusal of the 2018 scheme, full permission, under ref:19/00631 has been given for a new secondary school on part of the former Friargate Goods Yard site and it is currently being implemented, for opening in September 2021. This approval was conditional on off-site highway improvements, through formation of a ghost island being delivered on Uttoxeter New Road at junction with Great Northern Road. A right turn lane into the application site was also required for the 2018 retail scheme, which was refused permission.

In May 2019 the Secretary of State for the Environment issued the Council with a ministerial directive to undertake measures to improve the air quality on Stafford Street between Uttoxeter New Road and Friar Gate. The proposed scheme to achieve compliance with the directive, would reduce the capacity of the highway network adjacent the above application site. The Council's air quality improvement scheme (Roadside NO2), to reduce traffic capacity, is currently being implemented on Uttoxeter New Road at the junction of Stafford Street. This is proposed to be followed by the school's required works to form a right turn lane, prior to the school opening. The details of these works are set out in the Highways DC comments in Section 5. I note that until the Roadside NO2 works are completed, any approved highway works associated with the proposed development could not be undertaken.

The new 'exit only' onto Mercian Way has been proposed as an alternative exit to the right turn out onto Uttoxeter New Road. This exit will allow use of the roundabout as a means to travel anti clockwise around the inner ring road and to travel along Stafford Street. To prevent drivers turning right out of the proposed exit the applicant proposes to extend the central refuge on Mercian Way. In any future detailed design it will have to be demonstrated that the extension of the splitter island is sufficient to prevent all right turns out of the exit.

I note the Highway's Officer's view that the proposed egress onto Mercian Way is not the preferred option, although in these circumstances it is considered there is little alternative due to the difficulties with egressing directly onto Uttoxeter New Road, with the proposed highway works and air quality scheme described above.

The proposed exit onto Mercian Way is also directly affected by the Council's highway network changes relating to improving air quality on Stafford Street. When the applicant proposed the exit onto Mercian Way drivers were able to go left/ahead from the nearside lane and ahead/right from the off-side lane. The changes associated with the Council's Air Quality Improvement Scheme forces all drivers to use the offside lane to go ahead and right as the near side lane is to become left turn only. It could be argued that this potentially makes the 'exit only' less safe as more vehicles will have to move out to the outside lane than would have previously been the case. The applicant has commissioned a safety audit by independent auditors who raised no concern about the proposed exit with the Air Quality Improvement Scheme in place.

The proposed parking and servicing arrangements for the development are similar to those shown on the 2018 application, with the addition of electric charging points in the car park. The proposals would provide opportunities for sustainable travel, as well as meeting the highway authority's standards and they are therefore considered acceptable in this context.

The conclusions of on the transport modelling for the development from the Council's Transport Planning Officer are that the traffic impacts of the scheme would not be significant. The main impacts would arise from the alterations to the road network around the Uttoxeter New Road/ Stafford Street junction, at the roundabout. They have concluded that it would not result in excessive queuing at the junction, so the impacts on the road network around the site would not be adverse.

An objection to the transport assessment and technical note has been received on behalf of another retail operator, stating that further assessment should be carried out in relation to access and egress from the site, trip distribution and potential increases in background traffic. However, the Council's Highway Officer has fully assessed the supporting transport information and sought an updated TA addendum and revisions to the access layout, such that the Highway Authority is now satisfied the proposals would not have a significant impact on the road network and meet the tests in the NPPF, by provision of safe and suitable access to the development.

On balance and having regard for the implications of the Roadside NO2 scheme and other highways works to be delivered in this part of the road network, the proposed development is considered to accord satisfactorily with the transport requirements of Local Plan Policy CP23.

7.3. Design, Layout and Heritage Impacts

The proposed development would have an impact on the setting of nearby heritage assets, although there are no historic features on the site itself. Immediately opposite the site, on the northern side of Great Northern Road and Uttoxeter New Road, is the Grade II Listed Engine House building and beyond this, the Grade II listed Bonded Warehouse which form part of the former Friar Gate Goods Yard site.

Since there are heritage assets, which would be affected by this application, the decision maker must have due regard for the duties under Sections 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possess and pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.

Regard should also be given to Policy CP20 (Historic Environment) of the DCLP – Part 1, which seeks to protect and enhance the City's historic environment, including listed buildings and conservation areas. CP20 (c) requires development proposals which impact on heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale. Under saved Policy E19 of the CDLPR, proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

The NPPF gives guidance in relation to proposals which affect the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraphs 193 and 194 advise that:

- great weight should be given to the asset's conservation;

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

The proposed retail store is to be sited on the frontage of the site, alongside Uttoxeter New Road and it would therefore be prominent building in the streetscene and would be seen in views of the Friargate Goods Yard site and the listed buildings. The proposal would therefore have an impact on the setting of those listed buildings on Friar Gate Good Yard, a designated heritage asset.

A heritage assessment was submitted with the application, although the Conservation Officer raised some concerns with the content of the assessment, in terms of missing information. She also had objections to the proposed design and materials of the originally submitted building and recommended improvements be made, with further contextual analysis of the impacts on the listed buildings.

In response to this, revisions to the elevational treatment of the building have been made, with the principal elevations facing Uttoxeter New Road and Mercian Way, being faced in red brick, with arched brick detailing and glazed panels in the recessed arched sections. Additional 3D views of the development in views with Friar Gates Good Yard have also been provided. The supporting letter justifies the revised design and materials in the building because it *“would enhance the setting of the listed building, especially because the proposed design takes cues from the design of the listed buildings, including their industrial aesthetic”*. The Conservation Officer is also satisfied that the revisions to the elevational treatment, would not result in harm to the setting of the nearby listed buildings or to the city’s skyline.

The improvements to the design, appearance and materials, of the principal elevations of the building are therefore considered to preserve the significance and setting of the nearby heritage assets and accord with the intentions of the heritage Local Plan Policies CP20 and E19 and overarching guidance in the NPPF.

Setting aside the heritage impacts of the proposal, the overall design and layout must be considered with regard to the provisions of Policy CP3 (Placemaking Principles) and CP4 (Character and Context) in the adopted DCLP – Part 1. The proposed building, as amended, would accommodate a rectangular footprint, which sits to the front north east corner of the site. It would be in a prominent position, which sits at the junction of the Inner Ring Road and Uttoxeter New Road, with views from those important arterial routes and coming into the city centre. This area is identified as a gateway location in Policy AC5 of the DCLP – Part 1, and the policy expects development along key arterial routes and important gateways to exhibit active frontages which respond to the main streets. The amendments to the appearance and materials on the frontage of the store, result in a more distinctive and interesting built form, which takes reference from the former railway buildings and Victorian residential properties in this part of the city. The taller element of the building on the corner fronting the junction, also gives more height and presence to the building, than is normal for this type of food store development. Whilst the rest of the building which faces into the car park is a mono pitch and cladding design, this does not detract in

my view, from the high quality red brick elevations, which front the street scape and provide a visually attractive, active frontage onto Uttoxeter Road and Mercian Way.

The proposed layout would also incorporate landscape planting areas around the car park, with tree species included with two to be planted to the front of the building on the Uttoxeter New Road frontage. This would be behind an existing retaining brick wall which is being retained as the front boundary. In principle, this would give a strong frontage to the store with the highway and some greening of the street scene in this location is welcomed. The planted areas to the front of the development could also tie in with existing landscaping on Uttoxeter New Road and Mercian Way, subject to details of planting being secured through conditions.

Overall, the proposal would satisfactorily meet the design principles in Policies CP3 and CP4 and fulfil the requirement for high quality development in important locations, set out in AC5.

7.4. Residential Amenity Impacts

With regards to residential amenity the main impacts would be upon those surrounding properties near to the application site, particularly Talbot Street, Drewry Lane and Drewry Court. The nearest residential property to the proposed store building is a 4 storey apartment block, which fronts onto Uttoxeter New Road, to the west of the site. The side aspect of that block contains principle windows which face onto the application site and would sit alongside the principle vehicle access and the loading bay of the store. Accordingly, the relationship between the west elevation of the apartment block and the side aspect of the proposed retail food store would be tolerable in massing and amenity terms. Likewise, those nearest dwellings along Talbot Street (No's 8, 9 and 10) would not be unacceptably harmed by the physical presence of the proposed building or the adjacent car park.

Immediately opposite the site is another 4 storey block of apartments on the northern side of Uttoxeter New Road. These apartments would be directly opposite the proposal and there would be no overlooking from the store itself, since the front entrance of the store is to the rear, in the car park. It is therefore unlikely that the development would have any detrimental impacts on residential amenity of nearby dwellings through overlooking, loss of light, or general massing given the distance to neighbouring properties and siting of the proposed building within the site. The main issue with respect to residential amenity is possible noise and disturbance, mainly from deliveries/servicing, mechanical plant and from the public during operating hours.

The findings of the submitted Noise Assessment have been duly considered by the Environmental Health Officer. The Assessment looked at the noise impact from existing noise sources, external plant and machinery and delivery vehicles. Boundary fencing alongside residential properties are proposed to provide some noise protection from the development. The Environmental Health Officer is satisfied that noise impacts from the development on nearby residential properties are likely to be low and concludes that *"The noise report submitted is considered sufficient to determine that this site is suitable for the proposed development from a noise perspective"*. No conditions to mitigate for noise impacts are recommended.

Overall, whilst the application site is situated in close proximity to the rear and side of nearby residential properties. The development would introduce a new commercial noise source into the area, although the impacts on nearby residents as a result of the proposed development are not considered to be so harmful to the amenity of nearby residents that a refusal could be substantiated on these grounds. The provisions of saved Policy GD5 are therefore satisfactorily met by the proposal.

7.5. Environmental Impacts

Air Quality

The site is within the Air Quality Management Area (AQMA) which covers Uttoxeter New Road, Stafford Street and the roundabout junction with Curzon Street/Mercian Way, where concentrations of Nitrogen Oxide are particularly high. The traffic generation from the proposed retail unit has the potential to increase poor air quality in those areas, where the Council is being required by Central Government to improve air quality. Saved Policy E12 (Pollution) is relevant to air quality and seeks to prevent development which would generate pollutants that would be unacceptably detrimental to the health and amenity of the users of the development and the wider public.

The Council has adopted a traffic management strategy for Uttoxeter New Road/Mercian Way junction with Stafford Street, known as the Roadside NO2 scheme. This scheme seeks to reduce air pollution levels for residential properties which front on Stafford Street and the roundabout junction and other properties in the area which are currently exposed to poor air quality. The highway works to implement the scheme at the junction have commenced and will result in a reduction in traffic capacity in this location.

The Environmental Health Officer has considered the Air Quality Assessment which has been submitted in support of the application and the implications of the proposal for the air quality improvement scheme for Stafford Street. The Officer defers to the Council's Highway Officers to be satisfied that the traffic generated by the food store would not in any way compromise the Roadside NO2 scheme, which is proposed to reduce concentrations of NO2 and improve air quality in this part of the city.

The Environmental Health Officer also recommends a condition to secure a construction management plan with dust mitigation measures to protect nearby residential properties, during the course of construction and ensure compliance with the requirements of Policy E12 (Pollution) of the CDLPR and Policies CP23 of the adopted DCLP – Part 1.

Flood Risk

The majority of the application site is located within the Environment Agency's Flood Zone 1 and therefore deemed to have a low probability of river flooding. Whilst a small area of the site's north-eastern corner falls within the City Council's SFRA Flood Zone 2 this area will only be used for car parking and is elevated (by approximately 1m) compared with the level of the highway to the north. Furthermore the proposed development is categorised as 'less vulnerable' and therefore is deemed to be appropriate in Flood Zone 2.

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No objections have been raised by the Environment Agency and the City Council's Land Drainage Officer is satisfied that the submitted Flood Risk Assessment demonstrates a manageable level of risk from fluvial sources. Whilst the submitted drainage information is considered to be lacking the submission of a further detailed surface water drainage scheme for the site, including the provision of sustainable drainage measures, could be controlled through suitable conditions to ensure compliance with Policy CP2 (Responding to Climate Change) and paragraph 103 of the NPPF.

Ground Contamination

The Environmental Health Officer has considered the Phase I and Phase II Site Investigation reports and is satisfied that contamination of the site has been adequately addressed and no remediation is considered necessary for the use of the site as a food store. No contamination related conditions are recommended and accordingly the proposals would accord with the requirements of saved Policy E13 (Contamination) of the CDLPR.

7.6. Other Issues

Section 106 Agreement

The applicant has agreed heads of terms for contributions towards the development of the Mickleover-Mackworth cycle route, which is allocated in the saved City of Derby Local Plan Review as a guided bus route. The route is now being proposed as a pedestrian and cycle route, which would run to the north of the site through the former Friar Gates Goods Yard to Kingsway and then through Mackworth to Mickleover.

Community Safety

The main issue with regards to community safety is whether the car park would be used outside of opening hours in a way which could cause anti-social behaviour.

The provision of CCTV and security measures are recommended by the Police Liaison Officer (PLO) to minimise the opportunity for crime and to create a safe and secure environment and no overriding objections have been raised in respect of crime prevention/community safety. It is considered that these matters could be dealt with through the imposition of suitably worded planning conditions. In this respect the proposed development is considered to reasonably comply with saved Policy E24 of the Local Plan Review and paragraph 109 of the NPPF.

7.7. Conclusions

This is the third planning application that has sought planning permission for the development of a food store in this location. The first application ref: 12/15/01516 was refused in 2017 for two reasons relating to design and highway safety. Following this refusal, a second application ref: 02/18/00176 was submitted and subsequently refused in 2019 due to ongoing concerns about **the design** of the proposal and insufficient information in relation to potential **impacts on nearby heritage assets**. The current application has been submitted on behalf of a different retailer and during the life of the application has sought to address both highways issues and the impacts on nearby heritage assets, through improvements to the design and materials.

The proposed development would make use of a vacant brownfield site and is in a highly sustainable location close to the city centre and residential areas with good public transport links. The proposed food store development would also provide benefits in terms of regeneration and job creation. Whilst it would be beneficial to direct investment in a new food store into the Core Area of the city centre, a new store on the site proposed is unlikely to prejudice investment of similar offers in the city centre in the future and serve a distinctly different catchment / market. On that basis, a city centre location is unlikely to be suitable to meet the defined catchment of the proposed store. Whilst the city centre is struggling to recover from the impacts of the Covid-19 pandemic, it is unlikely that trade diversion to the proposed store would directly result in significant adverse impacts, which is the policy test.

This proposal has satisfactorily overcome the previous design reasons for refusal by making revisions to the appearance and elevations of the building, which enhance the design quality and presence of the development in this gateway location and preserve the setting and significance of the nearby listed buildings on the former Friar Gate Goods Yard. As a result there would be no resultant harm to the setting of those heritage assets and the proposal would accord with the heritage Local Plan Policies CP20 and E19 on the tests in the NPPF.

The highways implications of the proposal are also considered to be acceptable. With the implementation of the air quality improvement scheme for Stafford Street, the impacts on the local road network would not be significant, provided the required highway works are completed before the store becomes operational.

All other material considerations relating to the proposal are acceptable and the development is considered to be in line with the adopted Local Plan policies in the Derby City Local Plan- Part 1 and saved City of Derby Local Plan Review and the overarching guidance in the NPPF. I have had regard to third party objections and supporting statements and addressed those in the report where necessary. Overall, it is recommended that permission be granted subject to conditions and Section 106 obligations.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To authorise** the Director of Planning, Transportation and Engineering 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 Planning, Transportation and Engineering to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

The proposed erection of food store and associated parking and landscaping and provision of accesses onto the public highway would result in a satisfactory form of development which would respond positively to the prominent location at an arterial transport junction and on edge of city centre; through revised design, form and use of materials it would preserve the character of the street scene and the setting and

significance of nearby heritage assets and would not harm the amenity of neighbouring residents. In terms of retail policy, it is considered that there are no grounds to resist the application on the basis of impact or sequential test. There are no adverse highway safety considerations and subject to the completion of the air quality improvement scheme for Stafford Street, the development would not be detrimental to air quality in this location and would not result in severe adverse impacts on the local highway network. The development is also considered to be acceptable in terms of flood risk and community safety.

8.3. Conditions:

1. Standard condition (3 year time limit)

Reason: Time limit reason

2. Standard condition (approved plans)

Reason: For avoidance of doubt

3. Details of external materials to be agreed

Reason: To preserve character and setting of listed buildings

4. Details of hard and soft landscaping to be agreed and including tree pit details

Reason: To preserve character of streetscene

5. Timeframe for implementation of planting and on-going maintenance

Reason: To preserve character of the streetscene

6. Construction management plan for routing of traffic and dust/ noise emissions to be agreed

Reason: In interests of highway safety and resident's amenity

7. Wheel washing facility to be agreed and operational during construction

Reason: In interests of highway safety and resident's amenity

8. Details of surface water drainage scheme to include SUDs

Reason: To ensure suitable drainage and minimise flood risk

9. Construction of ghost island and vehicular access details for the Uttoxeter New Road access

Reason: In interests of highway safety

10. Construction of exit only onto Mercian Way including extension to roundabout splitter island

Reason: In interest of highway safety

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11. Details of hard surfacing, drainage and lighting of car park and servicing area to be agreed
Reason: In interests of highway safety
12. Construction of scheme to prevent all vehicular access from Talbot Street including bumping up over kerbs
Reason: In interests of highway safety
13. Operational Travel Plan to be agreed and implemented
Reason: To promote sustainable travel
14. Details of boundary treatment to be agreed
Reason: In interests of visual and residential amenity
15. Details of security measures (CCTV) to be agreed
Reason: In interests of community safety and resident's amenity
16. Any site contamination not previously identified to be addressed through remediation
Reason: In interests of local amenity and environmental protection
17. Restriction of the extent of net sales floor space to no more than 1325 sqm and no sub-division
Reason: To safeguard vitality and viability of existing retail centres
18. Existing in-centre store in Normanton District Centre to be retained in operation for no less than 3 years from date of opening proposed store
Reason: To safeguard vitality and viability of existing retail centre
19. Restriction of specific comparison goods, limiting the sale (listed in CP13) to no more than 15% (or equivalent net floorspace figure) of the sales area
Reason: To safeguard vitality and viability of existing retail centres

8.4. Informative Notes:

1. The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and is land over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works. Until the Council's No2 scheme has been completed no S278 works on Uttoxeter Road will be possible. Please be aware that this could impact on the opening date of the above food store should it receive planning consent.

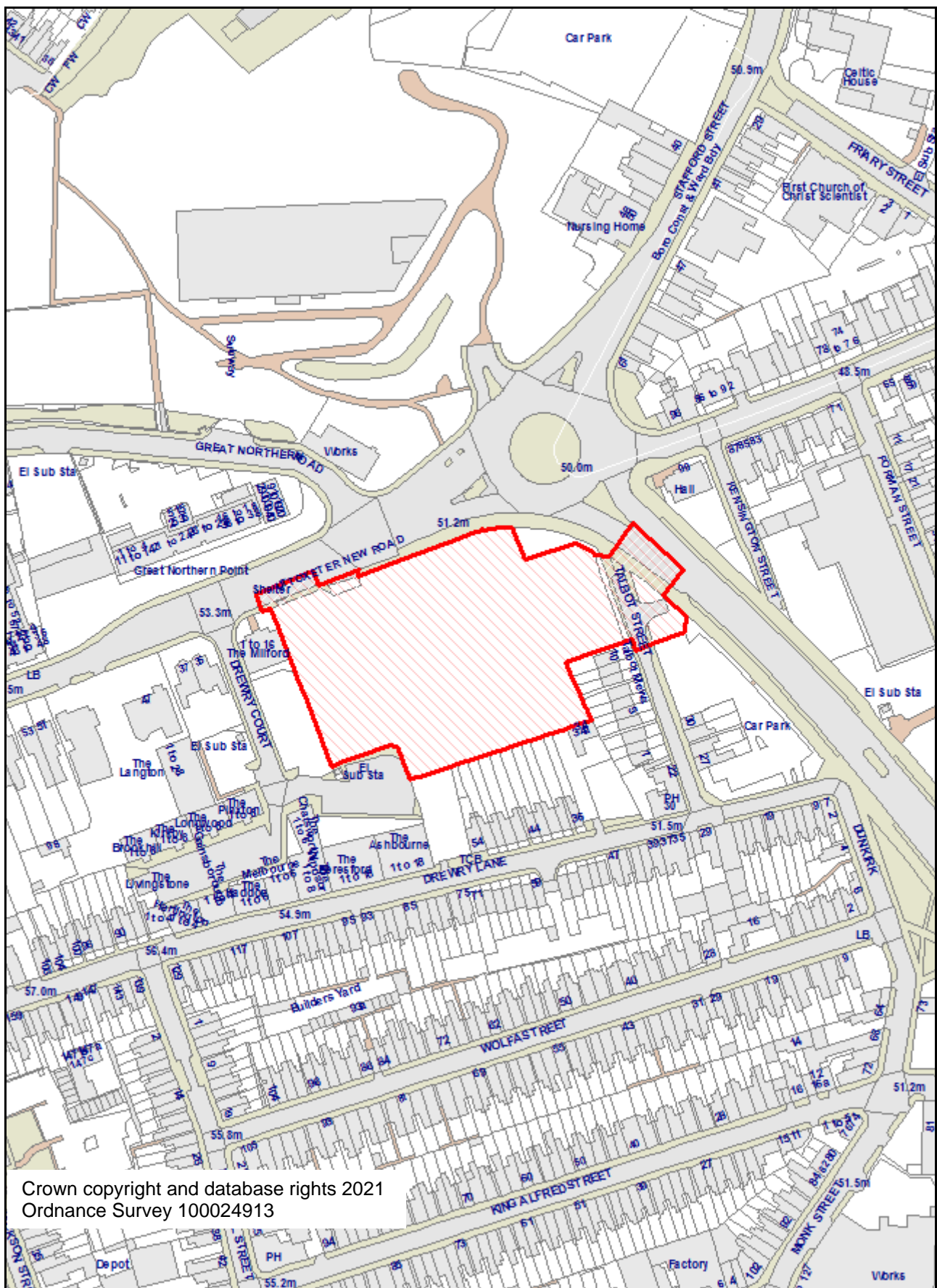
-
2. In implementing the off-site works as shown on Drg No A081175-115 35 18 Option 1 it is important that statutory undertakers plant relocated out of the northern footway adjacent the existing bus lane, is either relocated away from the land required for the Drg No A081175-115 35 18 Option 4 scheme or is laid at an appropriate depth to allow carriageway construction to be laid over the top of the plant. The details of protection or diversion of underground apparatus will depend on the full detailed design of a future scheme and will need to recognise the rights of apparatus owners. The applicant will need to work with Statutory Undertakers under the code of practice for diversionary works and will be responsible for the cost of works to underground apparatus.

8.5. S106 requirements where appropriate:

Contribution towards construction of Mickleover- Mackworth cycle route

8.6. Application timescale:

The target date for determination of 14 January 2021 has expired and an extension of time for decision has been agreed with the applicant to the 18 June.



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Application No: 21/00154/FUL

Type: Full Application

1. Application Details

1.1. Address: 46 Quarn Drive, Allestree

1.2. Ward: Allestree

1.3. Proposal:

Retention of change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00154/FUL>

Brief description

This application relates to a semi-detached dwelling on the east side of Quarn Drive, Allestree, which is a residential area, comprising of semi and detached dwelling houses.

Full permission is sought to retain the use of what was previously the dwelling house's integral garage as a hairdressing salon between the hours of 10am and 8pm Monday to Friday and 9am and 5pm on Saturdays with no opening proposed on Sundays and Bank Holidays. The garage door has been replaced with frosted glazed door and two windows.

2. Relevant Planning History:

Application No:	08/00/00962	Type:	Full Application
Decision:	Granted Conditionally	Date:	23/10/2000
Description:	Extensions to dwelling house (bathroom, bedroom and kitchen)		

3. Publicity:

Neighbour Notification Letters to five addresses and Site Notice displayed.

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

4. Representations:

111 responses to publicity have been received. 50 in objection and 60 in support with 1 neutral comment.

The following points have been raised in objection to the proposal:

- The change of use from domestic garage to hair salon has increased activity on and around the application site, resulting in harm to the character of the street and to the residential amenity of neighbouring dwellings and the wider area through increased noise, disturbance, vehicle movements and parking pressure;
- Allowing this use in this location would set an unwelcome precedent which may encourage similar conversions;

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- The parking facilities available on the site are limited, resulting in customers' cars overhanging the footpath and parking on the street with negative consequences for highway safety & access for disabled people;
 - The application's statement that the majority of clients walk to the salon is disputed;
 - The use has already commenced without planning permission;
 - To allow a commercial use outside of commercial centres would harm their viability, units in nearby centres are currently vacant;
 - The business overlooks nearby dwellings, causing loss of privacy exacerbated by the relatively narrow width of the street;
 - A tree and other vegetation has been removed to facilitate the conversion of the garage, CCTV installed, and the parking area at the front of the house has been enlarged, all of which have harmed the character and appearance of the site and the wider streetscene;
 - The sequential test document is limited in scope;
 - The description of development initially included "beauty salon" in addition to hairdressing;
 - Chemicals used by the business require storage and disposal and create smells;
 - There are omissions & inaccuracies on the application form;
 - There is a restrictive covenant on the land that prohibits "obnoxious, noisy or offensive trade or business".

The following points have been made in support of the application:

- The business has one member of staff and one customer at any one time, the only mechanical source of noise is a hairdryer. Reports of disturbance and parking issues are exaggerated;
- The pandemic has particularly affected small businesses, these businesses should be supported;
- The location of the business allows for a more private and quiet service for customers than a traditional salon;
- The changing nature of shopping and working habits, exacerbated by the pandemic, has changed the role of centres and residential areas and flexibility should be encouraged;
- The conversion of the garage is discreet and sympathetic to its surroundings;
- Any increase in traffic would be small in comparison to the increase in delivery vehicles visiting the street.

5. Consultations:

5.1. Highways Development Control:

The application is for a Retention of change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing and beauty salon (Use Classes E and Sui Generis). The comments are made with reference to the documents submitted with this application.

The application form states that, there are no changes to the public highway and no change to parking arrangements as a result of this application; however a site visit has established that the proposals rely on the provision of three off-street parking spaces to serve the development.

The third parking space is dependent upon vehicle being able to 'bump up' and down the highway kerb as there is no formal footway crossing; and further, this is reliant upon hardstanding (a granular material) being utilised. Neither of these are acceptable, but this can be dealt with by appropriate conditions.

Mindful of the objections raised by nearby residents with respect to parking and traffic generation associated with the proposals; there are no traffic generation figures available for such a small development; so starting from first principles; the applicants' Design & Access Statement advises intend opening hours of 10-20 (weekday) and 9-17 (Saturday).

Taking the base day of 10 hours; and assuming each customer has an appointment duration of (say) 1 hr; this would equate to a maximum 10 customers visiting the premises over the course of a day. In highway terms this is not a significant number of movements. It is also unlikely that every day all potential appointments would be taken. By the applicant's admission it is possible that one customer would be waiting on the premises whilst another is being served. Nevertheless this would not have a significant impact on the number of customers associated with the development. It must also be considered that not every one of the customer base would arrive by car, some may be on foot or use other means.

Para 109 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. The development is not of a size and impact that it will likely have a severe impact upon the surrounding highway network.

Whilst the scheme would potentially increase the number of vehicles accessing the street, it is the view of the Highway Authority that it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

Recommendation:

There are no significant implications to the public highway. Therefore, the Highway Authority has no objections to this application subject to the conditions below which

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shall be implemented within 1 month of the granting of consent by the Local Planning Authority:-

Condition 1.

The parking area to the front of the development shall be surfaced in a hard-bound material (not loose gravel) behind the Highway boundary. The surfaced area shall then be maintained in such hard bound material and shall not be used for any purpose other than the parking of vehicles for the life of the development.

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

Condition 2

An extended dropped vehicular footway crossing shall be made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

Condition 3.

The consent shall remain personal to the applicant. The proposed development shall remain ancillary to, and not be sold, leased, or otherwise disposed of separately from, the main dwelling

Reason: In the interests of highway safety.

Notes to applicant:

N1. The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact Street Pride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

5.2. Environmental Services (Health – Pollution):

I have reviewed the application information and I have no comments to make.

6. Relevant Policies:

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

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

- CP1(a). Presumption in Favour of Sustainable Development
- CP3 Placemaking Principles
- CP4 Character and Context
- CP9 Delivering a Sustainable Economy

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CP13 Retail and Leisure Outside Defined Centres
CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5 Amenity
T10 Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Character and Residential Amenity

7.3. Highways Matters

7.4. Other Matters

7.1. Principle of Development

The presence of a town centre use outside of a defined centre requires a sequential approach to site selection to have been demonstrated to meet the requirements of adopted policy CP13 and paragraph 86 of the National Planning Policy Framework (NPPF). This is considered to be satisfactory provided that any permission that may be granted be restricted to a hairdresser as there has been no justification given for another use in Use Class E. Two comparable and recent appeal decisions for hairdressers operating from private homes are available to view in the online case file. Of these, one was dismissed (although a subsequent application for the same development was approved by planning committee), the other was allowed with restrictive conditions on opening hours and to limit the extent of the approved use. These provide an illustration of the approach recently taken by the Planning Inspectorate on development of this type and although the two inspectors reach

opposite conclusions, in both cases the assessment centred around the impact of the use on character, residential amenity and traffic generation. A discussion of each of these follows.

7.2. Character and Residential Amenity

Adopted policy CP4 Character and Context seeks to ensure a good relationship between development and the local area. 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. This policy position is 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 127).

The hairdressing business occupies a single room that was formerly an integral garage and is run by the applicant, who is also the householder and who works alone. The available evidence suggests that the equipment used is not particularly noisy, although it is possible if windows or doors are open, some noise will be heard in neighbouring gardens and houses. Some customers may walk to and from the premises, but it is reasonable to assume that many come and go by car. The use is likely to generate more activity in and around the site than could usually be expected for a residential dwelling in my opinion, although the level of activity is limited by the size of the site (a single room) and the nature of the operation (a single hairdresser serving a single customer at any one time). To determine whether the use is compatible with development plan policy, the test is whether the level of activity created by the business can reasonably be described as constituting "unacceptable harm" as specified by GD5. My opinion is that the limiting factors inherent in the business operation mean that it could not, and that the use is appropriate for the site and its context. Members may wish to consider imposing a condition on any permission to restrict the opening hours of the business in order to limit its impact on residential amenity. Conditions are also recommended below to restrict the use to the area of the building which it currently occupies, to restrict the use to a single-person hairdressing operation and to prevent any change of use within the same E use class. Overlooking of the residential plots opposite is possible from the site only when the glazed door, which is obscurely glazed, is open.

Overall, my opinion is that the hair dressing operation generates more activity and traffic generation to what would be expected from a residential dwelling and that this affects the character of the local area and residential amenity. Members should consider whether or not these impacts are at the level of "unacceptable harm" which is the policy test contained in saved policy GD5, or whether the use, with the imposition of restrictive conditions is compatible with its residential context. In my view the proposed hairdresser use, operated by the occupier of the dwelling only and with limits on hours of opening, would not be so harmful to the residential amenity and character of the residential area, as to justify a refusal of permission. This is also having regard for recent appeal decisions for similar uses elsewhere in the country.

7.3. Highways Matters

As detailed above in the consultation response from the Highway Authority, the site has capacity for 3 cars and there are no parking restrictions on the street. The Highways Officer consulted makes no objection to the development in principle subject to conditions which are included below. It is my opinion that sufficient parking for the residential and business elements of the site is available and that the local highway network is capable of accommodating the traffic and parking levels generated by the proposed use of the property.

7.4. Other Matters

We initially misdescribed the development and the application as initially publicised included a reference to a “beauty salon” which was incorrect. The use of chemicals by the business is not a planning issue in itself unless any odours or emissions resulting from their storage, use or disposal could be said to affect residential amenity. From the available evidence I do not believe this has occurred to any significant degree. The restrictive covenant mentioned in comments operates separately from planning law and policy. Applications for planning permission must be assessed in relation to development plan policies and any other material considerations.

Concerns have been raised that allowing the proposed use in this case would set a precedent which would allow similar development to follow. Each application for planning permission is assessed on its own merits and any similar proposals if they did arise would have to go through the same process as the application currently under consideration. Although the coronavirus pandemic has had far-reaching implications for the way in which people go about their lives, these implications are not yet reflected in planning policy in a way that is relevant to this proposal which is assessed with regard to the development plan policies and other material considerations.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The use of part of the dwelling house as a hairdressing salon is likely to result in more activity and traffic than would be attributable to an average residential dwelling and is likely to affect the residential amenity of neighbouring residents and the character of the area. However, it would be difficult to reasonably argue that this effect would give rise to “unacceptable harm” as set out by policy GD5 and my opinion is that the site and its wider context are capable of accommodating the development and the level of activity associated with it, subject to compliance with the restrictive planning conditions.

8.3. Conditions:

1. Standard plans condition

Reason: For the avoidance of doubt.

2. Restriction on opening hours 10.00 – 20.00 Monday to Friday and 9.00 to 17.00 Saturday

Committee Report Item No: 3

Application No: 21/00154/FUL

Type: Full Application

Reason: In the interests of residential amenity.

3. Restriction of use to the existing area (former garage)

Reason: To prevent intensification of the use in the interests of residential amenity.

4. Surfacing and retention of parking area

Reason: In the interests of highway safety.

5. Extended dropped vehicle crossing

Reason: In the interests of residential amenity.

6. Restriction of use to single operative hairdresser.

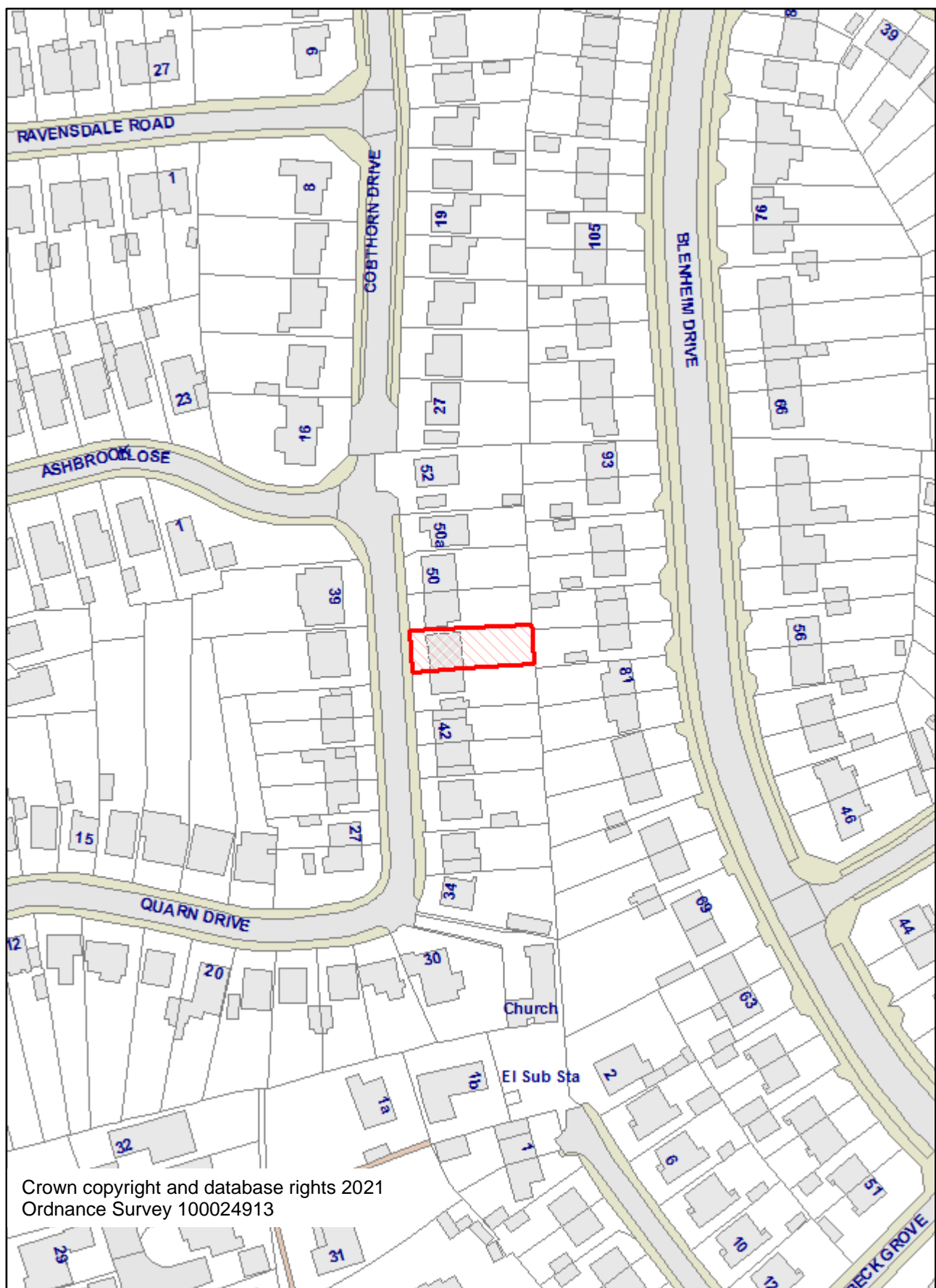
Reason: To avoid intensification of the use and to prevent a change of use within class E in an out-of-centre location.

7. Personal Permission

Reason: For avoidance of doubt and preserve residential amenity

8.4. Application timescale:

The original determination period ended on 30.3.2021 and an extension of time until 3.6.2021 has been agreed.



Committee Report Item No: 4

Application No: 21/00305/FUL

Type: Full Application

1. Application Details

1.1. Address: 26 Arthur Street, Derby

1.2. Ward: Darley

1.3. Proposal:

Single storey side/rear extension to dwelling house (living space), timber replacement door and windows.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00305/FUL>

Brief description

The application relates to a terraced house within the Strutts Park Conservation Area. Permission is sought for a single-storey side and rear extension to the dwelling house to provide additional living space at ground floor level. The proposed extension would be in brick with a flat roof and a maximum height of 2.8 metres. The roof would contain two rooflights. The application has been amended to include the replacement of existing unauthorised uPVC door and windows (which have been previously refused permission, see Relevant Planning History immediately below) with a timber door and window frames.

2. Relevant Planning History:

Application No:	11/17/01518	Type:	Full Application – Article 4
Decision:	Refused	Date:	15/01/2018
Description:	Retention of the installation of replacement windows and a door to the front elevation		

3. Publicity:

Neighbour Notification Letters sent to three addresses, Site Notices displayed, Statutory Press Advert published.

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

4. Representations:

Seven comments have been received, including one each from Councillors Stanton and Repton, in objection on the following points:

- The proposed extension will subject adjacent dwellings to overshadowing, massing and enclosure;
- It is understood that the extension is to facilitate the conversion of the house to a six-bedroom house in multiple occupation (HMO) which would result in increased noise, activity, waste and parking demand;

-
- The design of the extension and the front door as revised would harm the character of the host building and the wider conservation area;
 - A retrospective application to retain uPVC windows and door was refused in 2018 but not enforced and the windows and door remain;
 - The setting of the listed terrace to the south of the application site would be harmed;

5. Consultations:

5.1. Derbyshire County Council Archaeologist:

No response.

5.2. Conservation Officer:

Designated Heritage Assets affected – 26 Arthur Street is located within the Strutt's Park Conservation Area which is an area of architectural and historic interest and has an article 4 direction covering changes including changes to windows and doors. The conservation area is a designated heritage asset in NPPF (2019) terms.

The building currently has unauthorised UPVC door and three windows to the front elevation which are covered by the Article 4 direction.

Impact of proposals and comments – The following comments take into consideration the amended plans submitted (5/5/21) and the proposed replacement of existing UPVC windows and door with timber sash windows and a timber door as well as an extension to the rear of the property.

The proposed extension has no impact on the conservation area as it is located to the rear out of public view.

The change of windows and door to timber is appropriate (subject to appropriate details).

Need confirmation that timber sash windows are proposed to be vertical sliding sash windows and slim double glazed. The design of the door could be improved - a six panelled door would be appropriate in this location and suggest drawing is amended.

Joinery details for both the windows and door (including vertical and horizontal sections) should be submitted.

Policies - The Planning (listed building and conservation areas) Act 1990 section 72 as regards the statutory duties regarding listed buildings and conservation areas is relevant here. As is E18 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in particular, para 184, 193, 194 and 196. 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 (classed as less than substantial harm) it is considered to be under para 196. '...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 196). 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.

Suggested conditions - Should you be minded to grant permission the joinery details for both windows and door are important and their necessary paint finish. Strongly advise an appropriate time limit for the unauthorised windows and door removal and the installation of appropriately detailed new timber vertical sliding sash windows and door.

Recommendation: If design of the windows is clarified and design of timber door is changed - no objection on heritage grounds. Control of door and window joinery details (to include vertical and horizontal sections) and finish/paint colour could be agreed now, pre-determination of application, or by condition.

Strongly advise timescale should be set for the removal of the unauthorised UPVC windows and door and their replacement with those timber windows and door subject to this application.

The weighing up in line with para 196 (NPPF, 2019) as outlined above is needed.

Comments on behalf of DCC Urban Design and Conservation Team 06/05/21

6. Relevant Policies:

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

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

- CP1(a) Presumption in Favour of Sustainable Development
- CP3 Placemaking Principles
- CP4 Character and Context
- CP20 Historic Environment
- AC9 Derwent Valley Mills World Heritage Site

Saved CDLPR Policies

- E18 Conservation Areas
- E19 Listed Buildings and Buildings of Local Importance
- GD5 Amenity
- H16 Housing Extensions

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Design and Heritage

7.2. Residential Amenity

7.3. Other Matters

7.1. Design and Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that the local planning authority pay special attention to the desirability of preserving or enhancing a conservation area's character or appearance, and to have special regard to the desirability of preserving listed buildings or their setting when making decisions. Saved policy E18 Conservation Areas of the City of Derby Local Plan Review requires development proposals to preserve or enhance the special character of the conservation area. Saved policy H16 Housing Extensions states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the streetscene" taking into account design, massing, visual prominence and materials. The principle of good design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places).

The site is within the Strutts Park Conservation Area and Derwent Valley Mills World Heritage Site Buffer Zone (DVMBZ) and arguably in a position to affect the setting of the Grade II listed Kingston Terrace approximately 20 metres to the south. It would be difficult to argue that the proposed extension would complement the character of the host building, conservation area or other surrounding heritage assets. However, the extension is modest in scale and height and located to the rear of the terraced dwelling, so it would not result in any substantive harm to the character of the conservation area.

The amendments made to the proposal to include the replacement of unauthorised uPVC windows and door with timber replacements would enhance the special

character and significance of the three storey Victorian host building and preserve the character of the wider conservation area and would bring a public benefit to the development which must be weighed against the minimal harm. As mentioned in neighbour comments and by the Conservation Officer, the design of the proposed replacement door could be improved. A condition is recommended below requiring agreement of the final design of the replacement timber door and sash windows. Overall, my opinion is that there is a significant benefit inherent in the replacement of the existing UPvc doors and windows, which would outweigh the less than substantial harm caused by the proposed rear extension and would preserve the character and appearance of the conservation area, the DVMBZ and the setting of nearby listed buildings. The statutory tests contained in the legislation would therefore be met, as would the requirements of saved policies E18 and E19 and adopted policy CP20 and the overarching guidance contained in section 12 of the NPPF.

7.2. Residential 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 H16 Housing Extensions which also requires the creation of a "satisfactory living environment" which in turn is 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 127).

The proposed extension would be visible from surrounding residential plots and so would have some impact on residential amenity. The adjacent plot to the south in particular would be subject to the effects of massing and enclosure, although this impact could not be convincingly described as constituting unacceptable harm in my opinion for the reason that the proposed structure would be limited to a single storey of limited height (2.8 metres) and would be slightly offset from the nearest boundary. The nearest rear-facing window at the neighbouring dwelling is also somewhat offset from the boundary and the effects identified would not be acute enough to justify refusal in my opinion. The neighbouring plot also has a side-facing window that would be affected, but carries less weight than a rear-facing window would because the light and outlook it receives is "borrowed" from adjacent private land, in this case the application site. The proposed extension would be sufficiently distant from other neighbouring plots to substantially limit any negative amenity effects. It is my opinion that the implications of the proposed works for neighbouring residential plots would remain within reasonable limits, and that a satisfactory living environment would be maintained for occupants of the application site and neighbouring plots. Overall, it is my opinion that the implications of the proposal for residential amenity would be acceptable and in compliance with saved policies GD5 and H16 and paragraph 127 of the National Planning Policy Framework.

7.3. Other Matters

Considerations relating to the impacts of the suggested conversion of the building to a six-occupant HMO (although this is not shown in the application documents) cannot be considered here for the reason that no such conversion is apparent from the submitted information and it is not the subject of this application. Such a conversion would in any case meet the description of *permitted development* and be outside the control of the Local Planning Authority. Issues regarding the building's level of occupancy, waste arrangements and parking demand therefore fall outside the scope of the application which relates to the proposed extension and replacement door and windows only.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

Although the proposed extension would result in less than substantial harm to the character of the conservation area and other heritage assets, this would be outweighed by the proposed replacement windows and door in timber which would provide a significant benefit to the character and significance of heritage assets. The proposed extension would have an acceptable impact on residential amenity and the character of the streetscene.

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 plans condition

Reason: For the avoidance of doubt

3. Details of door & window design, colour & finish

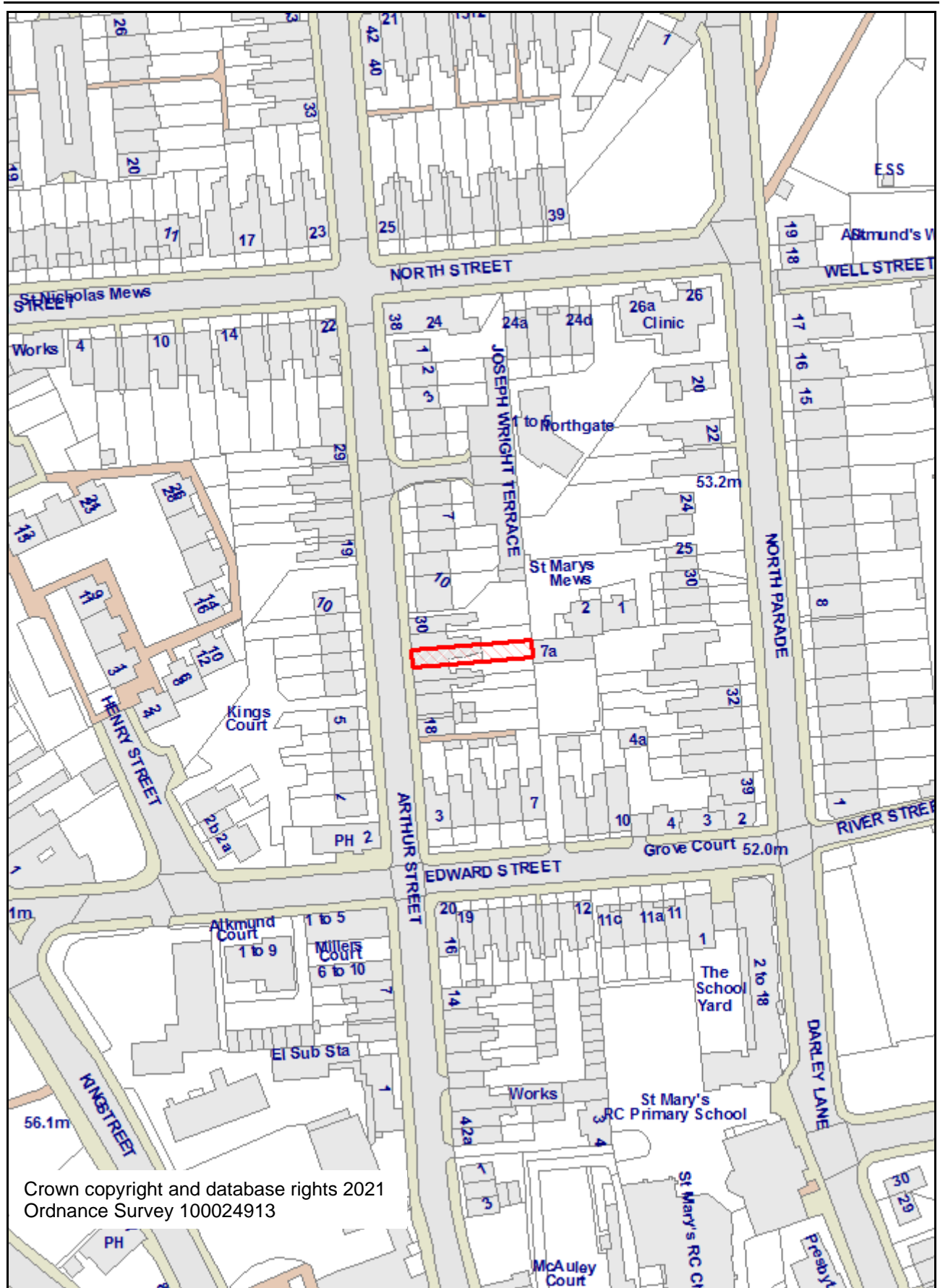
Reason: In the interests of visual amenity and the character of the building and conservation area

4. Time limit for replacement windows and doors

Reason: For the avoidance of doubt.

8.4. Application timescale:

The original determination period ended on 7/05/2021. An extension of time until 3/06/2021 has been agreed.





Delegated decisions made between Between 01/03/2021 and 31/03/2021



Application No:	Application Type	Location	Proposal	Decision	Decision Date
09/18/01492	Compliance/Discharge of Condition	Industrial Museum 32 Full Street Derby	Demolition Of Existing Extension. Alterations And Extensions To Museum (Entrance Hall, Cafe, Kitchen, Toilets, Retail Area And Plant Room) Together With Internal Refurbishment And Repairs - Discharge Of Condition 10 Of Previously Approved Permission DER/06/17/00809	Discharge of Conditions Complete	12/03/2021
10/18/01548	Compliance/Discharge of Condition	Industrial Museum 32 Full Street Derby	Demolition Of Existing Extension. Alterations And Extensions To Museum (Entrance Hall, Cafe, Kitchen, Toilets, Retail Area And Plant Room) Together With Internal Refurbishment And Repairs Discharge Of Condition 9 Of Previously Approved Permission DER/06/17/00809	Discharge of Conditions Complete	12/03/2021
19/00164/VAR	Variation of Condition	Site Of 25-27 Normanton Road Derby DE1 2GJ	Demolition Of The Existing Buildings And The Erection Of A Four And Five Storey Building Incorporating Residential Units with Ground And First Floor Commercial Uses - Variation of conditions 2 and 4 of previously approved permission Code No. DER/02/18/00259 to amend the approved uses, external appearance and internal layout, to comprise 4 no. Class E ground floor units, 1 no. ground floor drinking establishment use, 1 no. ground floor takeaway; 4 no. first floor Class E office units; rationalisation of second, third and fourth floor residential units (to include 2 no. HIMO's and 6 no. Class C3 apartments); and a rear staircase.	Approval	31/03/2021
19/00418/DISC	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Demolition of existing extension. Alterations and extensions to Museum (entrance hall, cafe, kitchen, toilets, retail area and plant room) together with internal refurbishment	Discharge of Conditions Complete	11/03/2021

			and repairs - Discharge of Condition 4 of previously approved application code No. DER/06/17/00809		
19/00664/DISC	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Demolition of existing extension. alterations and extensions to Museum (entrance hall, cafe, kitchen, toilets, retail area and plant room) together with internal refurbishment and repairs - discharge of condition no 10 (Roof Trusses) of previously approved permission DER/06/17/00809	Discharge of Conditions Complete	12/03/2021
19/00665/DISC	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Demolition of existing extension. alterations and extensions to Museum (entrance hall, cafe, kitchen, toilets, retail area and plant room) together with internal refurbishment and repairs - discharge of condition 10 (North Stairs 1, 2 and 3) of previously approved permission DER/06/17/0809	Discharge of Conditions Complete	12/03/2021
19/00668/DISC	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Demolition of existing extension. alterations and extensions to Museum (entrance hall, cafe, kitchen, toilets, retail area and plant room) together with internal refurbishment and repairs - discharge of condition 4 (Head and sill details for north courtyard facing glazed elevation of Civic Hall) of previously approved permission DER/06/17/00809	Discharge of Conditions Complete	11/03/2021
19/01605/DISC	Compliance/Discharge of Condition	Rolls Royce Plc Rolls Royce Wilmore Road Derby DE24 9BD	Variation of conditions 1, 4, 6, 8, 10 12 and 13 and removal of condition 9 of previously approved planning permission Code No. 08/17/01112 to amend the approved plans - Discharge of condition No 7 of previously approved permission 19/00613	Discharge of Conditions Complete	09/03/2021
19/01766/FUL	Full Application	Car Park Liversage Street Derby DE1 2LD	Redevelopment of NCP Car Park to provide up to 164 residential units, new access, parking and cycle parking, landscaping and associated works.	Approval	01/03/2021
20/00120/DISC	Compliance/Discharge of Condition	59 Wilkins Drive Derby	Demolition of bungalow and erection of 3 bungalows and 12 apartments with associated	Discharge of Conditions Complete	19/03/2021

		DE24 8LU	areas and car parking - Discharge of conditions 6, 8 & 12 of previously approved application code No. 18/01922/FUL		
20/00340/ADV	Advertisement Consent	The Brunswick Inn 1 Railway Terrace Derby DE1 2RU	Display of various signage	Approval	19/03/2021
20/00342/LBA	Listed Building Consent - Alterations	The Brunswick Inn 1 Railway Terrace Derby DE1 2RU	Installation of signage and a lantern	Approval	19/03/2021
20/00626/FUL	Full Application	Land At The Rear Of 21 Dale Road Spondon Derby DE21 7DG (Access Off Moor End)	Erection of a bungalow (Use Class C3)	Approval	22/03/2021
20/00686/FUL	Full Application	Land At The Side And Rear Of 42 Lodge Lane Spondon Derby DE21 7GE	Erection of three dormer bungalows (Use Class C3)	Approval	03/03/2021
20/00897/FUL	Full Application	Scout Hut 221 Watson Street Derby DE1 3SP	Demolition of scout hut. Erection of a replacement scout hut building	Approval	24/03/2021
20/00914/FUL	Full Application	109 Brighton Road Derby DE24 8SZ	Single storey side/rear extension to dwelling house (lounge)	Application Withdrawn	23/03/2021
20/00918/DISC	Compliance/Discharge of Condition	Site Of The Moorways Sports Centre Moor Lane Derby DE24 9HY	Erection of a leisure centre (Use Class D2) including a 50M swimming pool, leisure water including water slides, fitness suite, studios and other complementary uses with associated parking, drainage and related infrastructure. Demolition of store - discharge of condtions 6, 7 and 11 of planning permission 19/1206/FUL	Discharge of Conditions Complete	30/03/2021

20/00963/FUL	Full Application	49 Grange Road Derby DE24 0JX	Two storey side extension to dwelling house (garage, bedroom and ensuite)	Approval	03/03/2021
20/01032/LBA	Listed Building Consent - Alterations	Carlton House 116 London Road Derby DE1 2QZ	Installation of replacement windows to the front elevation	Refused	05/03/2021
20/01050/FUL	Full Application	266 Derby Road Chaddesden Derby DE21 6RW	Formation of a vehicular access	Approval	12/03/2021
20/01054/FUL	Full Application	Land At The Side And Rear Of 66 Chestnut Avenue Mickleover Derby DE3 9FS	Erection of one dwelling (use class C3)	Approval	08/03/2021
20/01176/FUL	Full Application	Ye Olde Cottage 19 The Hollow Littleover Derby DE23 6GH	Raising of the chimney stack	Approval	30/03/2021
20/01177/LBA	Listed Building Consent - Alterations	Ye Olde Cottage 19 The Hollow Littleover Derby DE23 6GH	Installation of wood burning stove and raising of the chimney stack	Approval	29/03/2021
20/01233/FUL	Full Application	Crown Inn 40 Curzon Street Derby DE1 1LL	Partial removal of pitched roof and formation of roof terrace	Approval	12/03/2021
20/01271/TPO	Works to a tree with a TPO	Coney Grey South Drive Darley Abbey Derby DE1 3ET	2m reduction to the North side of canopy and removal of two low branches of a Beech tree protected by Tree Preservation Order no. 506.	Approval	12/03/2021
20/01278/DISC	Compliance/Discharge of	Tanglewood Mill	Conversion Of Mill To 22 Flats And 5	Discharge of	08/03/2021

	Condition	Coke Street Derby DE1 1NE	Workstations (Extension Of Time Period For Previously Approved Planning Permission Code No. DER/10/06/01679 By A Further Three Years) - Variation Of Condition 1 Of Previously Approved Planning Permission Code No. DER/04/10/00433 To Allow All 22 Flats To Have Two Bedrooms And Internal And External Alterations To Include Removal Of The Lift, Relocation Of The Stairs, Change In Roof Pitch To Include An Increase In The Height To Create Habitable Floor Space, Raising Of The Eaves And Ridge Levels, Changes To Door And Window Positions And The Addition Of Roof Lights - Discharge of condition 11 of planning permission 05/17/00687	Conditions Complete	
20/01296/FUL	Full Application	4 Buttermere Drive Derby DE22 2SN	Two storey side and single storey side and rear extensions to dwelling house (lounge, utility, W.C., garage, first floor living space and enlargement of kitchen/diner/lounge)	Approval	31/03/2021
20/01298/FUL	Full Application	Land At Royal Hill Farm Royal Hill Road Derby DE21 7AG	Erection of a dwelling house (Use Class C3)	Approval	31/03/2021
20/01382/FUL	Full Application	Land Adjacent To 129 Hawthorn Street Derby DE24 8BB	Erection of detached two storey building to form 2no. one-bed flats	Refused	31/03/2021
20/01384/FUL	Full Application	39 Dale Road Spondon Derby DE21 7DG	Two storey side extension to dwelling house (garage and bedroom)	Approval	29/03/2021
20/01385/NONM	Non-Material Amendment	39 Dale Road Spondon Derby DE21 7DG	Single storey front, side and rear extensions to dwelling house (porch, living space and enlargement of kitchen) - non-material amendment to previously approved planning permission 05/17/00571 to amend the porch roof design	Approval	29/03/2021

20/01399/LBA	Listed Building Consent - Alterations	Mill House Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	22/03/2021
20/01402/FUL	Full Application	75 Kings Drive Derby DE23 6EX	Two storey side extension to dwelling house (covered way, bedroom and en-suite) together with erection of a front boundary wall and gates	Approval	25/03/2021
20/01413/FUL	Full Application	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)	Approval	26/03/2021
20/01439/FUL	Full Application	Site Of Former 52 Sinfin Moor Lane Derby DE73 5SQ	Erection of a dwelling house, double garage and boundary wall (Use Class C3)	Approval	19/03/2021
20/01458/FUL	Full Application	Radbourne Unit Royal Derby Hospital Uttoxeter Road Derby DE22 3WQ	Demolition of entrance lobby, corridor and waiting area. Erection of replacement entrance lobby, corridor, waiting area and clinical rooms	Approval	30/03/2021
20/01485/FUL	Full Application	3 Birch Close Derby DE21 7DT	Single storey side and rear extensions to dwelling (bedroom with dressing room, kitchen/dining and sitting area)	Approval	11/03/2021
20/01525/FUL	Full Application	112 Uttoxeter New Road Derby DE22 3JB	Retention of change of use to a seven bedroom house in multiple occupation (Sui Generis Use)	Approval	10/03/2021
20/01534/FUL	Full Application	267 Normanton Road Derby DE23 6UT	Sub-division and part change of use of ground floor retail unit (Use Class E) to form a hot food takeaway (Sui Generis Use) including retention of the installation of a new shop front and an extraction flue	Approval	17/03/2021
20/01535/ADV	Advertisement Consent	267 Normanton Road	Display of externally illuminated shop signage	Approval	17/03/2021

		Derby DE23 6UT			
20/01537/FUL	Full Application	121A Nottingham Road Derby DE1 3QR	Change of use from tattoo parlour (Sui Generis Use) to office (Use Class E)	Approval	19/03/2021
20/01541/FUL	Full Application	Stratstone BMW Sir Frank Whittle Road Derby DE21 4RZ	Demolition of used car display, canopy, offices, wash bay and valet buildings. Erection of an extension to the main building, a car deck with valet bays, wash bays and smart repair facilities together with alterations to the customer parking and vehicle display areas	Approval	16/03/2021
20/01545/FUL	Full Application	265 Normanton Road Derby DE23 6UT	Change of use from retail (Use Class E) to a mixed use of retail and hot food takeaway (Use Classes E and Sui Generis)	Approval	17/03/2021
20/01546/FUL	Full Application	Ravensdale Infant School Devonshire Drive Derby DE3 9HE	Erection of temporary school accommodation with a temporary access and additional parking area	Approval	09/03/2021
20/01568/VAR	Variation of Condition	Castleward Including Siddals Road / Canal Street / John Street / Carrington Street / Copeland Street / New Street / Liversage Street Derby	Outline Application with details of Phase 1 to comprise development of Castleward, involving demolition of buildings, Residential Development (up to 840 Dwellings), Retail (Use Class A1), Restaurant/Cafes (Use Class A3), Offices (Use Class B1), Hotel (Use Class C1), Non-Residential Institutions (Use Class D1), Assembly and Leisure (Use Class D2), School (Use Class D1), Community Centre, (Use Class D1), Bingo Hall (Use Class D2), Alterations to Vehicular Accesses, Formation of Boulevard and Pedestrian Crossing and Refurbishment of Public Realm. - Variation of conditions 13, 14, 36 and removal of condition 10 of previously approved planning permission Code No. 05/12/00563 to bring the Outline approval in line with the current development proposals and dispense the need to provide a Community Centre	Approval	08/03/2021

20/01573/FUL	Full Application	18 Bank View Road Derby DE22 1EJ	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, garage, steam room, utility, shower room, kitchen/family space, three bedrooms, en-suite, bathroom and enlargement of lounge) with rooms in the roof space	Approval	11/03/2021
20/01581/TPO	Works to a tree with a TPO	57 Smalley Drive Derby DE21 2SF	Crown reduction by 4-5 metres of an Oak Tree. protected by Tree Preservation Order No's. 31 and 268	Approval	17/03/2021
20/01593/FUL	Full Application	253 Birchover Way Derby DE22 2RS	Two storey side and single storey front and rear extensions with the inclusion of front and rear dormer windows (garage, utility, bathroom and family room, bedroom and bathroom)	Approval	16/03/2021
20/01605/FUL	Full Application	19 Belvedere Close Derby DE3 0RW	Single storey rear extension to dwelling house (dining room/sun lounge)	Approval	11/03/2021
20/01611/ADV	Advertisement Consent	MKM Derby 3 Murdoch Road Derby DE24 8ZY	Display of Illuminated and non illuminated fascia signs and Illuminated totem sign	Approval	01/03/2021
20/01615/FUL	Full Application	8 Berry Park Close Derby DE22 2XD	Extensions to dwelling (bedroom, en-suite bathroom and enlargement of garage - amendment to previously approved permission Code No. 20/00495	Approval	08/03/2021
20/01617/FUL	Full Application	68 - 70 Sitwell Street Spondon Derby DE21 7FG	Various works including bricking up of side door, installation of gas cooler, key klamp hand rail, access cat ladder, PVC fascia to full length of canopy, armco barrier to rear of car park and erection of 2.4m fence	Approval	26/03/2021
20/01618/TPO	Works to a tree with a TPO	161 Blenheim Drive Derby DE22 2GN	Crown reduce by 2m of Ash, felling of Larch and reduction of height of 2 Alders by 3m protected by Tree Preservation Order no. 267	Approval	12/03/2021
20/01621/TPO	Works to a tree with a TPO	West Park School	Various works to trees protected by Tree	Approval	22/03/2021

		West Road Derby DE21 7BT	Preservation Order No 479		
20/01640/FUL	Full Application	5 Winchcombe Way Derby DE21 2ES	Single storey rear extension to dwelling house (sun lounge)	Approval	12/03/2021
20/01643/FUL	Full Application	3 Vicarage Road Mickleover Derby DE3 0EA	Change of use of first floor to restaurant (Use Class E) and amendments to the rear fire escape location, ground and first floor windows and doors	Approval	17/03/2021
20/01647/PNRC	Prior Approval - Retail to Cafe/Restaura	70 Babington Lane Derby DE1 1SX	Change of use from retail (Use Class A1) to cafe/restaurant (Use Class A3) including installation of an extraction flue	Prior Approval Approved	19/03/2021
20/01651/FUL	Full Application	3 Haven Baulk Lane Derby DE23 4AA	Two storey front and rear and single storey rear extensions to dwelling (porch, family room and two bedrooms)	Approval	22/03/2021
20/01660/TPO	Works to a tree with a TPO	4 Summers Court Derby DE21 7FF	Crown thin by 25% of a Lime tree, crown thin by 25% and cutting back of branches to give 3m clearance of two Lime trees and a Horse Chestnut tree protected by Tree Preservation Order No. 40	Approval	26/03/2021
20/01667/CLP	Lawful Development Certificate -Proposed	120B Western Road Mickleover Derby DE3 9GR	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Approval	05/03/2021
20/01671/OUT	Outline Application	Land At The Side And Rear Of 58 Grange Avenue Derby DE23 8DG	Residential development - one dwelling house with double garage (Use Class C3)	Refused	31/03/2021
20/01674/ADV	Advertisement Consent	1and 2 Murdoch Road Derby DE24 8ZY	Display of various signage	Approval	02/03/2021
20/01677/FUL	Full Application	49 Marjorie Road Derby DE21 4HP	Single storey rear extension to dwelling house (kitchen/sitting area)	Approval	12/03/2021

20/01678/FUL	Full Application	12 Canberra Close Derby DE3 9NB	Installation of a dormer window to the front elevation	Approval	30/03/2021
20/01679/FUL	Full Application	1 St Stephens Close Derby DE23 1HH	Formation of a vehicular access to Stenson Road	Approval	17/03/2021
20/01680/FUL	Full Application	Riverside House Folly Road Derby DE22 1ED	Two storey front extension (study and enlargement of hall and bedroom) and single storey rear extension with roof terrace above (dining space and enlargement of kitchen) to dwelling house together with the formation of a raised patio area to the rear	Approval	16/03/2021
21/00002/TPO	Works to a tree with a TPO	29 Whistlestop Close Derby DE3 9DA	Felling of a Hawthorn tree protected by Tree Preservation Order no. 172	Approval	12/03/2021
21/00006/TPO	Works to a tree with a TPO	Pegasus 29 Penny Long Lane Derby DE22 1AX	Root removal of a Dawn Redwood tree protected by Tree Preservation Order no. 462	Approval	08/03/2021
21/00008/FUL	Full Application	37 Riddings Derby DE22 2GD	Single storey side and rear extensions to dwelling house (kitchen and utility)	Approval	01/03/2021
21/00014/DISC	Compliance/Discharge of Condition	Bramble House Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping - Discharge of condition 8 of previously approved permission 20/00072/FUL	Discharge of Conditions Complete	04/03/2021
21/00015/FUL	Full Application	52 Gerard Street North Derby DE1 1PA	Change of use from dwelling house (Use Class C3) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis Use) including a single storey rear extension	Approval	26/03/2021
21/00018/FUL	Full Application	54 St Peters Street Derby	Installation of security gates	Approval	10/03/2021

DE1 1SH

21/00021/NONM	Non-Material Amendment	Land North Of Onslow Road And East Of Station Road Mickleover Derby	Erection of 203 dwellings (Use Class C3) with associated infrastructure, open space and landscaping - Non-material amendment to previously approved planning permission 19/00763/FUL to substitute the Brooke for the Burns house type and the Lyttelton for the Lawrence house type	Approval	15/03/2021
21/00025/FUL	Full Application	Unit 6 St Georges Estate Nottingham Road Derby DE21 6BW	Alterations to light industrial unit to include bricking up of the existing entrance, installation of new windows, roller shutters, cladding and window panels	Approval	09/03/2021
21/00029/TPO	Works to a tree with a TPO	457 Burton Road Derby DE23 6XX	Cutting back of small branches of a Turkey Oak tree to give 1m clearance of telephone wires, removal of deadwood of an Austrian Pine tree and cutting back of branches by up to 2m of two Oak trees to give clearance of the neighbouring properties and The Grange building protected by Tree Preservation Order no's. 37 and 187	Approval	22/03/2021
21/00031/FUL	Full Application	136 Swarkestone Road Derby DE73 5UD	Two storey side and rear extensions to dwelling house (garage, lounge, kitchen/sitting/dining area, three bedrooms and en-suites), single storey front extension with rooms in the roof space (garage, bedroom and en-suite) and formation of a raised patio area to the rear elevation	Approval	17/03/2021
21/00032/CLP	Lawful Development Certificate -Proposed	35 Grafham Close Derby DE73 6XJ	Single storey rear extension to dwelling house (utility and enlargement of kitchen/dining area)	Approval	03/03/2021
21/00033/FUL	Full Application	36 Ashfield Avenue Derby DE21 4HJ	Two storey side and single storey rear extensions to dwelling house (garage, utility, W.C., kitchen/family room, bedroom and enlargement of bedroom)	Approval	03/03/2021
21/00035/CLP	Lawful Development Certificate -Proposed	4 Templebell Close Derby	Single storey rear extension to dwelling house (living space)	Approval	04/03/2021

DE23 3YJ

21/00037/FUL	Full Application	124 Western Road Mickleover Derby DE3 9GS	Single storey side extension to dwelling house (kitchen/living space, utility and W.C.)	Approval	24/03/2021
21/00038/TPO	Works to a tree with a TPO	Park Lane Surgery 2 Park Lane Allestree Derby DE22 2DS	Crown lifting to 5-6m from ground level, crown thinning by up to 30% and removal of broken branches to shape of two Cedar trees protected by Tree Preservation Order no. 597	Approval	10/03/2021
21/00041/FUL	Full Application	1 Redwing Croft Derby DE23 1WF	Single storey side and rear extensions to dwelling (kitchen and bedroom)	Approval	08/03/2021
21/00043/FUL	Full Application	55 Stoney Lane Derby DE21 7QH	Single storey rear extension to dwelling house (wetroom and lobby)	Approval	10/03/2021
21/00044/FUL	Full Application	237 Stenson Road Derby DE23 1JN	Single storey side/rear extensions to dwelling house (utility and kitchen/dining area)	Approval	09/03/2021
21/00046/FUL	Full Application	The Lodge 1 Porters Lane Derby DE21 4FZ	Alteration to window openings and installation of new window and door openings	Approval	17/03/2021
21/00047/FUL	Full Application	367 Stenson Road Derby DE23 1HG	Alterations and single storey rear extension to existing outbuilding to form annexe accommodation	Approval	31/03/2021
21/00051/FUL	Full Application	144 Allestree Lane Derby DE22 2JY	Demolition of existing dwelling. Erection of a replacement dwelling house (Use Class C3)	Approval	29/03/2021
21/00052/FUL	Full Application	29 Hoylake Drive Derby DE3 0QA	Single storey rear extensions to dwelling house (kitchen/family room)	Approval	25/03/2021
21/00053/FUL	Full Application	1 Eaton Close Derby	Alterations and single storey extension to existing outbuilding to form annexe	Approval	25/03/2021

		DE22 2FD	accommodation		
21/00054/CLP	Lawful Development Certificate -Proposed	1133 London Road Derby DE24 8QD	Change of use from dwelling house (Use Class C3) to a house in multiple occupation for a maximum of six occupants (Use Class C4) together with the installation of a dormer to the rear elevation and a single storey rear extension	Approval	10/03/2021
21/00059/FUL	Full Application	11A Portreath Drive Derby DE22 2BJ	Two storey side and single storey rear extensions to dwelling house	Approval	11/03/2021
21/00061/FUL	Full Application	41 Derby Lane Derby DE23 8UB	Single storey rear extension to dwelling house (garden room)	Approval	25/03/2021
21/00062/CLP	Lawful Development Certificate -Proposed	108 Laburnum Crescent Derby DE22 2GS	Single storey front extension to dwelling house (porch)	Approval	10/03/2021
21/00069/FUL	Full Application	6 Whittlebury Drive Derby DE23 3BF	Single storey side and rear extensions to dwelling house (office, store, utility and enlargement of kitchen)	Approval	25/03/2021
21/00070/OUT	Outline Application	Land At The Side Of 11 Lathkill Avenue Derby DE24 0PY	Residential development - one dwelling (Use Class C3)	Refused	16/03/2021
21/00076/VAR	Variation of Condition	Derby Food Waste Anaerobic Digester Plant Megaloughton Lane Derby DE21 7BR	Erection of anaerobic digestion facility - Variation of conditions 2 and 7 of previously approved planning permission Code No. 06/16/00795 to amend the approved plans and landscaping scheme.	Approval	24/03/2021
21/00079/FUL	Full Application	White Swan Shepherd Street Derby DE23 6GA	Formation of a patio area including alterations to land levels, erection of planters, pergola and a covered timber construction	Approval	19/03/2021
21/00081/FUL	Full Application	9 Nicholas Close Derby DE21 7EQ	Two storey side and single storey rear extensions to dwelling house (living space, shower room/utility, lounge, bedroom and en-	Approval	15/03/2021

			suite)		
21/00082/CLP	Lawful Development Certificate -Proposed	38 Porters Lane Derby DE21 4FZ	Erection of outbuilding (garden room)	Approval	16/03/2021
21/00090/FUL	Full Application	134 Shardlow Road Derby DE24 0JS	Single storey side/rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	15/03/2021
21/00092/FUL	Full Application	126 Drewry Lane Derby DE22 3QU	Retention of change of use from a house in multiple occupation (Use class C4) to three flats (Use Class C3)	Approval	24/03/2021
21/00093/FUL	Full Application	3 Belvedere Close Derby DE3 0RW	Two storey side and single storey rear extensions to dwelling house (garage/store, utility, W.C., living space, bedroom and en-suite) and installation of a canopy to the front elevation	Approval	15/03/2021
21/00100/FUL	Full Application	169 Pastures Hill Derby DE23 4AZ	Raising of the roof height and extensions to the existing outbuilding (garage and garden room with storage/workshop over)	Approval	25/03/2021
21/00101/FUL	Full Application	27 Hillsway Littleover Derby DE23 3DS	Installation of a dormer to the side elevation	Approval	17/03/2021
21/00103/FUL	Full Application	73 Breedon Avenue Derby DE23 1LR	Two storey side and single storey rear extensions to dwelling house (kitchen, wet room, sitting room and two bedrooms)	Approval	17/03/2021
21/00106/FUL	Full Application	1 Mill Hill Road Derby DE23 6SF	Erection of three flats (Use Class C3)	Refused	19/03/2021
21/00110/FUL	Full Application	33 Brockley Derby DE21 7JE	Two storey and single storey rear extensions to dwelling house (lobby, W.C. and bathroom)	Approval	17/03/2021
21/00112/CLP	Lawful Development Certificate -Proposed	26 Monarch Drive Derby DE21 2XW	Single storey rear extension to dwelling house	Approval	22/03/2021

21/00114/FUL	Full Application	108 Belper Road Derby DE1 3EQ	Single storey rear extension to dwelling house (garden room) and extension of the existing rear terrace	Approval	11/03/2021
21/00122/FUL	Full Application	12 Chadwick Avenue Derby DE24 9DG	Single storey side/rear extension to dwelling house (sitting room and enlargement of kitchen/dining area)	Approval	31/03/2021
21/00126/FUL	Full Application	59 Willowcroft Road Derby DE21 7FP	Erection of a two storey building with rooms in the roof space for use as a house in multiple occupation with care (Sui Generis Use)	Application Withdrawn	01/03/2021
21/00130/PNRT	Prior Approval - Telecommunications	Land Adjacent To Bramblebrook Community Centre Stockbrook Street Derby DE22 3WH	Erection of a 20 metre high monopole with six antennas, two. transmission dishes, four equipment cabinets and ancillary development	Approval	23/03/2021
21/00131/FUL	Full Application	3 Goodsmoor Road Derby DE23 1NH	Single storey front extension to dwelling and raising of the roof to form rooms within the roofspace (lounge, bathroom and 5 bedrooms) including installation of dormer windows and juliet balcony	Approval	26/03/2021
21/00133/CLP	Lawful Development Certificate -Proposed	11 Oadby Rise Derby DE23 1LX	Single storey side extension to dwelling house	Approval	24/03/2021
21/00134/FUL	Full Application	29 Islay Road Derby DE24 9LG	Single storey side and rear extensions to dwelling house (hall, tv room, wet room and enlargement of kitchen/dining area)	Approval	24/03/2021
21/00135/FUL	Full Application	49 Ford Lane Derby DE22 2EY	Single storey side and rear extensions to dwelling house (utility and kitchen/dining space) and erection of outbuilding (storage and home office)	Approval	24/03/2021
21/00136/FUL	Full Application	43 Huntley Avenue Derby DE21 7DW	Single storey front extension to dwelling house (enlargement of hall and lounge)	Approval	25/03/2021
21/00138/VAR	Variation of Condition	4A Ashbourne Road Derby DE22 3AA	Alterations and re-building of outbuilding to form a dwelling (Use Class C3) - Variation of condition 2 of previously approved planning	Approval	26/03/2021

			permission 20/01109/FUL to amend the approved plans to remove the single storey front projection and alter the internal staircase		
21/00140/FUL	Full Application	8 Sitwell Street Spondon Derby DE21 7FE	Installation of replacement windows to the front elevation	Approval	25/03/2021
21/00144/PNRH	Prior Approval - Householder	17 Falconside Drive Derby DE21 7TQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.8m, maximum height 3.75m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	10/03/2021
21/00152/FUL	Full Application	6 Gayton Avenue Derby DE23 1GA	Two storey side and single storey rear extensions to dwelling house (garage, utility, bedroom and en-suite) with rooms in the roof space	Approval	31/03/2021
21/00153/FUL	Full Application	11 Hill Top Derby DE21 4FW	Single storey front extension to dwelling house (porch)	Approval	26/03/2021
21/00157/FUL	Full Application	Land At The Side Of 22 Ellendale Road Derby DE21 6UE (Access Off Oregon Way)	Erection of a dwelling house (Use Class C3) including installation of a retaining wall	Refused	30/03/2021
21/00163/FUL	Full Application	197 Ladybank Road Derby DE3 0QL	Formation of a vehicular access	Approval	29/03/2021
21/00164/FUL	Full Application	99 Blenheim Drive Derby DE22 2LF	Two storey side and single storey rear extensions to dwelling house (garage, utility, kitchen/dining/family area, bedroom and bathroom)	Approval	31/03/2021
21/00168/CLP	Lawful Development Certificate -Proposed	18 Gravel Pit Lane Derby DE21 7DA	Single storey side/rear extension to dwelling house (kitchen)	Refused	31/03/2021
21/00178/FUL	Full Application	23 Short Avenue Derby	Installation of a new roof to the existing garage and erection of porch canopy to the	Approval	31/03/2021

		DE22 2EH	front elevation		
21/00192/NONM	Non-Material Amendment	Gate Keepers Cottage Mickleover Manor Derby DE3 0SH	Single storey extension to dwelling house - Non-material amendment to 20/01024/FUL to amend the fenestration	Approval	05/03/2021
21/00220/PNRH	Prior Approval - Householder	14 Menin Road Derby DE22 2NL	Single storey rear extension (projecting beyond the rear wall of the original house by 7.24m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	24/03/2021
21/00231/NONM	Non-Material Amendment	94 Sancroft Road Derby DE21 7ET	Single storey side extension to dwelling house (store, w.c. and family room - Non-material amendment to previously approved planning permission Code No. 20/00850/FUL to amend the internal layout and front elevation	Approval	10/03/2021
21/00248/PNRH	Prior Approval - Householder	13 Mayfield Road Derby DE21 6FX	Single storey rear extension (projecting beyond the rear wall of the original house by 7.6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Approved	26/03/2021
21/00251/DISC	Compliance/Discharge of Condition	31 Chapel Street Spondon Derby DE21 7JP	Change of use from congregation hall and education centre (Use Class F1) to a mixed use performing arts school and fitness centre (Use Classes F1 and E) - Discharge of condition 3 of planning permission 20/01397/FUL	Discharge of Conditions Complete	03/03/2021
21/00252/TPO	Works to a tree with a TPO	16 Farncombe Lane Derby DE21 2AY	Crown reduction by six metres of a Sycamore tree protected by Tree Preservation Order no. 477	Application Withdrawn	15/03/2021
21/00258/PNRH	Prior Approval - Householder	15 Penrhyn Avenue Derby DE23 6LB	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	26/03/2021
21/00277/DISC	Compliance/Discharge of Condition	Rolls Royce Plc Wilmore Road Derby DE24 9BD	Variation of conditions 1, 4, 6, 8, 10 12 and 13 and removal of condition 9 of previously approved planning permission Code No. 08/17/01112 to amend the approved plans - Discharge of condtion nos 13 and 14 of	Discharge of Conditions Complete	10/03/2021

			previously approved permission 19/00613/VAR		
21/00289/TPO	Works to a tree with a TPO	8 Leawood Gardens Derby DE21 2TF	Height reduction by 3m and lateral spread reduction by 1m of a Norway Maple tree and height reduction by 4m and lateral spread reduction by 2m of a Purple Plum tree protected by Tree Preservation Order no. 31	Application Withdrawn	09/03/2021
21/00313/DISC	Compliance/Discharge of Condition	218-220 Siddals Road Derby DE1 2QE	Demolition of storage buildings. Erection of four dwelling houses (use class C3) - Discharge of condition 3 of previously approved application code No. 19/00096/FUL	Discharge of Conditions Complete	08/03/2021
21/00337/DISC	Compliance/Discharge of Condition	Land At Junction Of Cathedral Road Willow Row And Walker Lane Derby	Erection Of Student Accommodation (319 Cluster Flats), associated student support and formation of two parking bays and landscaping - Variation of conditions 1, 3 10 and 15 of previously approved application code No. DER/05/18/00770 - Discharge of condition 21 of planning permission 19/00356/VAR	Discharge of Conditions Complete	16/03/2021
21/00340/DISCLB	Compliance/Discharge of Condition LB	Chapel Of St Mary On The Bridge Sowter Road Derby DE1 3AT	Re-roofing works - Discharge of condition 6 of Listed Building Consent 20/00300/LBA	Discharge of Conditions Complete	25/03/2021
21/00353/NONM	Non-Material Amendment	Unit 5, 7 And Nos. 110 And 112 (Units 9-13) Park Farm Drive Derby DE22 2QN	External alterations to windows /doors - Non-material amenddments to previously approved permission 18/01866/FUL to amend approved design	Approval	29/03/2021
21/00354/NONM	Non-Material Amendment	110 And 112 Park Farm Centre Park Farm Drive Derby	Change of use of first and second floors from Offices (Use Class B1) to two flats (Use Class C3) -Non-material amendment to previously approved permission 19/01540 to amend previously approved layout	Approval	29/03/2021
21/00383/FUL	Full Application	17 Devonshire Avenue Derby DE22 2AU	Two storey side and single storey front extensions to dwelling house (utility room, study, W.C., sitting room, two bedrooms, bathroom and enlargement of hall)	Application Withdrawn	23/03/2021

21/00395/DISC	Compliance/Discharge of Condition	Land At Side Of 68 Locko Road Derby	Erection Of Dwelling House - Discharge of condition nos 2 and 3 of previously approved permission 06/06/01085	Discharge of Conditions Complete	09/03/2021
21/00436/DISC	Compliance/Discharge of Condition	Plot N Fernhook Avenue Derby Commercial Park Derby DE21 7HW	Erection Of Unit For Storage And Distribution (Use Class B8) And Ancillary Business (Use Class B1), Garage, Gatehouse, Bike Shelters, Bin Store, Condenser Compound And Other Associated Development-Reserved Matters Application Under Outline Application Code No.DER/10/14/01377 - Discharge of condition 3 of previously approved permission 09/17/01170	Discharge of Conditions Complete	19/03/2021
21/00463/ADV	Advertisement Consent	Kedleston Road Allestree Derrby DE22 2NN	Display of 4 sales flags and 3 hoarding board signs.	Finally disposed of	30/03/2021
30/00001/FUL	Full Application	24 Vicarage Road Chellaston Derby DE73 6SD	Erection of a dwelling house (Use Class C3)	Approval	22/03/2021



Delegated decisions made between Between 01/04/2021 and 30/04/2021



Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00901/OUT	Outline Application	Land At The Side Of 26 Lime Avenue Breadsall Hilltop Derby DE21 4GD	Residential development - two dwellings (Use Class C3)	Refused	28/04/2021
20/00921/FUL	Full Application	150 Burton Road Derby DE1 1TN	Re-instatement and alterations of windows, installation of new gates and infilling of opening to Burton Road	Approval	23/04/2021
20/00943/FUL	Full Application	137 Allestree Lane Derby DE22 2PG	Two storey side and rear extension (store, utility, kitchen, bedroom, en-suite and storage) and two storey front and side extensions (extended hallway and living room, study/dressing room and extended bedroom)	Approval	28/04/2021
20/00945/FUL	Full Application	28 Blagreaves Lane Derby DE23 1FH	Two storey side and rear extensions	Approval	20/04/2021
20/01148/FUL	Full Application	The Old Hall 5 Orchard Street Derby DE3 0DF	Erection of an outbuilding (garage) and garden room.	Approval	01/04/2021
20/01253/FUL	Full Application	131 Derby Road Chellaston Derby DE73 5SB	Two storey front, side and rear extensions to dwelling house, installation of a new roof including raising of the roof height and erection of an outbuilding and new front boundary treatment	Approval	29/04/2021
20/01292/FUL	Full Application	Former Ordnance Cottage Sinfin Lane Derby DE24 9GL	Demolition of car sales office. Erection of a single storey building and change of use from car sales (Sui Generis Use) to car sales, MOT testing station and vehicle repairs (Sui Generis Use/Use Class B2)	Approval	28/04/2021

20/01334/FUL	Full Application	Sturgess Fields Derby	Erection of new and replacement bridges	Approval	06/04/2021
20/01379/FUL	Full Application	Site Of Former Shaw Group Stores Road Derby DE21 4BD	Erection of a bus depot including crew building, workshop and associated maintenance structures.	Approval	21/04/2021
20/01405/FUL	Full Application	52 Amber Road Derby DE22 2QA	Two storey side and single storey side and rear extensions to dwelling house (garage, utility, dining space, en-suite and enlargement of kitchen)	Approval	19/04/2021
20/01421/FUL	Full Application	Land At 1-3 Riverview Court And 11 -13 North Street Derby DE1 3BF	Erection of two apartments (Use Class C3)	Refused	23/04/2021
20/01489/FUL	Full Application	11 Sadler Gate Derby DE1 3NF	Change of use of ground floor from retail (Use Class E) to mixed use cafe/restaurant and bar (Use Classes E and Sui Generis)	Approval	08/04/2021
20/01501/FUL	Full Application	Former Chiquitos Wheelwright Way Derby DE24 8SQ	Single storey front extensions to restaurant (orangery dining areas)	Approval	08/04/2021
20/01512/FUL	Full Application	Car Park At Kingsway Hospital Kingsway Derby DE22 3LZ	Alterations to car park	Approval	30/04/2021
20/01560/FUL	Full Application	50 Collingham Gardens Derby DE22 4FR	Two storey side extension to dwelling house (covered way, garage, bedroom and en-suite)	Approval	19/04/2021
20/01580/FUL	Full Application	5 Crabtree Close Derby DE22 2SW	Two storey side and rear and single storey rear extension (shower room, utility, kitchen/living room and three bedrooms). Installation of additional side window.	Approval	22/04/2021
20/01601/VAR	Variation of Condition	Site Of 36 Agard Street Derby DE1 1DZ	Erection of an 8 storey student accommodation comprising 142 studio flats, together with ancillary facilities and formation	Approval	01/04/2021

			of vehicular access off Agard Street - Variation of condition 2 of previously approved permission Code No.18/01908/FUL to amend the internal layout and external appearance		
20/01609/TPO	Works to a tree with a TPO	2B Trowels Lane Derby DE22 3LS	Felling of one multi-stemmed Sycamore tree protected by Tree Preservation Order No 242	Refused	08/04/2021
20/01636/PNRT	Prior Approval - Telecommunications	Highway Verge Ashbourne Road Derby (adjacent To Ravenscourt Road)	Erection of a 20m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	29/04/2021
20/01669/FUL	Full Application	6 Princes Drive Derby DE23 6DW	Single storey rear extension to dwelling house (kitchen/lounge/dining area) and formation of a raised patio area to the rear elevation	Approval	01/04/2021
21/00007/TPO	Works to a tree with a TPO	The Coach House 22 Park Lane Littleover Derby DE23 6FX	Various works to trees protected by Tree Preservation Order no. 127	Approval	08/04/2021
21/00009/FUL	Full Application	7 Newhaven Road Derby DE21 6RJ	Installation of external wall insulation	Approval	27/04/2021
21/00019/FUL	Full Application	13 Stanley Close Derby DE22 1AG	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	06/04/2021
21/00028/ADV	Advertisement Consent	68 - 70 Sitwell Street Spondon Derby DE21 7FG	Display of various signage	Approval	01/04/2021
21/00048/TPO	Works to a tree with a TPO	571 Burton Road Derby DE23 6FW	Crown reduction by 2-3m of a Cedar tree and crown lift to 3m of a Yew tree protected by Tree Preservation Order No. 254	Approval	08/04/2021
21/00074/FUL	Full Application	Orange Tree Day Nursery 105 And 105A Duffield Road	Two storey front extension and installation of a balcony to the first floor front and side	Approval	29/04/2021

		Derby DE22 1AE	elevations		
21/00080/FUL	Full Application	102 Vestry Road Derby DE21 2BN	Single storey front extension to dwelling house (enlargement of porch)	Approval	19/04/2021
21/00094/TPO	Works to a tree with a TPO	283 Uttoxeter Road Derby DE3 9AF	Crown reduction by 2-4 metres and crown lift to 4 metres of a Beech tree protected by Tree Preservation Order No. 436	Approval	08/04/2021
21/00095/FUL	Full Application	7 Moor Street Derby DE21 7EA	First floor extensions, alterations and change of use of the ground floor from retail (Use Class E) to form three dwelling houses and two flats (Use Class C3) and associated ground works	Approval	21/04/2021
21/00097/TPO	Works to a tree with a TPO	448 Duffield Road Derby DE22 2DH	Crown lift to remove two branches, crown thinning by 20% (one off works) and crown reduction to maintain 3m clearance from the dwelling house to be maintained for a ten year period of a Copper Beech tree protected by Tree Preservation Order No. 482	Approval	08/04/2021
21/00098/TPO	Works to a tree with a TPO	Yew Trees Burleigh Drive Derby DE22 1AL	Crown reduction by 2m of three Yew Trees protected by Tree Preservation Order No. 226	Approval	30/04/2021
21/00099/TPO	Works to a tree with a TPO	5 Merthyr Court Derby DE21 2RJ	Crown lift to 4m and removal of deadwood and epicormic growth of two Oak trees and reduction of a lateral branch by 2m from Oak tree T2 protected by Tree Preservation Order No. 31	Approval	30/04/2021
21/00104/FUL	Full Application	32 Kingston Street Derby DE1 3EZ	Installation of replacement windows	Approval	01/04/2021
21/00111/FUL	Full Application	21 Hartington Street Derby DE23 8EB	Loft conversion to form an additional flat (Use Class C3)	Approval	15/04/2021
21/00113/FUL	Full Application	38 Squires Way	First floor front and single storey rear	Approval	06/04/2021

		Derby DE23 3XB	extensions to dwelling house (bedroom and living space)		
21/00116/FUL	Full Application	12 Oaklands Avenue Derby DE23 2QG	Single storey side/rear extension to dwelling (utility, bedroom, bathroom and kitchen/family room)	Approval	06/04/2021
21/00123/CAT	Works to Trees in a Conservation Area	21 And 22 Wilson Street Derby DE1 1PG	Felling of a Tree of Heaven and a Leylandii tree within the Green Lane and St Peter's Conservation Area	Approval	08/04/2021
21/00128/FUL	Full Application	127 City Road Derby DE1 3RR	Installation of replacement windows and door to the front elevation	Approval	21/04/2021
21/00129/CLP	Lawful Development Certificate -Proposed	9A Cornhill Derby DE22 2GG	Installation of solar panels and landscaping of the front garden	Approval	20/04/2021
21/00132/FUL	Local Council Own Development Reg 3	Sinfin Moor Park Sinfin Lane Derby	Construction of footpath	Approval	08/04/2021
21/00165/FUL	Full Application	62 Wilson Road Derby DE21 4HZ	Single storey rear extension to dwelling house (sun lounge)	Approval	01/04/2021
21/00166/FUL	Full Application	1 Rushdale Avenue Derby DE23 1HY	Two storey side and rear and single storey rear extensions to dwelling house (garage, studio, office, wet room, dining room, lounge, two bedrooms with en-suites and enlargement of kitchen, bedroom and bathroom) - amendments to previously approved planning permission 20/00597/FUL to include a porch, raise the ridge height, amend rear roof to flat, alter the fenestration and the addition of a rear facing dormer	Refused	01/04/2021
21/00167/FUL	Full Application	10 Gayton Avenue Derby DE23 1GA	Single storey side/rear extension to dwelling house (kitchen/diner)	Approval	01/04/2021
21/00169/FUL	Full Application	105 Dale Road	First floor rear extension to dwelling house	Approval	01/04/2021

		Spondon Derby DE21 7DJ	(bedroom and enlargement of bedroom)		
21/00170/FUL	Full Application	34 Laburnum Crescent Derby DE22 2GQ	Two storey and single storey rear extensions to dwelling house	Approval	01/04/2021
21/00171/FUL	Full Application	6 Gertrude Road Derby DE21 4JP	Roof alterations to include installation of a dormer to the rear elevation	Approval	13/04/2021
21/00172/FUL	Full Application	60 Rupert Road Derby DE21 4ND	Two storey side extension to dwelling house (garage, kitchen, bedroom and ensuite)	Approval	01/04/2021
21/00173/FUL	Full Application	Reckitt Benckiser Ltd Sinfin Lane Derby DE24 9GG	Retention of the erection of a warehouse building	Approval	20/04/2021
21/00174/FUL	Full Application	Former Webhelp Building Riverside Road Derby DE24 8HY	Installation of two new external doors and an external staircase	Approval	29/04/2021
21/00177/FUL	Full Application	8 Barnhill Grove Derby DE23 3XS	Two storey rear and single storey side and rear extensions to dwelling house (family/dining area, utility, gym, bedroom, en-suites and enlargement of bedroom) together with installation of a new window to the first floor side elevation	Approval	01/04/2021
21/00184/FUL	Full Application	17 Mickleross Close Derby DE3 9JF	Demolition of existing garage and conservatory and erection of a single storey side/rear extension to dwelling house	Approval	01/04/2021
21/00185/FUL	Full Application	19 Barden Drive Derby DE22 2AL	Single storey rear extension to dwelling house	Approval	13/04/2021
21/00191/FUL	Full Application	2 Firs Crescent Derby DE22 2HJ	Two storey side and single storey rear extensions to dwelling house	Approval	23/04/2021

21/00195/FUL	Full Application	4 Folly Road Derby DE22 1ED	Two storey side extension to dwelling house (garage, bedroom, en-suite, dressing room and enlargement of kitchen)	Approval	09/04/2021
21/00196/CLP	Lawful Development Certificate -Proposed	7 Wickersley Close Derby DE22 2XT	Installation of french doors to the ground floor rear elevation	Approval	06/04/2021
21/00197/FUL	Full Application	Rolls Royce Ltd Osmaston Road Derby DE24 8AL	Change of use from general industrial/storage unit to a heritage motor centre with associated car parking	Approval	21/04/2021
21/00198/FUL	Full Application	The Bungalow Pit Close Lane Derby DE73 6TH	Single storey side/rear extension to dwelling (lounge) and installation of a new roof over the existing front porch	Approval	06/04/2021
21/00199/CLE	Lawful Development Certificate -Existing	32 Brackley Drive Derby DE21 7SA	Single storey rear extension to dwelling house	Approval	08/04/2021
21/00203/FUL	Full Application	60 Hillsway Littleover Derby DE23 3DW	Installation of dormers to the front and rear elevations and roof light to the side elevation	Approval	21/04/2021
21/00207/FUL	Full Application	45 Bonsall Avenue Derby DE23 6JX	Single storey front and first floor rear extensions to dwelling house (porch, bedroom and en-suite) and installation of a new window to the first floor side elevation	Approval	22/04/2021
21/00210/FUL	Full Application	11 Haddon Drive Mickleover Derby DE3 9HL	Single storey side and rear extension to dwelling (enlargement of bedroom bathroom and kitchen/diner)	Approval	22/04/2021
21/00213/CLP	Lawful Development Certificate -Proposed	127 Whitaker Road Derby DE23 6AQ	Enlargement of outbuilding	Approval	08/04/2021
21/00215/FUL	Full Application	640 Burton Road Derby DE23 6EL	Single storey side extension to dwelling house (lounge/dining area), installation of a dormer to the rear elevation and new windows to the	Approval	22/04/2021

			first and second floor side elevation to form rooms in the roof space and erection of an outbuilding (garage)		
21/00216/FUL	Full Application	11 Ravenscourt Road Derby DE22 4DL	Two storey side and single storey rear extensions to dwelling house (garage, W.C., utility, study, dining/living space, bathroom, bedroom and en-suite)	Approval	21/04/2021
21/00218/FUL	Full Application	467 Arleston Lane Derby DE24 3BZ	Single storey side extension to dwelling house (garage)	Approval	08/04/2021
21/00219/FUL	Local Council Own Development Reg 3	13 Loudon Street Derby DE23 8ES	Single storey extension to dwelling house (wet room)	Approval	09/04/2021
21/00225/FUL	Full Application	10 Kings Croft Derby DE22 2FN	Two storey rear extension to dwelling house (snug, kitchen/dining area, bedrooms and en-suite) alterations to existing side garage to form annexe accommodation. Erection of an outbuilding (garage and car port)	Approval	13/04/2021
21/00227/FUL	Full Application	5 Rushdale Avenue Derby DE23 1HY	Two storey and single storey rear extensions to dwelling house (kitchen/dining area and bedroom)	Approval	08/04/2021
21/00228/FUL	Full Application	1 Grafham Close Derby DE73 6XJ	First floor side extension to dwelling house (bedroom)	Approval	08/04/2021
21/00229/FUL	Full Application	61 Copes Way Derby DE21 4NU	Two storey rear and single storey side and rear extensions to dwelling house (storage, lounge, kitchen, bedroom and en-suite)	Approval	22/04/2021
21/00232/CLP	Lawful Development Certificate -Proposed	29 Buxton Road Derby DE21 4JJ	Erection of an outbuilding (garden room)	Approval	13/04/2021
21/00237/CLP	Lawful Development Certificate -Proposed	186 Kedleston Road Derby DE22 1FX	Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Use Class C4) including installation of a dormer window	Approval	13/04/2021

21/00238/FUL	Full Application	33 Prestbury Close Derby DE21 2LT	Single storey front and side extensions to dwelling house (porch and kitchen) including installation of a pitched roof	Approval	13/04/2021
21/00239/FUL	Full Application	93 Highfield Lane Derby DE21 6PJ	Single storey rear extension to dwelling house (family space) and formation of a raised decking area	Approval	13/04/2021
21/00240/FUL	Full Application	11 Misterton Close Derby DE22 2XU	Single storey front extension to dwelling house (enlargement of garage)	Approval	29/04/2021
21/00241/TPO	Works to a tree with a TPO	16 Farncombe Lane Derby DE21 2AY	Reduction by 8m in height and 4.5m lateral spread of a Sycamore tree protected by Tree Preservation Order no. 477	Approval	22/04/2021
21/00242/FUL	Full Application	86 Swanmore Road Derby DE23 3SY	Single storey front/side extension to dwelling house (enlargement of entrance hall and study)	Approval	09/04/2021
21/00243/FUL	Full Application	37 Holmes Street Derby DE23 8GJ	Single storey rear extension to dwelling house (utility and wet room)	Approval	20/04/2021
21/00244/FUL	Full Application	21 Heron Way Derby DE3 9XA	Single storey side/rear extension to dwelling house (wet room)	Approval	13/04/2021
21/00245/LBA	Listed Building Consent - Alterations	29 York Street Derby DE1 1FZ	Alterations in association with change of use from office to dwelling house	Approval	13/04/2021
21/00254/ADV	Advertisement Consent	The Obis Building Riverside Road Derby DE24 8HY	Display of externally illuminated fascia signs	Approval	13/04/2021
21/00255/FUL	Full Application	137 Locko Road Derby DE21 7AR	Single storey side and rear extensions to dwelling house and formation of a vehicular access	Approval	13/04/2021
21/00256/CLP	Lawful Development Certificate -Proposed	37 Linacres Drive Derby DE73 6XH	Single storey side extension to dwelling house	Approval	22/04/2021

21/00257/RES	Reserved Matters	Land Between 25 And 30 Whitaker Street Derby DE23 8FB	Residential development (2 dwellings) - approval of reserved matters of layout, scale, appearance, landscaping and means of access pursuant to outline planning permission 18/01728/OUT	Approval	19/04/2021
21/00261/FUL	Full Application	Salvation Army 34 - 38 Osmaston Road Derby DE1 2HU	Installation of replacement doors and windows and recladding of entrance canopy	Approval	23/04/2021
21/00262/LBA	Listed Building Consent - Alterations	43 Wardwick Derby DE1 1HJ	Repair and renew of plaster on internal walls and ceilings of listed building	Refused	22/04/2021
21/00263/FUL	Full Application	42 Dovedale Rise Derby DE22 2RE	Single storey side/rear extension to dwelling house (family/dining room, shower room and utility)	Approval	13/04/2021
21/00264/FUL	Full Application	52 Fallow Road Derby DE21 7TF	Single storey front extension to dwelling house (porch, hall, W.C., lounge and office)	Approval	20/04/2021
21/00269/FUL	Full Application	6 Chapel Side Chapel Street Spondon Derby DE21 7JQ	Change of use from dwelling (Use Class C3) to day/training centre/office (Use Classes E and F1)	Approval	15/04/2021
21/00270/FUL	Full Application	8 Portreath Drive Derby DE22 2BH	Single storey side/rear extension to dwelling house (utility and enlargement of kitchen/dining area)	Approval	14/04/2021
21/00274/FUL	Full Application	44 Fairfield Road Derby DE23 6PG	Extensions to dwelling house (garage, w.c., passage, dining room/sun lounge, 2 bedrooms and shower room)	Approval	20/04/2021
21/00276/FUL	Full Application	The Clearly Different Dental Practice 189 Duffield Road Derby DE22 1JB	Retention of the installation of an air source heat pump	Approval	15/04/2021
21/00287/CLP	Lawful Development Certificate -Proposed	53 Westgreen Avenue Derby	Change of use from domestic garage (Use Class C3) to hair and beauty salon (Use	Refused	27/04/2021

		DE24 9AQ	Classes E and Sui Generis)		
21/00288/FUL	Full Application	9 Newbridge Crescent Derby DE24 9FR	Two storey side extension to dwelling house (cloakroom, bedroom and enlargement of bedroom and bathroom)	Approval	19/04/2021
21/00290/FUL	Full Application	25 Warwick Avenue Derby DE23 8DA	Two storey rear and single storey front and rear extensions to dwelling house (porch, W.C., kitchen/dining area, bedroom and bathroom)	Approval	23/04/2021
21/00291/FUL	Full Application	29 York Street Derby DE1 1FZ	Change of use from office (Use Class E) to dwelling house (Use Class C3)	Approval	13/04/2021
21/00294/FUL	Full Application	77 Lindon Drive Derby DE24 0LP	Single storey rear extension to dwelling house (enlargement of kitchen/dining/family space)	Approval	19/04/2021
21/00296/FUL	Full Application	392 Burton Road Derby DE23 6AF	Two storey side and rear extensions to dwelling house (garage, kitchen/dining area, three bedrooms and en-suite) with a cellar/storage, guest area and extension at lower ground floor level, garden to be lowered to basement level.	Approval	19/04/2021
21/00300/FUL	Full Application	15 Wordsworth Avenue Derby DE24 9HQ	Two storey side and rear and single storey front extensions to dwelling house (porch, study, shower room two bedrooms and enlargement of kitchen), erection of an outbuilding (gym and shower room) and installation of a canopy to the front elevation	Approval	19/04/2021
21/00303/FUL	Full Application	19A Cornhill Derby DE22 2GG	Enlargement of outbuilding (additional garage) and installation of canopy	Approval	23/04/2021
21/00304/FUL	Full Application	638 Burton Road Derby DE23 6EL	Single storey side extension to dwelling house (games room)	Approval	19/04/2021
21/00306/ADV	Advertisement Consent	Unit 3 Meteor Centre Mansfield Road	Display of two internally illuminated fascia signs	Approval	20/04/2021

		Derby DE21 4SY			
21/00307/FUL	Full Application	117 Ladybank Road Derby DE3 0PF	Formation of a vehicular access	Approval	21/04/2021
21/00308/PNRJ	Prior Approval - Offices to Residential	4 - 5 Charnwood Street Derby DE1 2GT	Change of use from offices (Use Class B1) to ten flats (Use Class C3)	Refused	21/04/2021
21/00314/ADV	Advertisement Consent	Land Adjacent 1 Phoenix Street Derby DE1 2ER	Display of non illuminated signage - one free standing 'V' sign, one free standing sign, one fence sign and two flag poles	Approval	20/04/2021
21/00316/FUL	Full Application	Khakh Villa 2 Leafgreen Lane Derby DE23 2TZ	Two storey rear extension to dwelling house and installation of a new window to the first floor side elevation	Approval	27/04/2021
21/00317/FUL	Full Application	112 Derby Road Chellaston Derby DE73 6RF	Change of use from annexe building (Use Class C3) to beauty salon (Sui Generis)	Approval	21/04/2021
21/00318/FUL	Full Application	3 Hartland Drive Derby DE23 1LU	Installation of a pitched roof to the existing flat roofed area and installation of a second floor side elevation window to form rooms in the roof space	Approval	20/04/2021
21/00320/PNRH	Prior Approval - Householder	14 Gurney Avenue Derby DE23 1GR	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.9m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	06/04/2021
21/00322/FUL	Full Application	3 Broughton Avenue Derby DE23 6JA	Single storey rear extension to dwelling house (utility)	Approval	21/04/2021
21/00324/CLP	Lawful Development Certificate -Proposed	68 Grove Street Derby DE23 8EL	Roof alterations to form room in the roof space (storage)	Approval	27/04/2021

21/00329/FUL	Full Application	11 Seaton Close Derby DE3 0QH	Two storey side extension to dwelling house (lobby, cloakroom, W.C., playroom, store, bedroom and en-suite)	Approval	29/04/2021
21/00330/FUL	Full Application	26 Links Close Derby DE24 9PF	Single storey rear extension to dwelling house (kitchen)	Approval	20/04/2021
21/00331/FUL	Full Application	3 Denver Road Derby DE3 0PS	Single storey front extension to dwelling house (enlargement of living room and porch)	Approval	20/04/2021
21/00332/FUL	Full Application	34 Wilson Road Derby DE21 4HZ	Single storey rear extension to dwelling house (family space)	Approval	20/04/2021
21/00333/FUL	Full Application	16 Kitchener Avenue Derby DE23 8WH	Single storey rear extension to dwelling house (kitchen/dining/living space)	Approval	27/04/2021
21/00334/FUL	Full Application	21 Rosamonds Ride Derby DE23 6JS	Installation of a dormer to the rear elevation	Approval	20/04/2021
21/00338/CLP	Lawful Development Certificate -Proposed	63 Ferrers Way Derby DE22 2BB	Single storey side and rear extensions to dwelling house (enlargement of kitchen/dining/family space)	Approval	21/04/2021
21/00347/FUL	Full Application	17 Fennel Avenue Derby DE3 0FS	Single storey side extension to dwelling house to connect to the existing garage building	Approval	27/04/2021
21/00348/FUL	Full Application	176 Allestree Lane Derby DE22 2JX	First floor rear and single storey side and rear extensions to dwelling house (dining/sitting area, en-suite and enlargement of dining room, utility and living room) and installation of roof lights to the side elevation	Approval	27/04/2021
21/00349/ADV	Advertisement Consent	5 Raynesway Derby DE24 0DW	Retention of the display of one internally illuminated fascia sign	Approval	27/04/2021
21/00357/CLP	Lawful Development Certificate -Proposed	39 White Street Derby	Demolition of brick store/toilet. Single storey rear extension to dwelling house (living space)	Refused	27/04/2021

DE22 1HB

21/00362/FUL	Full Application	10 Cordelia Way Derby DE73 5AR	Single storey rear extension to dwelling house (garden room with canopy)	Approval	28/04/2021
21/00363/FUL	Full Application	78 Uttoxeter Road Derby DE3 9GE	Single storey front extension to dwelling house (porch) and erection of outbuilding (garage)	Approval	21/04/2021
21/00384/FUL	Full Application	30 St Andrews View Derby DE21 4LH	Two storey side and single storey rear extensions to dwelling house (garage, kitchen/diner, two bedrooms and en-suite)	Approval	27/04/2021
21/00386/FUL	Full Application	611 Osmaston Road Derby DE24 8NE	Single storey rear extension to dwelling house (bedroom and wetroom)	Approval	27/04/2021
21/00393/PNRH	Prior Approval - Householder	9 Weirfield Road Derby DE22 1DH	Single storey rear extension (projecting beyond the rear wall of the original house by 5.06m, maximum height 3.6m, height to eaves 3m) to dwelling house	Prior Approval Not Required	22/04/2021
21/00400/FUL	Full Application	49A Uttoxeter Old Road Derby DE1 1GE	Change of use from hire shop (Sui Generis use) to builders merchant with trade counter (Sui Generis use)	Approval	21/04/2021
21/00408/FUL	Full Application	8 Heronswood Drive Derby DE21 7AX	Two storey side extension to dwelling house (car port, dressing room and en-suite)	Approval	29/04/2021
21/00412/FUL	Full Application	32 Hartington Way Derby DE3 9BG	Single storey side and rear extensions to dwelling house (garage, W.C. and enlargement of kitchen) and installation of dormers to the side and rear elevations	Approval	27/04/2021
21/00416/FUL	Full Application	283 Boulton Lane Derby DE24 9FW	Single storey side extension to dwelling house (orangery)	Approval	27/04/2021
21/00421/PNRH	Prior Approval - Householder	11 Hamlet Court Derby DE73 5AH	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 3m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	20/04/2021

21/00431/FUL	Full Application	7 Ealing Close Derby DE22 4BE	Single Storey rear extension (enlargement of kitchen/dining room) and alteration to existing extension roof from flat to pitched roof	Approval	30/04/2021
21/00438/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access. - Non material amendment to previously approved permission 19/01245/OUT to amend conditions 4, 6 and 14	Approval	20/04/2021
21/00439/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT - Non-material amendment to previously approved permission 20/01076/RES to amend Condition 1 and 2	Approval	23/04/2021
21/00446/FUL	Full Application	19 Bagshaw Street Derby DE24 8TX	Change of use to 11 person House in Multiple Occupation (Sui Generis) together with extensions (kitchen/dining room, 11 en-suite bedrooms and store room)	Refused	30/04/2021
21/00458/CLPLB	Lawful Development	Friends Meeting House	Installation of replacement doors	Approval	30/04/2021

	Certificate -Propd LB	St Helens Street Derby DE1 3GY			
21/00489/PNRH	Prior Approval - Householder	49 Vicarage Road Mickleover Derby DE3 0EB	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.99m, height to eaves 2.69m) to dwelling house	Prior Approval Not Required	20/04/2021
21/00491/PNRH	Prior Approval - Householder	17 Camden Street Derby DE22 3NR	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	20/04/2021
21/00492/PNRH	Prior Approval - Householder	49 Gertrude Road Derby DE21 4JQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	20/04/2021
21/00493/PNRH	Prior Approval - Householder	21 Carter Street Derby DE24 9BA	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	20/04/2021
21/00494/PNRH	Prior Approval - Householder	44 Ferrers Way Derby DE22 2BA	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.75m, height to eaves 2.70m) to dwelling house	Prior Approval Not Required	20/04/2021
21/00612/CLPLB	Lawful Development Certificate -Propd LB	10 Wardwick Derby DE1 1HA	Removal of a staircase and associated enclosure	Approval	29/04/2021

