

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	10/01/2022
Other(s)	Ian Woodhead	10/01/2022

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

Planning Control Committee 19/01/2023
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6.2	11 - 34	22/00568/FUL	220 Osmaston Road Derby DE23 8JX	Demolition of the former hotel building and erection of residential apartment buildings consisting of 42 units (Use Class C3) and associated ground 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>
6.3	35 - 55	22/01598/FUL	Waterfall Midland Railway Institute Building Railway Terrace Derby DE1 2RU	Reduction in scale of existing public house at ground floor, conversion of former Midland Railway Institute to 31 apartments (Use Class C3) and partial demolition of toilet block and outbuilding. Change of use from Drinking Establishment and Concert / Dance Hall (Sui Generis).	<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>

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
6.4	56 - 61	22/01854/NONM	90 Normanton Road Derby DE1 2GH	<p>Non-Material Amendment to previously approved Planning Permission 21/01036/FUL</p> <p>To allow alterations to the front and side elevations to gain pedestrian access to rear.</p> <p>(Demolition of three buildings. Erection of a three storey commercial building to create planning class use E(d) indoor recreation, E(b) sales of food and drink and retention of the existing Use Class E(a,b,c). Re-cladding and installation of a new window to rear block and alteration to elevational treatment.)</p>	To grant planning permission with conditions.

Committee Report Item No: 6.1

Application No: 22/01835/FUL

Type: Full Application

1. Application Details

1.1. Address: 43 Sherwin Street, Derby

1.2. Ward: Darley

1.3. Proposal:

Change of use to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis) - retrospective application

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01835/FUL>

Brief description

The application relates to a two-storey end-terrace house licensed for use as a house in multiple occupation (HMO) for up to eight occupants since September 2022. The property is situated on the junction of Sherwin Street and Bradley Street. To the rear of the property there is an enclosed garden area of approximately 50 square metres. The surrounding area is overwhelmingly residential with other residential plots immediately adjacent to the west and north.

Retrospective permission is sought to change the use of the site to a HMO housing eight occupants in line with the current HMO licence and internal layout. No external changes to the building or garden are proposed. See application documents for details.

2. Relevant Planning History:

Application No:	02/75/00141	Type:	Full Application
Decision:	Granted	Date:	12.03.1975
Description:	Change Of Use Of Shop To Residential & Alterations To The Building		

3. Publicity:

- Neighbour Notification Letter – 3
- Site Notice

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

4. Representations:

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

Five objections have been received, including one each from Councillors Repton and Martin, who have requested that the application be considered by the Planning Control Committee. The objections raise the following points:

- Increased parking demand, traffic generation and pressure on drainage systems;
- Potential for litter, antisocial behaviour, ad hoc bin storage and noise generation;
- Lack of larger family homes in the area;
- Substandard quality of accommodation.

5. Consultations:

5.1. Highways Development Control:

Sherwin Street & Bradley Street are subject to Permit Holder parking, Mon-Fri 8am-8pm. At the time of the Case Officer visit (12:15 hrs) there were parking opportunities available on street.

The documentation supporting the application suggests that the property historically has consented use for 7 occupants. Pragmatically therefore the only change which can be considered is the provision of a single further bedroom/occupant.

I do note that whilst there is space to the rear of the property which could be used for the parking of cycles, that the applicant/developer shows no actual provision. The Local Planning authority may wish to consider conditioning such provision in the light of its published standards. It is advised that such provision should be secure and covered.

Para 111 of the National Planning Policy Framework states that

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

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.

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5.2. Resources and Housing (HIMO):

I inspected this property in the summer of 2022 and issued HMO Licence M98094 on 6th September 2022 for 8 households and 8 persons for a period of five years. The property had previously been a 7 bedroom HMO. The new licensee has re-developed and re-furnished the property to a very high standard resulting in a much improved property.

I have read through the application and studied the proposed plans. The property has 8 bedrooms 4 of which are en-suites. There is a ground floor shower and a further 2 showers on the first floor. 4 of the bedrooms considerably exceed the space guidelines compensating for the slightly smaller than recommended kitchen diner... To summarise there is therefore sufficient kitchen, communal and bathroom provision as required in a HMO...The increase in bedrooms and therefore number of occupiers is acceptable. The property has been improved considerably to accommodate the change in occupation.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

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

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
H14	Residential use of under used buildings

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

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

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

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

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

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

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

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

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development & History

7.2. Amenity

7.3. Highways & Parking

7.4. Planning Balance & Conclusions

7.1. Principle of Development & History

The site was historically a corner shop presumably with living accommodation above and has had permitted use to be used for residential purposes since 1975. It appears to have been in use as a licensed HMO for up to seven occupants since 2004, albeit apparently without planning permission. The building's most recent HMO licence was issued in September 2022 and allows for up to eight occupants. Assuming, as seems reasonable from the evidence provided, that the use of the house as a seven-occupant HMO has been continuous since 2004, it would be reasonable to conclude that the use of the site has become lawful and constitutes the fallback position for the applicant. Even if the use has not been continuous, permitted development rights would allow for the use of the site as a HMO for up to six occupants without the need for planning permission. Therefore, the proposed development would result in one additional occupant over the current position. If the use of the building as a seven-occupant HMO proves unlawful, the development would result in an additional two occupants over the number permitted without the need for planning permission.

The "tilted balance" is currently engaged, as described above at section 6.2, and weighs heavily in favour of residential development. The degree to which the Council is unable to demonstrate a 5-year supply is also material and there is currently a significant housing supply shortfall. Very significant weight should be applied in favour of applications that can contribute to increasing this supply.

The site of the proposal is not allocated for any particular use in the DCLP1. The site is located in an established residential area, reasonably close to local amenities and

public transport and so could be argued to represent a sustainable location for residential development, the provision of which is to be given significant weight. The proposal is therefore acceptable in principle in my opinion, provided that the requirements of relevant local and national planning policies and other material considerations can be met. A discussion of these follows.

7.2. Amenity

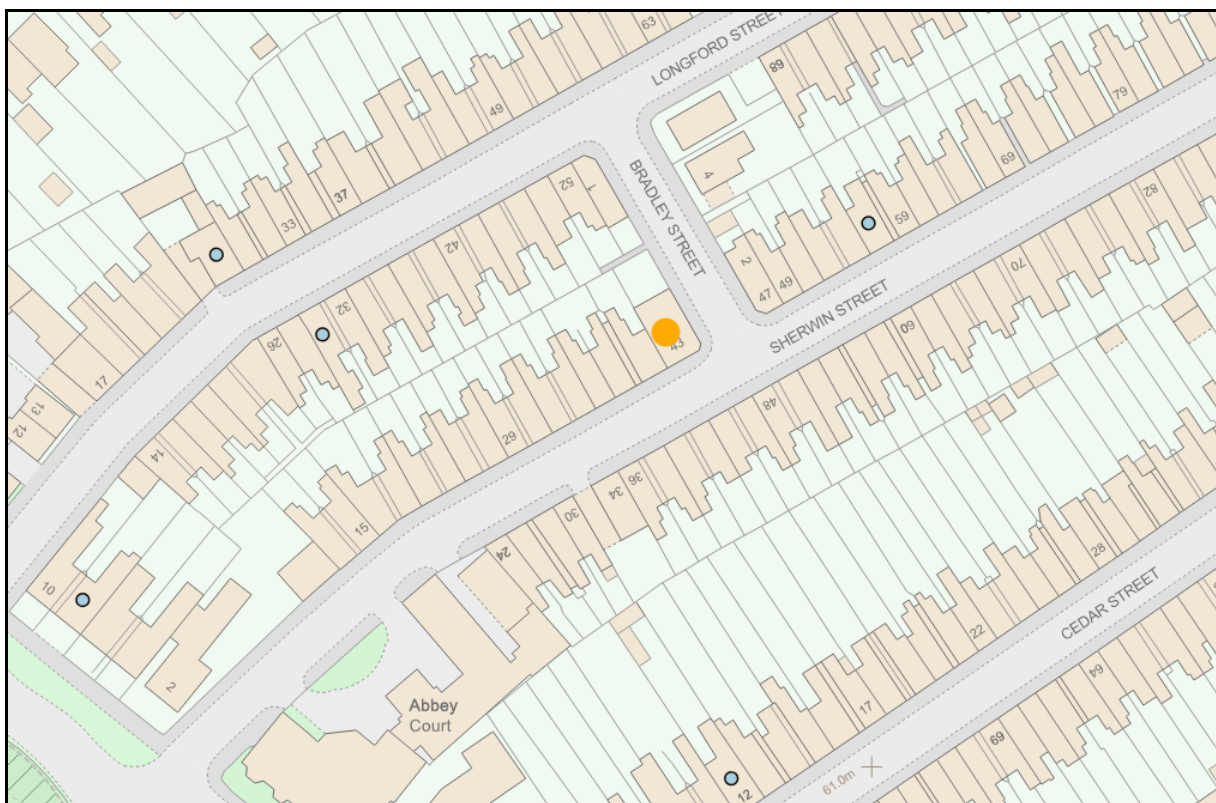
Saved policy H13 Residential Development – General Criteria requires development to create a satisfactory form of development and relationship to nearby properties [and] a high quality living environment". Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. This policy position is reinforced by the paragraph 130 of the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users".

All bedrooms would meet the Council's Housing Standard's document 'Amenities and Space Guidance for Houses in Multiple Occupation' and the internal changes made to the building are praised by the Housing Standards Officer. Main habitable rooms would have adequate levels of light and outlook, and residents would have access to outdoor shared amenity space. No objections have been raised to the proposed development by the Council's Housing Standards Team in terms of the internal spaces provided, layout, or fire safety precautions and it is considered that the development would provide a high-quality living environment for the future occupiers.

No physical changes to the building's exterior are proposed and there are no significant implications for visual amenity.

The proposed development would intensify the existing use through the introduction of an additional occupant to the building. To determine whether this increase would accord with Local Plan policy, the test is whether or not the intensification of the proposed use could justifiably be described as constituting "unacceptable harm", and whether the increase in activity would result in a significant reduction in standards of amenity for occupants of the house itself, and occupants of the surrounding neighbourhood. My opinion is that it would not, for the reason that the amount of additional accommodation would be proportionally very low.

Although additional activity and, possibly, increased parking pressure and traffic may result, again the effect of an additional person living in the building would be minimal with regard to these issues. According to the Council's register of licensed HMOs, which records licences issued for HMOs of five occupants or more, there are a small number of HMOs in the immediate area (see map below). It would therefore be difficult to reasonably argue that there is currently a proliferation of large HMOs locally or that this particular conversion would significantly alter the area's character.



Licensed HMOs in the immediate area. Application building shown by ●

Overall, it is considered that the development would not have any overriding adverse impact on residential amenity, or the general character of the area. Consequently, the proposals would comply with saved policies GD5, H14 and H13 of the City of Derby Local Plan Review, and policies CP3 and CP4 of the DCLP – Part 1 (Core Strategy).

7.3. Highways & Parking

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

The site is in a sustainable location, within walking distance of local shops and services, and in close proximity to public transport links. Although it is also acknowledged that the scheme could potentially increase demand for on-street parking spaces in nearby streets, it is the view of the Highway Authority that it would not be possible to argue that the presence of one or two additional residents, even ones owning cars which is by no means a given, would lead to “unacceptable impacts” on highway safety or would result in an unacceptable cumulative impact upon the surrounding highway network.

Cycle parking is not shown on the site plan and given the lack of vehicle parking capacity around the site, a condition on the subject is recommended below. There is direct access to the rear garden from Bradley Street which is considered adequate for storage of refuse bins and should also allow for cycle storage subject to further

details. I conclude that the proposal would meet the requirements of adopted policy CP23 of the City of Derby Local Plan Part 1 and paragraph 110(b) of the National Planning Policy Framework.

7.4. Planning Balance & Conclusions

The occupation of the building by eight people may result in an intensification of the building's pre-existing residential use as a seven-occupant HMO which appears to be lawful by virtue of its having operated continuously for more than ten years and is therefore outside the scope of this application which is limited to assessment of an additional occupant beyond this. The application of the tilted balance means the test for a refusal of this proposal is whether the adverse effects of granting permission would "significantly and demonstrably outweigh the benefits" of doing so. The benefit in this case is a small increase in residential accommodation in the context of a significant shortfall. The adverse effects would be those discussed at paragraph 7.2 relating to the implications for residential amenity deriving from an additional person living in the building. My opinion is that the adverse effects attributable to an additional occupant would be negligible and would not significantly or demonstrably outweigh the benefits inherent in increasing the City's housing supply by even a small amount.

Overall, the proposal is considered to be acceptable with regard to character, residential amenity and highway safety. It is considered that all relevant planning matters have been adequately addressed and the proposal reasonably satisfies the requirements of the adopted policies of the DCLP1 and the saved policies of the adopted CDLPR as included within this report, with the tilted balance being taken into consideration.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The "tilted balance" is engaged, meaning great weight must be given to the provision of residential accommodation. The proposed increase in occupancy to eight residents from the existing seven would be minor and the adverse effects of granting permission in this case, if any, would be outweighed by the benefits of increasing the City's residential accommodation by even a small amount. The proposal is therefore considered to be acceptable in principle, and with specific regard to the provision of a high-quality living environment and impacts on residential amenity, the local highway network and the character and appearance of the streetscene.

8.3. Conditions:

1. Standard three-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.

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2. Standard approved plans condition.

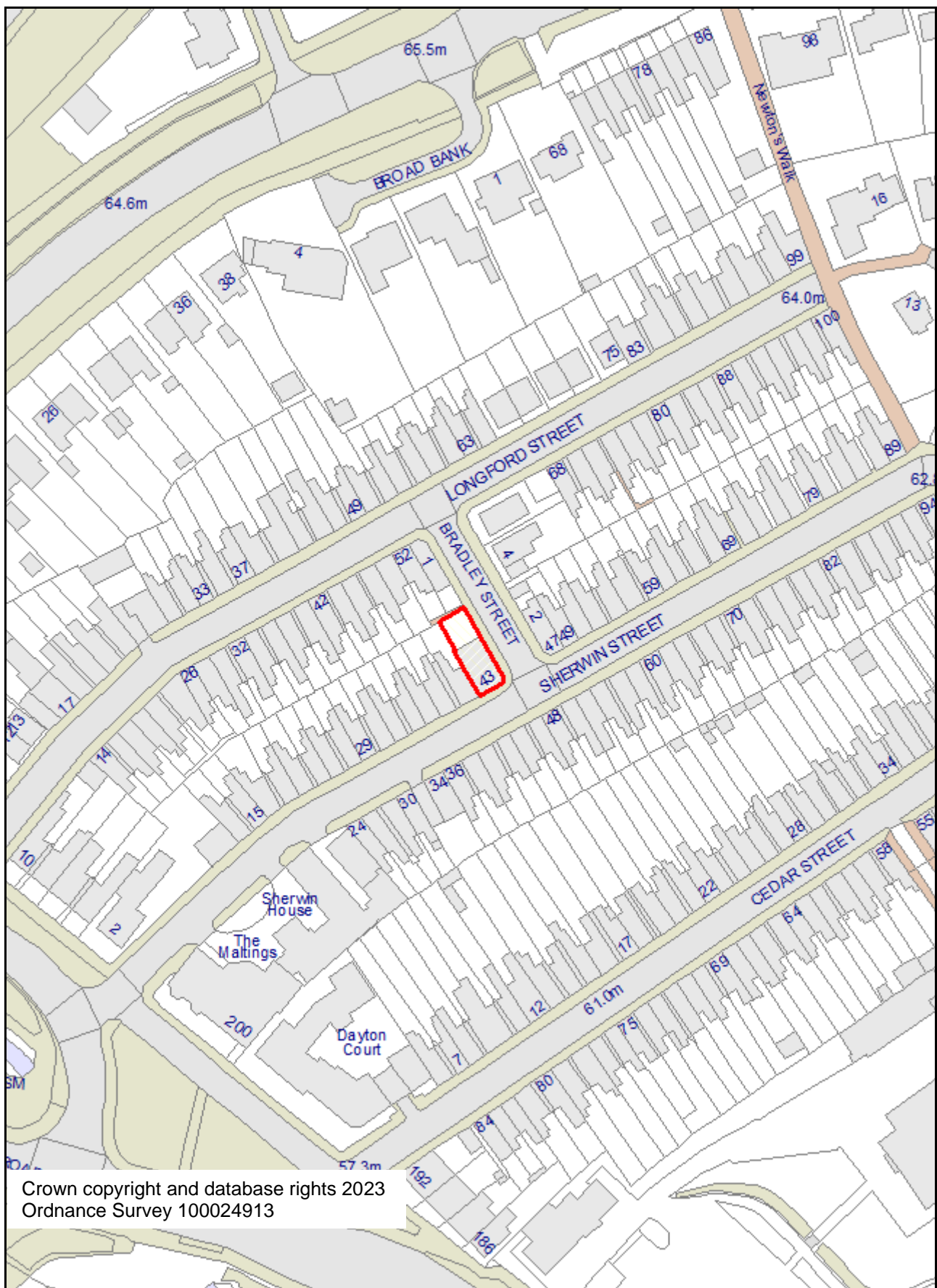
Reason: For the avoidance of doubt.

3. Condition controlling cycle parking and bin storage.

Reason: To promote sustainable travel and to ensure cycle and bin storage is retained for the life of the development.

8.4. Application timescale:

The application expires on 26.1.2023



Committee Report Item No: 6.2

Application No: 22/00568/FUL

Type: Full Application

1. Application Details

1.1. Address: 220 Osmaston Road, Derby (former La Gondola)

1.2. Ward: Arboretum

1.3. Proposal:

Demolition of the former hotel building and erection of residential apartment buildings consisting of 42 units (Use Class C3) and associated ground works

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/00568/FUL>

Brief description

A full application has been received for demolition and redevelopment of the former 'La Gondola' restaurant and hotel at 220 Osmaston Road. The buildings are currently in a derelict state and have been unused for a long period of time. The site is just south of the city centre on the south west side of Osmaston Road, which is a main transport corridor. It is situated on a split carriageway, where the site can only be accessed from the north bound carriageway and there is no right turn from the site. The site is elevated about a metre above the highway frontage. There is neighbouring two storey dwellings to the south east of the site, which sit at lower floor level than the site. There is a locally listed building to the west, at 218 Osmaston Road, which is a former villa and now occupied as a Council social services hub with a children's nursery. Other locally listed properties lie further down Osmaston Road, which include the former Rolls Royce Social Club.

A previous application for residential development of 58 apartments on the site (ref:21/01432/FUL), in a four storey building, was refused earlier in 2022. This was on the grounds of poor design, excessive height and scale, unacceptable living environment and concern about impacts on residential amenity.

The current proposal is for demolition of the existing buildings and construction of two residential apartment blocks, forming a total of 42 units with one and two bedrooms. One block (Block A) is four storey and would sit towards the front of the site, facing Osmaston Road. The second block (Block B) is three storey and smaller in footprint and would sit to the rear of the site. Between the two blocks would be a landscaped private amenity space for use of residents, with a pedestrian route through a covered walkway from the car parking area to the front of the site. The two blocks are of a similar form. They would be flat roof, contemporary styled buildings, faced in differing coloured cladding materials, with rectangular proportions and large window openings. The frontage block is the larger of the two, with the fourth floor inset from the side elevations.

A car park is to be provided at the front of the site, accessed off Osmaston Road. It would have 11 spaces, including one disabled bay. 3 covered cycle parking spaces and bin storage area are also proposed to the front of the site.

The application is accompanied by a Design & Access Statement, Protected Species Survey and subsequent Nocturnal Bat Survey report.

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Application No: 22/00568/FUL

Type: Full Application

2. Relevant Planning History:

Application No:	21/01432/FUL	Type:	Full Application
Decision:	Refused	Date:	16.12.2021
Description:	Demolition of the former hotel building and erection of a new residential apartment structure consisting of 58 units.		
Application No:	02/12/00190	Type:	Full Application
Decision:	Granted Conditionally	Date:	24.04.2014
Description:	Part demolition of hotel and erection of hotel building		

3. Publicity:

- Neighbour Notification Letter – 12 letters
- Site Notice
- Statutory Press Advert

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

4. Representations:

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

Four third party objections have been received and the main issues raised are as follows:

- Out of character with the area.
- Too many flats in this area and don't need anymore.
- Overlooking and loss of privacy of nearby properties.
- Loss of light to nearby properties.
- Lack of parking for residents and not enough parking and turning being provided on the site.
- Traffic congestion would increase as result of development.
- Late night noise and anti-social behaviour cause problems for residents.

5. Consultations:

5.1. Highways Development Control:

This application is to demolish the former hotel building and erect new apartment blocks within the same grounds.

There are two blocks consisting of 4 x 1-bedroom apartments and 38 x 2-bedroom apartments, in total 42 apartments.

There is bin store located in the front parking area, however given the number of apartments it may be inadequate and too small for its purpose. This may be an operational issue for the applicant/developer to consider.

Plan 159311917 shows provision for 11 car parking spaces, however, the site is near local public transport links.

The apartments are located on one of the main roads into the Derby City Centre and easily accessible by local transport or a short walk to local amenities.

This location has double yellow lines directly outside on the main Osmaston Road, with a bus lane on the inside lane, therefore care must be taken when turning into the entrance.

When exiting the apartments this would be a left turn only.

Document 159311918 states there will be three secure and covered cycle stands within the site, this would not be sufficient for the number of residents for the apartments. We require at least 21 which is 50% of the capacity. These need to be covered cycle shelters.

There is currently an existing vehicular access to the front entrance, this should be altered as stated on document 159311918 to ensure a minimum of 5.5 metres wide for access.

Given the site restraints and the low level of vehicular traffic in and out of the site, whilst the Highways Authority does not specifically require the provision of a separate pedestrian access into the site.

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

Recommendation:

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

Condition 1:

No part of the development hereby permitted shall be brought into use until the access parking area is constructed with provision to prevent the discharge of surface water from the parking area to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to

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prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Condition 2:

No part of the development hereby permitted shall be brought into use until the parking area is surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area

Condition 3:

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

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

Condition 4:

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is installed to a minimum of 5.5m and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

Condition 5:

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

5.2. Highways (Transport Planning):

Trip Generation:

The submitted information does not consider the potential traffic generation of the site but a review of the TRICS survey database suggests that a 20-bedroom hotel would likely generate 5 2-way trips in the am peak and 4 2-way trips in the pm peak. The 42 apartments would likely generate 10 2-way trips in the am peak and 8 2-way trips in the pm peak. The net impact of the development in terms of vehicle movements is therefore likely to be minimal.

Parking:

The parking provision for the site is to be reduced to 11 parking spaces for the 42 apartments. As part of the Transport Assessment of the Royal Derby Infirmary site, the parking numbers were determined using a Department for Communities and Local Government (DCLG) method. This method calculated a factor which was applied to calculate the parking provision for the site. The parking factor of 0.3 per dwelling was allocated and when applied to this development shows that a parking provision of 12 spaces is appropriate. This is important as the balance of parking provision for residential properties can be difficult to determine. An under provision can result in localised on street parking and traffic management issues and an over provision does not contribute to modal shift and sustainability goals. In this instance the parking balance appears to be correct for the scale of development.

The application only shows provision of 3 cycle parking spaces derived from the number of parking spaces. The Department for Transport's cycle design guidance (LTN 1/20) provides guidance on quantum and quality of cycle parking to be provided. The guidance notes that for residential properties 1 long stay cycle parking space which is covered and secure per bedroom should be provided. For this application that would equate to 80 spaces. This development has an opportunity to provide cycle parking as part of the newly developed building or within the internal courtyard and out of public view and a level of cycle parking much closer to the LTN 1/20 guidance should be provided.

Conclusion:

The development is unlikely to cause any issue arising from traffic generation with a likely net increase of 5 and 4 2-way trips in the am and pm peaks respectively.

The application is in a sustainable location and the parking provision coincides with local developments in the vicinity and is unlikely to cause on street parking. The provision of an information pack for new residents will aid the sustainability of the development and will assist new residents in learning about sustainable transport options to and from their new residence. It is strongly recommended that these are provided in each dwelling. There is an inadequate cycle parking provision currently proposed which will require consideration and revision to include an appropriate number of secure and covered cycle parking spaces. The application has noted that the access will be widened to 5.5m but there is no provision of a segregated pedestrian entrance. This should be considered within the design.

5.3. Conservation & Heritage Advisory Committee:

Not considered by the committee.

5.4. Built Environment:

Heritage Assets affected - This site and much altered former hotel is immediately adjacent and attached to Ashtree House, 218 Osmaston Road which is a circa 1835 two storey villa probably designed by Joseph Cooper. This building is a locally listed building and there are others nearby including 216, 214, 210 and 212, 206 and 208 and 241 Osmaston Road. It is a non-designated heritage asset in NPPF (2021) terms.

Missing information, impact of proposals on Heritage Assets and comments - The building on this site is much altered and a former hotel. No issue with its demolition as long as there is an adequate making good of walls once the building is removed.

There was a previous application for 58 units on the site previously which was refused on a number of grounds including on design grounds.

A heritage statement and heritage impact assessment has not been submitted but there is mention of nearby buildings as locally listed heritage assets within the documentation.

This proposal is to replace 220 Osmaston Road with a new building, of larger scale and massing to the locally listed and other buildings nearby. Suggest the visual appearance of scale, size, and massing are slightly reduced to the front block, as it is elevated, by either removing or recessing the third floor to reduce impact and to reflect and sit more happily alongside the two storeys neighbour (no. 218) adjacent. The layout looks acceptable.

Suggest material palate samples are submitted to check details including white facing brickwork and cladding. You may also wish to condition, should you be minded to grant permission, clarification on landscaping within the car park area especially and where works to existing or new boundary treatments are proposed.

Due to impact directly and on the setting of adjacent locally listed buildings suggest amendments to design to address concerns set out above.

5.5. Environmental Services (Health – Pollution):

Whilst the overlying principle of residential development on this site should not be impossible to deliver within the constraints of environmental protection-related planning policy, significant mitigation is expected to be needed in order to appropriately protect future occupants of the dwellings.

Air Quality:

The development would bring sensitive receptors (i.e. the occupants of the new dwellings) into an area known to experience poor air quality associated with road traffic emissions from the A514. As such, the site has been declared an Air Quality Management Area (AQMA).

The proposals now push back the frontage of the building so that the façade is a similar distance from the kerb of the A514 as the existing hotel building, a distance of approximately 15m from the nearest edge.

Due to the way that nitrogen dioxide (NO₂) concentrations drop off rapidly as one moves away from the source of pollution (in this case the road), it is likely that the new receptors would not be exposed to concentrations exceeding the National AQ Objectives.

Nonetheless, current scientific evidence on the effects of air pollution on human health, have determined health impacts at concentrations much lower than the National AQ Objective levels.

Consequently, and in the absence of any air quality assessment work provided in support of the application, I would recommend the attachment of a suitably worded condition to any consent, requiring that a ventilation system is incorporated into the proposed Block A building, to be designed in order to minimise the risks associated with traffic emissions arising from the A514.

The ventilation scheme should be agreed by the LPA prior to commencement of the development and then implemented in full prior to occupation.

Contaminated Land:

Whilst the site itself is not highlighted as being at any particular risk of contamination as a result of its historical use, the proposal is considered to be a 'sensitive' end-use.

Consequently, a land contamination investigation with associated risk assessment is deemed necessary in order to protect future residents.

Should permission be granted, I would therefore strongly recommend planning conditions requiring a site investigation, risk assessment, remediation and verification in accordance with the Government's Land Contamination Risk Management (LCRM) Guidance.

Noise:

Given the proximity of the busy A514, the development is likely to be impacted by high levels of traffic noise, particularly to the north-eastern façade facing onto Osmaston Road.

Should planning permission be granted, an appropriately worded condition is strongly advised in order to secure a detailed noise impact assessment (in accordance with BS8233 and/or ProPG Guidance) and offer mitigation in the form of an enhanced noise insulation scheme. The scheme should be agreed by the LPA prior to commencement of the development and then implemented in full prior to occupation.

5.6. Highways (Land Drainage):

No flooding, either fluvial or surface water is shown on any of the EA or Derby City maps so there is no requirement for any flood resilience or flood plain compensation.

There is, however, a requirement for the reduction of run-off from the site to as near as reasonably practical to the greenfield run-off rate. No drainage has been shown on the application plans and no run-off rates are proposed. The application is therefore inadequate, and more information must be provided.

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There are no nearby water courses and the elevated location of the site makes infiltration unlikely so it will be necessary to store excess run-off on the site and discharge it at a reduced rate to the public sewer. This can be done using a storage pond or other storage methods like permeable paving to control the site's run-off.

The run-off can be controlled by setting conditions such as the below:

No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include, as far as reasonably practicable:

- A sustainable drainage solution;
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753);
- Surface water discharge rate for the site to be restricted to the equivalent greenfield rate for all areas of the development;
- Calculations for the one-year, 30-year and 100-year + climate change events (Cv set to 0.95 for roofs and 0.90 for paved areas, with MADD set to 0.0).
- Testing of the site for infiltration in accordance with BRE365;
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved; and
- Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

5.7. Police Liaison Officer:

The crime profile of the locality has not changed, and I consider that the application detail needs to address the risks in context.

Cycle storage is now within part of the building, which is a positive move. Internally the cycle store will need racks to secure individual cycles. There is now a substantial amount of landscaped space between blocks A and B, with both under croft and foot access along the side of block A.

There is no consideration of mail delivery within the supporting statement narrative to address the approach to bulk delivery, which will also impact upon site access.

Ideally, we would wish to see the landscaped gardens and under-croft secured for resident access only, with strategy for mail delivery and visitor vetting/ access control incorporated into a cohesive approach. I expect that this could form part of conditions for boundaries and security provision, required to address both the City Councils placemaking policy CP3, and paragraph 130 of the National Planning Policy Framework.

5.8. Derbyshire Wildlife Trust:

Comments received 26 September 2022:

220 Osmaston Road was determined to have high potential to support hibernating and roosting bats (The Bat Surveyor, September 2021). Regarding roosting bats, a subsequent three bat activity surveys were completed by Elton Ecology, August 2022. These surveys were completed following Good Practice Guidelines (Collins, 2016) with sufficient gaps between each survey effort. No bats were seen to emerge from the existing hotel; however, low commuting and foraging activity was recorded on each survey.

As of present, no hibernation surveys have been completed to understand bat presence/absence in the hotel cellar between the optimal period of December to February (Inclusive). Resultantly, there is currently insufficient information on European Protected Species (i.e. bats) in regard to the proposed development. Until these surveys have been completed, the Local Planning Authority are unable to discharge its duty in respect of the requirements of "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019".

Paragraph 99 of ODPM Circular 06/2005 states "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Following the submission of the bat hibernation report, we will be able to advise the council regarding potential mitigation and compensation measures regarding bat species.

Revised comments received 2 December 2022:

In our previous response letter, dated 26th September 2022, we highlighted that there were still outstanding bat hibernation surveys of the cellar at the above property. However, due to structural collapse, 220 Osmaston Road is current unsafe to access and undertaking a hibernation survey is no longer feasible. Whilst the presence/absence of hibernating bats cannot be determined, the development is required to follow the Precautionary Working Method Statement (PWMS) prepared by Elton Ecology. The PWMS provides sufficient details to ensure any present hibernating bats are sufficiently safeguarded throughout the development process. We advise the council to secure the PWMS as a condition and to adhere to the PWMS (Elton Ecology, 2022) in full.

No further bat surveys are required, and sufficient information has been submitted to enable the LPA to reach an informed decision in accordance with Circular 06/2005 and to discharge its duty in response of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Recommendations

We recommend the following conditions are secured with any planning approval to safeguard nocturnal wildlife and to enhance the site for biodiversity, in line with the NPPF 2021.

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Precautionary Working Method Statement (PWMS)

Demolition works shall proceed in strict accordance with Section 4. Precautionary Working Methods of the Precautionary Working Method Statement (Elton Ecology, 2022).

Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the National Planning Policy Framework (2021). Measures shall include (but are not limited to) the following:

- 2x Integrated Bat Box
- 12x Integrated Universal Nest Brick
- Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife.

Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in-situ submitted to the Local Planning Authority.

Lighting

Prior to the installation of lighting fixtures a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Nesting Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

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6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1a	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP5	Regeneration of Communities
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

Saved CDLPR Policies

GD5	Residential Development - General Criteria
H13	Amenity
E19	Listed Buildings and Buildings of Local 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:

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

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

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

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

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

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

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

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of residential development

7.2. Design and Amenity

7.3. Highways Impact

7.4. Environmental Impacts

7.5. Conclusion

7.1. Principle of residential development

This is a revised proposal for residential development of this site, which involves the demolition of the existing empty building, a former hotel and restaurant and the construction of two apartment buildings, which would provide 42 residential flats, associated car parking area and landscaped amenity space. The existing buildings are currently unused and in a very poor state of repair. They have limited architectural merit and are not considered to be of sufficient quality to require their retention.

The site is located about 800 metres south of the city centre and is in a highly sustainable location, on a main transport route into the city. The site is not allocated for any specific purpose in the development plan. The principles of the proposal are considered to be consistent with both national and local planning policies in delivering new homes to meet housing needs and using previously developed (brownfield) land to meet housing needs, using land effectively and regenerating unused sites. There are clearly significant benefits in all of these respects.

However, at a more detailed level, the proposal needs to meet other objectives of national and local policy and provide a sustainable form of development. These include considering climate change related matters, providing suitable and satisfactory living accommodation and conditions, consideration of residential amenity, ensuring safe and proper highway access and parking and considering design and character.

The proposals are for residential dwellings (Use Class C3) in a location which includes other residential dwellings and locally listed buildings. It is also in a gateway

location into the city and so it is important that the design of the building is of a high quality.

The Council cannot demonstrate a 5 year supply of deliverable housing sites and so the tilted balance in paragraph 11d of the NPPF comes into play. There would be very significant benefits from the proposals including the provision of 42 new dwellings in a sustainable location, affordable housing elements which are to be secured, the regeneration of an unused brownfield site and benefits from construction jobs.

The NPPF directs that permission should be granted unless any adverse impacts *significantly* and *demonstrably* outweigh the benefits when assessed against the Framework as a whole. For these reasons, the principle of the proposed development, would be in line with the intentions of the relevant Local Plan Policies for the delivery of housing.

7.2. Design and Amenity

Policies CP3 and CP4 of the DCLP – Part 1 and saved Policy H13 of the City of Derby Local Plan Review seek high quality design and efficient use of land in residential development.

The proposed redevelopment of the former restaurant site, would involve the erection of two apartment buildings, comprising 1 and 2 bedroom apartments. The frontage building (Block A) would be four storeys and extend across the width of the site. It would be located roughly in line with front of the adjacent dwellings and Ashtree House and steps down at either end, to defer to the scale those neighbouring two storey properties. The floor level is also lowered to reflect that of the adjacent buildings. This does help to reduce the overall massing and height of the new building, such that it better relates to the scale of the existing buildings on this side of Osmaston Road. Whilst the overall height of the block would be four storeys, the design and form would be such that it would not appear unduly tall or out of scale with the surrounding streetscape. The stepping down of the fourth floor and the approach taken to the external appearance and materials, helps to break up the facade of the front elevation and reduce the proportions, such that the building does not appear too bulky and the overall massing is reduced.

The overall design and appearance of the two apartment buildings, are contemporary with consistent proportions and a complementary materials palette and use of large window openings, which would make a positive contribution to the character of this prominent section of Osmaston Road.

Block B is a smaller, three storey block of similar design and form to Block A, but it would not be much visible from the public realm, due to its siting at the rear of the site. It would only be partially viewed from Grange Street and would have more impact on the amenities of neighbouring properties off Grange Street and the adjacent Ashtree House.

Saved Policies H13 and GD5 require a high quality living environment to be provided for future occupants and developments to safeguard the amenities of existing properties in the surrounding area. The surrounding urban context in this edge of city centre location, is characterised by modern, two and three storey housing and early

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19th Century two storey villas, some of which are locally listed. Ashtree House is one of these villas, which is occupied by the Council's Social Services and has a children's nursery within the curtilage. The application site is elevated considerably above Osmaston Road and relative to the adjacent houses to the east and south of the site.

Block A would sit alongside the two storey houses at 222 - 224 Osmaston Road and be taller in overall height. However, the building would be less imposing in massing and scale than the existing buildings, which have a longer footprint and a more enclosing effect on the adjacent dwelling houses. The proposed apartment building would be no greater in overall height than the existing structures on the site and would also step in at the fourth floor, thereby resulting in a less oppressive effect on the neighbouring houses. There would be small bedroom windows adjacent to the site boundary to the rear elevation and bathroom windows to side elevation, which could result in overlooking of some adjacent houses, however, the agent has agreed to obscure glaze these windows, to minimise any impacts on privacy. The orientation of the bedroom windows is such that they are at an oblique angle to the houses at 2-8 Grange Street, so any overlooking of those properties is likely to be very limited. The relationship with those houses, is also likely to be improved by the removal of the extent of substantial buildings which extended along the shared boundary wall.

Block B would sit adjacent to the boundary with the day nursery at Ashtree House and with dwelling houses off Grange Street. The layout and elevations have been amended, to reduce the potential for overlooking of those neighbouring properties. Principal windows would now face primarily into the site towards the north and east and not towards the nursery. There would also be no direct overlooking of the dwelling houses to the south. Overall, I am satisfied that residential amenity for existing properties around the site would not be adversely affected by the revised proposals and have a better relationship than is currently the case with the former restaurant and hotel buildings.

The layout and size of the residential units proposed would provide a variety of good size accommodation, which appears to meet the minimum space standard (although floor area is not specified). All apartments would also have access to large window openings and natural daylight. A single secure point of entry is also provided for residents, to each apartment building. The proposals would therefore meet the tests for provision of a high quality living environment.

The Police Liaison Officer has commented on the current proposal and notes that the crime profile of the locality has not changed, (since the previous application) and the application needs to address the risks in context. Overall, his view of the scheme is generally positive; that cycle storage is within the building and a substantial area of landscaped space is to be provided between the blocks, with pedestrian access through the site. The amenity space and undercroft route are recommended to be secured for residents only, with visitor access control measures in place to ensure provision of safe living environment. Mail delivery is also noted as an area which should be covered by a strategy for secure provision. These measures could all be secured via planning conditions.

The proposal overall is considered to deliver a residential scheme, which would in terms of its scale, design and urban form, enhance the character and appearance of

the local area and provide a high quality living environment for the future occupants and meet the residential amenity requirements of Policies CP3 and CP4 of the DCLP - Part 1 and saved Policies H13 and GD5 of the CDLPR would be adequately met, subject to conditions.

In terms of heritage impacts, the site sits alongside the locally listed Ashtree House and is close to other locally listed buildings on this section of Osmaston Road. The Conservation Officer does not raise objections to the development, in terms of its impacts on the nearby heritage assets. However, it is recommended that the size and scale of Block A are slightly reduced to "sit more happily alongside the two storey neighbour (218 Osmaston Road). "

No other concerns are raised in respect to the impacts on setting. Overall, I am satisfied that the siting and scale of the frontage apartment building, would preserve a gap from Ashtree House and steps down such that it would not be unduly dominant, alongside the heritage asset. The heritage requirements of Policy CP20 and saved Policy E19 would therefore be met.

7.3. Highways Impact

The proposed development would be served by widening the existing vehicular access onto Osmaston Road. The site can only be accessed via left turn due to the split lanes on this part of the highway.

The frontage area would provide 11 parking spaces, a bin store and cycle parking. Whilst this is a highly sustainable and accessible location on a main transport corridor, the parking provision would be low. However, the Highways Officer does not raise any objections to the proposed level of car parking, although 3 cycle stands is considered insufficient for the number of residential units. A minimum of 21 cycle spaces is recommended, which equates to about 50% of the units. This is a more reasonable number of cycle spaces and can be secured through a suitable planning condition. Segregated pedestrian access is also required by Highways colleagues and this can also be dealt with through a condition.

Overall, there are likely to be no adverse impacts on the local highway network, or on highway safety as a result of the proposals and I am satisfied that it meets the transport objectives set out in Policy CP23 and saved Policy T10.

7.4. Environmental Impacts

Ecology

The application was accompanied by a preliminary protected species survey of the site and subsequently a nocturnal bat survey was carried out and submitted in August 2022, to address the requirements of Derbyshire Wildlife Trust, to assess the potential for bat activity and roosting within the site and particularly the buildings. The buildings are all in a derelict state and have numerous gaps in the structure, which are suitable for bats to enter. As a result, the building is considered to be suitable for roosting and has been assessed as having a high suitability for bat activity.

Further surveys for hibernating bats in the winter were recommended by DWT, due to the high potential for activity within the buildings. Instead, following discussions with DWT, the applicant has submitted a Precautionary Working Method Statement

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(PWMS) for progressing the proposed demolition of the buildings, with mitigation measures in place to limit the risk to any protected species on the site, particularly any hibernating bats.

DWT consider this to be an acceptable approach and recommend that works are carried out in line with the PWMS to ensure that any hibernating bats are sufficiently safeguarded throughout the demolition and development process. Compliance with the PWMS is recommended to be secured through a suitable planning condition.

No further ecological surveys are required, and DWT is satisfied that sufficient information has been provided to ensure that protected species would be safeguarded during the construction works. Biodiversity enhancement measures are also recommended to enhance the development for wildlife.

The proposals are therefore considered to meet the intentions of Policy CP19, which seek to safeguard and promote biodiversity.

Noise and Air Quality

The application site is elevated about a metre above Osmaston Road, which is in an Air Quality Management Area, due to traffic emissions along the major transport corridor. The facade of Block A would be sited approximately 15 metres from the road corridor and in line with other buildings on this stretch of the road. The Environmental Health Officer considers that the apartments to the front of the building would not be exposed to high levels of NO₂ emissions, exceeding the National AQ objectives and therefore should not be impacted significantly by poor air quality. However, no assessment of air quality has been submitted with the application so, the EHO recommends that a ventilation scheme for the units in Block A is incorporated to safeguard residents from traffic emissions and secured by a suitable planning condition.

The proposed apartments in Block A would be exposed to high levels of noise from the traffic on Osmaston Road. The Environmental Health Officer has raised concerns about the potential exposure of residents to high noise levels, which is likely to require significant levels of mitigation. A noise impact assessment is recommended and appropriate mitigation in the form of a noise insulation scheme, to be agreed before development commences. This information should be secured through a suitable planning condition to safeguard residents from excessive noise disturbance.

Subject to these matters being satisfactorily dealt with through conditions, I am satisfied that the development would provide a high standard of residential amenity for future occupants and meet the amenity requirements of saved Policies GD5 and E12.

Land Contamination

The site is not considered likely to be exposed to high levels of contamination, although the residential development would be a sensitive end-use. The Environmental Health Officer has therefore recommended that a full suite of site contamination assessments is carried out and submitted in support of the proposal. These can be secured through suitable planning conditions, attached to the permission.

Section 106 Contributions

This residential development generates a requirement for planning obligations, which must be secured through a Section 106 Agreement. The applicant has agreed policy compliant heads of terms which comprise 6 units of affordable housing to be provided on site and financial contributions towards amenity green space and major open space within walking distance from the development site. The number of affordable units has been negotiated in accordance with the Government's Vacant Building Credit policy as set out in paragraph 64 of the National Planning Policy Framework, which states that "To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount." The applicant has provided evidence which meets the Government's criteria for Vacant Building Credit and the number of units required has therefore been reduced by a proportionate amount, leaving a requirement for the 6 affordable units as agreed.

7.5. Conclusion

The proposed demolition and redevelopment of the vacant buildings on this site, is an effective reuse of the land and acceptable in principle for residential development in this highly sustainable, edge of city centre location. The proposed residential development would represent a high quality design and form of development, which is acceptable in terms of impacts on visual and residential amenity, on the local highway network, on protected species and would preserve the setting of nearby locally listed buildings. The impacts of poor air quality, noise and site contamination on residential amenity, would be mitigated by appropriate planning conditions.

The development would therefore meet the requirements of the relevant Local Plan policies and overarching guidance in the NPPF which promotes well designed housing. A recommendation for planning permission with conditions is therefore given, subject to a Section 106 Agreement for agreed package of planning obligations.

6. Recommended decision and summary of reasons:

8.1. Recommendation:

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

8.2. Summary of reasons:

The proposed demolition and redevelopment of the vacant buildings on this site, is an effective reuse of the land and acceptable in principle for residential development in this highly sustainable edge of city centre location. The proposed residential development would be of high quality design and form, which is acceptable in terms of impacts on visual and residential amenity, on the local highway network, on

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protected species and would preserve the setting of nearby locally listed buildings. The impacts of poor air quality, noise and site contamination on residential amenity, would be mitigated by appropriate planning conditions.

8.3. Conditions:

1. Standard condition (3 year time limit)

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 condition (Approved plans)

Reason: For avoidance of doubt.

Pre-commencement:

3. No development shall take place including any works of demolition until a construction management plan has been approved in writing and adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic and delivery times
- hours of operation and deliveries
- method of prevention of mud being carried onto highway
- methods for minimising noise and dust emissions

Reason: In interests of safe operation of the highway

4. No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be approved in writing. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing.

Reason: To minimise risks to future users of the land from contamination.

5. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been approved in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: To minimise risks to future users of the land from contamination.

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6. No development shall take place until a detailed noise assessment on the existing noise climate at the development site has been approved in writing and any noise insulation measures for the residential accommodation, which are recommended by the assessment, shall be implemented and be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of the apartments. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

Reason: To protect future residents from excessive noise arising from traffic on Osmaston Road

7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as far as reasonably practicable, a sustainable drainage solution and be implemented as approved.

Reason: To prevent increased risk of flooding.

Pre-Occupation

8. In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out to be approved in writing.

Reason: To minimise risk to future users of the land from site contamination.

9. No part of the development hereby permitted shall be brought into use until the access parking area is constructed with provision to prevent the discharge of surface water from the parking area to the public highway in line with details to be approved in writing. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water is not deposited on the public highway.

10. No part of the development hereby permitted shall be brought into use until the parking area is surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be approved in writing. The parking area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: To ensure adequate off-street parking is provided on site.

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11. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is installed to a minimum of 5.5m and is available for use and constructed in accordance with the Highway Authority specification.

Reason: In interests of highway safety.

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles for at least 50% of the units, to be approved in writing. The cycle parking shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To provide adequate cycle parking to encourage sustainable travel.

13. Before construction of the development above foundation level, details of external facing materials, including window and door joinery, to be used in the buildings, to be agreed in writing and development shall be carried out in accordance with agreed details.

Reason: To ensure external appearance is satisfactory and preserve character of the area.

14. Before construction of the residential development hereby permitted, above foundation level, details of retained and new boundary treatment to be carried out on the site boundaries to be agreed in writing and carried out in accordance with agreed details.

Reason: To ensure appearance is satisfactory and safeguard residential amenity.

15. No part of the development hereby permitted shall be brought into use until there has been approved in writing a scheme of hard and soft landscaping, which shall include details of retained and details of new planting and hard surfacing, including native species and trees. The approved scheme shall be implemented so that planting is carried out no later than the first planting season.

Reason: To ensure satisfactory appearance and enhance character of the area.

16. Before occupation of any residential units, details of the following, to be approved in writing and implemented in accordance with the approval:

- a) security and entry management measures for securing the main entrances to the buildings and the undercroft access to Block A for residents and visitors and for mail delivery.

Reason: To safeguard residential amenity and provide high quality living environment.

-
17. Before construction works commence above foundation level, a Biodiversity Enhancement Plan to be approved in writing to provide biodiversity enhancement features within the development. Measures shall include (but are not limited to) the following:
- a) Integrated Bat Boxes
 - b) Integrated Universal Nest Brick
 - c) Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife.

Reason: To increase opportunities for biodiversity in the local area.

18. Prior to the installation of lighting fixtures, a detailed lighting strategy to be approved in writing to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill.

Reason: To safeguard biodiversity and wildlife on and around the site.

8.1. Informative Notes:

The development makes it necessary to alter/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 StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Please visit

<https://www.derby.gov.uk/transportandstreets/roadshighwayspavements/vehicle-accesskerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

External Lighting to private developments.

Any artificial external lighting to the development shall be in accordance with industry guidance and best practice, having due care and consideration to either remove the introduction or to minimise the impact of artificial light on the environment, climate, and ecology.

The applicant/developer should focus on the lighting aspects of the development, including purpose, design, assessment, and all future maintenance considerations. "The right light, in the right place, at the right time, with the right controls". Consideration of energy management must be at the forefront of any design and

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installation, including a clear asset management plan which focuses on how the installation is to be tested and maintained once installed.

The following suite of documents are published within the industry as a means of guidance for designers.

- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light ' Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's Domestic exterior lighting: getting it right!

Naming/numbering:

The consent granted will result in the construction of a new building which needs naming and numbering/renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact

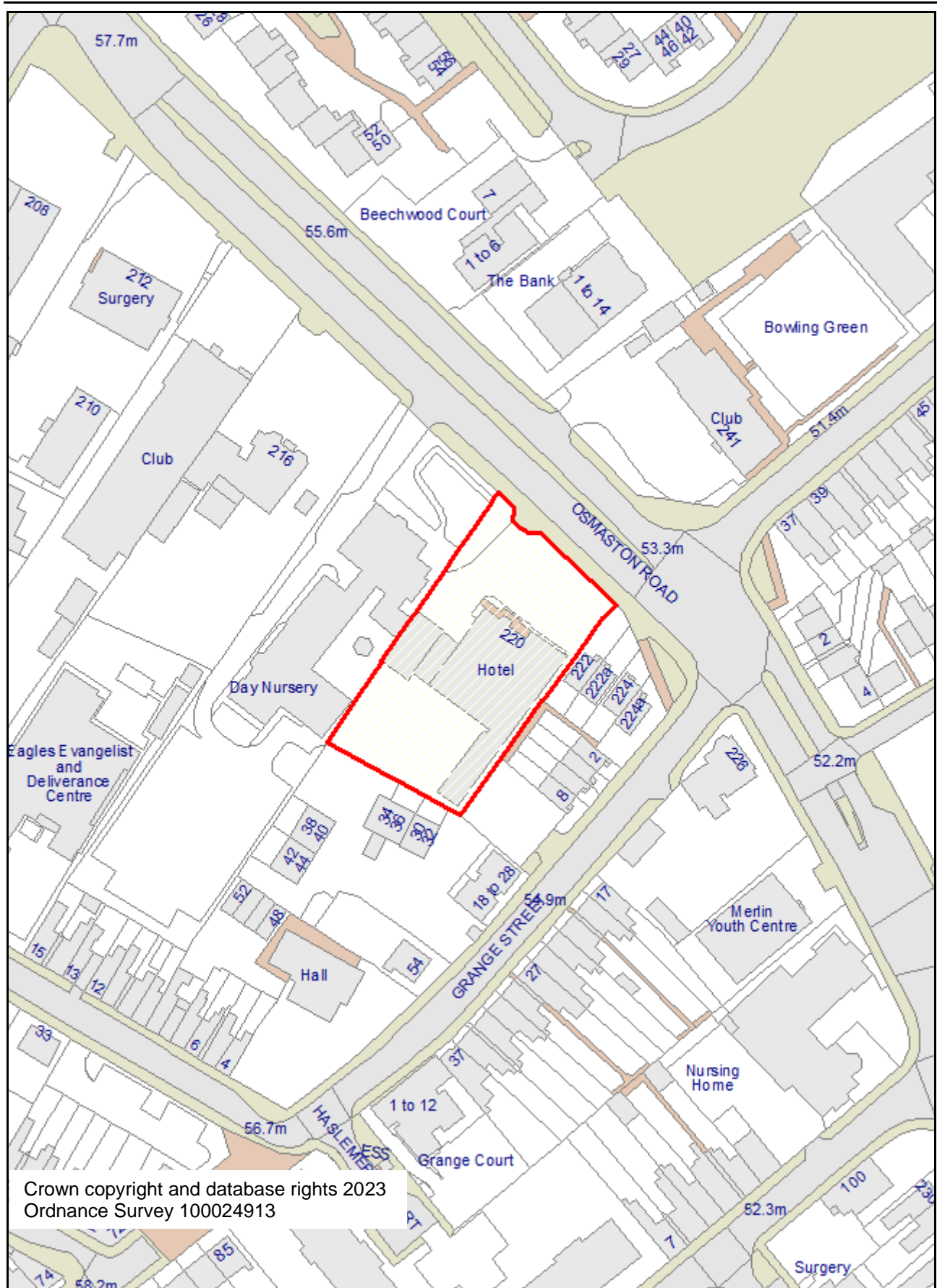
traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary means of access on each plot.

8.2. S106 requirements where appropriate:

- On-site affordable housing provision
- Off-site amenity and major open space

8.3. Application timescale:

The target for determination has gone beyond the statutory 13 week date and an extension of time has been requested for the 27 January 2023.



Committee Report Item No: 6.3

Application No: 22/01598/FUL

Type: Full Application

1. Application Details

1.1. Address: Waterfall, Midland Railway Institute, Railway Terrace Derby

1.2. Ward: Arboretum

1.3. Proposal:

Reduction in scale of existing public house at ground floor, conversion of former Midland Railway Institute to 31 apartments (Use Class C3) and partial demolition of toilet block and outbuilding. Change of use from Drinking Establishment and Concert / Dance Hall (Sui Generis).

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01598/FUL>

Brief description

This is a full application for residential conversion and alterations to part of the former Midland Railway Institute building, which is now the Waterfall Public House on the west side of Railway Terrace, at the junction with Midland Place. The site lies opposite Derby Railway Station and within the Railway Conservation Area. The building is a non-listed heritage asset, which has historic association with the railway industry in Derby. The site is adjacent to the former railway workers houses, which are Grade II listed and in residential use. To the south are a number of other public houses, hotels, retail units and hot food takeaways along Railway Terrace and Midland Road, which are outside the Conservation Area.

The building is a two storey, high ceiling, late 19th Century, ornate red brick building, which was originally an education and recreational facility for rail workers and now comprises a public house and associated function rooms and pool room, kitchen and toilet facilities. The building also houses a former concert hall, which is currently vacant and in poor repair.

Permission is sought to retain the public house, to the ground floor and southern end of the building and conversion of the rest of the building to residential use, to form 31 x 1 and 2 bedroom apartments over two floors and through the subdivision of the principal rooms and formation of mezzanine levels to some of those rooms to form additional accommodation. There are two principal staircases within the building, which are being retained as existing, to serve the proposed apartments at the different levels. The larger stairwell would include a lift and lobby to be inserted into the former entrance.

The proposal involves some demolition of some 20th Century extensions which are on the rear of the building and include a two storey toilet extension and external staircase. A single storey outbuilding to the north west boundary of the site, is proposed to be renovated and altered to form cycle and bin store for the use of residents. A pedestrian route is to be formed onto Midland Place from the courtyard, for access and bin movements. The existing rear yard is also proposed to be landscaped to form a private amenity space for residents of the building.

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There is no on-site car parking to be provided for the future occupants of the building. The development would be car-free, and two parking spaces shown accessed off Midland Place are only for the use of the public house.

An array of solar panels is also proposed to be installed on a flat roof section in the centre of the building.

Revised plans have been received during the life of the application to amend the form and design of the outbuilding to the rear, to form the cycle and bin store, in response to concerns raised by the Conservation Officer and third parties. The building would be renovated, and its roofline retained, with openings formed to access bin and cycle stores.

2. Relevant Planning History:

None relevant.

3. Publicity:

- Neighbour Notification Letter – 3 Letters
- Site Notice
- Statutory Press Advert

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

4. Representations:

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

Twelve third party objections have been submitted to the application, including one from Cllr. Graves and the main comments raised are as follows:

- Concern about access for bins collection being formed onto Leeds Place, which has privately owned parking provision.
- There should be no intrusion to private areas and community gardens.
- Loss of trees and hedges.
- Impact on existing resident's parking within the conservation area, during construction works.
- Too many apartments being developed. Should only be 15 units.
- Car free development will lead to pressure on parking of existing residents.

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- Impact on Conservation Area.
 - No electric charging points for bikes or scooters.
 - No parking provided for residents.
 - Increase in residents will add to traffic congestion and illegal parking.
 - Building should be returned to original educational use.
 - Loss of privacy to neighbouring properties.
 - Disturbance to local residents.
 - Increase in lighting.

5. Consultations:

5.1. Highways Development Control:

The proposed development 'fronts' onto Railway Terrace, Midland Place and Leeds Place; all of which are 'adopted' highway, albeit part of Leeds Place (fronting the proposed bin store) is not adopted.

The two parking spaces shown off Midland Place are as existing and are not proposed to serve the residential use; the residential use being promoted as 'car free development'. The site is located in a sustainable location, with easy access to city centre shops, amenities, and public transport opportunities.

The surrounding highway is subject to waiting restrictions (some permit exemptions). As the development is effectively being promoted as 'car free', the applicant should note that the granting of any consent will be on that basis and that therefore no parking permits will be issued to subsequent occupiers of the flats or premises.

Section 153 of the Highways Act 1980 requires that doors, gates, and windows do not open outwards over the public highway. The risk to highway users of an outward opening ground floor door, window or other obstruction must always be avoided.

The applicant/developer should therefore note that no ground floor windows adjacent to the highway should open outwards. This will be dealt with by appropriate condition.

Para 111 of the National Planning Policy Framework states that:

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

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.

Given that the proposed application site is in a sustainable location and well served by local transport (and cycle) links and nearby pay and display parking; it is unlikely that the proposed development will have a significant impact on the highway.

Recommendation:

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

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Condition:

The new windows on the street frontage shall open inwards only and be provided in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The approved windows shall then be retained for the life of the development.

Reason: In the interest of highway safety.

Condition:

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

Reason: To promote sustainable travel.

Revised comments to revised site layout plan– 6 December 2022:

Whilst in principle the Highway Authority is supportive of the proposals (subject to conditions) as set out in its response of 26/10/2022; the revised proposals shown on plan 7408(08) 11 Rev C; show the proposed residential bin store in a different location to the previous; presumably to the land shown opening out onto not being within the applicant ownership/control or adopted highway.

If vehicles are parked on Leeds Place (as indicated on the drawing); it would not be possible to take the bins out of the bin store and leave them on Leeds Place.

The alternative would be to put them on Midland Place, but this is in excess of 25m away from the store.

Manual for Streets 6.8.11 advises that BS 5906: 2005 provides guidance and recommendations on good practice. The standard advises on dealing with typical weekly waste and recommends that the distance over which containers are transported by collectors should not normally exceed 15m for two-wheeled containers, and 10m for four-wheeled containers.

Whilst this is technically an operational issue for the developer, it is appropriate to seek clarity at this stage in the application process.

The following clarification has been provided from the agent:

“The Approved Doc Part H Section 1.8 states that containers should be within 25m of the waste collection point, and the proposed bin store is 23m from Midland Place – we hoped this would be acceptable, particularly with providing a use to the extant outbuilding. Unfortunately, the previous option with access from Leeds Place is not possible due to land ownership issues.”

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Highways DC response:

I agree that there's not really any choice as far as the developer is concerned.

As I said in my comments it's more of an operational issue for the applicant/developer. That being the case, the Highway Authority has No Objection; subject to the conditions I previously suggested in my response of 26/10/2022.

5.2. Conservation & Heritage Advisory Committee:

No objection.

5.3. Built Environment:

Designated Heritage Assets affected –

The Waterfall, on the corner of Railway Terrace and Midland Place, was formally the Midland Railway Institute and was opened in 1895 as a cultural and educational centre for the Midland Railway Institute organisation itself. It originally contained a library, a newsroom, a writing room, classrooms and a 500-person concert/lecture hall. The property is constructed of red/orange brick building with stone dressings. The building is located within the Railway Conservation Area which is an area of architectural and historic interest. The conservation area is a designated heritage asset.

Impact of proposals on Heritage Assets and comments –

This application is for the reduction in scale of the existing public house at ground floor, conversion of other spaces within the former Midland Railway Institute to 31 apartments (Use class C3) and partial demolition to the rear of a toilet block and partial demolition of an exterior wall of a historic outbuilding to form a bin and cycle store. There are some solar panels proposed to the roof and some rooflights. There is a change of use proposed from a drinking establishment and concert/dance hall (sui generis).

No issue with proposed change of use and installation of the subdivision of this building into apartments to enable an adaptive re-use. There is a very small degree of harm to the exterior of the building/s on this site within the Conservation Area including by the removal of an altered toilet extension and changes to the outbuilding, changes to some windows and doors, addition of AOV's and rooflights, solar panels etc, however, the impact of these can be minimised through conditions.

There are benefits of the proposal in bringing the building back into use and others including the removal of internal plasterboard to windows to enable their use. The proposals have a minimal impact on the character or appearance of the conservation area as an area of architectural and historic interest.

Policies –

The Planning (Listed Buildings and Conservation Areas) Act 1990 section 72 as regards the conservation area is relevant here. As are 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 (2021) is relevant in particular, para 199, 200, 202. There is harm caused to the designated heritage

assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202).

This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

Suggested conditions:

Should you be minded to grant permission suggest conditions to agree the location of any vents and flues not already indicated (not to be to the elevations fronting Midland Place/Railway Terrace or Leeds Place), a schedule of work and method statement to ensure making good of structure where the fire escapes and outbuilding are being removed, clarification on extent of removal of walls to elevation of proposed bin store/cycle store, material condition to cover any bricks, mortar mix and finish, roofing materials, rooflights, AOV's, details of any new windows and doors etc.

Recommendation:

No objection, subject to condition.

5.4. Derbyshire County Council Archaeologist:

The Midland Railway Institute of which the Waterfall Public House is a part is a non-designated Heritage Asset (MDR10334) (contra p 9 of the submitted Heritage Impact Assessment) and its RLB abuts the designation footprint area of Grade II listed railway housing built 1841-2 on Railway Terrace, North Street, Midland Place, Leeds Place and Sheffield Place (MDR10369) and sits within the Grade II listed Midland Railway complex (MDR4542). While I note that the proposed works are sympathetic to the exterior of the building fronting on to Railway Terrace, please also consult your own buildings and conservation officer regarding the likely effects of changes to the exterior of the buildings west facing elevations on the setting of the adjacent designated heritage assets. Please also consult your own buildings and conservation officer on the proposed changes to the interior and extant internal features relating to the construction and use of the building as an educational and social Institute for Railway workers, these elements must also be regarded as an integral part and parcel of the building and thus also non-designated heritage assets.

It is likely in my view that below ground remains, relating to early Victorian railway housing, may be affected by both the demolition of outbuildings and the groundworks associated with the creation of open space to the rear of the institute. This impact has not been explored in the HIA. It is my view that, should you be minded to grant consent, a scheme of archaeological recording and building recording should be enacted. This would involve:

- Pre-commencement Level 2 building recording of internal architectural detail accompanied by space syntax analysis as per Hillier and Hanson (1990). Level

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1 building recording of the outbuilding to be demolished at the north-western edge of the PDA.

This should then be followed by

- structural watching brief (building recording) during internal demolition/stripping out and
- archaeological watching brief during any external groundworks.

These works could be secured by the attachment of a condition to any planning consent. Such a condition might read.

Pre-start recording:

"No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing and until all pre-start elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

Watching Brief:

'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

5.5. Derbyshire Wildlife Trust:

We have reviewed the following ecology reports:

- Preliminary Bat Roost Assessment (Middlemarch Environmental, 2021)
- Nocturnal Bat Survey Report (Elton Ecology, 2022)

The Preliminary Bat Roost Assessment (Middlemarch Environmental, 2021) concluded that the Waterfall Pub has a high potential to support roosting bats, additionally, the small outbuilding was determined to have a moderate potential. Following Good Practice Guidelines (Collins, 2016) three nocturnal surveys were completed for Waterfall Pub and two for the outbuilding. No bats were recorded to emerge from the Waterfall Pub or the outbuilding; however, commuting and foraging bats were observed on each survey.

We advise that sufficient information regarding bats has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Recommendations:

We recommend the following conditions are secured to safeguard nocturnal wildlife and to provide enhancements in line with the objectives listed within the National Planning Policy Framework.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Biodiversity Enhancements

Prior to construction above foundation level, a Bat and Bird Box Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include (but is not limited to) the following:

- 2x External Bat Boxes (Including details on models and installation positions)
- Native planting, where applicable

Such approved measures shall be implemented in full and maintained thereafter.

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6. Relevant Policies:

6.1. Relevant Policies:

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

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

GD5	Amenity
H13	Residential Development- General Criteria
H14	Re-use of Underused Buildings
E18	Conservation Areas

Saved CDLPR Policies

CP1a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance

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

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

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

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

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

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

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

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

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.17 years is a

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of residential development

7.2. Design and Amenity

7.3. Heritage Impacts

7.4. Highway Impacts

7.5. Biodiversity Impacts

7.6. Section 106

7.7. Conclusion

7.1. Principle of residential development

The site is the former Midland Railway Institute (now the Waterfall Public House) on Railway Terrace, which is in the Railway Conservation Area. It is a large, late 19th Century building, and is currently in use as public house and associated function rooms. The building is located within the Railway Conservation Area which is an area of architectural and historic interest. The conservation area is a designated heritage asset.

There are numerous Listed buildings around the site and within the conservation area. The site is not allocated for any particular use in the Local Plan – Part 1. It is in the CBD and the Eastern Fringes Character Area and lies opposite the main railway station.

Policy AC2 supports proposals within the CBD that help promote ‘City Centre Living’, including the re-use of empty or underused floorspace, where it would not inhibit existing business activity or undermine the vitality and viability of the Core Area. It is the policy’s intention that the ‘Eastern Fringes’ will become a vibrant new residential neighbourhood that will complement the City Centre economy and breathe new life into an underutilised area. Accordingly, there are no policy objections to the proposed residential use of this building.

Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, in this case, being in the Conservation Area and adjacent to a number of Listed Buildings, particular consideration should be given to whether there would be any significant and demonstrable adverse impacts on the heritage designations, such that permission should not be granted in accordance with the tests set out in the NPPF.

7.2 Design and Amenity

Policies CP3 (Placemaking Principles) and CP4 (Character and Context) both seek to achieve high quality, well designed places and these include considering optimising density, providing good standards of privacy and security, providing well connected spaces and delivering well integrated vehicle and cycle parking. The development should fit into the wider environment and not cause unacceptable adverse impacts.

There are further detailed policies which need to be considered in assessing the design and layout of proposals and these include Saved Policy H13 (Residential Development – General Criteria). Each of the criteria should be met and this requires that a high quality living environment can be formed, particularly in terms of the layout of buildings.

The proposal is for conversion and reuse of a substantial part of the Waterfall Public House building to 31 residential apartments. The building is an unlisted building in the Railway Conservation Area. The existing public house which is at the southern end of the building is to be retained as existing, with reconfigured toilets and kitchen. The rest of the building would be converted and altered to form 1 and 2 bed residential units, with separate entrances onto Railway Terrace and access to a rear courtyard amenity space. Cycle parking and bin store would be provided within a former outbuilding to the western boundary of the site, adjacent to Leeds Place.

The proposals would involve very limited external changes to the principal façade of the building which fronts onto Railway Terrace and Midland Place. A glazed door opening would be reinstated to the Railway Terrace elevation of the building and a number of original windows, which are currently blocked on the interior of the building would also be revealed to provide light for the proposed residential units. The external works would mainly involve demolition of a 20th Century toilet extension and external staircase, both within the rear courtyard of the site. There would also be some rooflights and solar panels installed on the rear roof slope, new window openings to the rear elevation, where structures are to be demolished.

The former railway institute building would be better revealed by the proposed works to its external appearance, and it would retain much of its original appearance and character from the surrounding streetscene and the Railway Conservation Area. The works to the exterior of the building, would have a limited and also positive impact on the visual amenity and character of the wider area around the railway station and to the character and significance of the conservation area.

The proposed alterations to the principal building are primarily internal, to subdivide the original floor space and form the new residential accommodation. There would be some limited removal of internal walls, however the principal rooms and staircases are to be retained, with subdivision of those rooms, to form the apartment units and additional floors in the largest spaces: which include the former concert hall, library and ball room. The two principal staircases would serve all of the upper floor apartments and a new lift added to one of the entrance halls. Original windows, which have been blocked in the past would be reinstated to provide openings for the new residential units.

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The outside space to the rear of the building would be formed into a landscaped courtyard for the residential units and a single storey, brick outbuilding would be renovated and altered to form bin and cycle storage. This element of the scheme has been amended during the life of the application to retain more of the fabric of the building, including the roofline and brick boundary wall, which abuts neighbouring former railway cottages on Midland Place and private walkways within the conservation area.

In terms of living environment, the proposals would form 31 apartments (15 x 1 bed and 16 x 2 bed units) within the fabric of the principal rooms primarily and through subdivision of those rooms, including the insertion of mezzanine floors within some of the larger spaces. The apartments would be accessed internally through two existing historic staircases which serve different parts of the building. All the units would have access to natural daylight from original windows in the building, some of which are large double height sash openings. Only the top floor units would have access to light from the upper curved windows and roof lights. The apartments would all be of a reasonable size and meet or exceed the national minimum floor space standards for residential apartments.

They would also have good access to natural light from the existing window openings and new rooflights. The apartments would all have private access to the street and to rear the courtyard, wholly separate from the retained public house. Overall, the proposed conversion of the historic building and formation of residential accommodation is considered to be well designed and would form a high quality living environment for the future occupants of the building.

It would also bring the underused spaces of the building into a viable and beneficial economic and residential use.

The impacts on existing residential properties, from the proposed residential use would be on the Grade II listed terraced cottages within the Railway Conservation Area, which are adjacent to the west and north of the site. These properties are all modest in size and have small rear curtilages. The nearest dwellings are on Midland Place and abut the western boundary of the site and the single storey outbuilding. The retention of the outbuilding and boundary wall would preserve and secure the shared boundary, which is currently in a poor state. There would be no new openings formed into the boundary wall, so no increase in overlooking would result from the proposals. The outbuilding would also provide a solid elevation which would partially screen views of the new residential units from the neighbouring cottages on Midland Place and Leeds Place.

Whilst the introduction of new apartments within the building, would increase activity, potential disturbance and overlooking of the existing terraced dwellings in the conservation area, I am satisfied that these impacts would not be significant or unduly harmful to the amenities of existing residents. This is particularly given that the additional windows to be formed would be to oblique angles to the existing dwellinghouses and the current permitted use is a public house with numerous function rooms, with capacity for large events and parties.

I note that third party objections have raised some concern about loss of privacy, amenity and the large number of residential units proposed. However, for the reasons

given above, it is unlikely that the proposed conversion to residential use and alterations to the building, would result in substantive harm to residential amenity.

Overall, the proposals to carry out conversion and renovation works to form residential accommodation in the historic building would fulfil the design principles set out in Policies CP3 and CP4 and saved GD5, H13 and H14 of the adopted Local Plan and over arching guidance in the NPPF, which requires good design in new developments.

7.3 Heritage Impacts

A comprehensive Heritage Impact Assessment has been submitted in support of the application, which describes the historical context of the building in detail and its setting within the Railway Conservation Area. Whilst the building is not listed, it does contribute significantly to the overall character of the conservation area and is tied to the railway history of this part of the city. The building was the former Midland Railway Institute until it was closed in the 1980's. It is currently occupied as a public house with associated event and function rooms. It is a Derbyshire HER, which describes it as an *“ornate two storey purpose built railway institute built in 1892-94, to the design of Charles Trubshaw, Midland Railway architect, providing library, educational and recreational facilities.”*

The Conservation Officer does not raise any concern with regard to the proposed change of use of part of the building to residential use, or to the subdivision of the interior spaces into apartments. There are considered to be benefits arising from the proposals, by bringing the underused parts of the building, back into a viable re-use and from the re-opening up of original windows to provide daylight to the proposed apartments. Some of these are large sash windows, which are a significant element of the original building. The proposals as a whole are considered to have a minimal impact on the character and appearance of the conservation area, of which the former railway institute building is an important part.

The Conservation Officer has identified a “very small degree of harm to the exterior of the building/s” as a result of the proposed alterations to the outbuilding, demolition of the later toilet extension and installation of windows, doors, rooflights and solar panels, mainly to the rear elevation of the building. There is considered to be “less than substantial harm” to the significance and character of the Railway Conservation Area as a result of the proposed alterations to the external elevations of the former railway institute building and associated outbuilding, which are required to bring the site into a residential use.

In considering the application, the decision maker must have regard for the requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 72(1) and relevant Local Plan policies, which highlights the statutory duty to require the authority to have special regard to the desirability of protecting conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

The relevant Local Plan policies are Policy CP20 of the adopted Derby City Local Plan – Part 1: Core Strategy and saved Policy E18 of the City of Derby Local Plan Review. The harm to the significance of the conservation area, resulting from the

proposed external works to the outbuilding and the alterations to the elevations of the principal building are contrary to the intentions of the adopted Local Plan policies.

The level of harm is considered to be “less than substantial harm” and, in accordance with NPPF Para 202, the amount of harm must be weighed against the public benefits of the proposal. In this instance, the benefits of bringing the principal building and the single storey outbuilding back into a viable economic and social use as residential apartments and the delivery of a substantial amount of new housing, in an accessible, edge of city centre location carry significant weight, in my opinion.

These public benefits are significant and are considered to outweigh the very limited harm to the significance and character of the building and its impact on the character of the Conservation Area, which has been identified. For this reason, I am satisfied that the heritage tests in the NPPF are satisfactorily met.

In terms of the archaeological significance of the site, the County Archaeologist considers that there may be below ground archaeological remains relating to the early Victorian period of railway housing, which may be affected by the proposed demolitions of features to the rear of the main building. This has not thus far been investigated, so it is recommended that conditions are attached to secure a scheme of recording for any external ground works.

The archaeologist also recommends a scheme of historic building recording be carried out for the internal fabric of the principal building as well as the extension to be demolished.

These works can all be secured and agreed through suitable planning conditions. The conditions would satisfactorily meet the archaeological intentions of saved Policy E21.

7.4 Highway Impacts

The site is located adjacent to the main railway station and close to the city centre and there is limited off-street parking within the curtilage, which is for parking and servicing of the existing public house. This arrangement is proposed to be retained, following the residential development of the site and as such no on-site car parking would be provided for future residents. The residential units would all be car-free with no access to parking provision in the immediate area, which is all private parking for existing residents of the Conservation Area. The surrounding highways are all subject to waiting restrictions to prevent on-street parking adjacent to the site.

The site is, however, in a highly sustainable and accessible location, with easy access to public transport and cycle routes and in proximity to shopping and local amenities in the immediate area and the city centre, which is in walking distance. The development would provide cycle storage for residents, within an outbuilding on the site, which is covered and secure.

For these reasons, the Highways Officer does not consider that the proposals would result in an unacceptable impact on highway safety and there would be no adverse impacts on the local highway network. There are considered to be no objections to the development on highway grounds, subject to condition to provide a Travel Plan for residents of the site.

The bin storage arrangement would utilise the existing outbuilding, allowing it to be renovated and reused. Although it is more than the recommended man carry distance from the highway, there is no other realistic alternative to this arrangement, and it would allow reuse of one of the historic buildings on the site. On balance, it is accepted that this is an operational issue for the building owner and would not result in any adverse impacts on the local highway.

Overall, the transport objectives set out in Policy CP23 are all considered to be satisfactorily met by the proposals.

7.5 Biodiversity Impacts

The application is accompanied by a Preliminary Ecological Assessment and a Nocturnal Bat Survey given that the buildings on the site have the potential to be occupied by bats. The preliminary assessment identified that the principal building has a high potential for bats roosting within it and the outbuilding has moderate potential, so there is significant likelihood of bats being impacted by the development and reuse of both of these buildings. The further nocturnal survey report follows the carrying out of emergence surveys for bats on the buildings and this concludes that bat activity at the site is limited to occasional commuting bats only. No bats were recording entering or leaving the buildings, so the report recommends that no further work is required to assess bat activity, and this does not present a constraint to development of the buildings.

Derbyshire Wildlife Trust is satisfied that sufficient information has been provided and investigations carried out, to demonstrate that there are no bats roosting in the building and they recommend conditions to secure a suitable lighting strategy to protect nocturnal wildlife and bat and bird boxes to be provided as part of the works to the buildings.

A landscape planting scheme is proposed for the rear courtyard, and this gives opportunities for native species and wildlife friendly planting. This can be secured through a suitable condition to meet the green infrastructure intentions of Policy CP16 of the DCLP1.

Based on the information provided and the recommendations of DWT, I am satisfied that the proposals would safeguard ecological features, subject to conditions and therefore meets the biodiversity requirements of Policy CP19 of the DCLP1.

7.6 Section 106

Evidence has been provided with the application which meets paragraphs 63 and 64 of the NPPF and the Planning Practice Guidance criteria for Vacant Building Credit. Therefore, to support the re-use of the vacant buildings on the site, 9.67% of the units to be provided on the site are to be affordable housing, provided through a Registered Provider. These would comprise 3 units for affordable rent. Financial contributions are also to be provided towards off-site provision, which would be as follows:

- Amenity green space
- Major open space.

7.7 Conclusion

The proposed conversion and re-use of part of the former railway institute and existing public house for residential use within the Railway Conservation Area would provide high quality housing in a highly sustainable and accessible location and would increase the variety and amount of housing, close to the city centre and major transport hub, contributing to the city's housing supply. There would be no significant harm to residential amenity and no adverse impacts on the local highway network and on biodiversity, subject to the recommended planning conditions.

The less than substantial harm resulting from the proposed external alterations to the principal building and to the outbuilding, would be outweighed by the public benefits of bringing the under used part of the building into an economic and socially viable use as residential units and delivery of high quality new housing in a highly sustainable location, with a minimal overall impact on the character of the conservation area.

Overall, the proposal would accord with the Policies of the adopted Local Plan when taken as a whole and the over-arching design/heritage guidance in the NPPF.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

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

8.2. Summary of reasons:

The proposed conversion and alterations to this prominent, historic building within the Railway Conservation Area to form residential apartments, close to the city centre and in a highly sustainable and accessible location, adjacent to the railway station, would provide high quality housing and increase the variety and amount of housing in this part of the city, contributing to the city's housing supply. There would be no significant harm to residential amenity and no adverse impacts on the local highway network or to biodiversity, subject to compliance with conditions. The less than substantial harm resulting from the external alterations to the principal building and outbuilding would be outweighed by the public benefits of bringing the under used part of the building, into a viable residential reuse with a limited amount of alteration and intervention.

8.3. Conditions: (Presented in an abbreviated format for the purpose of this report)
General conditions

- 1. Standard condition (3 year time limit)

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

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2. Standard condition (Approved plans)

Reason: For the avoidance of doubt

Pre-commencement conditions

3. Archaeological Written Scheme of Investigation for historic building recording to be agreed before any works are carried out.

Reason: To ensure historical features are recorded and protected

4. Written Scheme of Investigation for archaeological below ground works to be agreed before any works are carried out.

Reason: To assess and protect any features of archaeological interest on the site.

Pre-occupation conditions

5. Before occupation a residential Travel Plan to be agreed to promote sustainable modes of transport for the future residents including arrangement for monitoring of progress of proposals and implement in accordance with timetable.

Reason: To promote sustainable travel.

6. Details of a lighting strategy to safeguard bats and other nocturnal wildlife to be agreed prior to works to external areas

Reason: To safeguard protected species and biodiversity from light pollution.

7. Details of bird and bat boxes to be provided on site to be agreed before occupation of an units.

Reason: To provide habitat for protected species and promote biodiversity.

8. A landscaping scheme to be provided before occupation of the units in accordance with details to be agreed and to include native and biodiversity rich planting.

Reason: In the interests of nature conservation and visual amenity.

9. A schedule of works and method statement of making good to the exterior of buildings, as a result of approved demolition works and extent of removal of walls to be agreed in writing before development, except for demolition, is carried out

Reason: To safeguard character and appearance of conservation area.

10. Details of any external materials, including bricks, mortar mix and finish, roofing, rooflights, automatic opening vents to be agreed in writing before relevant part of works.

Reason: To safeguard character and appearance of conservation area.

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11. Details of new windows and doors to be installed in the building, include joinery sections and materials to be agreed in writing before relevant part of works.

Reason: To safeguard character and appearance of conservation area.

12. Any external vents or flues to be installed which are not indicated on the drawings hereby approved, to be agreed in writing before relevant part of the works.

Reason: For avoidance of doubt and to safeguard character of conservation area.

8.4. Informative Notes:

Highway Authority notes:

N1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

N2. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; kerrie.jarvis@derby.gov.uk

N3. External Lighting to private developments.

Any artificial external lighting to the development shall be in accordance with industry guidance and best practice, having due care and consideration to either remove the introduction or to minimise the impact of artificial light on the environment, climate, and ecology.

The applicant/developer should focus on the lighting aspects of the development, including purpose, design, assessment, and all future maintenance considerations. "The right light, in the right place, at the right time, with the right controls". Consideration of energy management must be at the forefront of any design and installation, including a clear asset management plan which focuses on how the installation is to be tested and maintained once installed.

The following suite of documents are published within the industry as a means of guidance for designers.

- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light
 - Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's
 - Institution of Lighting Professionals Guidance Note 9/19: 2019 Domestic exterior lighting: getting it right!
- N4. Notwithstanding any Planning Permission please note that the proposed apartments will not qualify for the issue of residents parking permits.

N5. The developer should note that the proposed works will take place in an area covered by permit parking restrictions, which may necessitate the purchase of

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temporary permits for vehicles associated with the construction works. The developer should therefore contact businessdev@derby.gov.uk in order to make arrangements for the purchase of temporary permits as appropriate.

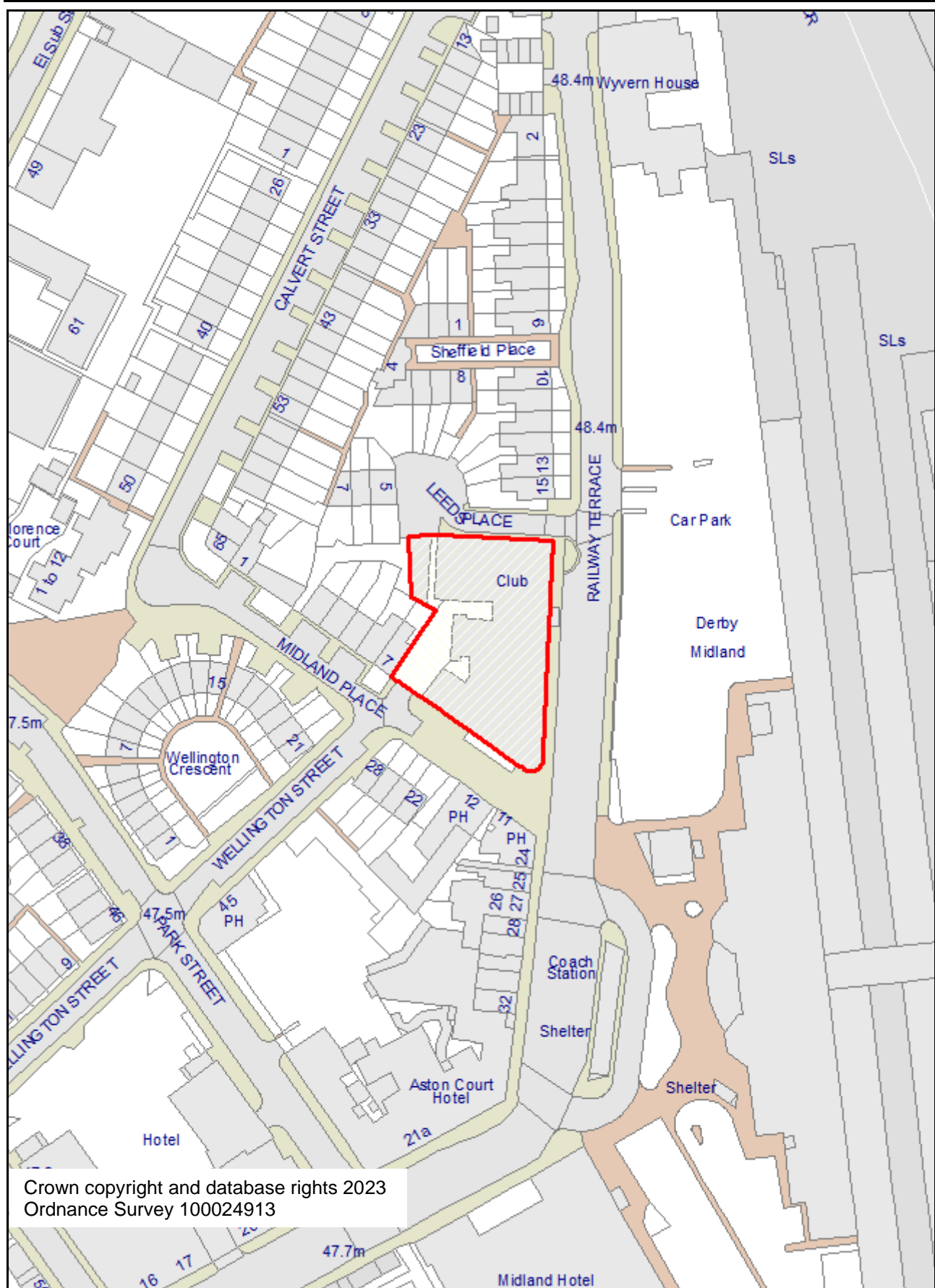
N6. The consent granted will result in alterations to a building which will need renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site layout, location in relation to existing land and property, and the placement of front doors or primary means of access.

8.5. S106 requirements where appropriate:

- 3 affordable housing units provided on-site
- Off-site major open space
- Off-site amenity green space

8.6. Application timescale:

The target date for determination is the 11 January, so an extension of time for the decision has been requested for a further month to allow the committee resolution and Section 106 Agreement to be completed.



Committee Report Item No: 6.4

Application No: 22/01854/NONM

**Type: Non-Material
Amendment**

1. Application Details

1.1. Address: 90 Normanton Road, Derby

1.2. Ward: Arboretum

1.3. Proposal:

Demolition of three buildings. Erection of a three storey commercial building to create planning class Use E(d) indoor recreation, E(b) sales of food and drink and retention of the existing Use Class E(a,b,c). Re-cladding and installation of a new window to rear block and alteration to elevational treatment. - Non-material amendment to previously approved planning permission Code No. 21/01036/FUL to allow alterations to the front and side elevations to gain pedestrian access to rear

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01854/NONM>

Brief description

A Non-Material Amendment application has been submitted for minor amendments to an approved extensions and development of 90 Normanton Road (former Mill Hill Corner retail store), which was granted full permission in November 2021 (ref:21/01036/FUL).

The site is on the edge of the Normanton Road District Centre and lies opposite the Southgate Retail Park which is to the south of Mill Hill Lane. The Inner Ring Road runs along the south and western boundaries of the site and Normanton Road is to the eastern frontage. To the north is the former Mackworth college site, which has consent for retail development and is currently undeveloped. There are also residential properties to the north west along Mount Street and a mix of housing and commercial properties on the opposite side of Normanton Road.

Part of the existing building is currently occupied by a specialist supermarket and the rest of the building is vacant. There are two vehicle accesses to the existing car park from Mount Street and Mill Hill Lane. The existing buildings are one and two storeys in height, faced in metal cladding with glazed shop front and windows at ground floor level.

The approved proposals are for the redevelopment of the former furniture store building on the site and replacement with a three storey building which fronts onto Normanton Road and Mill Hill Lane. The retained two storey building would be reclad and altered with windows inserted into the facade. The new build element would have a contemporary appearance and simple form, with large glazing panels to the street facing elevations. Cladding would be used on the facades to face the building. The proposed uses include retention of the existing retail uses (food store and furniture store) and addition of a food and drink (restaurant) unit and soft play centre (E Use Class).

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The proposed non-material amendments to the scheme would comprise the following:

- Alterations to the elevations on Normanton Road and rear elevation, comprising changes to glazing panels
- Extension to the rear elevation by some 1.5m to form pedestrian access to be created, to allow an existing drainage run to be located outside of building footprint.

2. Relevant Planning History:

Application No:	21/01036/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	19.11.2021
Description:	Demolition of three buildings. Erection of a three storey commercial building to create planning class use E(d) indoor recreation, E(b) sales of food and drink and retention of the existing Use Class E(a,b,c). Recladding and installation of a new window to rear block and alteration to elevational treatment		

3. Publicity:

None.

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

4. Representations:

None.

5. Consultations:

None

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context

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CP12	Centres
CP13	Retail and Leisure Outside of Defined Centres
CP15	Food, Drink and Evening Economy
CP19	Biodiversity
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:

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

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

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

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

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

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

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**Type: Non-Material
Amendment**

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 Amenity Considerations

7.2. Conclusion

7.1. Design and Amenity Considerations

This seeks permission for a Non-Material Amendment to an approved redevelopment and alterations for a mix of retail, food and drink and leisure uses within the Normanton Road District Centre and close to the city centre. Full permission was granted in November 2021, but the development has not yet been implemented.

This proposal is for very minor amendments to the appearance and floor plan of part of the approved development, which comprises the proposed retail unit and restaurant on the Normanton Road frontage. The changes to the Normanton Road elevation relate to the ground floor unit and involve replacing glazed doors with window panels. The remaining changes relate to the rear elevation, by the formation of a pedestrian access to the rear of the building. This element would not be visible from the street frontage and have a very minimal impact on the streetscene.

These amendments would have very little impact on the design quality and appearance of the building and there are no adverse effects on residential or visual amenity.

Overall, the design and form of the approved development would accord with the design principles set out in adopted Policies CP3 and CP4 and safeguard amenity as required by saved Policy GD5.

7.2. Conclusion

The proposed amendments to the design and appearance of the approved development of the existing retail site on Normanton Road are considered to meet the requirements of the relevant Local Plan policies and the overarching guidance in the NPPF. There would be no adverse impacts on visual and residential amenity in this part of the city. For these reasons the proposals would constitute a non-material amendment to the extant full permission, 21/01036/FUL.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

In the opinion of the Local Planning Authority the proposed amendments to the original planning permission are not 'material changes' and therefore, they do not warrant the submission of another planning application to regularise these amendments.

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**Type: Non-Material
Amendment**

8.2. Summary of reasons:

The proposed amendments to the extant planning permission are non-material and, therefore, can be dealt with under S.96A of the Town & Country Planning Act (1990) (As Amended).

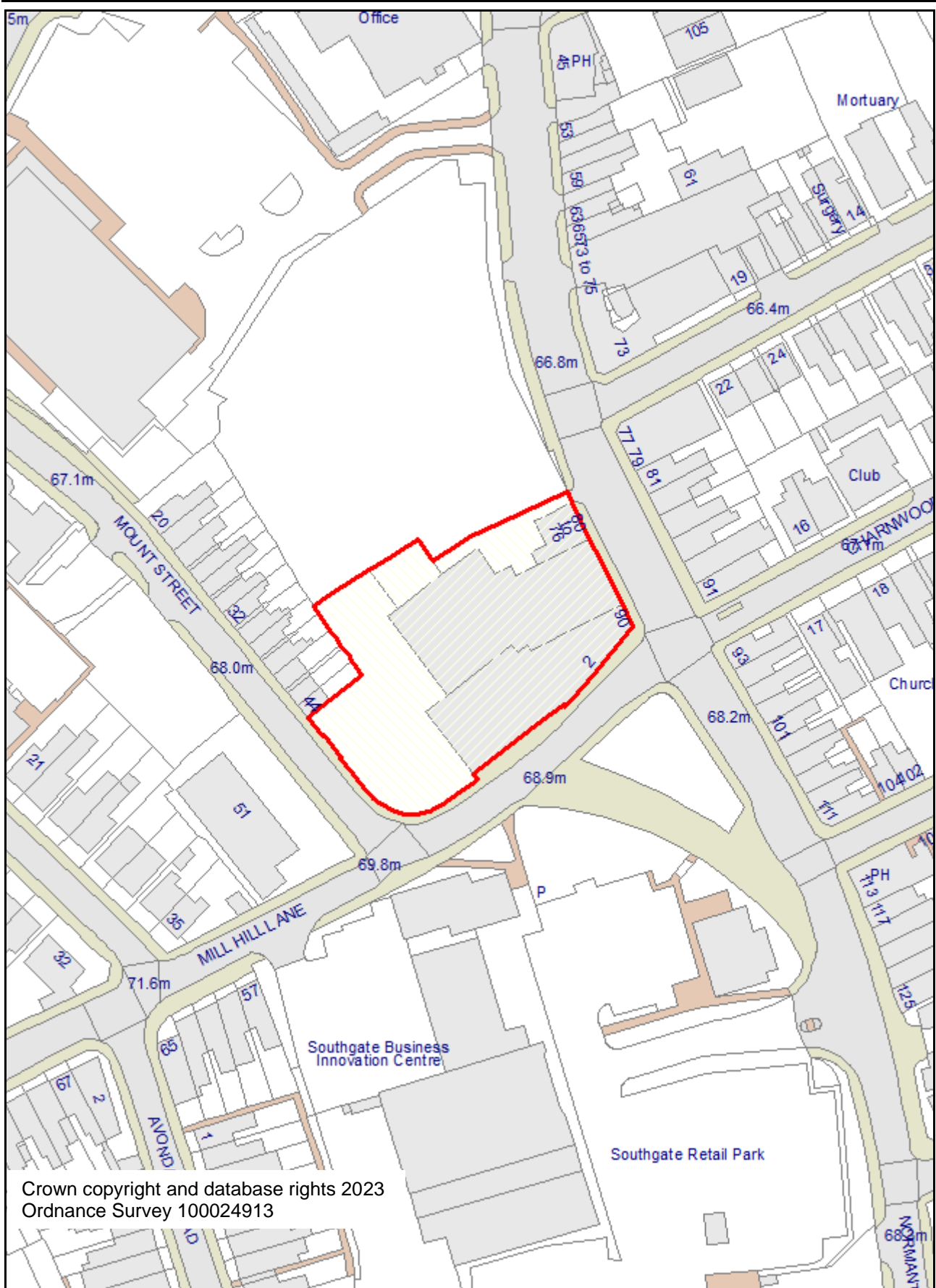
8.3. Application timescale:

The timescale for determination of a Non-Material Amendment is 4 weeks and expired on 29 December.

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**Type: Non-Material
Amendment**



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Derby City Council

Delegated decisions made between 01/12/2022 and 31/12/2022



Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/01760/FUL	Full Application	Highfield House Highfield Gardens Derby DE22 1HT	Conversion of outbuilding to annexe	Approval	13/12/2022
21/01834/ADV	Advertisement Consent	Currys Kingsway Retail Park Kingsway Derby DE22 3FA	Display of various signage	Approval	16/12/2022
21/01949/LBA	Listed Building Consent - Alterations	Highfield House Highfield Gardens Derby DE22 1HT	Conversion of outbuilding to annexe	Approval	13/12/2022
21/02091/FUL	Full Application	Site Of Former Rolls Royce Light Alloy Foundry Osmaston Road Derby DE24 8AL	Erection of nine buildings (divided into 18 units) to be used for Use Class E and B8 purposes and the formation of hardstanding to be used as a contractors yard	Approval	08/12/2022
21/02131/FUL	Full Application	77 Sinfin Moor Lane Derby DE73 5SP	First floor side extension to dwelling house. Erection of an outbuilding (double garage)	Approval	07/12/2022
22/00064/LBA	Listed Building Consent - Alterations	7 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	13/12/2022
22/00073/LBA	Listed Building Consent - Alterations	5 - 6 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	13/12/2022
22/00074/LBA	Listed Building Consent -	8 The Square	Installation of flood resilience measures	Approval	13/12/2022

	Alterations	Darley Abbey Derby DE22 1DY			
22/00077/LBA	Listed Building Consent - Alterations	3 Poplar Row Derby DE22 1DU	Installation of flood resilience measures	Approval	21/12/2022
22/00081/LBA	Listed Building Consent - Alterations	1 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	05/12/2022
22/00082/LBA	Listed Building Consent - Alterations	10 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	15/12/2022
22/00087/LBA	Listed Building Consent - Alterations	9 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	15/12/2022
22/00090/LBA	Listed Building Consent - Alterations	2 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	06/12/2022
22/00091/LBA	Listed Building Consent - Alterations	3 - 4 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	06/12/2022
22/00092/LBA	Listed Building Consent - Alterations	11 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	20/12/2022
22/00348/FUL	Full Application	45 Grange Avenue Derby DE23 8DH	Two storey side and rear and single storey rear extensions to dwelling house (garage, wet room, kitchen, dining room, three bedrooms and shower room) - retrospective application	Approval	09/12/2022

22/00355/LBA	Listed Building Consent - Alterations	Middleton House 27 St Marys Gate Derby DE1 3JR	Installation of smoke ventilation system to front facade, automatic opening vents, service riser, dry riser, pipework, and ducting	Approval	15/12/2022
22/00373/FUL	Full Application	Kingsway Hospital Kingsway Derby DE22 3LZ	Erection of a waste storage facility	Approval	21/12/2022
22/00393/FUL	Full Application	2 Margaret Street Derby DE1 3FE	The installation of replacement roof tiles (retrospective application). Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	09/12/2022
22/00442/FUL	Full Application	7 Mickleover Manor Derby DE3 0SH	Installation of replacement windows and doors	Approval	09/12/2022
22/00470/LBA	Listed Building Consent - Alterations	7 Mickleover Manor Derby DE3 0SH	Installation of replacement windows and doors	Approval	09/12/2022
22/00576/FUL	Full Application	133 Duffield Road Derby DE22 1AF	Rear extension to dwelling house, roof alterations and alterations to the front elevation	Approval	08/12/2022
22/00674/VAR	Variation of Condition	Site Of 79 Rykneld Road Littleover Derby	Demolition of existing Retail Building. Erection of a two storey building for use as a Dental Clinic (Use Class D1) at ground floor and Retail (Use Class A1) or Financial and Professional Services (Use Class A2) at first floor level - Variation of conditions 2, 4 and 5 of previously approved planning permission 06/18/00822	Approval	21/12/2022
22/00675/FUL	Full Application	3 Enfield Road Derby DE22 4DF	Change of use from dwelling house (Use Class C3) to residential care home (Use Class C2) together with retention of single storey front and side extensions (porch and kitchen/dining area)	Approval	22/12/2022
22/00684/FUL	Full Application	2 North Street	Installation of new windows in front and side	Approval	08/12/2022

		Derby DE1 3AZ	elevations, partial bricking up of the garage door and installation of a flat roof window.		
22/00729/OUT	Outline Application	Land Adjacent To Pump House South Of 345 Sinfin Lane Derby	Outline Application for residential development - three storey block (14 apartments) - (Use Class C3)	Approval subject to Section 106	09/12/2022
22/00766/FUL	Full Application	Site Of Former Rolls Royce Light Alloy Foundry Osmaston Road Derby DE24 8AL	Erection of a ready mixed concrete plant with ancillary facilities	Approval	21/12/2022
22/00858/FUL	Full Application	Beechdale Motors Parker Centre Mansfield Road Derby DE21 4SZ	Erection of an external fire escape stair	Approval	14/12/2022
22/00864/FUL	Full Application	Land Between 34 And 40 Depot Street Derby DE23 8ET	Erection of dwelling house	Approval	21/12/2022
22/00938/LBA	Listed Building Consent - Alterations	The Schoolroom Brookbridge Court Brook Street Derby DE1 3LG	Roof alterations to include removal of existing lead and tiles. Installation of replacement tiles, decking boards and flashing. Realignment of guttering	Approval	06/12/2022
22/01031/FUL	Full Application	79 Sandringham Drive Derby DE21 7QP	Two storey side and rear extensions and single storey front and rear extensions to dwelling house (hall, garage, office, W.C., utility, family space, two bedrooms and bathroom)	Approval	23/12/2022
22/01146/FUL	Full Application	17 Ferrers Way Derby DE22 2AB	Two storey front and side extensions to dwelling house (porch, family room, living space, covered area with raised patio, bedroom, two en-suites and enlargement of kitchen/dining area and bedroom). Installation of render and cladding to the front elevation	Approval	21/12/2022
22/01154/FUL	Full Application	30 Boylestone Road	Two storey side and single storey rear	Approval	02/12/2022

		Derby DE23 2PL	extensions to dwelling house (kitchen/dining area, utility, wet room, two bedrooms and enlargement of lounge)		
22/01167/FUL	Full Application	13 Derwent Close Derby DE22 2UY	First floor side and single storey rear extensions to dwelling house (bedroom and living space)	Approval	06/12/2022
22/01172/ADV	Advertisement Consent	Innovation Centre Innovation Drive Derby DE24 9FU	Display of non-illuminated wall mounted signs and one free standing totem sign.	Approval	16/12/2022
22/01199/FUL	Full Application	18 Willson Avenue Derby DE23 1DA	Installation of french doors with Juliet balcony to the first floor side elevation - retrospective application	Approval	07/12/2022
22/01237/FUL	Full Application	Land To Rear Of 25 And 26 Charnwood Street Derby DE1 2GU	Demolition of existing garage and erection of building to comprise 10 residential units with associated parking and infrastructure.	Approval	09/12/2022
22/01260/FUL	Full Application	27 Royal Scot Road Derby DE24 8AJ	Change of use from industrial/storage/office (Use Classes B2/B8/E(g)) to industrial/storage/office (Use Classes B2/B8/E(g)) with education use (Use Class F1a)	Approval	02/12/2022
22/01264/FUL	Full Application	65 Arthur Street Derby DE1 3EJ	Installation of a replacement roof covering	Approval	12/12/2022
22/01269/FUL	Full Application	22 Vicarage Road Chellaston Derby DE73 6SD	Two storey extension to dwelling house (enlarge kitchen, shower room, enlarge one first floor bedroom, and one new bedroom).	Approval	22/12/2022
22/01298/FUL	Full Application	Building At The Rear Of 21 Derby Lane Derby DE23 8UB	Change of use from storage area to an additional residential unit (Use Class C3) with alterations to include the erection of an external staircase and installation of additional windows, door and roof lights - (part retrospective application)	Approval	23/12/2022

22/01307/FUL	Full Application	29 Hendon Way Derby DE22 4BZ	Single storey front extension to dwelling house (study, hall and enlargement of lounge)	Approval	09/12/2022
22/01310/FUL	Full Application	12 Davids Close Derby DE73 5SY	Single storey front extension to dwelling (hall and W.C.)	Approval	06/12/2022
22/01324/FUL	Full Application	12A North Avenue Mickleover Derby DE3 9HY	Two storey side and single storey front extension to dwelling house (porch, kitchen, playroom, bedroom and en-suite) and installation of dormers to the front and rear	Approval	09/12/2022
22/01346/FUL	Full Application	115 London Road Derby DE1 2QS	Change of use from restaurant (Use Class E) to a 12 bedroom (17 occupants) house in multiple occupation (Sui Generis)	Approval	13/12/2022
22/01371/VAR	Variation of Condition	19 - 21 Sitwell Street Normanton Derby DE1 2JT	Change of use from public house (Sui Generis) to a 13 bedroom (13 occupant) house in multiple occupation (Sui Generis) including demolition to rear of site and landscaping and associated works - Variation of condition 2 of previously approved planning permission 21/01380/FUL to amend the internal layout, remove the external staircase and include a plant room	Approval	15/12/2022
22/01392/FUL	Full Application	102 Watson Street Derby DE1 3SP	Raising of the roof height and installation of rear dormer to form rooms in the roof space (bedroom, sitting area and en-suite) and installation of solar panels to the front elevation	Approval	16/12/2022
22/01398/FUL	Full Application	93 Northumberland Street Derby DE23 6UA	Single storey front and rear extensions to dwelling house (bay window, porch and lounge) with access ramp	Approval	09/12/2022
22/01422/FUL	Full Application	42 Gisborne Crescent Derby DE22 2FL	Single storey side/rear extension to dwelling house (enlargement of living room) with balcony above	Approval	13/12/2022
22/01446/FUL	Full Application	11 Woodsorrel Drive Derby DE21 2UF	Two storey side/rear extension to dwelling house (study and enlargement of kitchen)	Approval	09/12/2022

22/01465/FUL	Full Application	116 Chaddesden Park Road Derby DE21 6HG	Single storey rear extension to dwelling house (dining area)	Approval	09/12/2022
22/01494/FUL	Full Application	16 Highgrove Drive Derby DE73 5XA	First floor side/rear extension to dwelling house (en-suite)	Approval	02/12/2022
22/01496/FUL	Full Application	4 Woodside Drive Derby DE22 2UN	Single storey front extension to dwelling house (enlargement of lounge)	Approval	07/12/2022
22/01506/FUL	Full Application	23 Washington Avenue Derby DE21 6JT	Single storey front extensions to dwelling house (porch and canopy)	Approval	22/12/2022
22/01515/FUL	Full Application	37 Queen Mary Court Derby DE22 1BB	Installation of solar panels to the front elevation	Approval	02/12/2022
22/01530/FUL	Full Application	Land At 73 Friar Gate Derby DE1 1FN	Demolition of existing flat roof building. Erection of a two storey office building and associated site layout and ground works	Approval	01/12/2022
22/01531/FUL	Full Application	98 Carsington Crescent Derby DE22 2QX	First floor side/rear and single storey rear extensions to dwelling house (snug and bedroom)	Approval	13/12/2022
22/01538/FUL	Full Application	15 Rowley Lane Derby DE23 1FT	Two storey side and rear extensions to dwelling house and raising of the eaves height to the front elevation	Approval	14/12/2022
22/01544/FUL	Full Application	13 Shamrock Street Derby DE23 6PT	Two storey extension side, dormer to rear elevation and single storey extension to rear (Office, Kitchen, Bedroom, bathroom)	Approval	16/12/2022
22/01553/FUL	Full Application	130 Kedleston Road Derby DE22 1FX	Alterations to boundary wall and gate to form vehicular access	Refused	09/12/2022
22/01561/FUL	Full Application	176 Derby Road Chellaston Derby DE73 6RH	Erection of a boundary wall, dropped kerb and creation of a new vehicle access onto Derby Road.	Approval	07/12/2022

22/01564/FUL	Full Application	Unit 11 Downing Road Derby DE21 6HA	Change of use from auction room (Sui Generis) to dog daycare facility (Sui Generis)	Approval	21/12/2022
22/01565/FUL	Full Application	65 South Avenue Darley Abbey Derby DE22 1FB	Erection of an outbuilding (home office)	Approval	12/12/2022
22/01568/TPO	Works to a tree with a TPO	15 Binscombe Lane Derby DE21 2AZ	Felling of a Cedar tree protected by Tree Preservation Order no. 477	Approval	13/12/2022
22/01569/PNRT	Prior Approval - Telecommunications	Highway Verge At The Junction Of Farmhouse Road And Arleston Lane Derby	Erection of a 15m high monopole, equipment cabinets and ancillary development	Prior Approval Not Required	05/12/2022
22/01571/FUL	Full Application	14 Victory Park Way Derby DE24 8ZF	Installation of plant and an additional fire door to the side elevation	Approval	23/12/2022
22/01575/FUL	Full Application	459 Stenson Road Derby DE23 1LJ	Single storey front and side/rear extensions to dwelling house (porch, shower room and enlargement of kitchen)	Approval	05/12/2022
22/01576/CLP	Lawful Development Certificate -Proposed	42 Wisgreaves Road Derby DE24 8RQ	Single storey rear extension to dwelling house	Approval	07/12/2022
22/01578/FUL	Full Application	4 - 5 The Spot London Road Derby DE1 2NZ	Change of use of first and second floors to Indoor sport, recreation or fitness (Use Class E(d)) and installation of a new external door at ground floor level	Approval	06/12/2022
22/01579/TPO	Works to a tree with a TPO	Pear Tree Plaza Pear Tree Road Derby DE23 8NQ	Cutting back of branches overhanging the roof of 15 Portland Street of a Silver Birch tree protected by Tree Preservation Order no. 594	Approval	08/12/2022
22/01581/FUL	Full Application	6 Andrew Close Derby DE23 4AU	First floor rear extension to dwelling house (bedroom and enlargement of bedroom)	Approval	05/12/2022

22/01582/TPO	Works to a tree with a TPO	8 Old Chester Road Derby DE1 3SA	Partial crown reduction (adjacent to 48 Old Chester Road) by 3m, crown lift overhanging branches to 4m from ground level and removal of deadwood of a Beech tree protected by Tree Preservation Order no. 365	Approval	08/12/2022
22/01586/DISC	Compliance/Discharge of Condition	St Marys Catholic Voluntary Academy And Nursery Broadway Derby DE22 1AU	Erection of primary school and nursery, together with new playing field, extension of existing Multi Use Games area, creation of woodland, rearrangement of existing parking and drop-off area, hard and soft landscaping and ancillary works - Discharge of condition 5 of planning permission 22/01060/FUL	Discharge of Conditions Complete	09/11/2022
22/01587/DISC	Compliance/Discharge of Condition	St Marys Catholic Voluntary Academy And Nursery Broadway Derby DE22 1AU	Erection of primary school and nursery, together with new playing field, extension of existing Multi Use Games area, creation of woodland, rearrangement of existing parking and drop-off area, hard and soft landscaping and ancillary works - Discharge of condition 7 of planning permission 22/01060/FUL	Discharge of Conditions Complete	03/11/2022
22/01589/FUL	Full Application	28 Field Rise Derby DE23 1DE	Single storey side/rear extension to dwelling house (family room and utility)	Approval	06/12/2022
22/01590/PNRT	Prior Approval - Telecommunications	Highway Verge Junction Of Uttoxeter New Road And Mercian Way Derby	Installation of a 15m high monopole, equipment cabinets and ancillary development	Approval	06/12/2022
22/01593/FUL	Full Application	202 Rykneld Road Derby DE23 4AN	First floor rear and single storey side extensions to dwelling house (garage, utility, kitchen, living space and bedroom)	Approval	07/12/2022
22/01594/FUL	Full Application	313 Duffield Road Derby DE22 2DF	Single storey rear extensions to dwelling (sitting area and bedroom), installation of cladding, rear garden landscaping works and erection of outbuilding (garage)	Approval	08/12/2022
22/01597/ADV	Advertisement Consent	Bloomfield House 56 St Helens Street Derby	Display of various signage	Approval	08/12/2022

		DE1 3HY			
22/01600/FUL	Full Application	87 - 89 Nightingale Road Derby DE24 8BG	Change of use from commercial premises to four flats (Use Class C3) including alterations to elevations	Approval	23/12/2022
22/01604/CLE	Lawful Development Certificate -Existing	18A Howe Street Derby DE22 3ER	Lawful use of an annexe as a separate dwelling house (Use Class C3)	Approval	09/12/2022
22/01608/FUL	Full Application	13 Wilmington Avenue Derby DE24 0JD	Single storey front extension to dwelling house (W.C. and enlargement of living space)	Approval	13/12/2022
22/01610/VAR	Variation of Condition	Land At London Road Derby (adjacent To The Co-Operative Food)	Installation of a street hub - Variation of condition 2 of previously approved planning permission 21/01253/FUL to amend the location	Application Withdrawn	13/12/2022
22/01611/ADV	Advertisement Consent	Land At London Road Derby (adjacent To The Co-Operative Food)	Display of one internally illuminated double sided digital display screen	Application Withdrawn	13/12/2022
22/01612/FUL	Full Application	88 Lord Street Derby DE24 9AW	Two storey side and rear and single storey rear extensions to dwelling house (W.C., kitchen, family room, office and two bedrooms) and erection of outbuilding (seating area, bedroom and W.C.)	Approval	14/12/2022
22/01613/FUL	Full Application	8 Chelwood Road Derby DE73 5SJ	Installation of external insulation and render to all elevations of the dwelling house	Approval	09/12/2022
22/01614/FUL	Full Application	471 Stenson Road Derby DE23 1LL	Formation of a vehicular access	Approval	14/12/2022
22/01616/CLP	Lawful Development Certificate -Proposed	17 Argyll Close Derby DE21 7QT	Use of dwelling house (Use Class C3(a) for the care of a maximum of two children by professional carers.	Approval	12/12/2022
22/01622/TPO	Works to a tree with a TPO	124 Radbourne Street	Crown lift of branches overhanging the	Approval	13/12/2022

		Derby DE22 3BU	driveway to a height of 4m, overhanging the pavement to 2.4m and overhanging the road to 5m and removal of deadwood of an Oak tree protected by Tree Preservation Order no. 461		
22/01623/FUL	Full Application	40 Prince William Drive Derby DE22 3XF	Single storey front extension to dwelling house (porch)	Refused	09/12/2022
22/01624/TPO	Works to a tree with a TPO	Revive Healthy Living Centre Roe Farm Lane Derby DE21 6ET	Crown lift to give three metre clearance from ground level and removal of basal growth of two Cherry and two Plum trees protected by Tree Preservation Order no. 396. Works to be maintained for a ten year period.	Approval	13/12/2022
22/01625/FUL	Full Application	170 Blagreaves Lane Derby DE23 1PU	Two storey side and rear and single storey front extensions to dwelling house (porch, lounge, wet room, utility, kitchen/living space and three bedrooms) and installation of a dormer to the rear elevation	Approval	19/12/2022
22/01633/CAT	Works to Trees in a Conservation Area	25 Mickleover Manor Derby DE3 0SH	Crown reduction by 2.00m in height and of a Silver Birch tree within Mickleover Conservation Area	Approval	12/12/2022
22/01634/CAT	Works to Trees in a Conservation Area	26 Mickleover Manor Derby DE3 0SH	Height reduction by 2m and removal of branches overhanging the boundary with 28 Sedgefield Green of a Silver Birch tree within Mickleover Conservation Area	Approval	08/12/2022
22/01637/FUL	Full Application	Derbion Riverside Car Park Morledge Derby DE1 2AY	Change of use of part of ground floor car park (Sui Generis) to Shopmobility unit (Use Class E) together with external changes to include installation of a shopfront and windows	Approval	14/12/2022
22/01640/FUL	Full Application	The Honeycomb Ladybank Road Derby DE3 0NR	Single storey extension to public house (enlargement of bar area)	Approval	13/12/2022
22/01642/FUL	Full Application	Dover Court Derby DE23 6QL	Change of use from residential communal lounge to office (Use Class E)	Approval	12/12/2022

22/01643/FUL	Local Council Own Development Reg 3	West End Community Centre Mackworth Road Derby DE22 3BL	Installation of replacement windows and doors	Approval	16/12/2022
22/01644/FUL	Full Application	49 Wilkins Drive Derby DE24 8LU	Single storey rear extension to dwelling house (kitchen/diner)	Approval	14/12/2022
22/01645/FUL	Full Application	32 Rowley Lane Derby DE23 1FT	Two storey rear and first floor side extensions to dwelling house (sun lounge, bedroom, dressing room, bathroom and en-suite) and enlargement of outbuilding (utility room)	Approval	14/12/2022
22/01646/FUL	Full Application	426 Uttoxeter New Road Derby DE22 3NA	Single storey rear extension to dwelling house	Approval	14/12/2022
22/01649/CLP	Lawful Development Certificate -Proposed	146 Osmaston Road Derby DE1 2RF	Use of a dwelling house (Use Class C3a) to provide a home for a maximum of four children looked after by professional carers	Approval	21/12/2022
22/01651/ADV	Advertisement Consent	Land In Front Of Sidney Robinson Business Park Ascot Drive Derby DE24 8EH	Display of two internally illuminated digital display screens	Refused	16/12/2022
22/01652/DISC	Compliance/Discharge of Condition	St Marys Catholic Voluntary Academy And Nursery Broadway Derby DE22 1AU	Erection of primary school and nursery, together with new playing field, extension of existing Multi Use Games area, creation of woodland, rearrangement of existing parking and drop-off area, hard and soft landscaping and ancillary works - Discharge of condition 3 of planning permission 22/01060/FUL	Discharge of Conditions Complete	03/11/2022
22/01653/ADV	Advertisement Consent	Land South Side Of The Pentagon Derby (In Front Of Hand Car Wash)	Display of one internally illuminated digital display screen	Approval	16/12/2022
22/01660/TPO	Works to a tree with a TPO	5 Bramley Close Derby	Crown reduction by 1.5 metres, cutting back of branches to give two metres clearance of	Approval	20/12/2022

		DE21 2XQ	the buildings and crown lift to three metres of an Oak Tree protected by Tree Preservation Order No. 31		
22/01664/CLP	Lawful Development Certificate -Proposed	9 Carnoustie Close Derby DE3 9YD	Single storey rear extension to dwelling house (kitchen and breakfast area)	Approval	19/12/2022
22/01666/FUL	Full Application	91 Blagreaves Lane Derby DE23 1FG	Two storey rear and single storey side and rear extensions to dwelling house (garage, kitchen/diner and bedroom) and installation of a new first floor side elevation window	Refused	12/12/2022
22/01668/TPO	Works to a tree with a TPO	201 Morley Road Derby DE21 4TB	Crown lift to give 5.2m clearance from ground level (roadside only), cutting back of branches overhanging the neighbouring property by 2m and dead wood of a Pine tree. Removal of one lowest limb and reduction of limb above by 2m of a Pine tree protected by Tree Preservation Order no. 344	Approval	22/12/2022
22/01670/PNRT	Prior Approval - Telecommunications	Highway Verge Derwent Parade Derby	Erection of a 20m high monopole, equipment cabinets and ancillary development	Approval	21/12/2022
22/01671/PNRT	Prior Approval - Telecommunications	Highway Verge Ormskirk Rise Derby	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	20/12/2022
22/01672/CLP	Lawful Development Certificate -Proposed	11 Hardwick Avenue Derby DE22 2LN	Single storey side extension to dwelling house	Approval	20/12/2022
22/01673/FUL	Full Application	26 Amber Road Derby DE22 2QA	Single storey rear extension to dwelling house (sun room)	Approval	14/12/2022
22/01678/CLE	Lawful Development Certificate -Existing	MCP House Parcel Terrace Derby DE1 1AY	Use of the first floor as a gym (Use Class E)	Approval	21/12/2022

22/01681/TPO	Works to a tree with a TPO	7 Priory Gardens Derby DE21 4TG	Crown reduction of a Yew tree by 1.00m to give a height of 5.00m and 4.00m spread protected by Tree Preservation Order No. 124.	Approval	23/12/2022
22/01683/PNRH	Prior Approval - Householder	404 Stenson Road Derby DE23 1HD	Single storey rear extension (projecting beyond the rear wall of the original house by 6.5m, maximum height 3.5m, height to eaves 2.73m) to dwelling house	Prior Approval Not Required	06/12/2022
22/01686/DISC	Compliance/Discharge of Condition	St Marys Catholic Voluntary Academy And Nursery Broadway Derby DE22 1AU	Erection of primary school and nursery, together with new playing field, extension of existing Multi Use Games area, creation of woodland, rearrangement of existing parking and drop-off area, hard and soft landscaping and ancillary works - Discharge of condition 4 of planning permission 22/01060/FUL	Discharge of Conditions Complete	10/11/2022
22/01687/FUL	Full Application	2 Prospect Place Derby DE24 8HG	Reconfiguration of entrance porch	Approval	22/12/2022
22/01696/TPO	Works to a tree with a TPO	9 Thorndon Close Derby DE3 0LL	Crown reduction to give 1.5m clearance of wall and crown lift to 3m of Lime Tree. Crown lift to 2.5m and removal of a branch of Maple tree. Protected by Tree Preservation Order No. 250	Approval	22/12/2022
22/01698/FUL	Full Application	42 Radbourne Street Derby DE22 3HB	Single storey rear extension to dwelling house	Refused	22/12/2022
22/01700/FUL	Full Application	17 Rowley Lane Derby DE23 1FT	Single storey rear extensions to dwellinghouse (kitchen/diner/lounge, utility room and orangery)	Approval	16/12/2022
22/01703/DISC	Compliance/Discharge of Condition	21 Alice Street Derby DE1 2BY	Conversion of existing workshop and storage building into workshops, offices and stores. Demolition of storage building to east of site and construction of a parking courtyard - Discharge of condition 3 of previously approved application code No. 22/00294/FUL	Discharge of Conditions Complete	12/12/2022
22/01707/PNRT	Prior Approval - Telecommunications	Springwood Leisure Centre Springwood Drive	Installation of 20m monopole, headframe on concrete base., installation of 12No.	Approval	20/12/2022

		Derby DE21 2RQ	Antennas, 4No. 300 mm Dishes, 36No. ERS, 2No. GPS modules, 6No. Cabinets, 1No. Meter Cabinet and associated ancillary works.		
22/01709/FUL	Full Application	35 Draycott Drive Derby DE3 0QE	Single storey rear extension to dwelling house (dining room)	Approval	19/12/2022
22/01711/FUL	Full Application	35 Ward Street Derby DE22 3RY	Single storey rear extension (dining room)	Approval	19/12/2022
22/01716/FUL	Full Application	7 Sunny Grove Derby DE21 6QP	Single storey rear extension to dwelling house (kitchen)	Approval	19/12/2022
22/01736/NONM	Non-Material Amendment	Sir Peter Hilton Court Agard Street Derby DE1 1RG	Erection of an academic building (part five and part seven storey), with associated ancillary uses, accessible parking, infrastructure and hard and soft landscaping - Non-material amendment to previously approved planning permission 22/00421/FULPSI to amend the approved plans	Approval	07/12/2022
22/01775/PNRH	Prior Approval - Householder	157 Portreath Drive Derby DE22 2SB	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.7m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	13/12/2022
22/01822/DEM	Demolition - Prior Notification	Shaftesbury Sports Centre Shaftesbury Crescent Derby DE23 8NA	Demolition of leisure centre	Approval	23/12/2022
22/01823/DEM	Demolition - Prior Notification	Garage Court Charlotte Street Derby DE23 6QG	Demolition of 12 single storey prefabricated garages (3 blocks of 4)	Approval	23/12/2022
22/01838/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby	Reserved Matters application pursuant to outline planning permission Code ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in	Approval	22/12/2022

			respect of Phase 4 - Erection of three commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure - Non-material amendment to previously approved planning permission 22/01150/RES to allow the amalgamation of Units D37 and D24 to provide one unit		
22/01850/NONM	Non-Material Amendment	462 Duffield Road Derby DE22 2DH	Two storey rear and single storey front, side and rear extensions to dwelling house to provide enlarged ground floor living accommodation and additional bedroom. Erection of car port to front of property - Non-material amendment to previously approved planning permission 21/01874/FUL to amend the front balcony screening	Approval	16/12/2022