



Derby City Council

PLANNING CONTROL COMMITTEE
16 December 2021

ITEM 6

Report sponsor: Chief Planning Officer
Report author: Development Control Manager

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	07/12/2021
Other(s)	Ian Woodhead	07/12/2021

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

Planning Control Committee 16/12/2021
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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 11	21/01956/VAR	46 Quarn Drive Derby	Change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E) (retrospective application) - Removal of conditions 2 and 14 and variation of conditions 4 and 5 of previously approved planning permission Code No. 21/00154/FUL	To grant planning permission with conditions.
2	12 - 19	21/01356/FUL	Units D And E Kingsway Park Close Derby	Change of use from storage and distribution (Use Class B8) to mixed use storage and distribution (Use Class B8) with retail sales (Use Class E)	To refuse planning permission.

Committee Report Item No: 1

Application No: 21/01956/VAR

Type: Variation and removal of conditions

1. Application Details

1.1. Address: 46 Quarn Drive, Allestree

1.2. Ward: Allestree

1.3. Proposal:

Change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E) (retrospective application) - Removal of conditions 2 and 14 and variation of conditions 4 and 5 of previously approved planning permission 21/00154/FUL

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/01956/VAR>

Brief description

Permission is sought to remove conditions 2 and 14 of the existing permission and vary conditions 4 and 5. The effect of these changes would be as follows:

Condition 2: To remove the time limit on the previous permission which is temporary and effective until 23 July 2022;

Condition 4: To alter the permitted hours of operation, currently 9am-5pm Monday-Saturday, to 9am-6pm Tuesday-Wednesday, 9am-7.30pm Thursday-Friday, 9am-5pm Saturday, Closed Sunday-Monday and Bank Holidays;

Condition 5: To remove the requirement for 15-minute intervals between appointments;

Condition 14: To remove the requirement for the ground floor side window to be obscurely glazed and non-opening.

NOTE: These conditions are also currently the subject of an appeal which is in its initial stages. See Planning Inspectorate case reference APP/C1055/W/21/3284005 and the web pages of the original application under code no. 21/00154/FUL.

2. Relevant Planning History:

Application No:	21/00154/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	06/08/2021
Description:	Change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E) (retrospective application)		
Application No:	08/00/00962	Type:	Full Application
Decision:	Granted Conditionally	Date:	23/10/2000
Description:	Extensions to dwelling house (bathroom, bedroom and kitchen)		

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3. Publicity:

Neighbour Notification Letters to four addresses and Site Notice displayed.

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

4. Representations:

Five responses to publicity have been received. One in support and four in objection. The following points relevant to planning have been raised in objection to the proposal:

- Parking and access concerns;
- The opening hours already permitted are excessive and are frequently exceeded;
- Overlooking and noise transmission through the side window should be prevented;
- The Council has failed to take residents' views into account in previous decisions;
- No robust evidence has been provided to support to the removal of the time limit;
- The total number of business hours should be limited and precisely defined;
- Intervals between appointments should be maintained to avoid cars queuing on the street;
- Any intensification of the use will harm residential amenity and should be resisted.

5. Consultations:

5.1. Highways Development Control:

The Highway Authority has No Objections to the proposals.

Observations:

At the time of the Highway Authority Case Officer revisit (14:20hrs on a week-day) there were three vehicles parked on the driveway; whilst there was parking on the highway nearby (I have no evidence that this was in any way related to the development), such parking did not have "a severe impact upon the surrounding highway network".

It is the view of the Highway Authority that the principle of the development has already been established with respect to historic application 21/00154/FUL, that (in highways terms) the changes to the conditions will not have a material impact, and that the conditions concerned relate to details of operation in respect of the consented development, were the Highway Authority to object to the proposals, doing so would not prevent the use already consented.

Condition 2 relates to a time limit of a 12 month consent.

This was not a condition suggested by the Highway Authority.

Condition 14 relates to windows associated with the development and is of no concern to the Highway Authority.

Condition 4 relates to hours of operation of the premises.

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This was not a condition suggested by the Highway Authority (This being determined by Members at Planning Committee).

Condition 5 relates to the management of the site and was not a condition suggested by the Highway Authority.

I do note the apparent change in level of use in that in respect of the historic application, it was stated that "Due to government restrictions I can only do one person at a time unless they are from the same household or bubble, therefore there will only be one visiting car parked on our drive which there is ample space for."

Whereas the current application form states that "I only have two chairs. One can have a client who is having a full colour treatment whilst the other could be a client for a dry trim. I have two chairs and two nominated parking spaces."

The applicant is stated as being the sole employee at the premises; considering the proposals pragmatically, it is unlikely that this 'twin client' arrangement would be the case throughout the entire working day of the premises, and as previously stated, it is also unlikely that every customer would arrive by car, some would be on foot, or would arrive by other means

Conclusion:

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

To be clear, 'severe' does not relate to highway parking, but the consequences of congestion as a result of the traffic effects arising from the development. The development is not of a size and type that it will likely have a severe impact upon the surrounding highway network.

Whilst the scheme would potentially increase the number of vehicles accessing the street, it remains 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.

5.2. Environmental Services (Health – Pollution):

I understand that the application is to vary the recently granted planning permission where conditions 4 & 5 primarily relate to Environmental Health concerns.

Condition 4 currently restricts opening hours to 9:00-17:00 Monday to Saturday. The applicant considers these hours too restrictive and is seeking to extend them to Tuesdays and Wednesdays 09:00-18:00, Thursdays and Fridays 09:00-19:30 and Saturdays 09:00-17:00 with no working on Sundays, Mondays or Bank Holidays.

Condition 5 requires timed appointments to be used and records kept with a minimum of 15 mins between appointments.

The applicant has stated that the opening hours do not work as some of her clients are unable to access the business during the current working hours. Furthermore, the retention of client details has caused concern for the business although this is not specifically required under condition 5.

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We are aware that there were a number of objections for the original planning application and several issues were raised including noise related to the business operating and from clients arriving and leaving the salon. Complaints have been received by this department relating to noise but have not as yet been substantiated.

Recommendations and conclusions:

We have no objections in principle to the revised opening hours as long as the business operates as suggested within the application documents and is well managed. We would remind the applicant however, that the granting of planning permission does not confer immunity from statutory nuisance legislation. If the Council receive complaints relating to noise or other statutory nuisance, we have a duty to investigate and to take enforcement action in the event that a statutory nuisance is identified.

We would also recommend that no deliveries relating to the business are made outside of the proposed hours.

We have no objections to condition 5 being reworded to make the requirement clearer or more precise. Records of appointments should be kept demonstrating that the numbers of customers seen in one day are controlled appropriately but this does not specifically require the retention of personal client data. These types of records are also generally kept for accounting purposes. In our opinion, an alternative would be to condition a maximum number of appointments available or maximum number of clients that could be served in a particular day. However, this could end up being more restrictive for the business as different types of appointments will last for varying amounts of time.

It is considered appropriate for the number of clients or appointments in a day to be controlled to limit the impact on the neighbouring amenity, particularly if clients end up waiting during busy periods as there is no waiting area available within the premises.

6. Relevant Policies:

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

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

- CP1(a). Presumption in Favour of Sustainable Development
- CP3 Placemaking Principles
- CP4 Character and Context
- CP9 Delivering a Sustainable Economy
- CP13 Retail and Leisure Outside Defined Centres
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- T10 Access for Disabled People

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Type: Variation and removal of conditions

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core_Strategy_ADOPTED_DEC_2016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Character and Residential Amenity

7.3. Highways Matters

7.4. Summary

7.1. Principle of Development

The principle of development has been accepted by the existing permission. To approve the current application would create a new permission independent of the existing one and the question for members is whether the proposed variations to the conditions imposed on the existing permission are acceptable, whether the proposed variations should be modified using different conditions, or whether the proposed variations should be refused.

As with the previous application, the use of the site as a hairdressing salon primarily affects residential amenity and the highway network and a discussion of each follows with regard to conditions 4, 5 and 14. With regard to Condition 2 which relates to the temporary permission already granted, members should consider whether during the operation of the business so far it has been established that the use can operate satisfactorily and that it can continue to do so if permission is granted permanently.

7.2. Character and Residential Amenity

Adopted policy CP4 Character and Context seeks to ensure a good relationship between development and the local area. Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy

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or light, massing, emissions, pollution, parking and traffic generation. The policy is supported by the National Planning Policy Framework (NPPF), which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

The suggested variations to conditions 4 and 5, affecting the business's opening hours and the management of appointments, would increase the potential for the overall number of customers and the amount of activity likely to be generated by the business during the day, and would increase the amount of time the business is able to operate on some days – until 6pm Tuesdays and Wednesdays and 7.30pm on Thursdays and Fridays, although no business would be conducted on Mondays as is currently permitted.

The activity associated with the business is generally noise from conversation, hair drying equipment and the comings and goings of customers and vehicle movements as they arrive and leave. It is likely that proposed variations to these two conditions would result in increased activity in terms of the total number, frequency and concentration of customers and the amount of time that the business would be operating for when compared with the existing permission. This would increase the potential for harm to residential amenity from general activity and disturbance to occur.

The test contained in local plan policy is whether or not harm to residential amenity is considered to be "unacceptable" and members should come to their own view on this.

My opinion is that the proposed variations open the potential for unacceptable harm to occur, but that situation can be avoided through the use of further conditions limiting the business to a specific number of business hours or number of customers. Members may wish to consider whether it would be appropriate to limit the overall number of customers in any one day in place of the current requirement for 15-minute intervals between appointments, or to limit the total hours of operation in a given week or day.

It should also be borne in mind that the effect of the proposed removal of condition 2 would be to approve the use on a permanent basis. The use is currently allowed until July 2022. I suggest that if members are minded to permit this application a further time limit of one year be imposed to allow the operation to be monitored and assessed.

With regard to condition 14, the side window inside the salon has been obscurely glazed and the handle removed to prevent it being opened (see picture below). The removal of condition 14 would allow the window to be returned to its former condition. This would have implications for residential amenity in that it would likely increase the amount of noise experienced by residents immediately adjacent and would also allow any odours associated with the business, from hair treatment products for example, to escape the building more easily. It is also possible that some mutual overlooking between the window in question and a first-floor side facing window at the adjacent plot to the north would occur, although the relationship between the two is not direct and any overlooking would be relatively limited.

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Overall, the proposed variations would increase the potential for harm to residential amenity. The question for members to consider is therefore whether this increase could reasonably be described as constituting “unacceptable harm” as specified in policy GD5, whether the use would remain compatible with the surrounding residential area, or if it can be made acceptable through the further use of planning conditions. My opinion is that the proposal can be made acceptable through the use of conditions imposing a time limit on the permission itself and restrictions on opening hours, business deliveries to the site and/or customer numbers, as well as the conditions attached to the previous permission, (see section 8.3 below).

7.3. Highways Matters

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. The site has capacity for 3 cars and there are no parking restrictions on the street. The conditions relating to the parking area imposed through the previous permission have not been formally discharged, but the work required appears to have been completed and an application to discharge the conditions has recently been received. The Highway Authority make no objection to the development in principle, and my opinion is that sufficient parking for the residential and business elements of the site is available and that the highway network is capable of accommodating the traffic and parking levels generated by the development including any increase in business resulting from the proposed variations. Any increase in traffic or parking demand is treated here as an amenity issue rather than a highway safety issue.

7.4. Summary

The principle of development has already been accepted by the existing permission on the site which remains effective until July 2022. The proposed variations to the permission would increase the potential for harm to residential amenity to occur in my

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opinion and open the potential for the threshold of “unacceptable harm” to residential amenity to be reached, which would conflict with local plan policy GD5.

However, through the use of revised planning conditions, my opinion is that the threshold for “unacceptable harm” can be avoided and the use can be limited to one that remains appropriate for its residential context. The situation would also be monitored by the new temporary period permitted under condition 2.

The conditions subject of this application may be worded as follows, as a basis for discussion. The other conditions would be repeated as per the original planning permission:

Condition 2: The use hereby permitted shall be discontinued and the dwellinghouse restored to its former residential use only on or before 16.12.2022, unless an application to continue the use has been made to the Local Planning Authority and is under consideration.

Reason: To enable the Local Planning Authority to assess the effects of the use over a temporary period and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Condition 4: No customers shall remain on the premises outside the hours of 9am to 6pm on Tuesdays and Wednesdays, 9am to 7pm Thursdays and Fridays and 9am to 5pm on Saturdays. The hairdressing business shall not operate on Sundays, Mondays and bank holidays.

Reason: To safeguard the residential amenity of nearby occupiers and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Condition 5: The hairdressing business shall operate on an appointment-only basis with a maximum of ten appointments on any given day. A record shall be kept of the appointments and shall be made available to view by Council staff if required.

Reason: To ensure the level of activity generated by the business remains compatible with the site's residential context to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Condition 14: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), the side-facing ground-floor window in the site's north elevation that serves the hairdressing salon shall be permanently maintained as non-opening and obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

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8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed variations would increase the potential for harm to residential amenity resulting from the operation of the business. In the opinion of the Local Planning Authority this increase can be addressed through the use of the following planning conditions to prevent the threshold of “unacceptable harm” being reached.

8.3. Conditions:

1. Standard plans condition

Reason: For the avoidance of doubt.

2. Temporary permission for a year

Reason: To allow for assessment the impact of the proposed variations.

3. Restriction of use to single operative hairdressers.

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

4. Restriction of opening hours.

Reason: In the interests of residential amenity.

5. Appointment management/customer numbers restriction.

Reason: In the interests of residential amenity.

6. Retention of waste management arrangements

Reason: In the interests of residential amenity.

7. Parking area retention.

Reason: In the interests of highway safety.

8. Footway crossing retention.

Reason: In the interests of highway safety.

9. No adverts.

Reason: In the interests of visual and residential amenity.

10. Use restriction to hairdressing salon.

Reason: To prevent an unrestricted change of use to an alternative use within Class E.

11. Use to only take place in the converted garage.

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

12. Retention/provision of disabled access.

Reason: To ensure the site is accessible to all users.

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13. Retention of cycle parking

Reason: To promote sustainable travel.

14. Non-opening obscure glazed side window

Reason: In the interests of residential amenity.

15. Retention of screening to entrance.

Reason: In the interests of residential amenity.

16. No business deliveries outside of business hours.

Reason: In the interests of residential amenity.

8.5. Application timescale:

The determination period ends on 06/01/2022



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Committee Report Item No: 2

Application No: 21/01356/FUL

Type: Full Application

1. Application Details

1.1. Address: Units D And E, Kingsway Park Close, Derby

1.2. Ward: Mackworth

1.3. Proposal:

Change of use from storage and distribution (Use Class B8) to mixed use storage and distribution (Use Class B8) with retail sales (Use Class E)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/01356/FUL>

Brief description

Permission is sought for the change of use of the western half of the building from storage and distribution to retail use, resulting in the creation of a retail unit with a floor area of approximately 720 sq.m. Customer parking and access would be immediately in front of the unit. It is understood that the proposed use has commenced.

2. Relevant Planning History:

Application No:	08/07/01499	Type:	Full Application
Decision:	Granted Conditionally	Date:	17/12/2007
Description:	Change Of Use From Storage/Distribution (Use Class B8) To Church (Use Class D1) And Formation Of Car Parking Area And Cycle Storage		
Application No:	08/02/01161	Type:	Full Application
Decision:	Granted	Date:	30/09/2002
Description:	Alteration of Existing Canopy to Unit E, Removal of Landscaped Areas to Provide Additional Hardstanding Areas and Erection of Fencing to Service Yard Area		

3. Publicity:

Neighbour Notification Letter

Site Notice

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

4. Representations:

This application is being reported to committee at the formal request of Cllr. Pegg.

5. Consultations:

5.1. Highways Development Control:

Observations:

The application proposes the change of use from storage and distribution to incorporate retail sales under use class E.

The pre-application advice given in respect of this site requested the submission of a Transport Statement to assess the potential change in trip generation at the location. The statement provides a rough estimation but does not provide a methodology of how this figure has been derived. Using the TRICS survey database focusing on independent retail stores, the retail side of the development is likely to produce a maximum of 14 2-way trips in the midday peak. The minimal impacts in the am and pm peaks are likely to be mitigated by the reduction in B8 land use. The parking provision incorporates cycle parking, staff and visitor parking as well as accessible spaces.

The highway layout will likely change because of the Highways England A38 Derby Junctions scheme. The applicant should be aware of this. The changes proposed will mean that a new priority junction will be provided where the existing bend is sited to create access to the Kingsway A38 junction.

The lighting design shows the lighting to be 'down lights' that illuminate the exterior of the building and under canopies. It demonstrates that the lighting will not cause adverse effect to passing motorists. It is also noted that the store will close at 5.30pm and the lighting will be switched off at this time.

Recommendation:

The Highway Authority has no objections to the application subject to the suggested conditions below.

Conditions:

Condition 1: No part of the development hereby permitted shall be brought into use until the parking and servicing areas are provided in accordance with the approved Block plan. The parking and servicing areas shall not be used for any purpose other than parking, loading and unloading of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

Condition 2: No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on the submitted block plan has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

Condition 3: The means of illumination shall be screened and maintained, so that the light source is not visible to drivers on the public highway.

Reason: To protect drivers from glare resulting from uncovered light sources near the public highway.

5.2. Highways Land Drainage:

Updated comments of 10/09/2021:

The site is supported by a revised FRA which informs the use and occupation of the development. As such I have no objection to this development in terms of flood risk providing the recommendations of the FRA are observed.

6. Relevant Policies:

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

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

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP9 Delivering a Sustainable Economy
- CP10 Employment Locations
- CP12 Centres
- CP13 Retail and Leisure Outside of Defined Centres
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- T10 Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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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 National Planning Policy Framework (NPPF) is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Land Drainage and Flood Risk

7.3. Highways Matters

7.1. Principle of Development

The proposed change of use would result in the establishment of a fairly large retail unit outside of the City's hierarchy of defined centres. For proposals for retail development outside of defined centres, policy CP13 requires applicants to demonstrate that:

“there are no sequentially preferable sites or units within an agreed defined catchment area that could accommodate the proposal. First preference should be for appropriate centres in the hierarchy, followed by edge-of-centre sites and then existing out-of-centre retail parks or premises”

This is underpinned by the NPPF which states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered [paragraph 87]

“Where an application fails to satisfy the sequential testit should be refused [paragraph 91]”.

The site is immediately to the north of Kingsway Retail Park (see below), which is an existing out-of-centre retail park in terms of CP13 and is considered to be a sequentially preferable retail location. Two of the retail park's retail units are vacant and the land agent has confirmed that the units are available to let and are being actively marketed.

It is therefore considered that suitable accommodation for the proposed use that would accord with the Council's retail strategy is available, and that the sequential test has not been satisfied, thereby conflicting with policy CP13 and the NPPF, which states that such applications should be refused.



The site is within an area allocated in the local plan as employment land. Local plan policy CP10 allows for the loss of employment land for alternative uses under certain circumstances. In this case, while part of the site would remain as a warehouse, the conversion of the other half of the building to retail use would result in the loss of a unit from the overall supply of employment land and buildings.

Policy CP10 allows for such losses where it can be demonstrated that:

- The alternative use would benefit the economy of the city or other strategic objectives of the Plan;
- Existing land or buildings no longer meet modern requirements and that they have been adequately marketed for employment use for a reasonable period of time.

The proposal, as detailed above, would not benefit the strategic retail objectives of the Plan, and there has been no evidence provided to show that the land or buildings are not fit for purpose. The application documents suggest that the building has been recently refurbished. The proposal is therefore also in conflict with the requirements of policy CP10.

The application documents refer to financial viability as an important consideration in the site selection process. However, the relevant local plan policies make no reference to viability as a legitimate consideration and no robust evidence around viability has been provided. To accept the proposed development for that reason would therefore have no basis in policy. The application documents also refer to the desirability of the location of the retail unit close to the existing warehouse. However, this desirability

appears to be based on logistical convenience and can be given little weight in my opinion.

The proposed retail element of the scheme is of a scale that could be operated as a stand-alone unit, and as a proportion of the overall floorspace involved, the proposed retail unit cannot be considered ancillary to the other elements of the business.

The potential benefits of the proposal are acknowledged, and the proposed use is likely to make a valuable economic contribution in an appropriate location. However, the local plan and NPPF are clear that where an application of this nature fails to satisfy the sequential test it should be refused in the interests of protecting the viability and vitality of the City's defined centres and to uphold the integrity of the Council's overall retail strategy as detailed in policies CP12 and CP13. It is also likely that the approval of a retail land use into an out-of-centre location could result in similar applications coming forward which would be more difficult to resist, further undermining the Council's retail strategy and the viability of the City's defined centres, particularly Kingsway Retail Park.

Overall, the proposed change of use would result in the loss of employment land which has not been justified, and the establishment of an out-of-centre retail use which would undermine the Council's retail strategy and the viability and vitality of the City's defined centres when suitable accommodation in a sequentially preferable location is available. The proposal therefore fails the sequential test and conflicts with policy CP13 and the NPPF which states that such applications should be refused.

7.2. Land Drainage and Flood Risk

As detailed above, the site is in an area considered to be at risk of flooding. An FRA has been submitted in support of the application and revised to incorporate the advice given by the Council's Land Drainage officers. Provided the recommendations of the FRA are implemented, the implications of the development for flood risk on the site and elsewhere are considered to be acceptable.

7.3. Highways Matters

As detailed above, and although the roads adjacent may be affected by the proposed changes to the A38 junction, the proposed use of the site would be acceptable in its effect on the highway network in terms of trip generation, parking and access.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To refuse planning permission

8.2. Reason for refusal:

The proposed change of use would result in the introduction of a retail use to an out-of-centre location when suitable accommodation in a sequentially preferable location is available. This would undermine the Council's overall retail strategy and the viability of the City's defined centres and would increase the potential for similar out-of-centre

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Type: Full Application

retail development around the site. The proposal therefore conflicts with policy CP13 of the Derby City Local Plan – Part 1: Core Strategy and paragraph 91 of the NPPF which states that such applications which fail to satisfy the sequential test should be refused. The loss of employment land has also not been justified as part of this submission and is, therefore, contrary to policy CP10 of the Derby City Local Plan – Part 1: Core Strategy.

8.3. Application timescale:

The determination period expired on 9.10.2021. An extension to the period has been requested.





**Delegated decisions made between
between 01/11/2021 and 30/11/2021**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00792/FUL	Full Application	Land At The Rear Of 298 Burton Road Derby DE23 6AD (access Off Warner Street)	Erection of a dwelling house (Use Class C3)	Refused	05/11/2021
19/01418/DISC	Compliance/Discharge of Condition	12 Davids Close Derby DE73 5SY	Single storey extension to dwelling (three bedrooms, lobby, bathroom, en-suite and conservatory), erection of a triple garage and boundary fence - Discharge of condition 3 of previously approved permission DER/06/18/00928	Discharge of Conditions Complete	22/11/2021
20/00937/FUL	Full Application	Land At Rykneld Road Derby DE23 4AN	Erection of a 66 No. Bed Care home for elderly people with associated parking, access, landscaping and associated ground works	Approval	11/11/2021
21/00209/FUL	Full Application	66 Ashbourne Road Derby DE22 3AF	Change of use from a six bedroom house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	03/11/2021
21/00285/FUL	Full Application	32 Otter Street Derby DE1 3FB	Installation of replacement windows to the front and rear elevations	Approval	11/11/2021
21/00671/TPO	Works to a tree with a TPO	66 Sancroft Road Derby DE21 7ET	Crown lift to give 5m clearance of the garden of an Oak Tree protected by Tree Preservation order No. 110	Approval	09/11/2021
21/00674/FUL	Full Application	Site Of Former South Garage Court Monyash Close Derby DE21 4NX	Erection of a bungalow (Use Class C3)	Approval	24/11/2021
21/00794/CAT	Works to Trees in a Conservation Area	22 Midland Place Derby	Felling of three Conifer trees, crown reduction of a Maple tree by 1.5m and height reduction	Approval	09/11/2021

		DE1 2RR	of a Bay tree to 2m within the Railway Conservation Area		
21/00873/FUL	Full Application	1 Moorgate Derby DE22 4HH	Two storey side and single storey rear extensions to dwelling house (study, utility, play room, storage, tea room, living space and shower room)	Refused	22/11/2021
21/00877/FUL	Full Application	30 Penny Long Lane Derby DE22 1AW	Side extension to dwelling house to form ancillary accommodation for relative (snug, lounge/kitchen/dining room, bedroom and ensuite bathroom)	Approval	26/11/2021
21/00878/FUL	Full Application	113 Warwick Avenue Derby DE23 6HJ	Alterations to roof and construction of dormers (two bedrooms and shower room)	Approval	25/11/2021
21/00912/OUT	Outline Application	Land At The Side Of 26 Lime Avenue Breadsall Hilltop Derby DE21 4GD	Residential development - one dwelling (Use Class C3)	Refused	01/11/2021
21/01029/FUL	Full Application	204 Rykneld Road Derby DE23 4AN	Erection of an outbuilding (pergola, gym, living space, office and shower room)	Approval	24/11/2021
21/01034/DISC	Compliance/Discharge of Condition	Ravensdale Infant And Nursery School Devonshire Drive Derby DE3 9HE	Erection of a replacement infant and nursery school building with alterations to the car parking and landscaping - Discharge of conditions 3, 4 and 5 of planning permission 21/00281/FUL	Discharge of Conditions Complete	12/11/2021
21/01036/FUL	Full Application	90 Normanton Road Derby DE1 2GH	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.	Approval	19/11/2021
21/01038/CAT	Works to Trees in a Conservation Area	13 Cornhill Derby DE22 2GG	Felling of a Conifer tree within the Allestree Conservation Area	Approval	09/11/2021

21/01093/FUL	Full Application	Five Lamps Dental Practice 26 Duffield Road Derby DE1 3BH	Change of use from dental practice (Use Class E) to six flats (Use Class C3) including first and second floor rear extensions, rear dormer, alterations to windows and installation of roof lights	Refused	05/11/2021
21/01111/FUL	Full Application	1 The Hollow Mickleover Derby DE3 0DG	Replacement of existing flat roof with a gabled roof and erection of an outbuilding (garden room)	Approval	17/11/2021
21/01112/LBA	Listed Building Consent - Alterations	1 The Hollow Mickleover Derby DE3 0DG	Alterations to include replacement of flat roof with gable roof, refurbishment works and replacement first floor window	Approval	24/11/2021
21/01128/NONM	Non-Material Amendment	392 Kedleston Road Derby DE22 2TF	Two storey side extension to dwelling house and loft conversion including rear dormer extension (garage, utility, two bedroom with en-suites, study and enlargement of kitchen) - Non-material amendment to previously approved planning permission 20/00721/FUL to amend the dormer wall	Approval	11/11/2021
21/01132/FUL	Full Application	472 Kedleston Road Derby DE22 2NE	Three storey and single storey front extensions to dwelling house (family room, bedroom with a partial basement garage)	Approval	03/11/2021
21/01156/TPO	Works to a tree with a TPO	The Oddfellows Hall 32 Charnwood Street Derby DE1 2GU	Pollarding to be carried out every three years and removal of shoots to a height of 2.5m to be carried out annually for a period of 10 years of 12 Lime trees protected By Tree Preservation Order No. 286	Approval	19/11/2021
21/01172/FUL	Full Application	44 Darley Park Road Derby DE22 1DA	Single storey rear extension to dwelling house with log burner flue	Approval	18/11/2021
21/01186/FUL	Full Application	46 Evans Avenue Derby DE22 2EN	First floor side extension to dwelling house and alterations to the existing front porch	Approval	18/11/2021
21/01205/FUL	Full Application	205 Nottingham Road Spondon	Two storey side extension to dwelling house (store and office)	Approval	02/11/2021

		Derby DE21 7GZ			
21/01244/FUL	Full Application	Land At Kingsway Derby (adjacent To Cannock Court)	Installation of a street hub	Approval	24/11/2021
21/01245/FUL	Full Application	Land At Derby Lane Derby (adjacent To B&M Bargains)	Installation of a street hub	Approval	24/11/2021
21/01247/FUL	Full Application	Land At London Road Derby (adjacent To Poundland)	Installation of a street hub	Approval	24/11/2021
21/01253/FUL	Full Application	Land At London Road Derby (adjacent To The Co-Operative Food)	Installation of a street hub	Approval	25/11/2021
21/01254/FUL	Full Application	Land At East Street Derby (adjacent To Phone Planet)	Installation of a street hub	Approval	25/11/2021
21/01257/ADV	Advertisement Consent	Land At Derby Lane Derby (adjacent To B&M Bargains)	Display of two internally illuminated digital display screens	Approval	24/11/2021
21/01258/ADV	Advertisement Consent	Land At London Road Derby (adjacent To Poundland)	Installation of two internally illuminated digital display screens	Approval	24/11/2021
21/01260/ADV	Advertisement Consent	Land At Osmaston Road Derby (adjacent To Phone Unlocks)	Display of two internally illuminated digital display screens	Approval	24/11/2021
21/01263/ADV	Advertisement Consent	Land At Osmaston Road Derby (adjacent To Ladbrokes)	Display of two internally illuminated digital display screens	Approval	25/11/2021
21/01279/PNRT	Prior Approval - Telecommunications	Land At Ashbourne Road Derby DE22 4DN	Installation of a telecommunications base station consisting of a 20m monopole supporting 3 no antenna, 2 no 300mm dishes, 1 no cabinet with ancillary development	Approval	02/11/2021

			thereto.		
21/01282/FUL	Full Application	6 Spenbeck Drive Derby DE22 2UH	Demolition of existing garage, single storey side and rear extension. Formation of a balcony with privacy screen to rear at first floor level	Approval	30/11/2021
21/01292/FUL	Full Application	69 St Peters Street Derby DE1 2AB	Change of use of first and second floors of existing building (retail storage) to Sui Generis (bar)	Approval	09/11/2021
21/01298/FUL	Full Application	46 Brayfield Road Derby DE23 6GT	Single storey rear extension to dwelling (living room/kitchen) and formation of rooms in roof space (2 bedrooms and 2 en-suites) and installation of front and rear dormers	Approval	23/11/2021
21/01301/FUL	Full Application	Unifrax Derby 27 Shaftesbury Street Derby DE23 8LW	Installation of dust extraction and bag filter plant	Approval	02/11/2021
21/01336/FUL	Full Application	234 St Thomas Road Derby DE23 8SY	Change of use from dwelling house to four apartments (Use Class C3) including installation of a rear dormer and single storey rear extension	Approval	17/11/2021
21/01338/FUL	Full Application	74 Foremark Avenue Derby DE23 6JR	First floor side extension to dwelling house (bedroom and enlargement of bedroom)	Approval	26/11/2021
21/01342/FUL	Full Application	61 Grange Road Derby DE24 0JY	Two storey side and single storey side and rear extensions to dwelling house (double garage, utility, shower room, living space, bedroom and en-suite)	Approval	04/11/2021
21/01346/FUL	Full Application	Units D And E Chequers Business Park Chequers Lane Derby DE21 6AW	Erection of single storey garage unit	Approval	29/11/2021
21/01358/FUL	Full Application	3 Forester Street Derby DE1 1PP	Sub-division of dwelling house to form two flats (Use Class C3) including alterations to the fenestration to the rear elevation	Approval	01/11/2021

21/01361/FUL	Full Application	10 Oadby Rise Derby DE23 1LX	Single storey rear extension to dwelling house (bedroom and wet room)	Approval	01/11/2021
21/01376/FUL	Full Application	31 Mundy Street Derby DE1 3PS	Two storey side and single storey rear extensions to dwelling house (cloakroom, shower room, utility, kitchen/sitting area, en-suite and enlargement of bedroom)	Refused	03/11/2021
21/01398/FUL	Full Application	11 East Close Derby DE22 2BS	Extension to dwelling (lounge, bedroom and en-suite) including the installation of a dormer and new first floor side elevation window to form room in the roof space	Approval	26/11/2021
21/01401/FUL	Full Application	58 Gleadmoss Lane Derby DE21 2BP	Two storey side extension to dwelling house (two bedrooms and enlargement of kitchen)	Approval	18/11/2021
21/01402/FUL	Full Application	152 Victory Road Derby DE24 8EN	Erection of plant room	Approval	09/11/2021
21/01406/FUL	Full Application	9 Woodcote Way Derby DE23 3WR	Erection of a gazebo	Approval	08/11/2021
21/01407/TPO	Works to a tree with a TPO	65 Fieldsway Drive Derby DE21 4QN	Felling of a group of trees protected by Tree Preservation Order no. 149	Refused	18/11/2021
21/01415/CLP	Lawful Development Certificate -Proposed	Room 111 The Old Courthouse 18 - 22 St Peters Churchyard Derby DE1 1NN	Use of premises as a private hire vehicle operator office (Use Class E(g))	Approval	18/11/2021
21/01450/FUL	Full Application	70 Gladstone Street Derby DE23 6PQ	Extensions to dwelling house (hall/passageway, 2 shower rooms and enlargement of kitchen/dining room)	Approval	09/11/2021
21/01454/FUL	Full Application	Units 8 - 11 Northedge Business Park Alfreton Road	Change of use from B1(a), B1(bc) and B1(c) to: mixed use. of B2 (General industrial), B8 (Storage or Distribution), E(g)(i) (Offices, to	Approval	04/11/2021

		Derby DE21 4BN	carry out any operational or administrative functions), E(g)(ii) (Research and development of products or processes) and E(g)(iii) (industrial processes); new surfacing and 2.4m high fenced compound.		
21/01462/FUL	Full Application	31 Pear Tree Road Derby DE23 6PZ	Change of use of ground floor from Education Training Centre (Use Class F1(a) to Hot Food Shop (Sui Generis), alterations to shop front and installation of an extraction flue to rear elevation.	Approval	25/11/2021
21/01466/VAR	Variation of Condition	Unit 8 Wyvern Retail Park Wyvern Way Derby DE21 6NZ	Variation of condition 7 of previously approved planning permission code no. 01/14/00063 to amend the range of goods that can be sold from the premises	Approval	10/11/2021
21/01474/FUL	Full Application	9 Lens Road Derby DE22 2NB	Single storey front and rear extensions to dwelling and raising of the roof height of the existing single storey rear projection	Approval	09/11/2021
21/01481/FUL	Full Application	37A Corn Market Derby DE1 2DG	Change of use of first and second floors from restaurant (Use Class E) to eight apartments (Use Class C3) including installation of a new door and window to the rear elevation, bin store and re-location of air conditioning units	Approval	03/11/2021
21/01482/LBA	Listed Building Consent - Alterations	37A Corn Market Derby DE1 2DG	Alterations in association with the change of use of first and second floors from Restaurant (Use Class E) to eight apartments including installation of a new door and window to the rear elevation, re-location of air conditioning units, alterations to signage and installation of pods. lobby areas and modular kitchens	Approval	04/11/2021
21/01499/DISC	Compliance/Discharge of Condition	'Becketwell', Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of	Discharge of Conditions Complete	12/11/2021

			appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT - Discharge of condition No 2 of previously approved permission 20/01076/RES		
21/01508/DISC	Compliance/Discharge of Condition	20 Chequers Road Derby DE21 6EL	Change of use from cattle market to car sales (Sui Generis) and installation of a smart repair unit - Discharge of conditions 3, 5 and 6 of planning permission 21/00221/FUL	Discharge of Conditions Complete	08/11/2021
21/01509/FUL	Full Application	Unit 1 Newmarket Court Derby DE24 8NW	Construction of a new mezzanine at first floor level and insertion of a new window, fire escape door and external fire escape staircase	Approval	04/11/2021
21/01510/FUL	Full Application	39 Bank View Road Derby DE22 1EL	Single storey rear extension to dwelling house	Approval	04/11/2021
21/01517/DISC	Compliance/Discharge of Condition	Market Hall Albert Street Derby DE1 2DB	Roof repair works to include a new patent glazing system to the ridge, new ventilation louvres and re-fixing of existing finials. New liquid roof finish to replace existing. Removal of the existing roof access ladder and installation of new ridge and gutter safety walkways and access ladders. Installation of new internal stairs at first floor with new dormer to access roof - Variation of condition 2 of previously approved planning permission 19/01783/FUL to amend the smoke vent louvres and walkway access ladder - Discharge of conditions 3 and 4 of planning permission 21/00715/VAR	Discharge of Conditions Complete	01/11/2021
21/01522/FUL	Full Application	Land To Rear Of Unit 1 134 Elton Road Derby DE24 8EG	Erection of Workshop unit to be used in connection with existing use (Cliffmere Auto Centre)	Approval	26/11/2021
21/01524/FUL	Full Application	11 Glossop Street Derby DE24 8DU	Two storey rear and single storey front and rear extensions to dwelling house (hall, two bedrooms, shower room, utility, balcony and	Approval	08/11/2021

			enlargement of kitchen) and installation of a new window to the first floor side elevation		
21/01525/FUL	Full Application	324 Duffield Road Derby DE22 1EQ	Roof alterations to include raising of the roof height, installation of a rear dormer and first floor side elevation window to form rooms in the roof space (bedroom and en-suite)	Approval	24/11/2021
21/01531/FUL	Full Application	9 Poplar Close Derby DE24 0PH	Single storey side and rear extensions to dwelling house (canopy, bedroom and wet room)	Approval	17/11/2021
21/01536/DISCLB	Compliance/Discharge of Condition LB	Market Hall Albert Street Derby DE1 2DB	Alterations to include new smoke louvre design to lantern and associated building services works, new ladder access up to gantry walkway at lantern, new edge protection to flat roof, replacement valley gutter walkway grilles and interior redecoration works - Discharge of condition 3 of Listed Building Consent application 21/0660/LBA	Discharge of Conditions Complete	03/11/2021
21/01539/DISC	Compliance/Discharge of Condition	The Obis Building Riverside Road Derby DE24 8HY	Alterations to elevations to include new windows, double doors, external ramp and stairs - Discharge of condition 3 of previously approved permission 21/00253/FUL	Discharge of Conditions Complete	03/11/2021
21/01540/FUL	Full Application	43 Murray Road Derby DE3 9LD	Single storey side and rear extensions to dwelling house (utility, W.C., sun room and garage)	Approval	22/11/2021
21/01550/FUL	Full Application	139 Duffield Road Derby DE22 1AF	Part demolition of existing garden wall, erection of detached garage and associated walls to either side.	Approval	09/11/2021
21/01557/FUL	Full Application	52 Jackson Avenue Derby DE3 9AT	Single storey side and rear extensions to dwelling house (living space, shower room and enlargement of kitchen/dining area)	Approval	03/11/2021
21/01559/FUL	Full Application	27 Charnwood Street Derby DE1 2GU	Change of use from social club to 'hub building' to carry out various support services (Sui Generis) together with alterations to include installation of replacement front gate and new front door to infill existing porch area	Approval	26/11/2021

21/01561/TPO	Works to a tree with a TPO	Grove House 207 Morley Road Derby DE21 4TB	Crown lift to 3m from ground level and removal of deadwood of two Maple trees protected by Tree Preservation Order no. 42	Approval	01/11/2021
21/01562/FUL	Full Application	81 Moor Street Derby DE21 7EB	Single storey rear extension to dwelling house (family room)	Approval	02/11/2021
21/01578/DISC	Compliance/Discharge of Condition	The Bungalow 24 Parkfields Drive Derby DE22 1HH	Erection of an additional storey to bungalow to form a dwelling house - Discharge of conditions 3, 4 and 5 of planning permission 21/00758/FUL	Discharge of Conditions Complete	08/11/2021
21/01583/FUL	Full Application	3 Vicarage Road Mickleover Derby DE3 0EA	Single storey rear extension to restaurant (storage), revised location of rear entrance staircase and first floor entrance door - retrospective application	Approval	09/11/2021
21/01584/FUL	Full Application	15 Daventry Close Derby DE3 0QT	Two storey rear and single storey front extensions to dwelling house (office, W.C. and enlargement of bathroom)	Approval	03/11/2021
21/01590/FUL	Full Application	51 Moorway Lane Derby DE23 2FR	Two storey rear extension to dwelling house (sitting room, two bedrooms with en-suites and enlargement of kitchen)	Approval	19/11/2021
21/01591/FUL	Full Application	28 Cheviot Street Derby DE22 3EX	Two storey side extension to dwelling house (garage and two bedrooms)	Approval	10/11/2021
21/01592/FUL	Full Application	850 - 852 London Road Derby DE24 8WA	Single storey extension to storage warehouse and installation of cladding	Approval	26/11/2021
21/01593/FUL	Full Application	Community Centre Normanton Park Warwick Avenue Derby DE23 8DA	Erection of a building	Approval	23/11/2021
21/01595/FUL	Full Application	Telecommunications Mast Knightsbridge Derby	Erection of a replacement 20m high monopole and ancillary development	Approval	08/11/2021

DE22 4GH

21/01599/TPO	Works to a tree with a TPO	The Yews 2 Church Street Alvaston Derby DE24 0PR	Removal of epicormic growth and trim to shape of a Yew tree. Removal of deadwood, crown lift to 3m and reduction of lower limb overhanging car park by 3m of a Cedar tree protected by Tree Preservation Order No 176	Approval	01/11/2021
21/01605/TPO	Works to a tree with a TPO	2 Rowley Lane Derby DE23 1FT	Felling of a Cedar tree protected by Tree Preservation Order No. 467	Approval	30/11/2021
21/01608/FUL	Full Application	39 South Avenue Littleover Derby DE23 6BB	Single storey front extension to dwelling house	Refused	01/11/2021
21/01611/CLP	Lawful Development Certificate -Proposed	32 West Drive Derby DE3 0EX	Single storey side and rear extensions to dwelling house (office, family room and enlargement of kitchen)	Refused	09/11/2021
21/01612/FUL	Full Application	14 Sundown Avenue Derby DE23 1GY	Two storey rear and single storey side extensions to dwelling house (day room/treatment room, bedroom, bathroom and enlargement of lounge and kitchen)	Approval	10/11/2021
21/01615/FUL	Full Application	2 Greenwich Drive North Derby DE22 4AB	Two storey and single storey side extensions to dwelling house (store, office, kitchen, garage, two bedrooms and bathroom)	Approval	18/11/2021
21/01620/FUL	Full Application	63 Grange Road Derby DE24 0JY	Single storey side extension to dwelling house (garage, shower room, utility and enlargement of kitchen/family room)	Approval	09/11/2021
21/01621/FUL	Full Application	Aldi 9 Burton Road Derby DE1 1TG	Erection of a 2m high boundary fence	Approval	10/11/2021
21/01624/FUL	Full Application	69 Haydn Road Derby DE21 4HS	Single storey rear extension to dwelling house (kitchen/sitting area) and formation of raised patio area	Approval	10/11/2021
21/01627/FUL	Full Application	1 Haddon Close	Single storey side and rear extensions to	Approval	10/11/2021

		Derby DE22 2LU	dwelling house (garage, W.C., utility room, lobby and enlargement of kitchen and dining space)		
21/01629/TPO	Works to a tree with a TPO	Land Surrounding Hall Park Close Complex Hall Park Close Derby DE23 6GY	Various works to trees protected by Tree Preservation Order No 37	Application Withdrawn	15/11/2021
21/01634/TPO	Works to a tree with a TPO	Land Between Pastures Hill And Cloudwood Close Derby DE23 5SJ	Various works to trees protected by Tree Preservation Order No 30	Application Withdrawn	15/11/2021
21/01635/CAT	Works to Trees in a Conservation Area	42 And 44 Ashbourne Road Derby DE22 3FL	Felling of Field Maple tree, removal of a dead tree and crown reduction by 1m of Apple and Cherry trees within the Friar Gate Conservation Area	Approval	01/11/2021
21/01637/CAT	Works to Trees in a Conservation Area	Land Surrounding The Beeches Complex Gascoigne Drive Derby DE21 7GL	Various works to trees within the Spondon Conservation Area	Approval	01/11/2021
21/01639/FUL	Full Application	20 Castleland Way Derby DE73 5XU	Single storey rear extension to dwelling house (enlargement of kitchen and family space)	Approval	10/11/2021
21/01642/CLP	Lawful Development Certificate -Proposed	23 Spinney Road Chaddesden Derby DE21 6HW	Single storey side/rear extension to dwelling (lounge and kitchen)	Refused	16/11/2021
21/01647/FUL	Full Application	24 Wheathill Grove Derby DE23 3XW	Single storey rear extension to dwelling house (enlargement of kitchen and dining room)	Approval	10/11/2021
21/01650/FUL	Full Application	119 Pear Tree Street Derby DE23 8PL	Two storey and single storey rear extensions to dwelling house (kitchen, utility, shower room and enlargement of bedroom). Roof alterations including installation of front and rear dormers to form rooms in the roof space	Approval	16/11/2021

			(bedroom and en-suite) and conversion and alterations to outbuilding to dependant relative accommodation		
21/01651/FUL	Full Application	8 Mackenzie Street Derby DE22 3DD	Single storey rear extension to dwelling house (enlargement of kitchen/diner and bathroom)	Approval	16/11/2021
21/01654/FUL	Full Application	51 Friary Avenue Derby DE24 9DD	Single storey side/rear extension to dwelling house (conservatory)	Approval	17/11/2021
21/01656/CLP	Lawful Development Certificate -Proposed	11 Amber Road Derby DE22 2QB	Roof alterations to include a hip to gable conversion, installation of a roof light to the front elevation, a rear dormer and a new first floor side elevations window	Approval	18/11/2021
21/01662/FUL	Full Application	42 Whinbush Avenue Derby DE24 9DP	First floor side/rear extension to dwelling house (bedroom) and installation of a replacement flat roof to the existing single storey rear projection	Refused	03/11/2021
21/01664/FUL	Full Application	Land At The Side Of 65 Finchley Avenue Derby DE22 4EU	Erection of a dwelling house (Use Class C3)	Refused	19/11/2021
21/01665/TPO	Works to a tree with a TPO	St Katherines Court Bass Street Derby DE22 3BR	Various works to trees Protected by Tree Preservation Order No. 133	Approval	19/11/2021
21/01667/FUL	Full Application	6 Maypole Lane Derby DE23 4BQ	Single storey front extension to dwelling house (enlargement of lounge, hallway and garage) and the addition of taupe light grey cladding to the front elevation	Approval	11/11/2021
21/01670/PNRH	Prior Approval - Householder	42 Ilford Road Derby DE22 4FT	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	11/11/2021
21/01671/ADV	Advertisement Consent	7 Mallard Way Derby	Display of two internally illuminated fascia signs	Approval	11/11/2021

		DE24 8GX			
21/01673/CAT	Works to Trees in a Conservation Area	4 And 4A Siddals Lane Derby DE22 2DY	Crown lift up to 2.5m of a Yew tree and crown reduction to a maximum of 1.5m of a Eucalyptus tree within the Allestree Conservation Area	Approval	29/11/2021
21/01677/FUL	Full Application	6 Otter Street Derby DE1 3FB	Single storey side and rear extensions to dwelling house (enlargement of kitchen/dining space)	Approval	16/11/2021
21/01679/TPO	Works to a tree with a TPO	Rhuig 17 Penny Long Lane Derby DE22 1AX	Crown lift to remove the lowest six branches of a Cedar tree protected by Tree Preservation Order no. 462	Approval	19/11/2021
21/01681/FUL	Full Application	13A Church Lane Darley Abbey Derby DE22 1EX	Roof alterations to include raising of the roof height and installation of two rear dormer windows to form rooms in the roof space (bedroom and en-suite)	Approval	22/11/2021
21/01685/CLP	Lawful Development Certificate -Proposed	4 Rochley Close Derby DE21 2AU	Single storey side extension to dwelling house (enlargement of kitchen)	Approval	19/11/2021
21/01687/DISC	Compliance/Discharge of Condition	Fields Farm Duffield Road Derby DE22 2ES	Two storey side extension to dwelling house (annexe accommodation) with balcony - Discharge of condition 3 of previously approved application code No. 21/00267/FUL	Discharge of Conditions Complete	02/11/2021
21/01689/FUL	Full Application	Tall Trees Lime Lane Derby DE21 4RF	Installation of a new roof to the existing conservatory	Approval	22/11/2021
21/01692/CLP	Lawful Development Certificate -Proposed	29 Abbey Hill Road Derby DE22 2PT	Single storey rear extension to dwelling house	Approval	24/11/2021
21/01694/TPO	Works to a tree with a TPO	9 Buckminster Close Derby DE21 2EA	Felling of a Sycamore tree protected by Tree Preservation Order no. 124	Approval	19/11/2021
21/01695/TPO	Works to a tree with a TPO	396C Duffield Road	Felling of a Conifer tree protected by Tree	Approval	29/11/2021

		Derby DE22 1ES	Preservation Order no. 212		
21/01698/FUL	Full Application	31 Cobden Street Derby DE22 3GX	Single storey side/rear extension to dwelling house (utility, bathroom and enlargement of kitchen and dining area)	Approval	26/11/2021
21/01700/FUL	Full Application	3 St Mellion Close Derby DE3 9YL	Two storey front and single storey rear extensions to dwelling house. Installation of front and rear dormers to form rooms in the roof space	Approval	26/11/2021
21/01716/FUL	Full Application	51 White Street Derby DE22 1HB	Single storey rear extension to dwelling house (kitchen)	Approval	10/11/2021
21/01717/FUL	Full Application	59 Muirfield Drive Derby DE3 9YF	First floor front extension to dwelling house (bedroom and ensuite)	Approval	23/11/2021
21/01723/FUL	Full Application	27 Prestbury Close Derby DE21 2LT	Retrospective application: Erection of balcony with railings and access staircase over garage.	Refused	03/11/2021
21/01725/CLE	Lawful Development Certificate -Existing	10 Longthorpe Close Derby DE23 3WE	Single storey rear extension (kitchen/dining room)	Approval	26/11/2021
21/01730/FUL	Full Application	8 Caversfield Close Derby DE23 3SR	Single storey front extension to dwelling (snug and study)	Approval	16/11/2021
21/01733/NONM	Non-Material Amendment	36 Whinbush Avenue Derby DE24 9DP	Single storey front, side and rear extensions to dwelling house (porch, lounge and kitchen/dining area) - Non-material amendment to previously approved planning permission 19/00918/FUL to amend the proposed roof design to the side/rear extension from pitched roof with roof lights to a flat roof with roof lanterns	Approval	03/11/2021
21/01736/PNRH	Prior Approval - Householder	11 Lloyd Street Derby DE22 3ET	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.85m, height to eaves	Prior Approval Not Required	10/11/2021

			2.85m) to dwelling house		
21/01737/DISC	Compliance/Discharge of Condition	Croft House 51 Ashbourne Road Derby DE22 3FS	Change of use from business centre (Use Class E) to school (Use Class F1) - Discharge of conditions 3, 4, 5, 6, 7 and 8 of planning permission 21/00646/FUL	Discharge of Conditions Complete	03/11/2021
21/01741/TPO	Works to a tree with a TPO	26 Church Lane Darley Abbey Derby DE22 1EY	Various works to trees protected by Tree Preservation Order no. 154	Application Withdrawn	02/11/2021
21/01746/FUL	Full Application	61 Osmaston Road Derby DE1 2JH	Change of use from retail (Use Class E) to a seven bedroom house in multiple occupation (Sui Generis) including installation of new windows to the front and rear elevations	Approval	16/11/2021
21/01751/NONM	Non-Material Amendment	Car Park Liversage Street Derby DE1 2LD	Redevelopment of NCP Car Park to provide up to 164 residential units, new access, parking and cycle parking, landscaping and associated works. - Non-material amendment to previously approved planning permission 19/01766/FUL to make amendments to Blocks B and C	Approval	09/11/2021
21/01752/NONM	Non-Material Amendment	Surface Car Park Liversage Street/John Street Derby DE1 2LD	Erection of 94 dwellings (Use Class C3) and associated works - Non-material amendment to previously approved planning permission 20/00684/FUL to amend Block A	Approval	09/11/2021
21/01758/PNRH	Prior Approval - Householder	94 Brisbane Road Derby DE3 9JY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.73m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	26/11/2021
21/01761/FUL	Full Application	141 Holcombe Street Derby DE23 8JD	Change of use from offices (Use Class E) to four flats (Use Class C3) and associated grounds works	Approval	23/11/2021
21/01763/PNRH	Prior Approval - Householder	7 Coniston Avenue Derby DE21 7LE	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.6m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	11/11/2021

21/01778/FUL	Full Application	6 Stevenson Place Derby DE23 3EX	First floor rear extension to dwelling house (bathroom and enlargement of bedroom) including installation of a dormer to the rear elevation to form rooms in the roof space (two bedrooms and bathroom)	Approval	23/11/2021
21/01784/DEM	Demolition - Prior Notification	Vulcan Works Colombo Street Derby DE23 8LX	Demolition of single storey industrial building and connected two storey building	Approval	24/11/2021
21/01786/FUL	Full Application	82 Muirfield Drive Derby DE3 9YF	Erection of a 1.8m high boundary fence	Approval	26/11/2021
21/01793/CAT	Works to Trees in a Conservation Area	Trees At The Junction Of Mercian Mews And Gascoigne Drive Derby	Cutting back of branches overhanging the footpath by 2 metres from a group of trees within the Spondon Conservation Area	Approval	30/11/2021
21/01795/PNRH	Prior Approval - Householder	24 Leacroft Road Derby DE23 8HT	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	25/11/2021
21/01806/FUL	Full Application	19 Yoxall Drive Derby DE22 3SF	Single storey rear extension to dwelling house (living space and enlargement of kitchen)	Approval	29/11/2021
21/01812/FUL	Local Council Own Development Reg 3	39 Duncan Road Derby DE23 8TS	Single storey rear extension to dwelling house (wetroom)	Approval	29/11/2021
21/01828/NONM	Non-Material Amendment	'Becketwell', Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT. - Non-material amendment to planning permission 20/01076/RES to amend the ground floor layout to increase amenity	Approval	17/11/2021

			area, reduce the bin storage area, rationalise cycle store locations, increase commercial unit area and make changes to the ground floor elevations in respect of doors and glazing		
21/01829/NONM	Non-Material Amendment	'Becketwell', Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT - Non-material amendment to planning permission 20/01076/RES to omit the powder coated metal window reveal flashings for full brick reveals	Approval	26/11/2021
21/01842/PNRH	Prior Approval - Householder	21 Crown Street Derby DE22 3UR	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 2.7m) to dwelling house	Prior Approval Approved	29/11/2021
21/01843/DISC	Compliance/Discharge of Condition	51 Carsington Crescent Derby DE22 2QY	Extension and alteration to bungalow including raising of roof height, erection of attached garage and alterations to vehicular access - Discharge of condition 6 of planning permission 21/00161/FUL	Discharge of Conditions Complete	08/11/2021
21/01845/PNRH	Prior Approval - Householder	3 Nothills Close Derby DE73 6PR	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.2m, height to eaves 2.85m) to dwelling house	Prior Approval Not Required	29/11/2021
21/01847/FUL	Full Application	36 Stiles Road Derby DE24 0PG	Two storey side and single storey front extensions to dwelling house (porch, living space, utility and two bedrooms)	Approval	29/11/2021
21/01852/CAT	Works to Trees in a Conservation Area	St Christophers Court Ashbourne Road Derby DE22 3FY	Crown reduction of two Lime trees (T1 by 2.5m in height and 1.5m in spread and T2 by 1m in height and 0.5m in spread) within the Friar Gate Conservation Area	Approval	30/11/2021

21/01858/NONM	Non-Material Amendment	8 Albert Street Derby DE1 2DS	Change of use from retail (Use Class A1) to artists' studios, art workshop space, cafe, art gallery and arts/crafts materials retail space (Mixed Use - Use Classes D1, A1 and A3) including installation of a new entrance, external staircase and replacement windows - Non-material amendment to planning permission 19/00982/FUL to amend the entrance doors. first floor door, lowering of window sills and bricking up of windows	Approval	18/11/2021
21/01863/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public quare with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access - Non-material amendment to previously approved planning permission 19/01245/OUT to amend the approved plans	Approval	30/11/2021
21/01870/NONM	Non-Material Amendment	Woodlands 8A Park Grove Derby DE22 1HD	Conversion of garage with extension to form annex for dependent relative - Non-material amendment to previously approved planning permission 02/14/00270 to amend the fenestration and include two roof lights	Approval	19/11/2021
21/01886/DISC	Compliance/Discharge of Condition	Public Convenience High Street Chellaston Derby DE73 6TB	Demolition of disused public conveniences and formation of a community garden together with extension of existing boundary wall to 2.75m high and erection of new front wall to 2.75m. Installation of art work, sandstone flower bed, 1m entrance stone planter, seating, litter bins, interpretation board, steel	Discharge of Conditions Complete	16/11/2021

			entrance archway and relocation of information board - Discharge of condition 3 of planning permission 21/00806/FUL		
21/01895/NONM	Non-Material Amendment	104 Belper Road Derby DE1 3EQ	Demolition of garage. Single storey side and single storey rear extensions to dwelling house (garage and enlargement of kitchen/dining area), basement level and landscaping works to the rear elevation - Non material amendment to previously approved permission 18/01805 to revise the materials and style of the single storey extension to the rear of the property, so it matches the small side extension as approved under application 21/00797/FUL.	Approval	22/11/2021
21/01896/NONM	Non-Material Amendment	Lidl Supermarket Foresters Park Centre Sinfin Lane Derby DE23 8AG	Change of use of bingo hall (Sui Generis) to retail (Use Class E) and associated external alterations, construction of external plant compound, reconfiguration of car park and site access and associated landscaping Non-material amendment to previously approved permission 21/00182 to amend previously approved plans	Approval	22/11/2021