

## **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.

### **Other significant implications**

- 9.1 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	30/09/2020
Other(s)	Ian Woodhead	30/09/2020

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

**Planning Control Committee 08/10/2020**  
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2	8 – 19	19/01683/OUT	Site Of 53 Arlington Road And Land At The Rear Of 129A Whitaker Road Derby DE23 6NZ	Demolition of dwelling house. Residential development - three dwellings (Use Class C3)	
3	20 – 60	20/00072/FUL	Bramble House Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home and 66 extra care assisted living units (Use Class C2) accessed from Kingsway, associated car parking and landscaping.	
4	61 – 69	20/00212/FUL	130 Uttoxeter Old Road Derby DE1 1GE	Change of use from dwelling house (Use Class C3) to a six bedroom, eight occupant house in multiple occupation (Sui Generis Use) including installation of a dormer to the rear elevation and a roof light to the front elevation	
5	70 / 78	20/00722/FUL	509 Nottingham Road Derby DE21 6NA	Change of use from financial & professional services (Use Class A2) to a hot food takeaway (Use Class A5) together with erection of a single storey rear extension and external alterations to include installation of an extraction flue and condensing unit	

## **Committee Report Item No: 1**

**Application No: 19/01512/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** Land adjacent to 28 Wisgreaves Road, Derby

**1.2. Ward:** Alvaston

**1.3. Proposal:**

Change of use from C3 to B1 and the erection of a single storey building (store and office)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/01512/FUL>

**Brief description**

Permission is sought to change the use of the site from residential garden land (C3 use class) to business use (B1 use class) and to erect a single storey building at the site's north-western corner to accommodate store and office. The building would have a rectangular footprint of 36m<sup>2</sup> and a pitched roof with an eaves height of 2.7 metres rising to 4.5 metres at its apex. Access would be from Wisgreaves Road with the area to the south-west of the proposed building used for vehicle parking. The application has been amended during its lifetime to reduce the height of the roof and amend the red line to reduce the extent of the application site.

### **2. Relevant Planning History:**

<b>Application No:</b>	12/75/01501	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	17/02/1976
<b>Description:</b>	Erection Of Double Domestic Garage		

### **3. Publicity:**

Neighbour Notification Letters to 15 addresses;

Site Notice.

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

### **4. Representations:**

Representations have been received from three addresses and Councillor Graves in objection to the proposal on the following points:

- The proposal would restrict access to Wisgreaves Road from the rear gardens that adjoin the site;
- A commercial use in a residential area would be inappropriate and would harm the residential amenity of nearby residents through increased activity and could encourage crime and vandalism;
- The building would harm the residential amenity of neighbours through its scale and massing;

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- A previous application to build a garage on the site was refused.

## **5. Consultations:**

### **5.1. Highways Development Control:**

#### Comments to revised scheme (July 2020):

The following comments are made in relation to the amended documents submitted as part of application 19/01512/FUL re-consultation including drawing number WR041019 P001 Rev E unless otherwise stated.

The amended proposal is to build a single storey workshop, store and office building. The land is still currently vacant. There is an existing dropped kerb vehicular access to the plot.

No details have been provided about the driveway surfacing. The plan shows two vehicles parked forward facing. According to the plan, there are no internal fences or gates on the driveway area, so there would be sufficient space for vehicles to turn and exit the driveway forward facing. The driveway exits onto a junction, so forward-facing manoeuvres out of the property would always be advised.

Recommendations: 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 all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

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

### **5.2 Environmental Protection (Pollution):**

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues:

Demolition/Building Works: I note that the proposal will involve some demolition and building works. Given the proximity of residential properties, I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. There should also be no bonfires on site at any time. I would suggest an advisory note on any planning consent regarding these matters. I have no other comments to make on the application

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**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
- CP10 Employment Locations
- 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%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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](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. Residential Amenity**

**7.3. Visual Amenity**

**7.1. Principle of Development**

The site historically formed the rearmost part of the gardens of 1078 and 1076 London Road and has been subdivided at some point within the last seven years and currently appears to be in no obvious use and was not physically separated from the garden of 1078 London Road at the time of the site visit (November 2019) and it has been stated in responses to publicity that both 1078 and 1076 London Road can be accessed from the site. The ownership of the land has been disputed. However, land ownership and private rights of access are not material planning considerations and the following assessment relates only to the merits of the proposal as regards its planning merits.

The proposal would introduce a commercial land use into a residential area. Policy Delivering a Sustainable Economy CP9 allows for new business and industrial development in areas of the city not specifically identified for such uses provided that certain criteria can be met, including that such development would not adversely affect the amenity of nearby residents, or lead to an oversupply of employment land. The site is relatively small and so would not result in an oversupply of employment land. The site is surrounded by residential land uses, having historically been in residential use itself and so will have implications for the amenity of nearby residents. These implications are discussed below.

**7.2. Residential Amenity**

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 127).

The surrounding residential plots would not be subject to any significant effects of massing, overshadowing or enclosure as a result of the proposed building. This is due to its modest scale and height and distance from the nearby dwellings at 28 Wisgreaves Road and 1076/1078 London Road. The distance of the proposed building from the nearest principal windows on the rear of the London Road houses is more than twelve metres which, in conjunction with the relatively limited height of the proposed building, suggests that these effects would be within reasonable limits and would not constitute "unacceptable harm" in my opinion. I am also mindful that an outbuilding of similar dimensions, although limited to a height of four metres, could be

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built on the site under permitted development rights, assuming the site was in residential use.

The possibility of increased disturbance resulting from the proposed use of the land is relevant, but is limited by the size of the site and of the proposed use. The limited space available inherently limits the amount of activity that is likely to occur, and although there is likely to be an increase in activity beyond that which currently exists this, again, is unlikely to rise to the level of unacceptable harm, especially given the nature of the activity proposed. Given that the proposed use is described as office and general storage and therefore under the B1 Use Class, the use of the site is restricted by the wording of the relevant legislation (The Town and Country Planning [Use Classes] Order 1987 [as amended]) to one which can be "carried out in any residential area without detriment to the amenity of that area". However, given the proximity of the site to residential plots, a restrictive condition preventing any change to another use class through the permitted development regime would be appropriate in this case.

A condition requiring the agreement of suitable boundary treatments would also be necessary to safeguard residential amenity. Subject to these conditions, my opinion is that the proposal would have acceptable implications for the residential amenity of the surrounding residential plots and that the requirements of saved policy GD5 of the development plan and the National Planning Policy Framework.

### **7.3. Visual Amenity**

The principle of good design is established in the development plan by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and are supported by section 12 of the National Planning Policy Framework (Achieving well-designed places).

A previous application to build a garage building on the site was refused on the basis that it would be unduly prominent in the streetscene and of a poor design. However, that proposal was positioned closer to Wisgreaves Road and the same criticisms would not be justified in this case. The proposed building would have a presence in the streetscene but not one that would be harmful to the site or its residential context in my opinion. It would be set back from the road and of an unremarkable design which would have a tolerable relationship with the surrounding area and a domestic exterior.

The use of the front part of the site for vehicle parking could be argued to be slightly harmful but this part of the site is generally obscured from the streetscene by the existing boundary treatments of the site itself and the adjacent car park area for 2 Wisgreaves Road. The vehicular access to the site is an existing one and the Highways Officer is satisfied that no significant impacts are likely to result from this element of the proposal.

My opinion is that the implications of the proposed change of use of land and erection of office building for visual amenity are acceptable and that the proposal would comply with adopted policies CP3 and CP4 of the Core Strategy (Part 1).



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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 implications of the proposed office/ storage building and use of land for B1 use would be limited with regard to visual and residential amenity and so the principle of introducing a commercial use to the site and wider residential context would be acceptable in this instance, provided that the use of the site is restricted by condition. There would also be no adverse impacts on highway safety.

**8.3. Conditions:**

1. Standard time limit condition

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

2. Standard plans condition

**Reason:** For the avoidance of doubt.

3. Hard surfacing of car park

**Reason:** In the interest of highway safety

4. Agreement of boundary treatment

**Reason:** In the interest of residential and visual amenity

5. Restriction to B1 use only

**Reason:** In the interest of residential amenity

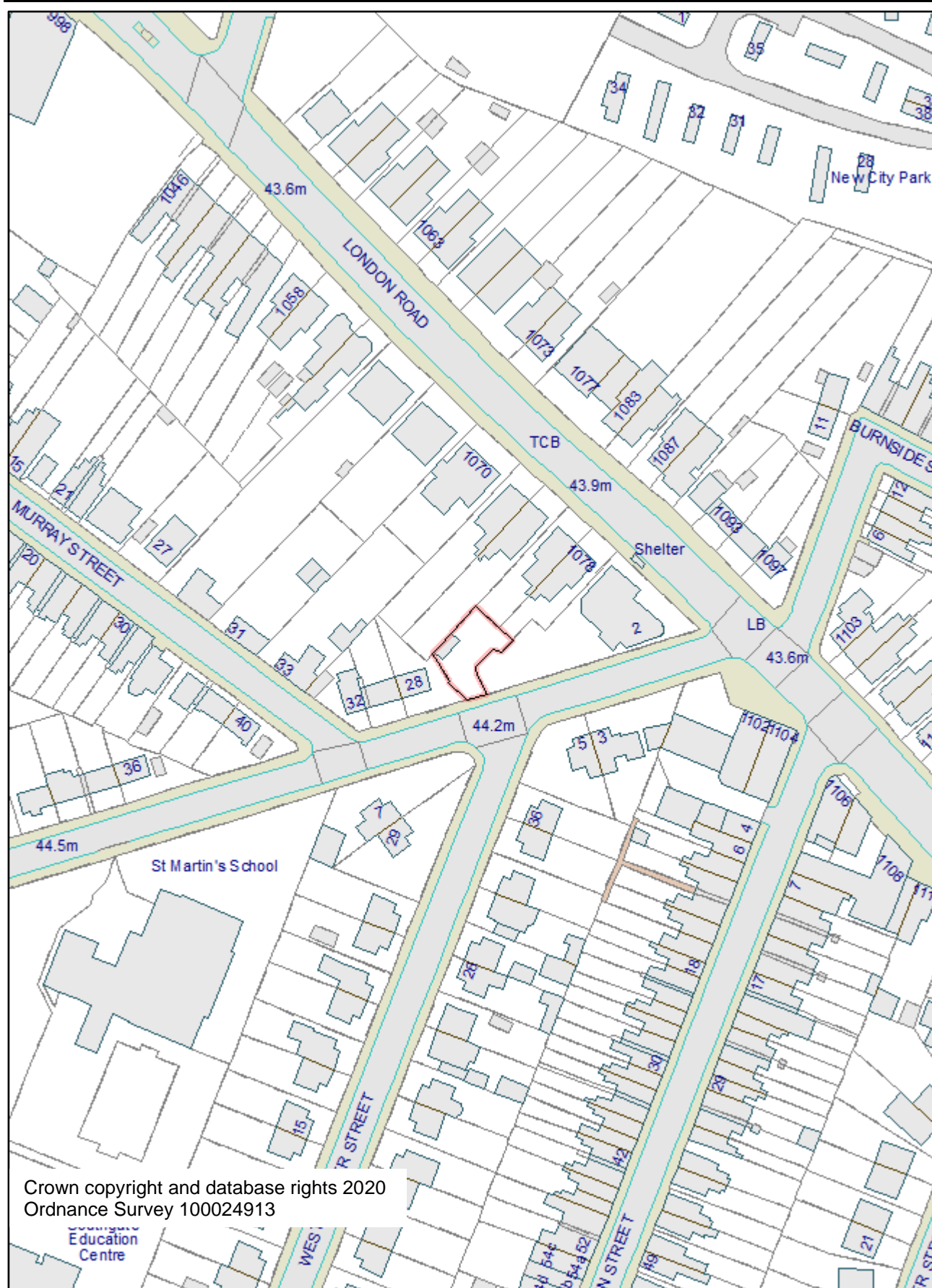
**8.4. Informative Notes:**

Given the proximity of residential properties, It is advised that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. There should also be no bonfires on site at any time.

The consent if granted will result in the construction of a new building which needs naming and numbering. 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](mailto: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 access on each plot.

**8.5. Application timescale:**

Following an earlier extension, the determination period for this application is expired. Another extension of time until October 16th 2020 has been requested.



## **Committee Report Item No: 2**

**Application No: 19/01683/OUT**

**Type: Outline  
Application**

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### **1. Application Details**

**1.1. Address:** Site of 53 Arlington Road and land at the rear of 129A Whitaker Road

**1.2. Ward:** Littleover

**1.3. Proposal:**

Demolition of dwelling house. Residential development - three dwellings (Use Class C3)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/01683/OUT>

**The Site and Surroundings**

This application relates to an irregular plot of land which is situated to the south of properties on Whitaker Road; and to the north of properties on Arlington Road/Grafton Street. It covers some 0.25 hectares in total. The site is located within a well-established residential area within the suburb of Littleover. The land is set back from the road frontage and accessed via a private driveway which extends from Arlington Road at its junction with Grafton Street. The driveway runs between the gardens of No. 52 Arlington Road, a detached bungalow, and No. 24 Grafton Street, a semi-detached dwelling. The area surrounding the application site is predominantly residential in character and comprised of houses of varying ages, scales and architectural styles. Neighbouring properties are generally situated within sizable, mature gardens. To the east there is a site which had been used as a lawn tennis club.

The western part of the application site is occupied by No. 53 Arlington Road, a detached two-storey dwelling with an attached range of single storey outbuildings. The dwelling's principal windows sit in its southern elevation and face towards the neighbour at No. 52 Arlington Road. The eastern part of the site once formed part of the rear garden area of No. 129a Whitaker Road. The application site has been separated from No 129a's retained garden by an area of planting along the northern boundary. The majority of the plot is laid to lawn and land levels across the site are fairly consistent. Site boundaries are defined by a mixture of fencing and hedgerows. In general, they are well vegetated. There are a number of mature trees on the site and around its perimeter. The following are protected under Tree Preservation Order No. 280:

- T1 - a Beech tree located to the north of the site (within proposed plot 2),
- G3 - a group of 16 Lime Trees located in the south-eastern corner of the site (within proposed plot 3) and;
- T3 - a Norway Spruce tree located off the site within the rear garden of No. 24 Grafton Street.

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### **The Proposed Development**

Outline planning permission is sought to erect three dwellings on the site. All matters have been reserved for future approval, although it's likely the access into the site would remain unchanged. The proposed number of dwellings has been reduced from five down to three during the life of the application.

The application is supported by an indicative layout plan (latest version Rev: E) which shows how the site could be developed to accommodate three detached dwellings. One dwelling would replace the existing property at No. 53 Arlington Lane (plot 1) and two further dwellings would be located in the north-eastern part of the site, to the rear of No.22 and 24 Grafton Street (plots 2 and 3). Each property would be served by a private rear garden area, with two car parking spaces and a shared turning area. Indicative elevations and floor plans showing two-storey dwellings were originally submitted, however, precise details of scale and external appearance are not being considered at this stage.

The application is accompanied by a Bat Preliminary Roost Assessment, a Bat Emergence Survey and an Arboricultural Report

## **2. Relevant Planning History:**

<b>Application No:</b>	01/07/00092	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	18.04.2007
<b>Description:</b>	Erection Of Dwelling House		

*Reason for Refusal - In the opinion of the Local Planning Authority the proposed dwelling house would create, by virtue its siting, design and scale, an unacceptable form of development that would be out of character with the existing pattern of residential development in this area. The proposal is, therefore, contrary to H13, E23 and GD5 of the adopted City of Derby Local Plan Review 2006.*

<b>Application No:</b>	08/07/01605	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	02.11.2007
<b>Description:</b>	Demolition Of Dwelling House And Erection Of Dwelling House		

*Reason for Refusal - In the opinion of the Local Planning Authority the proposed dwelling house by reason of its height and mass in close proximity to the site boundary, would have an overbearing affect and intrusive appearance on the private garden area to No 52 Arlington Road and result in an unacceptable loss of amenity to residents of that property. The proposal is, therefore, contrary to policies H13, E23 and GD4 of the CDLPR- 2006.*

<b>Application No:</b>	06/06/00933	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	27.07.2006
<b>Description:</b>	Demolition Of Dwelling House And Erection Of Dwelling House		

*Reason for Refusal 1. In the opinion of the Local Planning Authority the proposed dwelling house would create, by virtue its siting, design and scale, an unacceptable form of development that would be out of character with the existing pattern of residential development in this area.*

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*Reason for Refusal 2. In the opinion of the Local Planning Authority the proposed dwelling house would create, by virtue of its siting in close proximity to the North-West side boundary, an unacceptable degree of overlooking which would impact detrimentally on the residential amenities of the adjacent residents in Whitaker Road. For these reasons the proposal is, therefore, contrary to policies H21, E26 and ST12 of the adopted City of Derby Local Plan Review - 2006.*

<b>Application No:</b>	07/08/01031	<b>Type:</b>	Full Application
<b>Decision:</b>	Conditionally granted	<b>Date:</b>	16.09.2008
<b>Description:</b>	Demolition Of Dwelling House And Erection Of Dwelling House		

### **3. Publicity:**

Neighbour Notification Letter - 8

Site Notice – Yes

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

### **4. Representations:**

In total 18 letters/emails of objections have been received and 6 letters/emails of support. The material planning issues raised are summarised below.

#### Objections

- Loss of privacy
- Overbearing impact
- Loss of light
- Increased noise/traffic/pollution
- Impact on trees
- Loss of trees/habitat/green space
- Impact on wildlife
- Impact on the character of the area
- Not in keeping with the surrounding area
- Lack of parking/Highway safety concerns
- Impact on services - gas, electricity, drainage
- Loss of the existing building on the site
- The access road is too narrow

#### Non-planning issues

- Rights of access across the land
- Structural concerns/subsidence issues
- Boundary disputes/damage to fencing

Support

- The proposal will enhance the character of the area

**5. Consultations:**

**5.1. Highways Development Control:**

These observations are primarily based upon the indicative plan 'A101'.

The application is Outline with all matters reserved ' although to some extent access is fixed as there is only one potential access point onto the highway network.

At present, the site is served by an existing dirt/granular/broken bituminous access, with a paved pedestrian access approximately 1.25m wide on the northern side. The access is gated approximately 15m back from the highway edge. Visibility in both directions from the proposed access is acceptable.

The access has a dropped highway footway crossing and has a total width of between 5.3 and 5.4m; and would be suitable (subject to appropriate construction) for shared vehicular (and pedestrian) use.

At this stage, given that the application is 'all matters reserved' it is merely necessary to determine whether in principle the site could be suited for up to the number of dwellings for which consent is sought. In highway terms this would be acceptable.

Para 109 of the National Planning Framework Policy 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.'

The Highway Authority is of the view that the proposals would not have a severe impact upon the surrounding highway network.

However, the applicant/developer does need to consider the following in respect of any submission of details application; and their attention is drawn to the requirements of 'Delivering Streets and Places'.

- Access by Emergency Services

Whilst not a highways issue, access for emergency vehicles (in particular fire tenders) may need to be made and maintained, the Highway Authority would recommend that in respect of the detailed submission that the Local Planning Authority consult with Derbyshire Fire and Rescue in respect of the final proposals.

- Access for refuse collection

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 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

It is not known what arrangements are in place for the existing dwelling; however it is unlikely that the council will enter the site in order to collect refuse. A suitable refuse collection point will therefore need to be designated; this should not be on the

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highway and should not be in such a location that it would obstruct the free flow of vehicles at the access.

- Turning for vehicles associated with the site.

At detail stage, it is essential that turning is available for vehicles associated with the site such as (for example) white goods delivery vehicles and home shopping deliveries.

The applicant/developer would need to show where such space is made and provide vehicle tracking information to demonstrate that is practical for use.

- APC's

For clarity, the development shown would not be likely to be suitable for adoption and subsequent maintenance at the public expense by the Highway Authority.

Should the applicant wish to serve more than 5 dwellings - for developments of six or more dwellings Highway Authority would normally serve a notice on the developer with an assessment of the cost of the proposed roadworks under the Advance Payments Code (APC), to protect frontagers' interests (see Sections 219-220 of the Highways Act 1980). The cost of this will reflect the cost of the proposed street works and the developer would be required to construct the works to an appropriate standard.

### Recommendation:

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

### Condition:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, and drainage (hereinafter referred to as reserved matters).

### Reason:

In the interests of highway safety.

## **Updated Highway Comments –**

The principle of 5 dwellings is acceptable, then 3 is equally acceptable.

As such, with the exception of the number of dwellings shown on the indicative plan and the drawing number concerned (A101 Rev E); my observations remain as per those of 24/01/2020.

## **5.2. Tree Officer (latest comments):**

I don't think the shading issue alone is sufficient to refuse. I note that the shading plan is still not a true reflection of the shading pattern. The front of the proposed dwelling on plot 2 will also be shaded for part of the day.

The site plan Revision E does show some incursion into RPA's 1, 2, G3 and G5. These incursions are indicated to be permeable block paving of non-dig type'

The siting of the car park spaces (plot 3) away from underneath the canopy is welcomed and will reduce the amount of honey dew drift onto cars.

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If you are minded to recommend permission a final TPP and AMS must be conditioned.

The final TPP must show the phasing of tree protection measures for the construction of the non-dig elements within the RPA's.

Auditable Arboricultural monitoring must be carried out as recommended within the report and the monitoring schedule must be included within the final AMS. The non-dig elements within RPAs must be laid on top of existing levels with no excavations.

### **5.3. Derbyshire Wildlife Trust (latest comments):**

In our previous consultation response dated 20th February 2020 we advised that the results of further bat survey work were required prior to the determination of the application. A previous assessment submitted with the application had concluded that the site has potential to support roosting bats.

We have now reviewed a Bat Emergence Surveys report prepared by S. Christopher Smith dated 17th August 2020. The report presents the results of a dawn re-entry survey carried out on 13th August 2020. No evidence of bats using the buildings as a roost was recorded during the survey.

Overall, we advise that the assessment that has now been carried out for bats meets guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has now been submitted to enable the Local Planning Authority to reach an informed decision in accordance with the guidelines and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species Regulations 2017. In summary, no evidence of roosting bats was found and as such, we advise that bats should not present a constraint to the proposed development.

We fully support the biodiversity enhancement recommendations provided in the Preliminary Roost Assessment prepared by the Bat Surveyor dated January 2020 which should be secured by a planning condition;

***“Prior to any construction above foundations level, a scheme of biodiversity enhancement based upon the recommendations in section 4.4 of the Preliminary Roost Assessment) prepared by The Bat Surveyor dated January 2020 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new buildings for roosting bats and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.”***

## **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.



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### 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
CP6	Housing Delivery
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network

### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General Criteria
E17	Landscaping Schemes

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:

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. The Principle of Development**

#### **7.2. Impact on Character / Impact on Neighbours**

#### **7.3. Environmental Issues**

#### **7.4. Highway/Parking Issues**

#### **7.5. Conclusion**

#### **7.1. The Principle of the Development**

The application proposes the construction of two additional dwellings within an existing residential area. The development would maximise the efficient use of land within this sustainable urban area and would make a small contribution towards the City's housing supply. Subject to a consideration of the detailed issues, as discussed below, there are no objections to the principle of this type of development in the

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location proposed. The proposals would generally accord with Core Strategy Policy CP6 and saved Policy H13 of the CDLPR.

## **7.2. Impact on Character / Impact on Neighbours**

This outline application seeks permission for three detached dwellings. An illustrative layout plan has been submitted, but all matters are reserved for future approval. In which respect it is only the principle of the three plots which should be considered. The assessment of this proposal must consider whether the three dwellings could be constructed in a manner which would be in keeping with the character of the surrounding area and which could also maintain adequate amenities to the adjoining properties.

Plot 1 - No. 53 Arlington Road is of little architectural merit, and the principle of demolishing the existing dwelling on the site and replacing it with a larger property was accepted under an earlier 2008 approval on the site (application ref: 07/08/01031). As with the earlier permission, subject to detailed consideration of the dwelling's footprint, scale and external appearance, it is considered that a replacement dwelling could be comfortably accommodated on the western part of the site without harming the character of the area. Although careful consideration would need to be given to the precise siting of the property, and the location of any upper floor windows, I am also satisfied that the proposed dwelling in plot 1 could be designed to minimise any loss of amenity for neighbours.

Plots 2 and 3 - The two dwellings shown in plots 2 and 3 would be set further back within the application site. As a result, they would be relatively well screened from public vantage points along Arlington Road/Grafton Street. Due to their back land position and the presence of existing vegetation screening it's unlikely that any future proposals in this location would impact significantly on the character of the area, or the visual amenity of surrounding streetscenes. The indicative layout plan demonstrates that adequate separation distances (approx. 12m to the northern site boundary, approx. 9m to the southern side boundary and in excess of 21m to nearby main elevations) could be achieved between the development and neighbouring dwellings, to avoid any direct overlooking. Although there would be a modest increase in vehicle traffic as a result of the additional two dwelling, any impact in terms of increased noise and disturbance for neighbouring properties is unlikely to be significant.

Overall, it is considered that the three dwellings could be accommodated on the site without causing undue harm to the character and appearance of the area, or the amenity of neighbouring residents. Whilst further details of appearance, layout, scale, means of access and landscaping will be addressed at reserved matters stage. It is considered that the principle of siting three houses on the site is acceptable and there would be no conflict with policies CP3 and CP4 of the Derby City Local Plan - Part 1: Core Strategy and saved policy H13 of the City of Derby Local Plan Review in this regard.

**7.3. Environmental Issues**

Trees - The revised illustrative layout (Rev: E) demonstrates that the site could be development in a manner which would have a minimal impact on nearby visually important trees and would also limit shading issue for future residents. The Arboricultural Officer raises no objections to the proposals (as amended), subject to conditions requiring the submission of a final Tree Protection Plan and Arboricultural Method Statement. The provision of suitable replacement landscaping can be fully assessed under any subsequent reserved matters application. Accordingly, the development is considered to comply with Core Strategy Policy CP16.

Ecology - A Bat Report and further Bat Emergence Survey have been submitted in support of the application. No evidence of roosting bats on the site and Derbyshire Wildlife Trust advise that bats should not present a constraint to the proposed development. The provision of biodiversity enhancement measure through condition is recommended in order to comply with Core Strategy Policy CP19 in this respect.

**7.4. Highway/Parking Issues**

Although access into the site is not being considered under this outline application there is only one potential access point onto the highway network, so it's unlikely the access point will change. Visibility in both directions from the existing access is acceptable and the indicative layout demonstrates that adequate parking/turning could be provided within the site. Subject to conditions, no objections have been raised by the Highways Officer and, accordingly, it is considered that the development would comply with Core Strategy Policy CP23.

**7.5 Conclusion**

In principle it is considered that the site could accommodate three dwellings without causing undue harm to the character of the area, the amenity of neighbour residents or highway matters and the presence of protected trees on, and adjacent, to the site should not preclude its development. Although precise details of appearance, layout, scale, means of access and landscaping would need to be addressed at reserved matters stage, based on the indicative details provided at this stage, it is considered that the proposals would comply with Core Strategy policies CP1A, CP2, CP3, CP4, CP6, CP16, CP19, CP23 and saved policies GD5 and H13 of the CDLPR. Accordingly, it is recommended that this outline planning permission is granted, subject to the conditions suggested below.

**8. Recommended decision and summary of reasons:**

**8.1. Recommendation:**

**To grant** outline planning permission with conditions.

**8.2. Summary of reasons:**

There are no objections to introduction of new residential development in this existing residential location. In principle it is considered that the site could accommodate three dwellings without causing undue harm to the character of the area, the amenity of neighbour residents and the health of protected trees. No highway safety issues have been raised and sufficient information has now been submitted in support of the

## **Committee Report Item No: 2**

**Application No: 19/01683/OUT**

**Type: Outline  
Application**

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application to determine the impact on protected species (bats). Although precise details of appearance, layout, scale, means of access and landscaping will need to be addressed at reserved matters stage, it is considered that the proposals would reasonably comply with Core Strategy policies CP1A, CP2, CP3, CP4, CP6, CP16, CP19, CP23 and saved policies GD5, E17 and H13 of the CDLPR.

### **8.3. Conditions:**

#### **Time limits/General**

1. Standard condition requiring the submission of further reserved matters applications – layout, scale, appearance, means of access, landscaping

**Reason:** To define the permission and as this is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Standard time limit for outline applications

**Reason:** As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Condition requiring the reserved matters submitted under condition 1 to include details of parking and turning facilities, access widths, gradients, surfacing, street lighting, and drainage

**Reason:** In the interest of highway safety.

4. Standard approved plans condition (layout rev: E)

**Reason:** For the avoidance of doubt

#### **Pre-commencement Conditions**

5. Condition controlling submission of Arboricultural Method Statement and Tree Protection Plan

**Reason:** To protect any significant trees on and adjacent to the site

6. Biodiversity enhancement condition

**Reason:** In the interests of biodiversity enhancement.

#### **Management Conditions**

7. Standard time limit for the completion of the landscaping scheme

**Reason:** To ensure a satisfactory development

**8.4. Informative Notes:**

The applicant/developer need to consider the following in respect of any submission of details application; and their attention is drawn to the requirements of 'Delivering Streets and Places'.

- *Access by Emergency Services*

Whilst not a highways issue, access for emergency vehicles (in particular fire tenders) may need to be made and maintained, the Highway Authority would recommend that in respect of the detailed submission that the Local Planning Authority consult with Derbyshire Fire and Rescue in respect of the final proposals.

- *Access for refuse collection*

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 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

It is not known what arrangements are in place for the existing dwelling; however it is unlikely that the council will enter the site in order to collect refuse. A suitable refuse collection point will therefore need to be designated; this should not be on the highway and should not be in such a location that it would obstruct the free flow of vehicles at the access.

- *Turning for vehicles associated with the site.*

At detail stage, it is essential that turning is available for vehicles associated with the site such as (for example) white goods delivery vehicles and home shopping deliveries.

The applicant/developer would need to show where such space is made and provide vehicle tracking information to demonstrate that is practical for use.

- *APC's*

For clarity, the development shown would not be likely to be suitable for adoption and subsequent maintenance at the public expense by the Highway Authority.

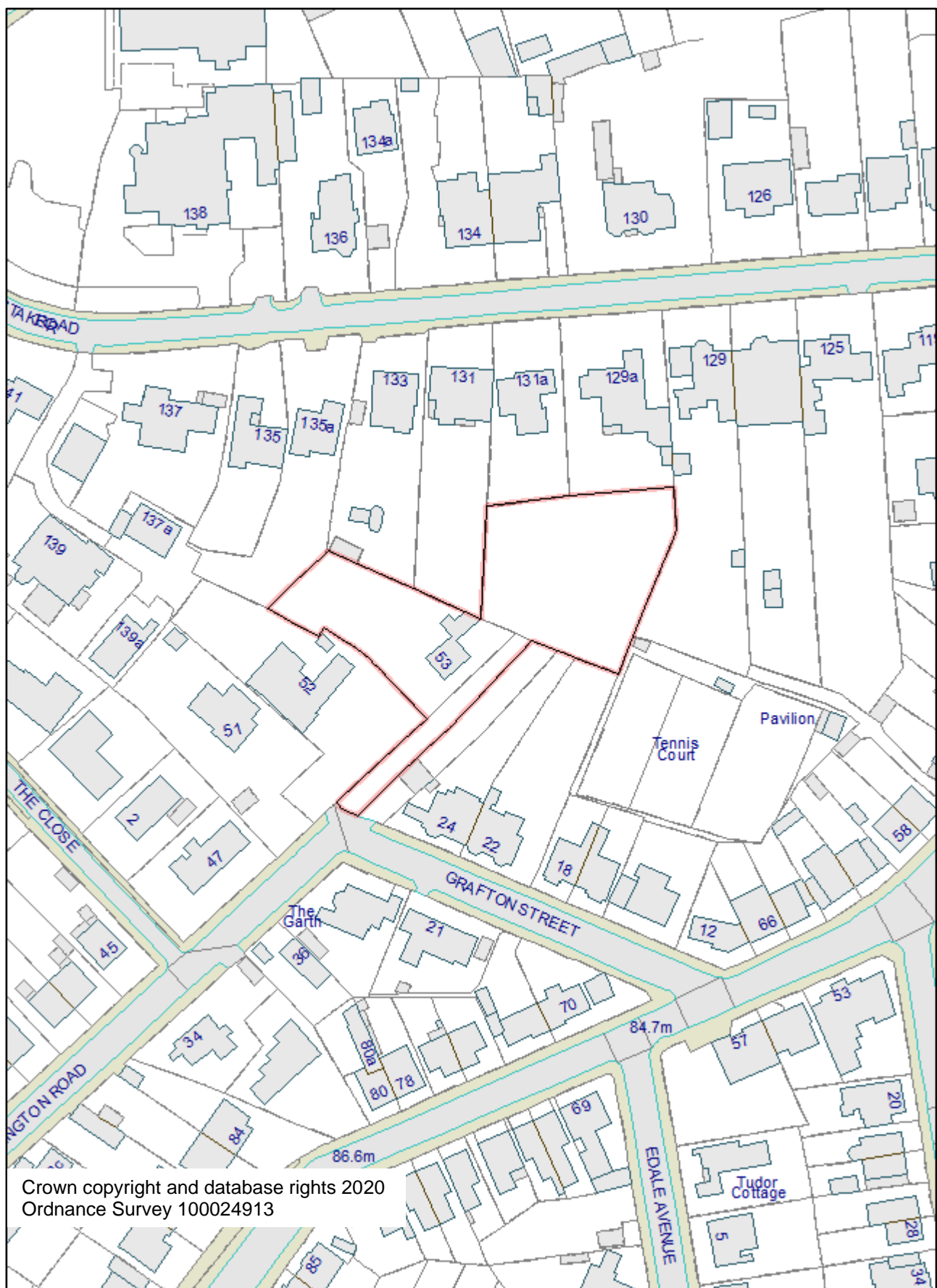
Should the applicant wish to serve more than 5 dwellings - for developments of six or more dwellings Highway Authority would normally serve a notice on the developer with an assessment of the cost of the proposed roadworks under the Advance Payments Code (APC), to protect frontagers' interests (see Sections 219-220 of the Highways Act 1980). The cost of this will reflect the cost of the proposed street works and the developer would be required to construct the works to an appropriate standard.

**8.5. S106 requirements where appropriate:**

None

**8.6. Application timescale:**

An extension of time has been requested on this application until 15 October 2020.



**1. Application Details**

**1.1. Address:** Bramble House, Kingsway Hospital, Kingsway.

**1.2. Ward:** Littleover

**1.3. Proposal:**

Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00072/FUL>

**Brief description**

The application site comprises an irregular shaped area of land on the former Kingsway hospital site. The area of the site extends to 1.75ha. It sits directly to the west of the A5111 Kingsway. At its southern end, the site incorporates the western section of Albany Road, which is an access road that historically served the former hospital site directly off Kingsway. Extending to the north and west of the site is the former hospital site which has been redeveloped in recent years, primarily for housing. At present, two buildings occupy the application site, identified as 'Bramble House' and 'Braemar' and they are buildings originally built as part of the former Kingsway hospital. Bramble House is a locally listed building.

Bramble House is a two storey building that was originally constructed as a nurse's home. It is built in the neo-Georgian style. The building has a U shaped plan with rooms either side of a central corridor. It stands at the northern edge of the application site with its principal elevation facing south east. It has an elongated principal elevation with its central doorway recessed beneath an archway and porch. The building retains a variety of chimneys. Bramble House was most recently occupied as NHS offices but it presently stands vacant.

Braemar is a two storey building dating from around 1938. It is much smaller than Bramble House and it resembles a neo-classical dwelling with art deco detail. It is of brick and tile construction and was built as a block of doctor's flats. It sits towards the south-east of the application site, with its principal elevation facing Kingsway and a pedestrian entrance extends directly into Braemar from Kingsway. The hipped roof building has a central chimney with overhanging and spayed eaves. Its central doorway has a surround cast in concrete with pedimented hood.

Apart from an area of hard surfaced car parking which extends to the south east of Bramble House and the stretch of hard surface that is currently Albany Road, the remainder of the application site stands as open, landscaped grounds that contains a number of mature trees. The boundary between the site and the highway in Kingsway is defined by a low wall with concrete copings that has railings on top and clear views are achieved from Kingsway through the site and to the new development beyond on the former hospital site.

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Full planning permission is sought for the demolition of the two existing buildings on the site and its redevelopment, comprising a group of three separate buildings which would accommodate an 80 bed care home and 66 extra care assisted living units provided in the other two buildings. The plans and information supporting the application identifies the three buildings as blocks A, B and C.

Block A is the Care Home building. It is shown to occupy the northern corner of the site, in an 'L' shape, fronting Kingsway and the Kingsway roundabout. The building has 3 storey elements, rising to four where it fronts Kingsway and the roundabout. The design is a modern flat roofed building, with projecting and recessed elements to its elevations. Facing brick, horizontal plank cladding, predominantly at the fourth storey level and aluminium panels are proposed for its elevations. Internally, the care home would accommodate 80 bedrooms, communal lounge and dining spaces, a shop, café, hair and beauty salon, gym, cinema, restaurant and bar along with staff and servicing spaces.

Block B is a four storey block of extra care apartments that would front onto Kingsway. This building has a rectangular footprint and a flat roof. The building has a modern external treatment with varying parapet heights. External materials include facing brickwork, horizontal wood cladding, grey windows and doors and light grey steel framed balconies with glazed infill panels. This building would provide 3 no. one bedroomed apartments and 24 no. two bedroomed apartments. The ground floor of the building is shown to incorporate a buggy and refuse store.

Block C is a three storey 'L' shaped building that would extend across the sites south-west corner. The building's design incorporates double pitched roofs behind parapets. The elevations are of a modern design with facing brickwork and detailing, recessed elements with vertical boarding, grey windows and doors and light grey steel framed balconies with glazed infill panels. This building would provide 8 no. one bedroomed apartments and 31 no. two bedroomed apartments. The ground floor of this building is also shown to incorporate a buggy and refuse store.

The development would be served by a vehicular access off Kingsway that would enter the site between blocks B and C. This would utilise the existing right turn priority ghost island T junction from Kingsway that historically served the hospital site. The submitted layout includes 75 car parking spaces and landscaped grounds. Pedestrian and cycle access is also proposed via a dedicated connection from Cherry Tree Close to the west. The route runs around the southern site perimeter and would link through the site to Kingsway. The submitted layout shows landscaped spaces along this route opened up with provision for curved paths, seating and landscaping.

The information that has been submitted in support of this application includes a Design and Access Statement, Planning Statement, Transport Assessment, Framework Travel Plan, Landscape Masterplan, Flood Risk Assessment and Drainage Strategy, Tree Survey, Archaeological Statement, Heritage Statement, Geo-environmental Desk Study Report, Preliminary Ecological Appraisal Report, Bat Survey, Air Quality Assessment, Noise Assessment, Employment Land Report, Market Overview and Analysis, Statement of Community Involvement, Building Inspection Report for Bramble House and a Building Inspection Report for Braemar.



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**Application No: 20/00072/FUL**

**Type: Full Application**

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A number of these documents have been updated during the course of this application following the submission of amendments to the proposals.

### **2. Relevant Planning History:**

The application that is most relevant is the following;

<b>Application No:</b>	07/08/01081	<b>Type:</b>	Outline Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	24/07/2014
<b>Description:</b>	Residential development (580 dwellings), erection of offices (Use Class B1), retail uses (Use Class A1, A2, and A3), business units and associated infrastructure (roads, footpaths, open space and allotments)		

### **3. Publicity:**

Site Notices were posted on 3 occasions on 24/01/20, 01/05/20 and 14/08/20.

Statutory Press Adverts were published on 2 occasions on 24/01/20 and 07/08/20.

Other: The applicants have submitted a Statement of Community Involvement which outlines their own publicity and consultation process, undertaken prior to the application being submitted. This involved a public exhibition, held at the Kings Highway Hotel. The Statement indicates that 500 homes nearest the application site were sent a letter inviting them to the exhibition which was also advertised in the Derby Telegraph. Local Ward Members were also invited. The Statement indicates that around 60 people attended the event, with 23 feedback responses sent by e-mail and questionnaires available at the event. As a result of this consultation, the Statement indicates that a 168 sqm coffee shop and drive thru and dedicated car parking was removed from the scheme that was presented at the event. The access proposals have also been amended from those presented at the event with access to the development now being solely from Kingsway (and not Cherry Tree Close).

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

### **4. Representations:**

- Three representations have been received in response to this planning application. One outlines support for the application, one offers comment and one raises objections to the application.
- The two representations that offer comment and support both reference the remaining land available on the Manor Kingsway site for commercial development stating that it should be accessed via Kingsway or the former hospital entrance which is through the application site. Both indicate that future commercial development on adjacent land should not be allowed to be accessed via the new residential areas of Cherry Tree Close and Kingsway Boulevard.
- Two representations made in support by the same resident indicate that the existing building on the application site (Bramble House) is an eyesore and

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attracts problems with anti-social behaviour. The resident states that the building should be knocked down and developed into something the area can be proud of. The resident suggests that this trouble spot should be regenerated and modernised to do some good for Derby.

- Derby Civic Society has submitted objections to the application and provides detailed information relating to the sites history and Local Listing. The Civic Society states that Bramble House is a building of considerable merit that was built to a high standard. They state that its sits well within its setting and every avenue for the preservation of the building should be sought. They state that the proposed use would lend itself to retention and the buildings should be retained and their settings enhanced. They state that use of locally listed buildings at 10-14 St Helens Street demonstrate adaptation for such a use. The Civic Society state that they consider extracts within the applicants Heritage Statement to be subjective and egregious.

## **5. Consultations:**

### **5.1. Conservation Area Advisory Committee:**

*The Committee considered the application at its meetings on 05/03/20 and on 03/09/20 following the receipt of amended plans. The Committee resolved to object to the application and commented as follows;*

This proposal will result in the loss of a locally listed building. The NPPF states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Bramble House is of a scale and nature of development that lends itself to sensitive modification to achieve suitable accommodation that could be used as a care home and extra care assisted living units. The case for demolition is extremely weak.

### **5.2. Highways Development Control:**

*Highways colleagues have provided a detailed technical note as follows:*

#### **1.0 Introduction**

1.1 The application proposes the erection of and 80 bed care home and 66 extra care assisted living units (use class C2) with associated parking.

1.2 The following comments are written in response to the additional information supplied.

#### **2.0 Access arrangements**

2.1 The proposed access is from Albany road. The access will sever the existing construction access to Manor Park Way and the wider Kingsway housing development. The access also serves the premises which houses Drivability. The applicant has noted that Kier Living, as the landowner, have been informed of this proposal.

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- 2.2 The closure of this access will likely result in the Kier living development utilising Cherry Tree close as a new construction access. It will also result in Drivability potentially not having access to the highway. It is currently unclear what rights of access, if any, the Drivability and Kingsway development have through Albany Road.
- 2.3 Under the proposals, the Albany Road/ Kingsway junction will operate as a left out only junction with changes to the junction made to physically restrict the right-hand turn movement. This access proposal will be discussed further in relation to highway impact below.
- 2.4 It is intended that the cycle path along the edge of the site will be adopted by Derby City Council. As a result the cycle path will have to be constructed to the relevant standards. The construction and adoption of the path can be met through a detail.
- 2.5 It was noted by DCC that more pedestrian access would benefit the site. However, due to safeguarding and security concerns the number and locations of the accesses need to be controlled. In light of this the pedestrian accesses are acceptable.
- 3.0 Parking
- 3.1 A further review of the parking accumulation has been conducted. The original parking accumulation estimated a maximum 41% accumulation. The subsequent review which has assessed the likely staff parking accumulation and shift changeovers. As a result the likely accumulation will be closer to 80%, leaving a degree of flexibility to accommodate visitors to the care home.
- 4.0 Trip generation and highway impact
- 4.1 Confirmation of the how the estimated trip generation has been provided in which utilises the trip rates from the previously approved care home application on Kingsway. The trip rates are considered acceptable for the associate land use.
- 4.2 As noted above, the current access for Albany Road caters for the wider Kingsway housing development. The baseline surveys did not cover the Albany road/ Kingsway junction. As the proposed layout is set to close the access to existing traffic the assessment of the estimated traffic generation is still acceptable.
- 4.3 The development is anticipated to produce 9 outbound and 17 inbound trips in the AM peak. The inter-peak is anticipated to produce 25 outbound trips and 22 inbound trips. The PM peak is likely to produce 14 outbound trips and 12 inbound trips.
- 4.4 During the AM peak, the left out only access arrangement will lead to a 0.01% increase in arrivals at the Kingsway roundabout. The inter-peak will likely see an increase of 0.02% and 0.01% in the PM peak. As a result, it is unlikely that the development will have a severe impact.
- 4.5 The modelling conducted of the Kingsway roundabout junction has shown that the development will have a minimal impact on its operation. The highest RFC

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score is reported on the Kingsway Retail park arm of the roundabout. The RFC score increases with the inclusion of the development from 0.96 to 0.97.

**5.0 Conclusion**

- 5.1 The submitted information has conducted sufficient testing and provided sufficient evidence to support the application.
- 5.2 The access arrangements in which the Albany Road/ Kingsway junction is set to become a left out only operation is acceptable. This change effectively formalises behaviour that currently occurs at the junction. However, as noted above, the proposals are to close the existing access from the Drivability site and wider Kingsway housing development. As such, it is unclear if the severance of this access is acceptable. If the proposals change to include access to the other sites, a re-assessment will be required.
- 5.3 The parking demand has been recalculated and the provision is considered justified and in line with the Councils guidelines. It is recommended that the developer considers the provision of electric vehicle charging points or to at least future proof certain facilities to allow for this provision.
- 5.4 The delivery and adoption of the cycle path will require detailed plans to be submitted and approved by the LHA. This can be met through a condition.
- 5.5 A detailed submission of secure and covered cycle parking will also be conditioned for approval by the LHA.

**5.3. Conservation Officer:**

*The following comments were provided in response to the original planning application submission;*

The application site includes Bramble House (also known as the Former Nurses Home, Kingsway Hospital), a heritage asset as it is a locally listed building described thus:

‘Designed as Nurses’ Home in 1943 for the hospital site, by local architect George M. Eaton. Simple, mostly neo-Georgian brick building with hipped tiles roofs, multi-paned sash windows and French doors with fanlight’.

The Derby Locally listed buildings list identifies buildings and other structures within Derby which are considered to have some local importance, either from an architectural or historic viewpoint. The local list seeks to include buildings which are of merit in their own right, those which are worthy of group value in the street scene and any other feature which is considered to be worthy of conservation because it makes a positive contribution to the local environment. The list contains examples of different architectural styles from many periods, including those of relatively recent origins.

The information submitted within this application is limited. Policy CP20 states that the council requires (a). ‘where proposals have the potential to impact upon heritage assets, a statement of significance and an impact assessment are submitted to ensure that the importance of the asset and extent of impact is fully understood’.

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Para (c) and (d), are also relevant. I suggest that more information, at predetermination stage, is sought as regards this building.

Para 5.20.6 of CP20 states that locally listed buildings and these buildings of architectural and historic merit, which form an important part of Derby's heritage which also need to be protected from loss or harmful alterations.

I note that the Masterplan for Manor Kingsway SPD, a copy of which OPUN commented upon, shows the retention of Bramble House. I strongly therefore advise that the applicant investigates the retention and adaptive reuse of the existing locally listed building which is proposed to be demolished for care home, assisted living and other uses.

Policies - Para 197 of the NPPF is relevant here as are Policies E19 of 2006 City of Derby Local Plan Review and CP20 of the 2017 Derby Local Plan Core Strategy. Please see reference to policy CP20 above.

Within para 197 of the NPPF (2019) 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Recommendation: Object to the demolition of this locally listed building and heritage asset on heritage grounds. Limited statement of significance and justification and lack of consideration of retention and adaptive reuse.

*Following the submission of further information and revised plans, the Conservation Officer provided the following comments;*

Further information has been submitted for this application including a justification for the demolition of the locally listed building.

I note the appeal decisions submitted. I note Knowle, Devon appeal is regarding the setting of a listed summer house outside the site and the others are not relating to heritage assets. There are other appeal decision cases where the Planning Inspector has dismissed appeals on the basis of the demolition of a non-designated heritage asset and its replacement.

Recommendation: Maintain objection to the demolition of this Derby locally listed building, which was selected to be on Derby's Local List. It is a 'non-designated heritage asset' (NPPF, 2019). I object on heritage grounds as well as the quality of the design of the replacement and scheme.

#### **5.4. Natural Environment (Tree Officer):**

To be reported.

#### **5.5. Environmental Services (Health – Pollution):**

##### **Noise**

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

1. Context

A noise impact assessment report has been submitted in support of the above Application.

**Document(s) submitted for review:** BWB Consulting Ltd Noise Impact Assessment Bramble House Derby Report No. LDP2352 Rev 4<sup>1</sup> Comments have been made against the identified sections of the report. These are generally intended to help improve future submissions made to the Council. Comments that are considered material to the Application are summarised in the Conclusion.

2. Standards and Guidance

Inclusion of the Noise Policy Statement for England (NPSE 2010) would have helped provide a framework for the values set out in the various standards and guidelines. Definition of lowest and significant adverse effect thresholds would have been helpful, as in the absence of local policy guidance this would be used to assess noise impacts.

It is accepted that this is more difficult with 'noise change' based assessments such as BS4142 but given the nature of the proposed development BS8233/WHO are considered the main sources of effect thresholds and hence would determine the acoustic design at this stage.

Simple analysis would suggest that only very large residential schemes would cause anything above a minor noise impact from traffic change as becomes clear later on in the report.

3. Baseline Noise Monitoring

It would have been helpful if at least one measurement location had been at for example the most exposed facade to further support the development and validation of the acoustic model and provide further assurance that the assessment is reliable, and the proposed design would be acceptable.

On Table 3.1 as there have been several surveys, from some time ago, it might be better in future to omit next due calibration date to avoid potential confusion.

It would be helpful to provide a summary of weather conditions, preferably based on observations at the location of the measurements to confirm their acceptability. Data reported from nearby weather stations is an alternative that may be used.

The provision of a single 'time history' and more detail to understand how the LAMax and LA90 have been derived (for example in an Appendix) would be helpful to support the summary tables.

4. Assessment

A night-time equivalent of Figure 4.1 would have been helpful to provide a visual representation of likely noise environment during the night.

The assessment is considered reliable, tending towards precautionary with respect to external areas, on the basis that these are only occupied for transient periods and hence significant adverse effects would be unlikely in the absence of the recommended mitigation measures.

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**5. Mitigation**

The report includes a variety of mitigation options. With respect to balconies and the patio there is a balance to be struck between the modest degree of noise attenuation and potential loss of visual amenity and adverse effects on drainage. This should be seen in the context that a significant noise effect is unlikely, because the use is transient, and the residents have access to other quieter areas.

The general conclusion that suitably enhanced double glazing and passive ventilation is accepted on the basis that this should reduce internal noise levels down to the implied lowest adverse effect levels.

The differentiation between windows that would benefit from this enhanced design and windows where a standard partially open window would be sufficient places great reliance on the accuracy of the assessment. This is especially the case on the south facing facade of Block C as shown in Figure 5.3 where some windows have been omitted.

It is considered reasonable to apply the same enhanced design of windows and ventilation to all facades in order to minimise noise levels within the dwellings caused principally by traffic from the nearby main road.

**Conclusion**

The noise report submitted is considered sufficient to determine that this site is suitable for the proposed development from a noise perspective.

**Recommendation**

It is recommended that no objection be made to the Application on noise grounds subject to a suitable condition, for example:

'Prior to first occupation an environmental noise monitoring report shall be submitted for acceptance by the Local Planning Authority. This report shall demonstrate that the following internal ambient noise levels are not exceeded in any habitable rooms whilst achieving an adequate standard of ventilation and temperature:

- i)  $L_{Aeq, 16hr}$  (0700-2300) of 35 dB
- ii)  $L_{Aeq, 8hr}$  (2300-0700) of 30 dB
- iii) 11<sup>th</sup> highest  $L_{AFMax}$  (2300-0700) of 45 dB (using 1 minute measurement intervals)

The installed glazing and ventilation systems shall be retained and maintained at all times thereafter to ensure that this level of performance continues to be achieved'

**Air quality**

- 1. You will be aware of earlier comments relating to air quality provided by this Department on an earlier version of this scheme on 1st April 2020.
- 2. I note an amendment to the scheme design, in particular a proposal to move the nearest façade of the proposed care home buildings closer to the road. In this regard, the nearest façade of Block C is now only around 9m from the kerb of Kingsway. Given that air pollution emissions predominate from road traffic, this has implications on the earlier assessment conclusions.
- 3. In support of the updated proposals, an Air Quality Technical Note has been prepared (BWB, Ref: LDP2352, Dated: 30 July 2020). I can comment on the Note and its implications for the revised scheme as follows.

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**Air Quality Technical Note**

4. The Note does not include further detailed modelling based on the new façade of Block C. Instead, it utilises the earlier assessment modelling results to estimate pollutant concentrations at the new façade using the DEFRA NO2 Fall-Off with Distance Calculator.
5. The methodological approach has been agreed with this Department.
6. The calculations suggest that NO2 concentrations still remain well below the air quality objective for annual average NO2 in the predicted opening year of 2024.

**Conclusions and Recommendations**

7. The conclusions of the submitted Air Quality Note are accepted.
8. This Department's conclusions remain the same, namely that air quality does not appear to be a significant factor in determination of the planning application.
9. The Environmental Protection Team still recommends that the construction dust mitigation measures outlined in Section 7 of the submitted Air Quality Assessment are formalised within a Construction Dust Management Plan and I would advise that this is secured by condition.
10. In addition, it would still be prudent to ensure that electrical infrastructure is provided on site to allow for future installation of appropriate Electric Vehicle Charging points. This is in accordance with the UK Government's Road to Zero Strategy. Reference to the standards outlined within the recent 'Electric vehicle charge points in residential and non-residential buildings' consultation is strongly advised. An advisory note is recommended in this regard.

**Contaminated land**

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

1. The scheme will introduce sensitive receptors i.e. the occupants of the future care home and dwellings, onto land that could be contaminated due to its historical use as a hospital. The site is also within close proximity to a former landfill site.
2. The application is supported by a Geoenvironmental Desk Study Report (JPG Leeds Ltd, Ref: 5757-JPG-XX-XX-RP-G-0602-S2-P02, Dated: January 2020). I can comment on the report and its findings as follows.
3. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than in a land contamination context.
4. All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

**Geoenvironmental Desk Study**

5. The study identifies the main sources of potential contamination on site, but does not include any intrusive soil or gas sampling.



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6. The study highlights the results of a previous investigation, which identified significant concentrations of ground gases (methane and carbon dioxide) during one of the monitoring visits. This appears to be in line with the known presence of the former Rowditch Landfill Site only 25m to the north east of the site boundary.
  7. Currently, buildings are still present on site. Consequently, the report recommends that intrusive investigations are carried out following demolition, in order to provide better site access and coverage for sampling.

**Conclusions and Recommendations**

8. The submitted Geoenvironmental Desk Study recommends that intrusive investigations are undertaken on site, following building demolition works. This is agreed in principle.
9. In order to protect the health of future site users, land contamination conditions are strongly recommended in connection with any planning consent issued in respect of the application.
10. The conditions should require the following:
  - i) A site investigation following demolition of buildings on site, but before construction of the development commences, to determine the extent of contamination risks. A report of the investigation will need to be agreed in writing with the LPA.
  - ii) Where the agreed site investigation has identified contamination risks, a Remediation Strategy will need to be produced and agreed in writing with the LPA, in order to render the site safe for future site users with respect to the identified risks.
  - iii) All elements of the agreed Remediation Strategy will need to be implemented in full and a Validation Report submitted for agreement with the LPA before the development can be occupied. The Validation Report will need to demonstrate, through appropriate evidence, that the Remediation Strategy has been fully implemented and the agreed remediation targets have all been met.

**5.6. Resources and Housing (Strategy):**

Last year we have updated our Older persons Housing Strategy for 2019-29 and one of the key priorities is to continue with our plans for more Extra Care within the City.

From a housing (and care) perspective, whilst our plans for Extra Care are ambitious (a further 360 units by 2025), the schemes that we currently have in the city have been very successful and hugely popular. You will appreciate that there is a very high demand for housing with care and support services for older people, particularly for people living with dementia, life limiting illnesses and people needing support to manage their own personal care. Our experience is that well planned and designed extra care housing, really does offer a lifestyle choice to older people who require some level of care and support.

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Local community events have also indicated that Extra Care housing is also the preferred supported accommodation choice for our older residents and as such, the Council is committed to working with its development partners to develop new schemes and to look at possible funding sources.

The proposal for a new Extra Care scheme in the Manor /Kingsway area is particularly attractive to the Council for a number of reasons. Firstly, we have a particularly high level of older person households in this part of the city with limited existing provision. Secondly, its proximity to the Derby Royal Hospital would undoubtedly enhance the local provision of support services for older people and the scheme is very well located for the convenience of older residents in terms of access and distance.

We would be grateful if you could strongly consider our support for this scheme and we would be very much interested in hearing about any further progress with this proposal.

**5.7. Land Drainage and Flood Defence Team:**

The Team have advised as follows;

Our previous advice remains, as the amended information does not provide the required information and level of detail. The Applicant may seek to discuss this with the Land Drainage and Flood Defence Team, prior to submitting a detailed drainage strategy with supporting documentation, including detailed drawings of flow control and attenuation structures, maintenance schedules and calculations.

Our previous response as below still applies and the Conditions detailed below are still recommended.

The site is located within flood zone 1 according to the Environment Agency Flood Maps and the Council's SFRA. Therefore I would regard the development as sequentially appropriate in terms of flood risk.

Being a major development in flood risk terms, local and national policy dictates that sustainable drainage systems (SuDS) must be provided for the site. This should include appropriate restriction of surface water runoff from the site to as close as reasonably practicable to equivalent greenfield rate. The submitted information indicates that there will be two separate surface water outfalls restricted to 5l/s, equalling 10l/s in total which is acceptable for this development.

However, considering the scale of the development, there are inadequate sustainable drainage systems proposed for the site. Permeable paving, rain gardens, bio-retention systems and rainwater harvesting could all be an effective solution for the site drainage, as could green roofs. However, pipes and geo-cellular tanks have been selected, which offer inadequate cleansing, amenity and biodiversity benefits.

The Applicant may seek to discuss this with the Land Drainage and Flood Defence Team, [flooddefence@derby.gov.uk](mailto:flooddefence@derby.gov.uk), prior to submitting a detailed drainage strategy with supporting documentation, including detailed drawings of flow control and attenuation structures, maintenance schedules and calculations.

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This could be dealt with under a planning condition, however it should be noted that the submitted drainage strategy is not acceptable in principle. We would therefore only recommend approval of the application with the following condition:

1. No development shall take place on the consented development until a surface water drainage scheme has been submitted 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) A sustainable drainage solution,
- b) Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- c) Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- d) Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2. In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development.

#### **5.8. Derbyshire County Council Archaeologist:**

##### **Below-ground archaeology:**

Parts of the site, and other areas immediately adjacent, were subject to archaeological evaluation during the planning process for the Kingsway Hospital proposals under DER/06/18/00905. This comprised desk-based assessment followed by geophysics and evaluation trenching on targeted areas. This evaluation process produced little of archaeological interest and established that the site as a whole was of low archaeological potential. These previous results suggest that the current site is also of low potential and I advise that no further archaeological work is required.

##### **Built heritage:**

The buildings known as 'Bramble House' and 'Braemar' date from the 1930s and are associated with the expansion of the site in the 1930s, in a broadly art deco style similar to the Council House and other municipal buildings of this period in the city. 'Bramble House' is on the City of Derby Local List where it is attributed to local architect George M Eaton, although English Heritage previously attributed these buildings to borough architect CH Aslin.

In assessing buildings on the Kingsway Hospital site for designation in 2007, English Heritage advised that: "The buildings erected circa 1938 to the designs of C. H. Aslin are more intact and in some respects of more interest than their Victorian and Edwardian counterparts. However, the designation of C20 buildings becomes progressively selective due to the larger numbers that survive 'The Nurses' Home (Bramble House) has some good Art Deco interiors, but again is not of sufficient craftsmanship or innovation to be of special interest on a national level ' Nonetheless

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it would be worth considering Kingsway House, the Nurses' Home and Braemar House ' for Local Listing."

Bramble House (the Nurses' Home) was subsequently added to the City Council's Local List, although Braemar House was not. They are however of a similar level of importance and share similar aspects of significance.

Proposed demolition should be weighed under NPPF para 197: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Although para 197 applies a sliding scale and does not require the same 'great weight' to be attached to conservation of an asset's significance as for a designated asset, I note that the importance of these heritage assets is towards the upper end of the undesignated scale, by dint of their locally listed status, and that the 'scale of any harm or loss' proposed involves demolition of the buildings, i.e. a total loss. There is a consequently a reasonable presumption under para 197 that planning proposals will start from a consideration of adaptive re-use of the buildings (conservation of significance) and that total loss would require convincing justification in terms of options appraisal and the economics/practicalities of re-use.

This approach is reinforced by NPPF para 192 requiring local planning authorities to take account of:

- "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

At present I do not feel that sufficient justification is given for the loss of the built heritage on site, although I note that a condition survey is included and the applicant states that the site has been marketed. The applicant should evidence a comprehensive options appraisal for the site, starting from a consideration of adaptive re-use of the existing buildings.

#### **5.9. Design Review Panel:**

*The Panel provided the following comments in relation to the original application submission;*

Having reviewed the scheme, the Design Review Panel are very supportive of the intention to develop an elderly care facility on this site but ultimately have concerns with the design approach.

##### **Context**

Given this is a Locally Listed Heritage asset on a prominent site, has repurposing the existing building been sufficiently explored and appropriately justified through

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heritage impact assessment – if a heritage Impact Assessment demonstrates that the existing cannot be converted / retained then the quality of the new build must be of sufficient quality and integrity to justify demolition. From our perspective the current proposal does not address this issue.

Architectural integrity

The juxtaposition of buildings suggests the approach is based on maximising the number of units with most of the leftover space between the buildings deployed for car parking. The approach results in a cramped site layout with poor quality external space due to the domination of roads / car parking and large parts of it being in shade. Overall the building character looks monolithic with an institutionalised feel which is more conducive to a correctional facility than a complex for elderly care.

There is a lack of cohesion / articulation with the design of the 3 buildings with 2 of them featuring pitched roofs and the third featuring a flat roof.

Options to consider:

Reduce number of new buildings to 2 to provide opportunity for enhanced external realm that promotes community cohesion / well-being rather than be dominated by roads / car parking. Opt for fewer taller buildings (with a better design) to free up footprint and reduce the running costs of 3 buildings to 2. Reuse Bramble House (including gatehouse) and investigate extension with wings or complete the courtyard with a quadrant infill (subject to site ownerships).

*Following receipt of amended plans, the Panel considered the revised scheme and provided the following comments;*

- In summary, the panel felt the amendments had addressed a number of concerns however, not all panel members were in agreement about the loss of Bramble House as a locally listed heritage asset.
- The opening up of the central courtyard space with improved landscaping, south-facing aspect and new car parking arrangement was well received.
- The look and feel of the elevations had noticeably changed to look and feel like the Kier Living scheme adjacent.
- It was felt the composition of materials, massing and fenestration had been resolved to a level for blocks B&C. However, this is less so for block A, with too many contrasting parapet heights and steps in the building line, particularly where it turns the corner to face the roundabout. A more cohesive approach is required for this block to be part of the same family.

Should the application be approved the panel would advise including planning conditions to maintain high-quality material specification, complimentary landscape design and 1:10 facade sections to agree on the junctions, openings and brickwork detailing.

**5.10. Historic England:**

Historic England have advised that on the basis of the information available to date, in their view the Local Planning Authority do not need to notify or consult them on this application under the relevant statutory provisions.

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**5.11. Derbyshire Wildlife Trust:**

The application seeks permission for the construction of an 80 bed care home and 66 extra care assisted living apartments with car parking and landscaping. The scheme requires the demolition of existing buildings on the site.

The application is supported by the following ecological reports;

- Preliminary Ecological Appraisal Report reference R-4388-01A prepared by Brooks Ecological dated 14/01/2020
- Bat Survey Update report reference R-4388-02A prepared by Brooks Ecological dated 22/11/2019

The preliminary ecological appraisal is based upon an Extended Phase 1 Habitat Survey and Bat Roost Suitability Assessment carried out in September 2019 and was informed by an appropriate desk study for existing biological information.

Both buildings proposed for demolition were assessed as having low bat roost suitability and, as such, were subject to nocturnal surveys in line with current best practice guidance as reported in the Bat Survey Update Report. No bats were recorded emerging from or returning to the buildings during the surveys carried out on 16th and 17th September 2019. These results compare with the results of previous surveys carried out in 2017 and 2018.

Overall, on the basis of the submitted information we advise that sufficient information has been provided to enable the local planning authority to determine the application in the knowledge that roosting bats are unlikely to be affected by the proposed development. There are unlikely to be any other protected species issues arising with the application.

The trees, hedges and buildings provide suitable opportunities for nesting birds. We therefore recommend that a condition to secure the following is attached to any permission;

“No removal of trees, hedges, shrubs or buildings shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges, shrubs or buildings shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.”

We support the recommendation in the Bat Survey Update report for the incorporation of biodiversity enhancement measures in the scheme to accord with the objectives of the National Planning Policy Framework and policy CP19 of the Derby City Local Plan which should be secured by a planning condition as follows;

“Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (in-built) features within the new buildings for roosting bats and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.”

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The use of native species within the landscaping as shown on the submitted Planting Plans is considered appropriate and should be implemented.

**5.12. Highways England:**

Highways England confirmed that they offer no objection to the proposed development.

**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
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP13	Retail and Leisure outside of Defined Centres
CP15	Food, drink and the Evening Economy
CP16	Green Infrastructure
CP17	Public Green Space
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC19	Manor Kingsway
MH1	Making it Happen

**Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development (General Criteria)
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
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:

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[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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](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. Policy Context**

#### **7.2. Business Park Delivery**

#### **7.3. Affordable and Specialist Housing**

#### **7.4. Heritage Impacts**

#### **7.5. Planning Benefits**

#### **7.6. Design and Amenity**

#### **7.7. Highways / Access and Parking**

#### **7.8. Green Infrastructure and Ecology**

#### **7.9. Other Environmental Issues**

#### **7.10. Section 106**

#### **7.11. Conclusion**

### **7.1. Policy Context**

The application site is located within the Manor Kingsway allocation identified as Policy AC19 in the adopted Local Plan. The policy sets out that the allocated area should deliver a minimum of 700 new, high quality homes and local facilities, amenities and job creation.

The Manor Kingsway site is also the subject of a Supplementary Planning Document, the 'Manor and Kingsway Hospitals SPD'. This document sets out development parameters and is based on the local plan policy at the time it was prepared, which was the City of Derby Local Plan Review. Many of these policies have been replaced and the thrust of the SPD and policy framework is now set out within the Saved policies of the CDLPR and the adopted DCLP1 as well as the NPPF.



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Outline Planning Permission was granted in 2014 and it covers a large part of the Manor Kingsway allocation. The outline granted permission for Residential Development (580 Dwellings), Erection of Offices (Use Class B1), Retail Units (Use Classes A1, A2 And A3), Business Units and associated Infrastructure (Roads, Footpaths, Open Space And Allotments). Further applications in both reserved matters and full permission (outside the outline) have been approved and development on the site has commenced with over 200 new homes completed. The amount of housing approved, built or at application stage provides enough homes to meet the minimum 700 local plan requirement for the site.

Almost this entire application site is outside those areas which have been permitted for development thus far. A very small area of the site crosses into the extant outline area but this is negligible and would not affect the delivery of the uses proposed in the outline.

One of the specific requirements set out in policy AC19 under criterion (a) is the construction of a high quality business park (B1) on no less than 5 hectares. There only appears to be limited land remaining within the allocation area to achieve this outside of permissions that have already been granted. Part of that land that remains available includes the application site. If the application is permitted and delivered, the remaining land will not be big enough to provide a 5ha business park. Accordingly, this application must be considered to be offering a form of development that departs from the aspirations set out in the AC19 Local Plan allocation.

The range of on-site facilities set within the care home provides uses for the care home residents which the assisted living residents will also be able to access. This range of on-site facilities creates a sustainable living environment and reduces the need for extra care residents to travel away from the site, although it is acknowledged that they are free to do so if they wish. Food and drink and leisure uses including a cinema are, in this case ancillary and given that Policy CP7 (Affordable and Specialist Housing) requires extra care proposals to provide supporting infrastructure they would seem entirely appropriate and acceptable. The ancillary uses are not of a scale or type which would be likely to attract trips to them as a destination. They are there for the benefit of residents and visitors of both the care home and extra care apartments and are ancillary and complementary to the main use.

## **7.2. Business Park Delivery**

If this development is approved, there will be insufficient land left in the area allocated by the Local Plan to deliver the 5ha business park, once approved reserved matters applications for residential development have been implemented. The application site extends to some 1.75ha and its development would leave only 3.7ha of the Business Park land remaining. Permitting this development would therefore prejudice the opportunity for the full 5ha to be delivered and for this policy objective to be fully achieved.

It is noted that the requirement to provide employment land as part of the Local Plan allocation was challenged (on viability / deliverability grounds) at the DCLP1 Examination and the merits of a mixed use approach were considered by the Inspector in his report, dated December 2016. Paragraph 83 of the report states:

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*“There are benefits from an employment allocation to the west of the City, close to new residential developments, with good access to the A38 and city centre. However, the Framework seeks to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of them being developed for this purpose. In this case the site as a whole was allocated for mixed use in the existing Local Plan adopted in 2006. Nevertheless, the planning permissions have only recently been granted. Some housing has been built but the total amount of development will take some years to achieve, and as it establishes it is more likely that it would be attractive to employment uses. No evidence has been presented of any marketing of this aspect so far. In this context, it is too early to conclude that the business element of the proposed allocation would not be achieved. Policy AC19 is therefore an appropriate framework for the development of the site”.*

In the context of the adopted policy and associated Inspector’s Report, the starting point in considering the merits of the application should therefore be that this proposal is contrary to the requirements of policy AC19.

The Local Plan does not provide criteria to assess proposals involving the loss of proposed employment land on mixed use allocations such as the application site. It is therefore logical to use the criteria set out in policy CP10 relating to loss of existing employment land for this purpose. CP10 acknowledges that it may be appropriate to redevelop some areas of existing employment land and requires applications involving such losses to demonstrate the following:

- 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 employment land supply would not be unduly affected in terms of quantity or quality;
- surrounding uses would not be adversely affected and in the case of sites near to residential areas would lead to an improved environment for residents; and
- in the case of residential proposals a satisfactory living environment can be created.

The applicant has submitted a significant amount of information to try and address these criteria including; an Employment Land Report prepared by Grant Mills Wood and an associated Office Market Review prepared by Innes England.

The Employment Land Report provides a comprehensive assessment of the employment land supply position in Derby and provides commentary on the likelihood of office development being constructed on the Manor Kingsway site in the remaining Plan period. The report reaches the following conclusions:

- Retaining a site for B class uses does not mean developers or occupiers will be attracted to the site in this location or the site will come forward for such uses. There is no reasonable prospect of the site being used for ‘B’ purposes in the future.

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- All the evidence and planning documents highlight that there is an oversupply of employment land and this oversupply is set to continue over the plan period. There are superior vacant employment sites in Derby, which are more likely to come forward to satisfy demand over the Plan Period. There is a good quantitative and qualitative supply of vacant properties in the market area.
  - The site is unlikely to be used for office uses over the Plan Period due to the Councils plan to encourage office development in the City Centre and other particular markets in Derby.
  - There has been sufficient marketing of the site for B class uses. As no B class development has come forward it is clear the site is no longer suitable for B class purposes.
  - Currently the site is not generating any jobs. The proposed scheme will create employment for the local community, which will mean the proposed scheme will benefit the local economy.
  - As the site is vacant and the site is not surrounded by industrial properties the proposed scheme will not undermine the industrial/commercial character of the area.
  - Viability assessments have demonstrated that it is not viable to develop the site for B1(a) class uses. The negative figures are so apparent that this position (of a lack of viability) will remain indefinitely. As a result if the site is retained for such uses this will be contrary to the principles of the NPPF as there is no reasonable prospect of the site coming forward for B class purposes.
  - The proposed development will benefit the economy of the city and provide facilities for which there is demand.

The Office Market Review goes on to conclude that there is no reason to retain the site for employment use, either through retention of the existing buildings or as part of a wider new build office development. The reasons given for this conclusion include:

- that office supply already outstrips demand;
- that the current market in Derby is flat;
- other sites already in the pipeline, including sites in the CBD are likely to soak up any limited demand;
- historical lack of office demand specifically in the south-west of the city;
- the alternative scheme would be sustainable and deliverable.

It is accepted that a number of years have passed since the Inspector examining the DCLP1 concluded that the 5ha employment land requirement should be retained. In the intervening period, the wider site has continued to be built out and occupied and yet no obvious interest for office development has materialised, despite efforts to market the site for a range of uses including office development. The intervening period has also witnessed further deterioration of the City Centre in terms of footfall and overall vitality and viability, with even greater focus on the need to support diversification of the offer, including the need to focus office development in the CBD.

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The alternative use would clearly be in-keeping with the surrounding uses and opportunities for a smaller amount of B1a development would be retained in the wider site. This proposal would not compromise delivery on the area of land that would remain available for the business park. It is noted that the two local residents who have commented on this application indicate that the future business park uses should not be accessed via the new internal roads that serve the houses. Decisions on those accesses cannot be made through this application given that applications and layouts for such proposals have not yet been submitted. Access proposals to serve future business park uses would therefore be subject to scrutiny through any future applications made for the remaining land available for the business park.

It is noted that the proposed development would provide up to 40 full and part time jobs and the evidence that supports the Employment Land Report and Office Market Review is detailed and the arguments put forward by the applicant are highly convincing.

It is accepted that the applicant has successfully demonstrated that the criteria set out in CP10 have been met.

Paragraph 120 of the NPPF is clear that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

The in-principle conflict that this proposal raises in relation to the requirements of policy AC19 requires consideration but the applicant has demonstrated that criteria set out in CP10 can be met which sets out the criteria used to assess the loss of employment land. A case has been made by the applicants to consider the proposal in the context of criteria (b) of paragraph 120 and the wider benefits and need for the type of development being proposed requires consideration in reaching a decision on this application.

### **7.3. Affordable and Specialist Housing**

This development will bring benefits of providing new homes. In the Derby Housing Market Area (HMA), Derby City is unable to meet its housing need within its administrative boundaries and under the Duty to Co-operate the three Local Planning Authorities have agreed that some 5,388 dwellings will need to be met in South Derbyshire and Amber Valley in the plan period to 2028. This approach was found 'sound' by the Inspectors examining the Derby City and South Derbyshire local plans and Amber Valley Borough Council (AVBC) made no representations that this approach was unsound. Amber Valley's contribution to this unmet need, agreed through a signed statement of ongoing co-operation, is 2,375 and was taken into

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account in terms of the housing 'requirement' in the emerging local plan that AVBC had submitted for examination.

However, AVBC has recently withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the government's new 'standard method' which takes no account of the unmet need in Derby which it had agreed to meet by 2028. Derby City Council has made representations to AVBC that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley.

However, given that meeting this unmet need is now unlikely to feature in an adopted local plan for some time, it does not have the benefit of being 'plan led'. There may well be a delay in meeting this need in Amber Valley. This is a material consideration to take into account in determining housing planning applications in Derby and would suggest that additional weight should be given to the benefit of boosting the supply of housing in Derby.

Local Plan Policy CP7 (Affordable and Specialist Housing) includes criterion (c) which supports the provision of housing which is capable of meeting the needs of the aging population and people with disabilities. It also supports the delivery of extra care housing where there is an identified need subject to appropriate infrastructure being provided and a 'critical mass' of units being provided. The policy also requires a long-term management plan to be in place.

The Council has published its 'Older Person's Housing Strategy 2019-2029' which sets out a key priority to provide further Extra Care accommodation in the city. The Council has an aspiration to facilitate the delivery of a further 360 Extra Care units by 2025 and this development can contribute to this aim. There will be a critical mass of development including the extra care element and the care home element. Ancillary supporting facilities are proposed which add to the sustainability credentials of the proposal and the applicant is a care provider. In their response to this application, colleagues in Housing Strategy have expressed strong support for this scheme, outlining the attractiveness of the specialist type of housing it proposes.

It is important that sites in the city are developed at optimal densities to make efficient use of land given that Derby City is land constrained and is relying on neighbouring authorities to meet some of its housing needs. However, the need to optimise densities must sit within the general context of meeting the three separate strands of sustainable development; economic, environmental and social. The proposed buildings are set out to provide high density residential accommodation and supporting facilities. It is important that the site is considered holistically because some of the residents are likely to have limited mobility and perhaps not be able to travel away from the site.

Planning Practice Guidance sets out that local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market. The 80 bed care home and 66 assisted living Extra Care units can all, to some degree, count towards meeting the

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housing requirement in the Local Plan Policy CP6 of delivering 11,000 net new homes between 2011 and 2028.

The 80 bed care home should be counted towards meeting housing needs at a ratio of 1:1.8 and would therefore provide 44 units towards meeting housing requirements in the City. The Extra Care component would provide 66 self-contained apartments which could count on a 1:1 basis toward meeting housing needs in the City. Therefore, the scheme could contribute some 110 new dwellings to meeting housing requirements in the city.

This is a significant benefit which would arise from the proposal.

#### **7.4. Heritage Impacts**

The application site contains two buildings of heritage value. They are non-designated assets and are not statutory listed buildings but Bramble House is a locally listed building. Both buildings stand as historic features associated with the former Kingsway hospital site and both are visible from Kingsway. The proposals would involve the demolition of both buildings and this loss is an important consideration in the determination of this application.

In terms of our adopted Local Plan Policy CP20 seeks the protection and enhancement of the city's historic environment and Saved policy E19 of the CDLPR also seeks to preserve and enhance the character and appearance of locally listed buildings and protect them from development which is harmful to their significance. Local plan allocation AC19 part (g) also states that appropriate conservation of on-site heritage assets, in line with their significance will form part of the considerations for development on the former Kingsway hospital site.

As the proposals would involve the demolition of both buildings, the scale of harm resulting would be a total loss of significance. The proposed demolition therefore conflicts with the adopted policy and is contrary to policy E19 which states that the Council would not normally approve development proposals that would have a detrimental effect on locally important buildings.

National policy requirements and guidance outlined in the NPPF provides guidance for considering the impact of a proposed development on heritage assets and paragraph 192 requires local planning authorities to take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

In respect of non-designated heritage assets specifically, including locally listed buildings, Paragraph 197 of the NPPF requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Both Local Plan Policy and National Policy provided by the NPPF carry a strong presumption that total loss of heritage assets will require convincing justification.

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A Heritage Statement has been submitted by the applicant in accordance with paragraph 189 of the NPPF and Policy CP20. It has also been supported by Building Inspection Reports for both heritage assets and a Justification for Demolition document. This information gives consideration to the significance of the two heritage assets on the site. The Heritage Statement also considers surrounding designated heritage assets within a 1km buffer of the application site. In respect of other 'surrounding' heritage assets, the conclusions drawn in that Statement are that no impact on their setting would arise as a result of this proposal and such conclusions are accepted.

The Heritage Statement outlines the history relating to the Kingsway hospital site and the construction of new wards, buildings and blocks in the 1880's, 1890's and the early 20<sup>th</sup> century with a number of new building being erected circa 1938 to the designs of C H Aslin, the Borough Architect. It is at this time that Bramble House and Braemar were built.

The applicants Heritage Statement notes that Bramble House was considered by Historic England for statutory designation in 2007 along with other buildings on the hospital site. As part of that process, Bramble House was noted as having good Art Deco interiors but was not of sufficient craftsmanship or innovation to be of special interest or to warrant national designation. As a result of their assessment of the buildings across the site in 2007, Historic England suggested that Bramble House and Braemar would be worth considering for local listing and Bramble House was added to the local list in 2012.

In considering the significance of Bramble House, the Heritage Statement submitted by the applicant indicates that Bramble House has a minor historical (illustrative) value in its association with CH Aslin. It indicates that the Art Deco style applied by Aslin is of evidential value but is more visible within the interior rather than the exterior of the building. The Heritage Statement suggests that the exterior of the building has limited aesthetic and architectural value.

In terms of its wider setting, the Heritage Statement suggests that Bramble House's low level allows an appreciation of the scale of the wider Manor Kingsway site beyond and the large mass of the building provides a clue to its previous use as an office building but not necessarily an accommodation block. It notes that the buildings historic value can be applied to the function the building had in the wider role of the Kingsway hospital. However it indicates that it did not form part of the original complex and is different from the former Victorian and Edwardian style buildings that have since been demolished. The Statement suggests that the demolition of the remainder of the hospital buildings reduces the significance of Bramble House as it no longer sits within the context of the wider site following its partial re-development for housing.

In considering the significance of Braemar, the applicants Heritage Statement notes that Braemar was not added to the Local List. It notes that, like Bramble House there is an illustrative association with the architect. The Statement suggests that the south west elevation of the building has some aesthetic value but this is not particularly unique. It suggests that the communal value of Braemar is limited to its impact on the streetscene and the prominence to those who pass along Kingsway. The Heritage Statement notes the buildings function in providing accommodation for

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workers at the hospital but suggests that without the context of Bramble House the building would have no context and a lowered historical value.

The Heritage Statement provided by the applicant concludes that Bramble House and Braemar have limited heritage value and their significance has been greatly diminished through the loss of the remaining hospital buildings to the north and west of the site. It suggests that retention of these buildings makes little sense now that the wider context has been removed.

To assist in reaching a balanced judgement on the heritage impacts of this proposal, the comments provided by the Conservation Area Advisory Committee, the County Archaeologist and our Conservation Officer have been considered in detail along with those provided by the Civic Society who has raised objections to the application. Whilst the conclusions drawn on the changes arising for the setting of the two assets by the wider redevelopment of the hospital site are accepted, the Heritage Statement's assertion that the buildings have limited heritage value and limited significance are clearly not accepted by our Heritage consultees who maintain objections to the demolition of the buildings.

The Civic Society note Bramble House as a building of considerable merit and one that is built to a high standard.

Conservation Area Advisory Committee comments that Bramble House lends itself to sensitive modification and could be used to accommodate the uses intended to be developed on this site. Our Conservation Officer also maintains objections citing a lack of consideration of retention and adaptive reuse. This view is also expressed by the County Archaeologist, the Civic Society in their objection to the application and is noted in the comments provided by the external Design Review Panel. Our Saved Local Plan Policy E19 indicates that applicants will be expected to demonstrate that all reasonable alternatives to demolition have been considered and found to be unrealistic.

The application is supported by detailed building inspection reports and they conclude that Bramble House is in a poor physical condition and a substantial refurbishment would be needed to bring it back into a good standard fit for occupation. Details of refurbishment for occupation estimates are sited as approximately £2 million for Bramble House and £165,000 for Braemar. The reports conclude that the refurbishment cost of the buildings alone produces a significant constraint on the potential for reuse and viability of any proposal to reuse.

Information supporting the application provides comparisons for the floorspaces offered in the existing buildings on site and those needed to serve the proposed Care Home development. It advises that retention would require significant extension to Bramble House resulting in significant impacts upon it. The document lists the internal amendments that would need to be made to the building to meet building regulations and best practice guidelines.

It reaches the conclusion that the main constraint identified to re-using the existing buildings as part of the proposal are significant internal and external works required to the fabric of the building that would result in harm to the value of the interior and a total loss of significance.



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It is clear that our Heritage Consultees consider that the argument put forward in the documents supporting this planning application do not justify the loss of the two buildings. While the Civic Society have referenced other schemes in the City where historic buildings have been converted to be used as Care Home's, this application needs to be determined based on its merits and the potential impact for the two historic assets based on assessment of their significance.

Bramble House's Local listing notes its 'good untouched interiors' which the Heritage Statement identifies as being where the historic value in the building lies. As a locally listed building, Bramble House does not benefit from the controls of a statutory listed building and modern internal alterations can be undertaken to it without consent being required. It has to be accepted that conversion of the assets as part of a scheme involving its re-use, of the scale being proposed, would result in the kind of alterations and modern interventions that the applicants have listed. Whilst total loss of the building would not result if re-use were pursued, there would still be a significant impact resulting for the building's interior and therefore a reduction in its heritage significance.

The significance of a heritage asset derives not only from its physical presence but also from its setting. The applicants Heritage Statement suggests that the significance of Bramble House and Braemar have already been reduced through the demolition of other hospital buildings on the former hospital site and its partial redevelopment for housing. As noted by the Civic Society, Bramble House sits well within its setting but at present, that setting is spacious grounds planted with mature trees which are characteristic of the former hospital site of which it was a part. However, that context and setting is changing as more housing is delivered across the wider Kingsway site and will continue to change as the surrounding allocated land for the business park, potentially comes forward in the future. To the north and west of the site modern large scale development is a crucial part in housing delivery for the City Council and Homes England.

The setting of the buildings on this site is therefore continuing to change. This site now stands alongside land that is the subject of redevelopment with the historic use of the site as a hospital being replaced by a mixed use development supporting a new residential neighbourhood. If the two heritage assets were to be re-used as part of this scheme their setting would undoubtedly be changed dramatically with a marked change to the spacious and open grounds they stand in at present. This would again result in a loss of significance the buildings setting affords them both at present.

Planning Practice Guidance advises that harmful development may sometimes be justified in the interests of realising the optimum viable use of a heritage asset, notwithstanding the loss of significance caused, and provided the harm is minimised. In this case, it is considered likely that re-use of the buildings as part of this development would result in some harm to their interior value and setting of the assets thereby reducing their value and significance. These resulting impacts must form part of the balanced judgement needing to be reached in determining this application.

Clearly, the retention of the heritage assets and their re-use would be preferable, but the applicants conclude that Bramble House has been marketed with no interest.

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They conclude that the historic value of the assets is limited/minimal and the loss would be outweighed by the benefits delivered through the proposed development scheme.

In reaching conclusions on the heritage impact of this proposal, it conflicts with the aims of Saved policy E19 and clear objections to demolition by our Heritage consultees is a material consideration in that balanced judgement that should be afforded weight.

The NPPF does not afford the same great weight to be attached to conservation of a non-designated asset's significance as for a designated asset. It does not require the degree of harm arising to be weighed against the public benefits of the scheme given that the heritage assets concerned are non-designated assets. The NPPF does however require a balanced judgement to be reached so that conflict must be weighed against the other benefits that arise from this proposal and a decision made as to whether the harm arising from their loss would be outweighed by other considerations.

Impacts on archaeological assets also require consideration and saved policy E21 seeks to protect the archaeological interest of sites. An Archaeological Assessment of the site supports the application and it notes no scheduled monuments or other designated archaeological remains are located on or particularly near the site. It notes that the site has largely seen significant development during the nineteenth century which is likely to have disturbed any archaeological features or deposits. The Assessment recommends that no further archaeological investigations are necessary and the County Archaeologist offers no objections to this conclusion. It is considered therefore that the works offer no conflict with the aims of policy E21.

#### **7.5. Planning Benefits**

In order to reach a decision on this application, the planning benefits must be considered to establish whether they outweigh any harm arising.

Part of that consideration must be whether there are sufficient material considerations to outweigh the in-principle conflict with the aims of policy AC19 to deliver a 5ha business park on the former hospital site.

The application site stands as part of a planned major mixed use development site and it is clear that the setting of the heritage assets on the site is changing as a result of the wider development and will continue to change as further development comes forward. In reaching a balanced judgement on the loss of the two heritage assets, consideration must be given to whether the harm from that loss can be outweighed by other material considerations and planning benefits provided by the development.

Derby has an identified need for housing and a need for housing that is capable of meeting the needs of an ageing population. This development would provide 110 dwellings that could be counted towards the Council's housing requirements and 5 year supply whilst fulfilling that need for accommodation to support an ageing population. This is a planning benefit arising from the application that is strongly supported in our adopted Local Plan policy and national policy in the NPPF.

Specialist housing delivery is therefore a clear benefit of the scheme that should be afforded significant weight in the planning balance.

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This proposal offers a selection of supporting facilities on site for its future occupiers also complementing the developing housing site in the wider area. In assessing its planning benefits, consideration must be given to whether the development constitutes sustainable development and meets the three strands of sustainable development which are economic, social and environmental.

This report considers in further detail the design, amenity and wider environmental impacts of noise, air quality and land contamination alongside the implications of the development for highway safety, green infrastructure and ecology. It also outlines the wider impacts of the development to be mitigated through the Section 106 Agreement. The planning benefits of those matters will further need to be weighed in the planning balance.

#### **7.6. Design and Amenity**

Policies CP1(a), CP2, CP3 and CP4 of the Core Strategy and saved policy GD5 of the CDLPR are all relevant to this application. These are general development management policies which seek to ensure that a sustainable and acceptable form of development is provided and that development is appropriate in the environment in which it will sit.

Particular criteria within CP3 and CP4 set out requirements for placemaking and character and context consideration. The policies cover a range of design related matters including a requirement to optimise development densities and seek high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character.

The character of Kingsway is dominated by its highway with wide grass verges alongside it and lines of mature trees. The proposed development would sit close to the sites Kingsway frontage, offering strong built form and a prominent development in views from the street. This would be a marked change from the smaller scale character the existing buildings afford the site and the sites open, landscaped character would be changed to one of intensive built form.

To assist in the assessment of the developments design, the proposal has been considered by an external Design Review Panel who have provided detailed comments on the design of the development and subsequent revisions that have been made. The applicants have made revisions to the development with a view to directly addressing the design concerns raised by the Panel.

There is variety to the patterns of development that sits alongside Kingsway currently with predominantly two storey residential properties visible on both sides towards its southern end. The fire station and its tower also sit to the south of the site. However, the context of the application site is more defined by development towards the northern end of Kingsway and the site is dominated to some degree, by the Kingsway roundabout. Development of greater mass dominates this northern section of Kingsway with the Kings Highway public house opposite and the five storey modern development of apartments to the north of the roundabout. The scale and mass of the development being proposed is not overly dominant or out of context in this location.

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Block C has been re-orientated to allow views from Kingsway to be opened up into the site and beyond. This has provided an improved relationship between the three buildings, improving separation between them and addressing concerns relating to the buildings overshadowing each other and the outdoor spaces that would be used by future occupiers of the development. Further separation has been provided between the apartments and the parking spaces with the parking and servicing spaces being improved to allow for improved areas of usable landscaping.

The scale of the development has also been revised, with blocks A and B being increased up to four storeys. This change has reduced the footprint of block B allowing scope for improved landscaping. It has also increased the height and prominence of blocks A and B, allowing the scale of the development to increase as it moves northwards towards the Kingsway roundabout and the main access into the former hospital site. This will help the development to stand prominent as a gateway into the wider site, offering it an improved relationship to the five storey apartment building that stands on the opposite corner of the site entrance.

The design of the buildings elevations has been revised during the course of this application to address the Design Review Panel's comments and improve design quality. Roof forms, building heights and recessed / projecting elements have been added to improve the variety and depth of the buildings and create focal points within the development. The use of brick detailing, horizontal wood panelling and balconies have been used to add interest, provide individual features to define individual units within the extra care accommodation and break up the scale of some of the long elevations afforded the blocks of accommodation. The revisions have improved the design quality, providing the development with a more distinctive character and an architectural style that reflects the features and forms of the new development on the former hospital site. In design terms, the proposals would sit comfortably alongside the modern housing on the former hospital site.

It is important that sites in the city are developed at optimal densities to make efficient use of land because Derby City is land constrained and is relying on neighbouring authorities to meet some of its housing needs. However, the need to optimise densities must sit within the general context of meeting the three separate strands of sustainable development (Economic, Environmental and Social). This is important given the need to balance meeting housing needs in the city with ensuring high quality developments. Comments provided by the external Design Review Panel have assisted with consideration of these matters and have improved the design quality of the scheme.

The palette of materials used for the development would be easily controlled through conditions of planning permission and this would ensure that a high quality finish for the development is achieved. Overall I am satisfied that the design, form, scale and massing of the development is generally acceptable in accordance with the design principles of Local Plan policies CP2, CP3 and CP4.

Saved Policy H13 (Residential Development – General Criteria) is relevant and sets criteria which must be met for C class uses. This requires that proposals are developed at appropriate densities and consider their surroundings including townscape and urban form. The policy requires good standards of privacy and security which are important factors in a C2 development and the proposals accord

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with these aims. Good quality, modern internal living spaces are proposed and in addressing issues raised by the Design review Panel, the outlook and outside spaces available to serve the development have been improved.

Policy GD5 of the CDLPR is a saved policy which seeks to ensure that the amenity of the development site and buildings and that of nearby areas is not unacceptably harmed by proposals. This requires consideration of the layout and movement within the development but also its relationship to the surrounding area. Given its position on the former hospital site, the development has a good degree of separation from the new housing development on the former hospital site and the Roundabout and highway in Kingsway provide string physical boundaries on its eastern side. Two storey houses that front onto Kingsway stand to the south of the site but their principle elevations do not face the development and no concerns relating to massing or overshadowing arise for those residential properties. The degree of separation between the southern elevation of the neighbouring houses and block C is also sufficient to remove any overlooking concerns. Overall no undue residential amenity concerns for neighbouring occupiers are considered to arise from this proposal.

#### **7.7. Highways / Access and Parking**

Policy CP2 considers climate change and sets out strategic, overarching policies to seek to mitigate for and adapt to the changing climate. There are a wide range of considerations that are relevant in responding to climate change but the location of the proposed development is considered to be generally sustainable. It is part of a planned major mixed-use development site with good access to the city centre by transport uses other than the car.

The proposed mix of uses within the development is sustainable offering residents the opportunity to use facilities on site, thus reducing the need to travel. However, it is notable that residents in the extra care element will be living independently and may also travel away from the site to use facilities in the local/wider area. However, the site still remains sustainable due to its location and access to transport corridors and public transport.

A Transport Statement has been submitted with the application. It considers the history of redevelopment on the former hospital site and highway improvement works already undertaken as a result of that development along with those still proposed including the planned improvements to the A38 junction.

The development is proposed to be served by 75 car parking spaces. The Transport Statement indicates that spaces available for the extra care occupiers would be available for residents to purchase on a need basis understanding that many who will choose to move and live on the site may be downsizing and consolidating their lifestyle. It indicates that car parking would also be privately managed to avoid it being used by people accessing the nearby retail park.

Access into the site for all vehicles would be via the existing junction directly from Kingsway and as a result of the development it would then serve only the application site. This existing access historically served the hospital site and is currently used by construction workers accessing the Kier Living housing site compound and Derby Driveability which is owned by the NHS.

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Whilst there is no legal basis on which this planning application can require access to be maintained to serve the compound and Derby driveability via this route, the housebuilders have confirmed their commitment to delivering an alternative access to them. This would be achievable through land allocated for the remaining business park which remains in their control and hasn't yet been developed.

The Transport Statement considers the highway impact of the proposals concluding that the proposal does not result in severe material harm to the operation of the highway network. It concludes that the programmed works on the local and strategic network are considered sufficient to manage the demand associated with traffic growth and that no further mitigation is required as a result of this development.

Colleagues in Highways Development Control have raised no concerns in respect of the likely impacts of the proposals on the local highway network. No objections have been raised to the access arrangement or the level of parking provision proposed. Highways England has also confirmed that they do not object to the application.

Whilst the level of parking provision is deemed acceptable to serve the uses proposed, this is based on the nature of the extra care use, as is outlined in the planning application submission and the age demographic of the intended future occupiers which is over 55. Given that the extra care apartments can be occupied as independent apartments with no controls over their being a need for care or those occupiers having to sign up to a care package, conditions of planning permission are considered necessary to control the age of future occupiers to those over 55. This is accepted by the applicant and will ensure that occupation of the development accords with the parking demands anticipated in the applicants Transport Statement.

Policy CP23 seeks to ensure that everyone has a range of viable, sustainable transport options and supports proposals which are located in accessible locations that are well-served by bus services and which help to facilitate walking and cycling. A Framework Travel Plan has been submitted in support of the application and it notes that the site is well connected to existing transport infrastructure but also outlines measures to encourage access to and from the site by alternative transport options to single occupancy use of the car. The layout includes a dedicated connection around the southern perimeter of the site for pedestrians and cyclists and this will ensure that connections through the site would be maintained between Kingsway and the new development coming forward on the former hospital site. Conditions of planning permission are recommended to secure precise design details for the cycle route to allow for its adoption and for the provision of cycle parking within the development itself.

#### **7.8. Green Infrastructure and Ecology**

The application is supported by a detailed Tree Survey and Arboricultural Impact Assessment (AIA) along with detailed arboricultural survey and layout plans. The tree data lists 80 individual trees, 1 tree group and 2 hedges on the site. Given the size of the site and limited number of buildings that currently occupy it, the site is open in views from Kingsway and the large amount of trees that currently extend across the site provide an amenity value to Kingsway and the new residential development on the Manor Kingsway site.

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The information supporting the application notes that as a result of the development category 3 no. category A trees, 4 no. category B trees and 8 no. category C trees would be removed along with sections of hedgerow. The AIA indicates that the major change in terms of trees would be the removal of part of the linear group at the junction of the existing access road Albany Road and Manor Park Way. It notes that the trees currently form a visually prominent group in the landscape. The development does retain many trees including significant trees which stand as a strong focal group alongside Kingsway.

Retained trees that are affected by disturbance are those along the route of the cycleway and the AIA proposes methods to ensure those works do not compromise the long term retention of the trees. The landscaping proposals and the AIA indicate that the landscaping scheme does not match in tree volumes and will not fully mitigate for tree losses across the site. This is an adverse impact arising from the proposed scheme but it has to be acknowledged that given tree volumes on this site, any development proposals upon it would result in some impacts and likely tree losses.

The on-site landscaping is welcomed and would assist in providing a quality environment around the buildings. Saved policy E17 sets out objectives which should be applied to landscaping schemes and these include minimising adverse visual impacts, retaining natural features and providing visual and ecological links. The site sits close to a developing major residential site but given the nature of the uses, the integral landscaping is important to give the prospective new residents of both the care home and the extra care access to quality external environments. The amendments made to the design of this scheme have improved the quality of the resulting external spaces. Conditions of planning permission are also recommended to ensure that mature trees shown to be retained are protected during the course of construction works.

A Preliminary Ecological Appraisal Report and Bat Survey Update have been submitted in support of the application. The information in the Ecological Appraisal is based on a Phase I Habitat Survey and Bat Roost Suitability Assessment. The Report notes the presence of seven locally designated wildlife sites, not within the bounds of the site itself but within 2km it. The Report concludes that given surrounding existing development and busy roads the proposals would not lead to additional or cumulative impacts on these locally designated sites.

The Ecological Appraisal Report identifies habitats within the site itself are the built environment, amenity grassland, hedgerow, trees and scrub. The report identifies trees and hedges across the site as providing the areas of highest ecological value concluding that the vast majority of the site is of low ecological value and is subject to ongoing management. The Report recommends that trees and hedges should be retained where possible and replacement planting should be considered as part of the scheme to ensure net gains in biodiversity result from the development.

Great Crested Newts are noted as being likely absent from the site. Precautions are recommended for vegetation clearance given potential for nesting birds although the Ecological Report suggests that given the sites urban location, frequent disturbance and small range of habitats, its value to birds is limited. The report notes suitable habitat so likely presence of hedgehogs on the site.

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In respect of bats, the Ecological Appraisal Report notes that both existing buildings on the site have a small number of features which could be used by a low number of bats and Updated Bat Surveys have been undertaken (November 2019). The Surveys found no evidence of either building on the site being used by bats. The Ecological Appraisal advises that the site provides pockets of habitat for local bat populations but they are small in scale. It notes that value of these features is limited by isolation from other high value habitat and its location in an urban environment subject to high levels of light and noise pollution.

Derbyshire Wildlife Trust (DWT) has been consulted on the application and they note that both buildings that are proposed for demolition have low bat roost suitability. They were subject to nocturnal surveys in accordance with current best practice and no bats were recorded emerging from or returning to the buildings. On the basis of the submitted information DWT advise that sufficient information has been provided to enable the Local Planning Authority to determine the application in the knowledge that roosting bats are unlikely to be affected by the proposed development. There also advise that there are unlikely to be any other protected species issues arising with the application.

DWT note the opportunities for the site to support nesting birds and they recommend that suitable conditions are attached to any planning permission that may be granted to ensure vegetation clearance takes place at the appropriate time of year. They also support the recommendations in the Bat Survey Update Report for the incorporation of biodiversity enhancement measures. Such measures would accord with the biodiversity aspirations of Local Plan policy CP19 and the NPPF. Such a condition would be reasonable and is recommended.

Based on the information supporting this application and the advice provided by DWT, the impact of the proposals on the ecological value of the site and protected species has been suitably assessed and subject to the conditions recommended relating to protection of nesting birds and additional biodiversity measures, the application offers no conflict with Policies CP16 and CP19 in ecological terms.

### **7.9. Other Environmental Issues**

The application has been supported by a Noise Impact Assessment given that the site stands adjacent to a busy transport corridor. It notes that the existing noise environment around the site is dominated by road traffic on Kingsway and the surrounding road network. The Assessment shows that an acoustic barrier of 1.8m height would be required around all external communal areas located closest to Kingsway. Barriers are also identified as being required around balcony areas which have a direct line of sight to Kingsway and Cherry Tree Close.

Colleagues in Environmental Health advise that the noise report is considered sufficient to determine that this site is suitable for the proposed development from a noise perspective. No objections are raised to the application on noise grounds subject to the imposition of conditions controlling internal ambient noise levels in habitable rooms. Such a scheme can be secured through a suitably worded planning condition and this would ensure adequate internal living environments for future residents.



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An Air Quality Assessment has been submitted in support of the application and this was supported by a technical note after revisions were made to the scheme. The Environmental Health Officer has commented on both noting that air quality does not appear to be a significant factor in the determination of this application. Securing the submission of a Construction Dust Management Plan is recommended and this can be secured by condition of planning permission. The Environmental Health Officer also advises that a note to applicant should advise that electrical infrastructure should be provided as part of the development to allow the future installation of appropriate electric vehicle charging points.

A Geoenvironmental Desk Study Report supports the application and it notes that prior to the construction of Bramble House its car park and Braemar, historic maps show that this site stood as agricultural fields. The report identifies a low to moderate risk with respect to contamination and recommends that further survey work is undertaken prior to construction work commencing. Our Environmental Health Officer notes that the scheme will introduce sensitive receptors i.e. the occupants of the future care home and dwellings, onto land that could be contaminated due to its historical use as a hospital. The site is also within close proximity to a former landfill site. The Officer therefore advises that in order to protect the health of future site users, land contamination conditions are strongly recommended. The impositions of the conditions suggested by the Officer are reasonable and are included in the recommendation outlined in this report.

It is considered that subject to compliance with conditions recommended by colleagues in Environmental Health, the proposed development offers no conflict with the requirements of saved CDLPR policies GD5, E12 and E13. Whilst the close relationship of the site to the busy highway in Kingsway and the former hospital grounds is noted, air quality, noise and contaminated land issues do not offer a basis on which the uses proposed in this application should be resisted on this site.

A Flood Risk Assessment (FRA) and Drainage Strategy supports the application and it identifies the site as being a more vulnerable use but acceptable on this site as it is in flood zone 1 which is land identified as being at the least risk of flooding. This is accepted by our Land Drainage colleagues. The FRA identifies the site as being at a low risk of flooding from both ground and surface water flooding. An outline drainage strategy for the site is provided but colleagues in Land Drainage have advised that considering the scale of development proposed there is inadequate sustainable drainage systems proposed and the strategy is not acceptable in principle. Land Drainage colleagues therefore advise that conditions of planning permission can be used to secure the installation of an appropriate strategy and the conditions recommended by those colleagues would be included in any planning permission that may be granted. This condition would ensure that the development has a satisfactory drainage system in place in accordance with the requirements of Policy CP2 and the NPPF.

#### **7.10. Section 106 Requirements**

The Extra Care element of the development gives rise to requirements for affordable housing, highways and sports facilities. No S106 contributions are required from the Care Home element of the scheme. Due to the nature of the development and

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following discussions with the Housing Development Team, the provision of on-site affordable housing is not considered appropriate therefore a financial contribution towards affordable housing provision elsewhere in the City has been agreed. On-site open space is also being provided and the future maintenance of that will be secured through the S106 Agreement. All three financial contributions have been agreed on a policy compliant basis and the development accords with the aims of Local Plan policy MH1.

### **7.11. Conclusion**

This application removes the ability for local plan policy allocation AC19 to deliver the required Business Park if this site is developed. The residual land available would not meet the policy requirement for a business park of at least 5ha and so this application has to be considered as a departure to the local plan policy requirements.

In determining the application a decision has to be made whether there are sufficient material considerations to outweigh the in-principle conflict. The proposed uses would provide employment which is beneficial and this is one of the benefits of the proposal that adds weight in favour in the planning balance.

To also weigh in the planning balance are drainage matters, highway access and parking and the range of detailed considerations including amenity, noise, air quality design, place making and character. As the report outlines, these matters have been considered in detail and this application is considered acceptable in these terms, subject to conditions.

These benefits must be weighed against the adverse impacts to determine if the proposal could constitute sustainable development across the three economic, environmental and social strands. The proposals would lead to the loss of a number of trees which currently provide amenity value to the site and wider area. The development also results in the loss of two non-designated heritage assets one being a locally listed building. Their loss conflicts with policy E19 and this has to be afforded weight and considered in the overall planning balance.

The NPPF advises that in reaching a balanced judgement on the loss of the non-designated heritage assets regard will be had to the significance of the heritage assets. Bramble House is a locally listed building but the impact of converting the buildings and incorporating them into this scale of development proposed would undoubtedly have implications for their interiors and setting and it is acknowledged that the wider context of the buildings and their associations with the hospital has already been removed. Retention of the assets as part of this redevelopment proposal is likely to lead to a loss of significance to both assets. These are issues to be considered when reaching a judgement on the outcome of the application.

Part of the judgement to be made also includes a consideration of the quality of the development that is proposed to replace the heritage assets. The design of the development has been subject to external scrutiny and improvement, now offering a modern development that would stand as a gateway to the adjacent neighbourhood that is being built out on the hospital site. It would offer quality internal and external living spaces for its future occupiers and is sustainable in offering a range of ancillary uses for its occupiers.

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A significant benefit arising from the application that should be afforded weight is the provision of bespoke accommodation to meet specialist and overall housing needs. 110 dwellings could be counted towards the Council's housing requirements and 5 years supply. This location is suitable for high quality and density residential uses and the proposals use the land efficiently and effectively. There is a need, and policy support, to provide housing and specifically accommodation for the aging population. Extra Care schemes which allow people to manage their increasing need as they grow older are welcomed and the proposal provides a selection of supporting facilities on the site. The location is sustainable for such a use and is capable of complementing the developing housing site in the wider area.

Negotiations with the applicant have secured agreement to policy complaint heads of terms for a Section 106 Agreement; therefore, the proposal will mitigate its impacts on the wider area, including providing contributions towards affordable housing provision.

In reaching a judgement on the heritage impact, the issues are finely balanced. Whilst retention of the non-designated assets would be preferable, re-use as part of this scheme will result in some loss of significance. It is considered that the benefits of the housing delivery and extra care use on a sustainable site that is identified for development in the Local Plan, should be afforded significant weight and that weight is sufficient to tip the balance in favour of a grant of planning permission in this case.

Our adopted policies support redevelopment across this and the wider former hospital site. There are a number of material considerations that it is considered outweigh the in-principle policy conflict and the resulting loss of land identified for the business park. The proposal under consideration provides many benefits and this report demonstrates that despite the adverse heritage impacts and tree losses, the proposal meets the three strands which constitute sustainable development. Accordingly, redevelopment of the site, as outlined in this amended application is supported.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

### **8.2. Summary of reasons:**

The proposal has been considered against the following Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations. It is considered that the proposal offers an appropriate design and scale of development for this site with suitable landscaping. A balanced judgement has been reached in weighing up the loss of the two non-designated heritage assets on the site and the benefits to the City's specialist housing needs is considered,

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along with the other benefits arising from the scheme, to outweigh that loss. The resulting impacts for the amenities of neighbouring properties and the wider area and highway safety are considered to be reasonable. Suitable measures to control impacts relating to site drainage, land contamination, noise, air quality and ecology are to be mitigated through conditions of planning permission.

**8.3. Conditions:**

1. Standard condition – 3 year time limit.

**Reason:** Standard time limit reason.

2. Standard condition – Approved plans condition.

**Reason:** Standard approved plans reason.

Pre-commencement conditions

3. Non-standard condition requiring submission of evidence of a contract for delivery of development prior to any demolition works commencing

**Reason:** To control the timing of the demolition works

4. Standard condition – Submission of all external materials

**Reason:** To ensure a satisfactory external appearance.

5. Non-standard condition – submission of 1:10 façade sections for junctions, openings and brickwork

**Reason:** To ensure a satisfactory external appearance.

6. Standard condition – details of all surfaces (paths and parking / servicing areas)

**Reason:** To ensure a satisfactory overall development of the site.

7. Standard condition – submission of details of all means of enclosure

**Reason:** To ensure a satisfactory external appearance.

8. Non-standard contaminated land condition – post demolition but pre-construction (to include site investigation report and remediation strategy and validation reports if found to be necessary)

**Reason:** Standard contaminated land reason.

9. Non-standard condition requiring the submission and adherence to a Construction Dust Management Plan.

**Reason:** In the interest of protecting the amenities of the area.

10. Standard condition – Tree protection measures

**Reason:** To protect retain trees during the course of construction.

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11. Non-standard condition requiring adherence to Arboricultural Method Statements during the course of construction

**Reason:** To protect retained trees during the course of construction.

12. Standard condition – details of service runs and trees

**Reason:** To protect retained trees during the course of construction.

13. Non-standard condition requiring the removal of vegetation and buildings outside of the bird nesting season.

**Reason:** To ensure protection of birds during nesting season.

14. Standard condition relating to provision of secure and covered cycle parking

**Reason:** Standard cycle parking provision reason.

15. Non-standard condition requiring submission of precise design details for the cycle path

**Reason:** To ensure a suitable design is secured that is to adoptable standards and to ensure the development is accessible by modes of transport other than the car.

Pre-occupation conditions

16. Non-standard condition requiring the submission of a scheme of biodiversity enhancement and its completion prior to occupation of the development.

**Reason:** To ensure net gains in biodiversity are delivered as part of the development.

17. Non-standard condition requiring submission of a car park management plan

**Reason:** To ensure suitable controls and management are in place in the long term in the interests of highway safety.

18. Non- standard condition requiring the submission of an Environmental Noise Monitoring Report to monitor ambient noise levels in habitable rooms and to secure the retention and maintenance of glazing and ventilation systems.

**Reason:** To provide a satisfactory living environment for future occupiers.

Management conditions

19. Non- standard condition restricting occupation of development to those over the age of 55.

**Reason:** In accordance with information supporting the application and justification for parking provision and highway implications.

**8.4. Informative Notes:**

The applicants are advised that the installation of electrical infrastructure should be considered as part of the development to allow future installation of appropriate electric vehicle charging points within the development.

**Committee Report Item No: 3**

**Application No: 20/00072/FUL**

**Type: Full Application**

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**8.5. S106 requirements where appropriate:**

Affordable housing, highways, sports facilities and maintenance of on-site open space.

**8.6. Application timescale:**

The applicant has agreed to an extension of time which extends the determination date of the application to 30 October 2020.



**1. Application Details**

**1.1. Address:** 130 Uttoxeter Old Road, Derby

**1.2. Ward:** Mackworth

**1.3. Proposal:**

Change of use from dwelling house (Use Class C3) to a six bedroom, eight occupant house in multiple occupation (Sui Generis Use) including installation of a dormer to the rear elevation and a roof light to the front elevation

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00212/FUL>

**Brief Details**

This application relates to a traditional, two-storey, mid-terraced dwelling. The property is situated on the northern-eastern side of Uttoxeter Old Road, close to its junction with Etwall Street.

The house is set within a linear garden plot which extends towards the boundary of No. 6 Etwall Street. To the rear of the property there is an enclosed garden area (approx. 12m long). Shared pedestrian access to the property is provided from Etwall Street. There is no designated off-street parking at the site.

The surrounding area is primarily residential, with some pockets of commercial development. The vacated Quarndon Electrics site located on the opposite side of Etwall Street has permission (not yet implemented) to be converted into 10 flats.

The neighbouring dwelling at No. 132 Uttoxeter Old Road is also used as a house in multiple occupation.

**The Proposal**

This application seeks permission to convert this Use Class C3 dwelling house into a 6-bedroom (8 occupant) house in multiple occupation (HIMO).

The submitted plans show that the proposal would provide accommodation over three floors with bedroom sizes varying between approx. 9 square metres and 21 square metres. All bedrooms would be en-suite.

On the ground floor a communal kitchen/dining area would be provided. The largest second floor bedroom would form a 'studio', with its own kitchen facility. Occupants would have access to a shared rear garden area.

The intention is to let two of the bedrooms (Bedroom 4 and the second-floor studio) as double rooms. The remaining bedrooms would be single occupancy taking the overall number of occupants to 8 in total.

The supporting information states; 'Due to the proximity to the hospital, there is a demand for couple's but unfortunately there is a serious lack of these available on the market'.... 'Therefore, the Sui Generis application has been made to try and provide for these types of tenants by making available a large enough room should a couple want to rent the room'.



## **Committee Report Item No: 4**

**Application No: 20/00212/FUL**

**Type: Full Application**

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The development also includes the installation of a rear dormer extension and the insertion of an additional rooflight into the building's front facing roof slope. The proposed physical works to the building would create an enlarged roof space within the property. These are works which can be carried out as "permitted development" on a C3 dwelling house, independently of the change of use.

### **2. Relevant Planning History:**

No planning history for this property.

### **3. Publicity:**

Neighbour Notification Letter - 3

Site Notice – yes

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

### **4. Representations:**

Three objections have been received to the proposals, which include an objection from Councillor Pegg. The issues raised are summarised below

- Impact on neighbours – overlooking, loss of privacy, loss of light and overshadowing from proposed dormer window
- Increased noise and disturbance – increased footfall and noise along shared rear entry
- Highway Issues – increase in on-street parking, exacerbate existing parking problems

Comments from Councillor Pegg - *'I have concerns regarding the quality of the accommodation and in effect "cramming" as many people as possible into a relatively small space. The impact an increase of residents living at the property will have on parking, roads, environment and pollution. Also the adverse impact the property extension will have on neighbouring properties.'*

### **5. Consultations:**

#### **5.1. Highways Development Control:**

The Highway Authority has No Objection to the proposal, subject to condition.

##### **Observations:**

These observations are primarily based upon information shown on submitted application drawings '20012-P-001', '20012-P-003' and '20012-P-103'.

Uttoxeter Old Road is subject to a 'no waiting at any time' (double yellow lines) parking restrictions and bus stop clearways, with short sections of unrestricted parking fronting some of the dwellings.

Neighbouring side streets are not subject to waiting restrictions. Granville Street (opposite the application site) is a private street.

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Planning colleagues have advised that 'permitted development rights would allow for the use of the building to accommodate 6 people without requiring planning permission under permitted development rights as a House in Multiple Occupation'.

Therefore, in respect of any highway comments, these can only be on the basis of the two additional occupants likely to be housed in the dwelling as a result of the proposals.

Whilst the site does not contain off-street parking provision; and relies on residents parking any vehicles within areas of unrestricted on-street parking, Para 109 of the National Planning Framework Policy 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.'

The applicant/developer also proposes to provide a measure of cycle parking for residents within the proposals. Residents also have easy access to local bus services.

Whilst the scheme could potentially increase demand for on-street parking spaces, 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 or would have a residual cumulative impact upon the surrounding highway network.

Whilst the proposals will also result in an increase in the number of refuse containers used to service the development; on collection days these could be stored on the hardstanding outside the property, and not therefore subsequently causing an obstruction to the highway.

**Recommendation:**

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

**Condition:**

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing '20012-P-001' has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

**Reason:**

To promote sustainable travel.

## **5.2. Housing Standards**

After reviewing the proposed plans, the Housing Standards Team have no objections to the internal layout of the property. All bedrooms appear to be of suitable size for occupation by at least one person and the design is such that it would allow suitable escape from the property in the event of an emergency provided the necessary fire safety precautions have been implemented.

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**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
- CP4 Character and Context
- CP6 Housing Delivery
- CP23 Delivering a sustainable transport network

**Saved CDLPR Policies**

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1 The Principle of the Development**

**7.2 Creation of a High Quality Living Environment**

**7.3 Impact on Neighbours and Character of the Area**

**7.4 Highways/ Parking**

**7.5 Precedents**

**7.6 Conclusions**

**7.1 The Principle of the Development**

Policy CP6 states that the Council will continue to encourage the re-use of under-utilised or vacant properties for residential uses. Saved Local Plan Policy H14 states that the Council will support the re-use of underused buildings, throughout the City, for residential purposes including proposals for Intensifying existing residential uses.

There are no site-specific policy constraints in this location and the proposal would increase variety and maximise the efficient use of the site, thus contributing to housing delivery in line with policy CP6 of the Derby City Local Plan – Part 1 (Core Strategy). In view of this there are no in principle concerns with the proposal in this location, subject to a detailed assessment of the proposal's ability to create a high quality living environment, any impact on adjoining neighbours/character of the area, and any highway issues.

**7.2 Creation of a High Quality Living environment**

All bedrooms would meet the minimum 8 square metre area required for single person occupancy rooms within Derby City Council's Housing Standard's document '*Amenities and Space Guidance for Houses in Multiple Occupation*'. Two rooms would meet the minimum 12 square metre area required for 2 person occupancy. 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 City Council's Housing Standards Team in terms of the internal spaces provided, layout, or fire safety precautions and it considered that the development would provide a high quality living environment for the future occupiers. In view of this I am satisfied the proposals would comply with saved Local Plan policies H13 and GD5.

**7.3 Impact on Neighbours/Character of the Area**

The proposal will clearly intensify the residential use of the site; however, I am mindful that the building can be converted into a 6-person HIMO under the permitted development rights for a C3 dwelling house. As a result it would be difficult to argue that the additional impacts from 2 extra people living in the property would be unduly harmful to the amenities of neighbouring residents; or the wider residential character

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of the area, especially given the property is already situated in a fairly dense urban area.

In terms of the physical changes to the building, although an element of overlooking of neighbouring properties would occur from the proposed dormer window, it would be no more harmful than the existing situation. The separation distances (approx. 16m between the dormer and the rear boundary abutting No. 6 Etwall Street) are such there be no significant loss of amenity for neighbouring properties, and no significant loss of light or massing impact should occur. Again, it should be noted that this type of dormer window could be installed without the benefit of planning permission on a Use Class C3 dwelling house for occupation by up to 6 persons. They are common within the vicinity of this property and, subject to the use of suitable materials of construction, would not be harmful to the visual amenities of the area.

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 and H13 of the City of Derby Local Plan Review, and policies CP3 and CP4 of the DCLP – Part 1 (Core Strategy).

#### **7.4 Highways/Parking**

It is acknowledged that on-street parking is at a premium in this area and there are restrictions to prevent parking on this part of Uttoxeter Old Road. However, the site is in a sustainable location, within walking distance of the City Centre, local shops and services, and in close proximity to public transport links. Accordingly, it is a location where car free development can be supported.

Whilst 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 scheme would lead to 'unacceptable impacts' to highway safety or would have a residual cumulative impact upon the surrounding highway network. This is especially, given the fall back in terms of using the property as a 6-person HIMO under permitted development rights.

Cycle parking is also proposed to the rear of the property and adequate bin storage can be achieved to the rear of the property. Subject to conditions the proposal would in my opinion, comply with Policy CP23 of the DCLP – Part 1 (Core Strategy).

#### **7.5 Precedents**

Planning Control Committee have recently refused applications for proposed HIMO's, contrary to the officer recommendation. Particularly, an application (ref: 04/18/00518) at nearby 135 Brighton Road was refused in July 2018, on the grounds of that the proposed change of use to a HIMO would have a detrimental impact on the wider character of the area by virtue of the loss of a family dwelling house and that this would erode the prevailing character of the area, through an unacceptable intensification of the residential use, being injurious to residential amenities and exacerbation of congested on-street parking levels.

This refusal was allowed on appeal, with the Inspector stating that, *"the loss of a family dwelling house ... would alter the character of the area, [but] in this particular*

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*circumstance the change of use would not represent substantial change to the character ... it is unclear what elements of neighbouring amenity would be affected by the intensification of use ...Whilst I agree that the scheme would potentially increase demand for parking spaces, I do not feel that the scheme would lead to 'unacceptable impacts' to highway safety".*

## **7.6 Conclusion**

Overall, it is felt that the proposal is acceptable by way of the more intensive residential use, character, residential amenity and highway safety. Although objections have been received from local residents and Ward Councillor, 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 Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included within this report.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

### **8.2. Summary of reasons:**

The proposed intensification of residential use is considered to be acceptable in principle in this existing residential area and would increase the variety and amount of housing in the locality. Although the development would result in a more intensive form of residential use, the proposal is considered to be acceptable in terms of the provision of a high quality living environment and no overriding adverse impact on residential amenities of neighbouring residents. The proposal is also considered to be acceptable in terms of its impact on the local highway network and the character and appearance of the wider street scene.

### **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.

2. Standard approved plan reference condition.

**Reason:** For the avoidance of doubt

3. Condition controlling cycle parking and bin storage.

**Reason:** To promote sustainable travel.

4. Condition controlling number of occupants

**Reason:** To safeguard residential amenities and for avoidance of doubt.

**Committee Report Item No: 4**

**Application No: 20/00212/FUL**

**Type: Full Application**

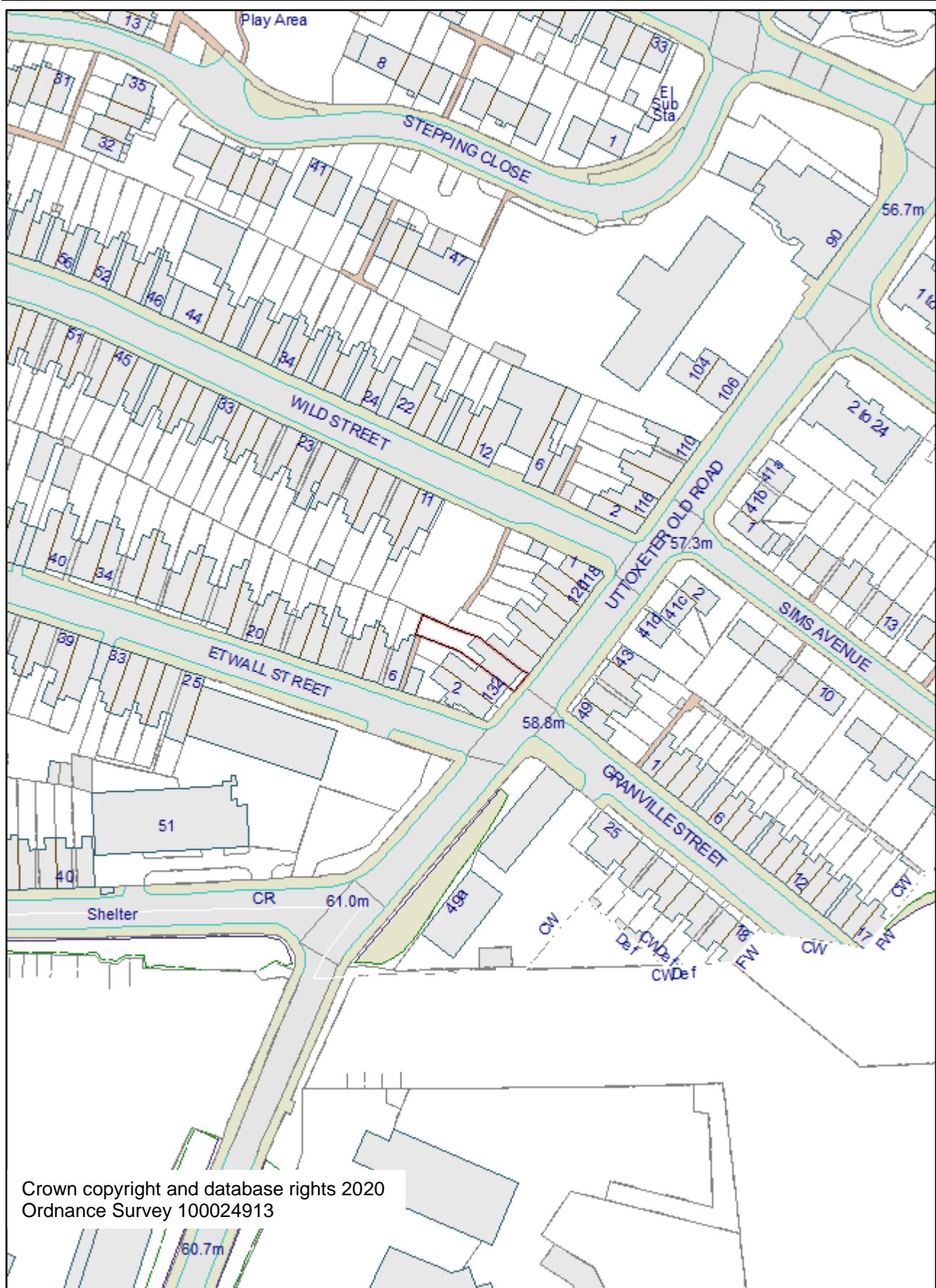
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**8.4. S106 requirements where appropriate:**

None

**8.5. Application timescale:**

The target date for determination of application expired in March and an extension of time for decision after committee will be agreed with applicant.





## **Committee Report Item No: 5**

**Application No: 20/00722/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1 Address:** 509 Nottingham Road, Derby

**1.2 Ward:** Chaddesden

**1.3 Proposal:**

Change of use from financial & professional services (Use Class A2) to a hot food takeaway (Use Class A5) together with erection of a single storey rear extension and external alterations to include installation of an extraction flue and condensing unit.

**1.4 Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00722/FUL>

**Brief description**

The unit is currently vacant with a last known of financial and professional services (A2 use). The unit is situated within the existing Chaddesden District Centre therefore is surrounded by a variety of uses including retail (A1), Financial and Professional (A2) and notably Hot Food Takeaways (A5) such as the neighbouring property, 511 Nottingham Road.

The unit is located on a main road into the city, where a variety of modes of transport are available, such as bus and cycle routes.

This application is submitted further to refusal of application 06/13/00744-Change of Use from Financial Services (Use Class A2) to Cafe (Use Class A3) or to Take Away (Use Class A5). Although Officers had recommended approval of the scheme it had however been refused by the Planning Committee.

The reason for refusal was as follows:

*The proposed change of use of this A2 unit would lead to an unacceptable high concentration of food and drink uses, (25% of units) within the Chaddesden District Centre, which in the opinion of the Local Planning Authority would undermine the shopping function of this retail centre and have an adverse effect on the character and environment of the centre, thereby harming the vitality and viability of the District Centre. The proposal is accordingly contrary to the provisions of saved policies S3 and S12 of the adopted City of Derby Local Plan Review.*

This decision was appealed and subsequently allowed with conditions as follows-

Appeal Ref: APP/C1055/A/14/2212383:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.1 dated June 2013.
- 3) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of

## **Committee Report Item No: 5**

**Application No: 20/00722/FUL**

**Type: Full Application**

the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

- 4) The use hereby permitted shall not be open to customers outside the following times: 08:30 to 23:30 Monday to Saturday and 08:30 to 23:00 on Sundays and Bank and Public Holidays.

The appeal was also accompanied by a costs application which was also allowed. Costs were awarded against the Council for unreasonable behaviour on the basis that Members of the committee had *"not adequately substantiated its reasons for refusal and thus has behaved unreasonably in refusing permission for the scheme"*.

This latest application is for the following:

- Change of from financial & professional services (Use Class A2) to a hot food takeaway (Use Class A5).
- Erection of a flat roof single storey extension to the rear with the dimensions: width- 3.7m, length- 2.5m, height- 3m.
- Demolition of the existing single storey lean too extension to the side west (which housed the existing ATM) and in its place, installation of an extraction flue, approximately 4m in height (2.3m above ground level).
- Installation of a wall mounted condenser unit to the rear, (north) elevation with the dimensions: width- 1m, length-40cm, height-80cm (30cm above ground level).

Opening times sought for the use to operate from 11:00am to 11:00pm Sunday to Thursday and Bank Holidays and from 11:00am to 01:00am on Fridays and Saturdays.

## **2. Relevant Planning History:**

<b>Application No:</b>	06/13/00744	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	
<b>Description:</b>	Change of use from financial services (Use Class A2) to cafe (Use Class A3) or to take away (Use Class A5)		

Overtaken at appeal (Appeal Ref: APP/C1055/A/14/2212383).

## **3. Publicity:**

Neighbour Notification Letters to Properties and site notice.

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

## **4. Representations:**

- Too many Hot Food Takeaways in the district centre.
- Air pollution

## **Committee Report Item No: 5**

**Application No: 20/00722/FUL**

**Type: Full Application**

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- Parking implications
  - Increase in rubbish
  - Increase in noise.
  - Does not promote healthy eating
  - Impact upon sales of other businesses (competition)

1 letter of support has also been received:

- Supporter welcoming a Papa Johns Pizza venue.

### **5. Consultations:**

#### **5.1. County Archaeologist:**

Thank you for consulting us on this application. We do not consider that it will have any archaeological impact and we would not wish to comment further on the scheme.

#### **5.2. The Highway Authority:**

Believe the proposed change of use, as outlined, will not have any significant impact on the highway. Recommendation: No objections.

#### **5.3. Environmental Protection:**

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection implications for the development as follows:

1. The application seeks permission for an A5 hot food take-away in a well-established District Centre.
2. The site is adjacent to another hot food take-away and therefore, the principle of hot food take-aways in this location has already been established.
3. The only environmental concern that could arise would be potential nuisance to nearby dwellings from cooking odours. In this regard, I note the submission of some supporting information which details the proposed extract ventilation design.
4. The ventilation design is deemed appropriate and should assist in minimising any risks of odour nuisance.

#### **Conclusions and Recommendations**

5. The Environmental Protection Team has no objections to the application provided that the ventilation strategy is implemented in full.
6. It therefore may be advisable to attach a condition to the consent, should it be granted, requiring the full implementation of the ventilation strategy before the development can be occupied.

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**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
- CP4 Character and Context
- CP12 Centres
- CP15 Food, Drink and the Evening Economy
- 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%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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](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. Proposed change of use to Hot Food Takeaway - Policy context**

**7.2. Environmental implications**

**7.3. Impact upon residential amenities**

**7.4. Impact upon the highway network**

**7.5. Design layout and residential amenity - Single storey extension, flue and condenser unit**

**7.6. Conclusion**

**7.1 Proposed change of use to Hot Food Takeaway- Policy context**

The site of the proposal is within the Chaddesden District Centre, primary frontage.

Within District Centres, Policy CP12 supports proposals that meet local shopping and service needs while supporting the vitality and viability of the centre. Uses which would undermine this objective, either as a result of loss of retail function or through the impact on the character or environment of the centre, will be resisted.

At the time of the last survey, May 2019, the centre appeared to be in a healthy state with a range of uses. Of the 47 units, 24 (51%) were in A1 use, 6 (12%) were A2, 3 (6%) were A3, 1 (2%) was A4 and 6 (12%) were A5, the remaining unit was vacant. Approval of this proposal would result in the number of A5 units increasing to 7 (15% of the total). It is noted that when the previous comparable proposal in this location was considered at appeal in 2014 (application 06/13/00744) 25% of the units were in A5 use. It was concluded by the Planning Inspectorate that this percentage was not a level that would give rise to an adverse effect on the centre as a whole. Therefore, in conclusion it is unlikely that a level of 15% could, in itself, be considered to have an adverse effect on the centre. The proposal is for a change of use from one non-retail use to another and so would not affect the retail function of the centre and the level of A1 uses would remain unaltered. Although it is accepted that a number of objections have been received in regards to the approval of 'another hot food takeaway' the figures above indicate that the number of hot food takeaways would not be excessive in the context of the District Centre and its overall function.

It is noted that the applicants agent has stated that the unit has been vacant for a 'considerable length of time', therefore approval of this proposal would have a positive effect of bringing a vacant unit into an economically viable re-use thus helping to maintain vibrant and coherent shop frontages and encouraging competition and consumer choice in the District Centre. In conclusion I am satisfied that the proposed change of use would be in line with the intentions of Policy CP12 of the Derby City Local Plan Part 1: (Core Strategy).

Policy CP15 supports proposals for food and drink provided that a concentration of such uses is avoided in any one area, in order to avoid possible detrimental implications such as disturbance and anti-social behaviour. Although it is accepted

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that the site is adjacent to another hot food take-away, with others in the vicinity I do not consider this to be a 'detrimental concentration'. Furthermore, the impact upon neighbouring uses, in terms of noise or disturbance, would not be too dissimilar to that at present, provided that opening times are restricted by way of condition.

Overall, I am satisfied that the approval of a hot food takeaway in this location would have a positive impact on the vitality and viability of the defined centre whilst not undermining the role of the primary shopping area. Taking this into consideration I am satisfied that the proposed change of use would meet criteria set out in Policy CP15 of the Derby City Local Plan Part 1: (Core Strategy).

## **7.2 Environmental implications**

Colleagues in the Environmental Protection Team have reviewed the application and raise no objection in regard to the extract ventilation system proposed in order to assist in minimising any risks of odour nuisance for nearby properties. A condition is therefore be included to ensure the ventilation strategy submitted is implemented in full prior to first use of the hot food takeaway. No comments have been made in respect of noise, in respect of the extraction and condenser units proposed or potential night time activity however, as previously stated a condition shall be included to ensure opening times are restricted, as per the previous application, therefore I am satisfied that there would not be unreasonable noise nuisance on neighbouring properties both in the vicinity of the site. Taking this into consideration I am satisfied that the proposal meets criteria set out in saved Policy GD5 of the adopted City of Derby Local Plan Review.

## **7.3 Impact upon residential amenities**

The nearest separate residential property is at 1 Chaddesden Lane; where the rear boundary of the site forms part of the side boundary of the rear garden of this neighbour. The existing take away at 511 Nottingham Road is actually closer to no. 1 Chaddesden Lane, therefore it is considered that the impact of an additional A5 unit would not result in a detrimental change to this existing situation in relation to noise disturbance for this property. As mentioned previously, it is considered appropriate to condition opening hours due to the close proximity to residential properties, including the residential flat above the premises. Taking this into consideration I am satisfied that the proposal meets criteria set out in saved Policy GD5 of the adopted City of Derby Local Plan Review.

## **7.4 Impact upon the highway network**

509 Nottingham Road is one of fourteen commercial units on the north side of Nottingham Road which are served by a large car public car park to the front. The change of use to a hot food takeaway and the parking associated with this use would have no greater impact than the previous financial services facility and should not have any adverse highways implications in this respect. I note that the Highways Officer has not raised any objections to the proposed A5 use. Taking this into consideration I am satisfied that the proposal meets criteria set out in Policy CP23 of the City of Derby Local Plan Part 1 : (Core Strategy).

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**7.5 Design layout and residential amenity - Single storey extension, flue and condenser unit**

In regard to visual amenity the proposed single storey extension and condenser unit are both situated to the rear of the property therefore I am satisfied that each of these elements would not be visible within the immediate street scene of Nottingham Road. I am satisfied that the proposal would be in keeping with the existing character and design of the building therefore I raise no objections. In regard to the proposed flue to the side elevation, although significantly visible within the street scene I do not believe that this element would be out of place in the District Centre therefore I raise no objections in regards to its size and design. Taking this into consideration I am satisfied that the proposal meets criteria set out in adopted policies CP3 and CP4 of the Derby City Local Plan Part 1: (Core Strategy).

In terms of residential amenity I am satisfied that the proposed extension would cause no material impact by way of massing, overshadowing or overlooking of neighbouring dwellings due to the single storey nature of the extension and positioning of all elements in relation to neighbouring buildings. Taking this into consideration I am satisfied that the proposal meets criteria set out in saved policy GD5 of the adopted City of Derby Local Plan Review.

**7.6 Conclusion**

Overall it is felt that the proposed change of use from A2 to A5 in the District Centre is acceptable by way of policy implications, size, form, character and design of the extension, and residential amenity would not be unreasonably affected. The proposal reasonably satisfies the requirements of 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.

**8. Recommended decision and summary of reasons:**

**11.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed change of use to Hot Food Takeaway is considered acceptable in principle in this District Centre Location. Although objections have been received in regards to the specific occupier, the change of use from A2 to A5 would not alter the level of A1 retail uses in the District Centre and as stated within the officers report, the overall percentage of units occupied by Hot Food Takeaways would still be at 15% across the centre and therefore relatively low when viewed in this context. Implications for the highway network and residential amenity are not considered to be harmful provided all conditions are adhered to.

**8.3. Conditions:**

1. Standard 3 year time limit condition

**Reason:** In line with legislation.

## **Committee Report Item No: 5**

**Application No: 20/00722/FUL**

**Type: Full Application**

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2. Standard approved plan reference condition

**Reason:** Avoidance of doubt.

3. Implement ventilation strategy before first use of the hereby approved Hot Food Takeaway. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reason:** To protect the amenity of the residents of nearby properties 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.

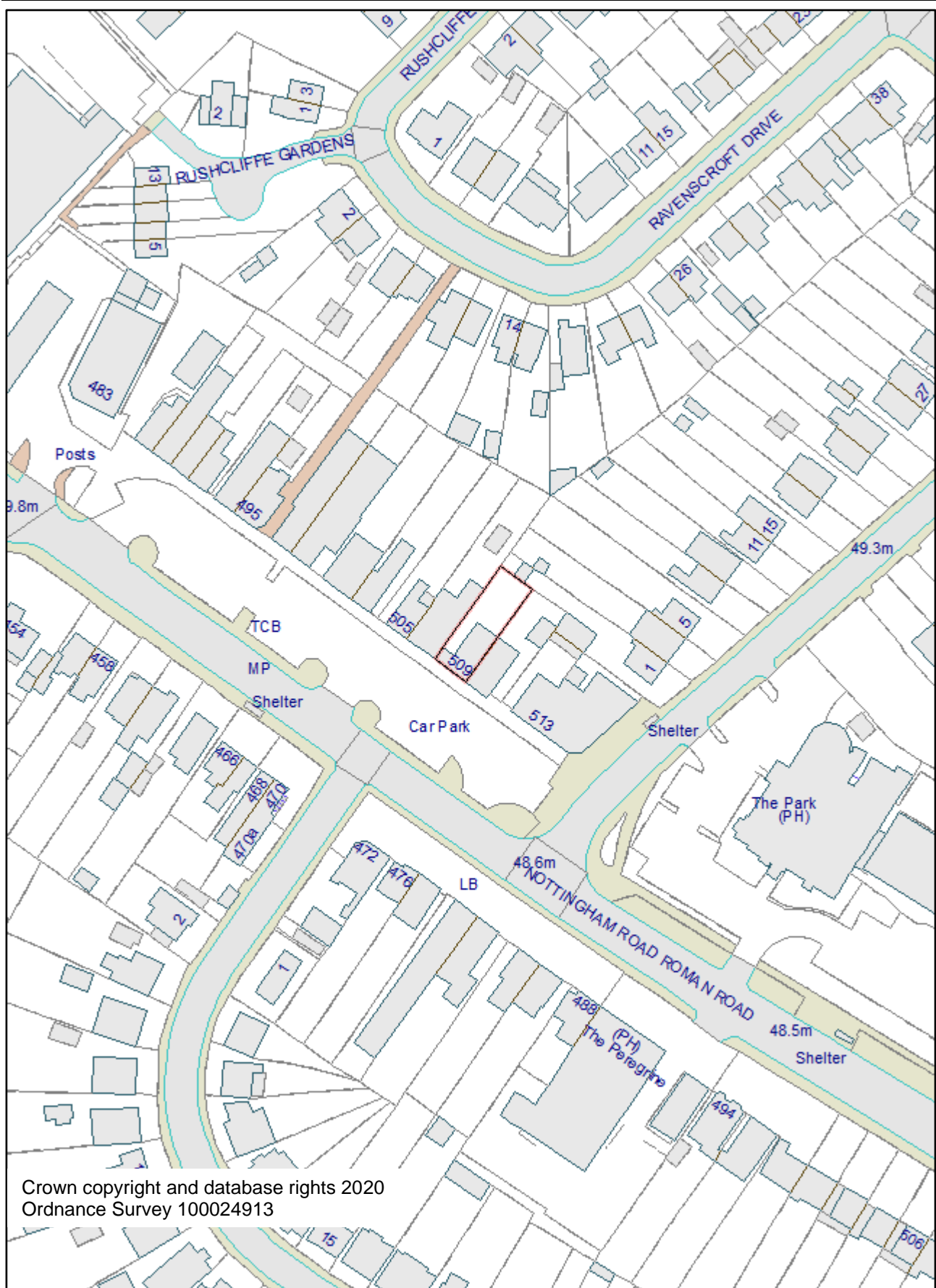
4. The use hereby permitted shall not be open to customers outside the following times: 08:30 to 23:30 Monday to Saturday and 08:30 to 23:00 on Sundays and Bank and Public Holidays

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

### **8.4. Application timescale:**

The application expired 25/08/2020. An extension of time will be agreed with the applicant.





**Delegated decisions made between  
Between 01/08/2020 and 31/08/2020**

Application No:	Application Type	Location	Proposal	Decision	Decision Date
05/18/00652	Full Application	88 Nottingham Road Derby	Change of use of first floor from dance studio (Use Class D1) to house in multiple occupation (Use Class C4)	Refused	13/08/2020
05/18/00771	Full Application	Land Off Phoenix Street Derby DE1 2ER	Erection Of A New Building Providing 202 Residential Apartments (Use Class C3) Including Ancillary Floor Space Together With Associated Car Parking, Servicing, Site Infrastructure And Landscaping	Approval	11/08/2020
19/00723/FUL	Full Application	3 Mansfield Road Derby DE1 3QY	Change of use from public house (Use Class A4) with flat above to an office (Use Class B1(a)) and four flats (Use Class C3) together with associated external alterations including the installation of new windows	Approval	14/08/2020
19/01153/FUL	Full Application	440 Kedleston Road Derby DE22 2TG	Erection of a bungalow (Use Class C3) and a double garage to serve the existing house	Refused	20/08/2020
19/01383/FUL	Full Application	29 South Avenue Spondon Derby DE21 7FT	Erection of an outbuilding (garage and office)	Approval	12/08/2020
19/01624/FUL	Full Application	Land At The Rear Of 21 Kings Croft Derby DE22 2FP	Erection of a dwelling house (Use Class C3)	Approval	19/08/2020
19/01764/FUL	Full Application	19 Rowallan Way Derby DE73 5WX	Single storey rear extension to dwelling house (sitting area, bedroom and wet room)	Approval	01/08/2020
19/01796/FUL	Full Application	Bell And Castle 92 - 96 Burton Road	Refurbishment of six bedsits (Use Class C3) at first and second floor level and erection of	Approval	19/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 1TG	access stairs and walkway to the rear elevation and installation of new windows and doors		
19/01797/LBA	Listed Building Consent - Alterations	Bell And Castle 92 - 96 Burton Road Derby DE1 1TG	Alterations to include erection of access stairs and walkway to the rear elevation, installation of doors and windows, removal of part of the lime ash floor, stairway and extraction flue to form six bedsits at first and second floor levels	Approval	19/08/2020
20/00060/OUT	Outline Application	Land At The Rear Of 21 Derby Lane Derby DE23 8UB	Residential development (two flats in a detached single storey building) and demolition of existing detached garage	Approval	21/08/2020
20/00128/OUT	Outline Application	15 Strathmore Avenue Derby DE24 0FX (access Of Anthony Drive)	Residential Development (one dwelling)	Refused	01/08/2020
20/00149/FUL	Full Application	706 - 708 Harvey Road Derby DE24 0EG	Subdivision of existing retail unit to create an additional retail unit (Use Class A1) together with formation of two apartments (Use Class C3) at first floor level, alterations to the elevations and erection of an outbuilding (storage)	Approval	19/08/2020
20/00199/FUL	Full Application	39 Glebe Rise Derby DE23 6GX	Raising of the roof height, installation of a dormer to the rear elevation and first floor side elevation windows to form rooms in the roof space (two bedrooms and bathroom)	Approval	10/08/2020
20/00231/FUL	Full Application	460 Stenson Road Derby DE23 1LN	Erection of a 1.6m high boundary wall with entry gate	Approval	08/08/2020
20/00243/FUL	Full Application	128A Green Lane Derby DE1 1RY	Formation of a new entrance and play area together with the erection of fencing	Approval	11/08/2020
20/00293/FUL	Full Application	10 Hayes Avenue	Two storey side and rear and single storey	Refused	07/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6JU	rear extensions to dwelling house (two bedrooms, wet room, lounge, kitchen, ensuite and enlargement of bedroom and bathroom)		
20/00362/FUL	Full Application	77 Allestree Lane Derby DE22 2HS	Two storey and single storey side extensions to dwelling house (garage, utility, shower room, snug and two bedrooms) and installation of a dormer to the rear elevation	Approval	13/08/2020
20/00371/FUL	Full Application	83A Mansfield Road Derby DE1 3QZ	Installation of replacement windows and a door to the front elevation	Approval	01/08/2020
20/00376/LBA	Listed Building Consent - Alterations	3 St Marys Gate Derby DE1 3JA	Replacement of four external windows (one retrospective), installation of suspended ceiling and external lighting, alarm bell box and CCTV cameras.	Approval	10/08/2020
20/00379/FUL	Full Application	398 Uttoxeter New Road Derby DE22 3HX	Change of use from office (Use Class A2) and extensions and alterations to provide five flats in multiple occupation (Use Class C4) with a combined total of 24 bedrooms, formation of associated car parking area and erection of 1.8m high fencing	Approval	21/08/2020
20/00413/FUL	Full Application	19 North Parade Derby DE1 3AY	Single storey rear extension to dwelling house (garden room)	Approval	19/08/2020
20/00469/PNRT	Prior Approval - Telecommunications	Land Adjacent To Community Centre Prince Charles Avenue Derby	Installation of a 20m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	14/08/2020
20/00512/FUL	Full Application	16 Malcolm Grove Derby DE23 4RU	Single storey side and rear extensions to dwelling (two bedrooms, kitchen and bathroom)	Approval	14/08/2020
20/00513/FUL	Full Application	38 Carsington Crescent Derby DE22 2QZ	First floor side and single storey side and rear extensions to dwelling house (games area, dining room, family room, cinema room,	Approval	05/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			shower room, dressing room and en-suite) together with formation of a raised patio area, retaining walls and the addition of a pitched roof to the existing porch and garage		
20/00523/PNRT	Prior Approval - Telecommunications	Footpath Adjacent Rolls Royce Test Facility Site Wilmore Road Derby DE24 9BD	Installation of a 20m high monopole with equipment cabinet and associated ancillary works	Prior Approval Approved	11/08/2020
20/00561/FUL	Full Application	14 Wharfedale Close Derby DE22 2UQ	Single storey side and rear extensions to dwelling house (kitchen/diner, utility room and enlargement of garage)	Approval	14/08/2020
20/00564/FUL	Full Application	16 Cornflower Drive Derby DE21 2SA	Single storey side extension to dwelling house (dining area, office space and wet room)	Approval	20/08/2020
20/00568/PNRT	Prior Approval - Telecommunications	Land Adjacent To Bus Depot Meadow Road Derby	Installation of a 20m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	21/08/2020
20/00575/PNRC	Prior Approval - Retail to Cafe/Restaura	21 Abbey Street Derby DE22 3SJ	Change of use from financial and professional services (Use Class A2) to restaurant/cafe (Use Class A3)	Prior Approval Approved	20/08/2020
20/00579/FUL	Full Application	9 Ridgeway Derby DE73 6UL	Single storey side/rear extension to dwelling house (enlargement of kitchen/diner, lounge, kitchenette, en-suite and bedroom)	Approval	04/08/2020
20/00585/TPO	Works to a tree with a TPO	250 Birchover Way Derby DE22 2RR	Crown raise to 5m and removal of outer branches of a Weeping Beech tree protected by Tree Preservation Order No. 180	Approval	01/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00595/TPO	Works to a tree with a TPO	St Peters Church Church Street Littleover Derby DE23 6GF	Crown reduction by 1.5m and crown thin by 20% of a Maple tree protected by Tree Preservation Order no. 328	Approval	01/08/2020
20/00597/FUL	Full Application	1 Rushdale Avenue Derby DE23 1HY	Two storey side and rear and single storey rear extensions to dwelling house (garage, studio, office, wet room, dining room, lounge, two bedrooms with en-suites and enlargement of kitchen, bedroom and bathroom)	Approval	21/08/2020
20/00603/FUL	Full Application	23 Radcliffe Avenue Derby DE21 6NN	Installation of a pitched roof to the existing two storey extension	Approval	21/08/2020
20/00606/FUL	Full Application	8 Timsbury Court Derby DE21 2LY	Two storey side and single storey rear extensions to dwelling house (kitchen, lounge, sun room, bedroom, en-suite and bathroom)	Approval	20/08/2020
20/00609/CLP	Lawful Development Certificate -Proposed	30 Markeaton Street Derby DE1 1DW	Change of use from dwelling house (Use Class C3) to a five bedroom house in multiple occupation (Use Class C4).	Approval	19/08/2020
20/00616/PNRT	Prior Approval - Telecommunications	Footpath Adj Co-Op Poplar Avenue Derby DE21 7FJ	Installation of 20m monopole, 6 no. antennas with equipment cabinets, and ancillary development	Prior Approval Approved	21/08/2020
20/00618/PNRT	Prior Approval - Telecommunications	Land At Bradshaw Way /Osmaston Road. Derby	Installation of 20m Monopole together with wraparound equipment cabinet and associated ancillary works	Application Withdrawn	11/08/2020
20/00623/DISC	Compliance/Discharge of	Site Of Former 20 - 22 Ashbourne	Demolition of Buildings on site. Erection of 39	Discharge of	05/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Condition	Road Derby DE22 3DR	Self Contained Apartments with communal space and Management Office for student accommodation - Discharge of condition no 11 of previously approved oermission 05/17/00654	Conditions Complete	
20/00634/TPO	Works to a tree with a TPO	Land At The Rear Of Fermyn Wood Kings Croft Derby DE22 2FP	Felling of five Leylandii Cypress trees protected by Tree Preservation Order no. 471	Approval	01/08/2020
20/00635/FUL	Full Application	17 Sale Street Derby DE23 8GE	Single storey side/rear extension to dwelling house (utility, store and enlargement of kitchen/dining area)	Approval	12/08/2020
20/00638/FUL	Full Application	199 Ladybank Road Derby DE3 0QL	Two storey side and single storey front extensions to dwelling house (utility, W.C., study, en-suite and enlargement of hall, kitchen and bedroom)	Approval	19/08/2020
20/00639/CLP	Lawful Development Certificate -Proposed	2 Panama Circle Derby DE24 1AE	Single storey rear extension to dwelling house (dining area)	Approval	20/08/2020
20/00640/CLP	Lawful Development Certificate -Proposed	68 Cedar Street Derby DE22 1GE	Single storey side extension to dwelling house and alterations to the existing outbuilding	Approval	03/08/2020
20/00641/FUL	Full Application	192 Wiltshire Road Derby DE21 6FD	Demolition of garage/store. Single storey side extension to dwelling house (lounge/dining area, bathroom and bedroom)	Approval	20/08/2020
20/00651/FUL	Full Application	32 Lockington Close Derby DE73 6XD	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen and bedroom)	Approval	08/08/2020
20/00653/TPO	Works to a tree with a TPO	44 Muirfield Drive Derby DE3 9YA	Crown raise to 4/5 metres and removal of deadwood of an Oak tree protected by Tree Preservation Order no. 29	Approval	01/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00655/PNRT	Prior Approval - Telecommunications	Telecommunications Mast 60195 Boulton Lane Derby DE24 9GB	Installation of a replacement 18m high monopole supporting six antennas with equipment cabinets and ancillary development	Prior Approval Approved	08/08/2020
20/00659/TPO	Works to a tree with a TPO	1 Thurstone Furlong Derby DE73 5PZ	Crown reduction by 2m of an Oak tree protected by Tree Preservation Order no. 55	Approval	19/08/2020
20/00670/FUL	Full Application	28 Twyford Street Derby DE23 8EP	Erection of a replacement car repair workshop building	Application Withdrawn	13/08/2020
20/00671/PNRC	Prior Approval - Retail to Cafe/Restaura	Shop 152 Osmaston Park Road Derby DE24 8EY	Change of use from retail (Use Class A1) to restaurant/cafe (Use Class A3)	Application Withdrawn	11/08/2020
20/00675/TPO	Works to a tree with a TPO	44 Applemead Close Derby DE21 4QP	Cutting back of branches by up to 6m of two Cherry Blossom protected by Tree Preservation Order No.149	Approval	18/08/2020
20/00679/PNRT	Prior Approval - Telecommunications	Highway Verge On Hollybrook Way Derby (Adjacent Junction With Rykneld Road)	Installation of a 20m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	10/08/2020
20/00681/FUL	Full Application	532 Duffield Road Derby DE22 2DL	Single storey side and rear extensions to dwelling house (family room and enlargement of reception room)	Approval	01/08/2020
20/00683/TPO	Works to a tree with a TPO	Holly House 107 Radbourne Street Derby DE22 3BW	Crown lift to 4m and removal of deadwood of nine Lime trees and re-pollard to historic pollard head, once every 3 years for a period of 10 years together with height reduction by 4-5m of a Conifer tree protected by Tree	Approval	19/08/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
			Preservation Order no. 133		
20/00691/FUL	Full Application	26 Rupert Road Derby DE21 4ND	Single storey side extension to dwelling house (hallway and enlargement of kitchen)	Approval	17/08/2020
20/00692/FUL	Full Application	24 Rupert Road Derby DE21 4ND	Two storey side and single storey rear extensions to dwelling house with rooms in the roof space (utility room, dining room, covered patio, bedroom and bathroom)	Approval	17/08/2020
20/00693/FUL	Full Application	16 Leaper Street Derby DE1 3NB	Change of use from dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis use) together with a two storey side extension and installation of a dormer to the rear elevation	Refused	18/08/2020
20/00697/FUL	Full Application	23 Chapman Avenue Derby DE24 0GN	Single storey side/rear extension to dwelling (bedroom and kitchen)	Approval	18/08/2020
20/00699/FUL	Full Application	5 Broadway Park Close Derby DE22 1BU	Single storey rear extension to dwelling house (enlargement of living room and kitchen) with external staircase	Approval	17/08/2020
20/00701/NONM	Non-Material Amendment	Pavilion Chellaston Park Snelsmoor Lane Derby DE73 6TQ	Single storey extensions to pavilion (changing room and storage) together with enlargement of the external terrace area - non-material amendment to previously approved planning permission 20/00042/FUL to replace full height doors and glazed screens with smaller windows with recessed shutters	Approval	01/08/2020
20/00702/CLP	Lawful Development Certificate -Proposed	3 Blakeney Court Derby DE21 2LF	Installation of a dormer to the rear elevation and roof lights to the front elevation	Approval	19/08/2020
20/00704/PNRT	Prior Approval - Telecommunications	Telecommunications Mast At Junction Of Stratford Road And Mansfield Road Derby	Installation of a replacement 15m high monopole with six antennas, equipment cabinets and ancillary development	Approval	02/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 4FT			
20/00706/TPO	Works to a tree with a TPO	39 Porters Lane Derby DE21 4FZ	Crown lift of three branches overhanging 39 Porters Lane of an Oak tree protected by Tree Preservation Order no. 124	Approval	21/08/2020
20/00707/PNRIA	Prior Approval - Shop / Bank to Resi	1 Hillside Avenue Derby DE21 6SP	Change of use of part of ground floor from retail (Use Class A1) to residential (Use Class C3)	Approval	19/08/2020
20/00710/PNRT	Prior Approval - Telecommunications	Highway Verge Quarn Street Derby	Installation of a 15 metre tall monopole, equipment cabinets and ancillary development	Prior Approval Approved	19/08/2020
20/00713/PNRT	Prior Approval - Telecommunications	Telecommunications Mast Harvey Road Derby DE24 0EE	Installation of a replacement 20m high monopole with six antennae, equipment cabinets and ancillary development	Prior Approval Approved	02/08/2020
20/00723/FUL	Full Application	336 Duffield Road Derby DE22 1ER	Erection of an outbuilding (garden room)	Approval	04/08/2020
20/00726/FUL	Full Application	Chellaston Park Pavilion Snelsmoor Lane Derby DE73 6TQ	Erection of equipment store (shipping container) with associated hard standing base and tarmac paving for access.	Approval	19/08/2020
20/00728/FUL	Full Application	Sinfin Moor Social Club Arleston Lane Derby DE24 3DH	Change of use from place of worship and community hub (D1) to social club (D2) together with erection of single storey extension (enlargement of function room) and formalisation of on-site parking and associated works	Approval	05/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00729/PNRH	Prior Approval - Householder	120 Littleover Lane Derby DE23 6JJ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.25m, height to eaves 2.90m) to dwelling house	Prior Approval Approved	11/08/2020
20/00730/FUL	Full Application	5 Chelmsford Close Derby DE3 0PU	Single storey front extension to dwelling house (porch and cloakroom)	Approval	18/08/2020
20/00731/FUL	Full Application	11 Back Lane Derby DE73 6TN	Single storey rear extension to dwelling house (sun room)	Approval	19/08/2020
20/00738/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Racecourse Playing Fields Hampshire Road Derby	Installation of a 20m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	04/08/2020
20/00739/FUL	Full Application	20 Chelwood Road Derby DE73 5SJ	Single storey rear extensions to dwelling house (kitchen/diner, lobby/games room, bedroom and en-suite)	Approval	20/08/2020
20/00745/FUL	Full Application	155 Allestree Lane Derby DE22 2PG	Single storey side and rear extensions to dwelling house (utility, breakfast/dining area, snug, sun terrace and enlargement of kitchen) and alterations to the existing raised patio area	Approval	20/08/2020
20/00749/FUL	Full Application	55 Excelsior Avenue Derby DE24 0AG	Single storey side and rear extensions to dwelling house (porch, bathroom and living space)	Approval	18/08/2020
20/00752/PNRH	Prior Approval - Householder	71 Wilsthorpe Road Derby DE21 4QS	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.7m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	04/08/2020
20/00754/CAT	Works to Trees in a Conservation Area	19 Vernon Street Derby	Felling of two Sycamore trees within the Friar Gate Conservation Area	Approval	13/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 1FT			
20/00763/VAR	Variation of Condition	Oak House Nursery 127 Station Road Mickleover Derby DE3 9FN	Single storey rear extension to nursery (washroom, and multi purpose room/storage) and replacement of shed in rear garden - Variation of conditions 3 and 4 of previously approved planning permission 19/00225/FUL to allow the extension to be used as classrooms and increase capacity for up to 55 children to attend the nursery	Approval	21/08/2020
20/00768/FUL	Full Application	452 Kedleston Road Derby DE22 2ND	First floor side with rooms in the roof space and single storey rear extensions to dwelling house (kitchen/living space, utility, dog/boot room, bedrooms and bathroom)	Approval	18/08/2020
20/00769/FUL	Full Application	18 Grenfell Avenue Derby DE23 1JZ	Two storey side and single storey rear extensions to dwelling house (hallway, shower room, bedroom and enlargement of kitchen and bedroom)	Approval	18/08/2020
20/00770/FUL	Full Application	Footbridge Over River Derwent At Bass Ground Derby (Leading To Northcliffe House)	Retention of two decorative arches	Approval	04/08/2020
20/00777/PNRH	Prior Approval - Householder	73 Pear Tree Crescent Derby DE23 8RP	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Refused	05/08/2020
20/00780/CAT	Works to Trees in a Conservation Area	35 Park Road Spondon Derby DE21 7LN	Felling of a Cedar tree within the Spondon Conservation Area	Approval	20/08/2020
20/00786/ADV	Advertisement Consent	Allestree Service Station 339 Duffield Road Derby	Installation of two freestanding non-illuminated signs	Approval	17/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 2DG			
20/00793/FUL	Full Application	51 Hartington Way Derby DE3 9BH	Change of use of one room from beauty clinic (Sui Generis Use) to residential (Use Class C3)	Approval	21/08/2020
20/00809/FUL	Full Application	61 Kensal Rise Derby DE22 4DB	Two storey side and rear extensions to dwelling house (kitchen, shower room, two bedrooms and bathroom)	Approval	21/08/2020
20/00822/PNRH	Prior Approval - Householder	130 Dairy House Road Derby DE23 8HP	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	19/08/2020
20/00837/PNRH	Prior Approval - Householder	11 Eagle Drive Derby DE73 7GX	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.2m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	20/08/2020
20/00843/DISCLB	Compliance/Discharge of Condition LB	The Lodge Grove Street Derby DE23 8EL	Relocation of existing fire alarm repeater panel - Discharge of condition 3 of previously approved permission 19/01186	Discharge of Conditions Complete	20/08/2020
20/00866/NONM	Non-Material Amendment	61 Bedford Street Derby DE22 3PD	Single storey side/rear extension (kitchen, bedroom and en-suite) - non material amendment to previously approved planning permission 19/01438 to amend the approved plans	Approval	19/08/2020
20/00868/PNRC	Prior Approval - Retail to Cafe/Restaura	Premises 38 Arthur Street Derby DE1 3EF	Change of use from retail (Use Class A1) to mixed use of retail (Use Class A1) and hot food shop (Use Class A5)	Application Withdrawn	04/08/2020
20/00898/FUL	Full Application	Unit 4C Sinfin Commercial Park Sinfin Lane	Change of use from industrial to gym (Use Class D1)	Application Withdrawn	19/08/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE24 9HL			
20/00969/DISC	Compliance/Discharge of Condition	Hackwood Farm Radbourn Lane Derby DE6 4LZ	Proposed temporary extension to extend the hours of construction at Hackwood Farm relating to previously approved outline applications 06/15/00846 and 06/15/00847 and reserved matters applications 12/16/01447 and 12/16/01448. Proposed revised working hours Monday-Friday 07.30 until 18.30, Saturdays 0730 until 16.30.	Approval	20/08/2020