



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**8 September 2022**

# ITEM 8

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

## **Applications to be Considered**

### **Purpose**

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

### **Recommendation(s)**

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

### **Reason(s)**

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

### **Supporting information**

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

### **Public/stakeholder engagement**

5.1 None.

### **Other options**

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

### **Financial and value for money issues**

7.1 None.

### **Legal implications**

8.1 None.

## Climate implications

9.1 None.

## Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	26/08/2022
Other(s)	Ian Woodhead	26/08/2022

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

**Planning Control Committee 08/09/2022**  
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2	7 - 17	22/00459/FUL	78 Carlton Road Derby	Change of use from dwelling house (Use Class C3) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis Use)	<b>To grant</b> planning permission with conditions.
3	18 - 39	21/01718/FUL	Littleover Manor 453 Burton Road Derby	Demolition of existing dwelling. Erection of seven dwelling houses (Use Class C3)	<b>To grant</b> planning permission with conditions.
4	40 - 49	22/00312/OUT	13 West Park Road Derby	Demolition of dwelling. Erection of 2 dwelling houses	<b>To grant</b> planning permission with conditions.
5	50 - 61	22/00674/VAR	Site Of 79 Rykneld Road Littleover Derby	Demolition of existing Retail Building. Erection of a two storey building for use as a Dental Clinic (Use Class D1) at ground floor and Retail (Use Class A1) or Financial and Professional Services (Use Class A2) at first floor level - Variation of conditions 4 and 5 of previously approved planning permission 06/18/00822	<b>To grant</b> planning permission with conditions.
6	62 - 74	22/01075/FUL	23 Chaddesden Park Road Derby	Change of use from dwelling house (Use Class C3) to a residential children's home for up to four children (Use Class C2)	<b>To grant</b> planning permission with conditions.

## **Committee Report Item No: 8.1**

**Application No: 22/00564/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 17 Walnut Close, Chellaston.

**1.2. Ward: Chellaston**

**1.3. Proposal:**

Development for a single storey side and rear extension (kitchen, WC, Hall, utility)

**1.4. Further Details:**

Members may recall that a decision on this application was deferred from the last meeting to enable a site visit to be completed. The site visit was conducted on 24 August and was attended by members and officers. Members will be updated on details of the site visit at the meeting.

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/22/00564/FUL>

Brief description

The application site is located on the west side of Walnut Close, off the head of the cul-de-sac. It is a semi-detached two storey dwelling with an additional floor level within the roof space. Land levels are generally flat. The rear garden is bounded by 1.5m height close board fencing along its north and south boundaries. An existing single storey rear extension occupies the rear elevation.

Proposal

Full permission is sought for the construction of a single storey side and rear extension. Amended plans have been received during the life of the application, showing a revised roof design.

The rear extension would measure 4.4m depth, 7.2m width. There would be a dual height of 3.5m to the common boundary with No.15 and 4m height to the remainder. The side extension measures 13.4m in depth, 1.9m in width and 4m height. Rooflight windows are shown across the side and rear roof plane.

A mono-pitched roof canopy would occupy the front elevation above the existing ground floor bay window. This would be 3.5m in height from ground level.

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

No recent or relevant planning history.

### **3. Publicity:**

Neighbour Notification Letters sent to 3 adjoining properties.

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

**4. Representations:**

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

One Councillor objection and one third party representation received

- Third party representation- the main points raised include: loss of light from lounge window and light/sun from patio.
- The amended plan makes no difference to the impact of loss of light
- Councillor objection – agree with comments in objection

**5. Consultations:**

No consultations required

**6. Relevant Policies:**

- 6.1. 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)

CP3	Placemaking Principles
CP4	Character and Context

Saved CDLPR Policies

GD5	Amenity
H16	Housing Extensions

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

### **6.2. Non-housing applications:**

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Design**

#### **7.2. Residential Amenity**

### **7.1. Design**

Saved Policy H16 (Housing Extensions) of the CDLPR states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the street scene" taking into account design, massing, visual prominence and materials. The principle of good design is reinforced by adopted Policies CP3 (Placemaking Principles) and CP4 (Character and Context) of the DCLP – Part 1 which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places).

The proposed development consists of three elements: a roof canopy to the front elevation, the side extension which interconnects with the rear extension. The proposed mono-pitched canopy structure to the front elevation would span almost the entire width of the dwelling at a height of 3.5m, positioned above the existing front bay window. Whilst the proposed canopy structure would affect the principal façade,

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given its size, position and 'light weight' form, such a modification has a negligible impact upon the character and appearance of the host dwelling.

Similarly, the proposed single storey side extension would be generally minor development and its simple design would befit the application dwelling without compromising its architectural form, nor the visual balance of the pair of semi-detached dwellings. As the side extension interconnects with the rear extension creating a 'wrap-around' footprint, the overall footprint measures 13.5m in depth. Whilst this would create an elongated side aspect, such a footprint would nevertheless be tolerable given the plot size, and proportions of the host dwelling. Although much of the side extension would be visually appreciable from the head of the cul-de-sac, the street scene implications for both the side extension and front canopy are minimal and can be accepted in design terms.

The proposed rear extension has been altered from a mono-pitched roof profile to a hipped roof profile, facing No.15. Dimensionally, it would measure 4.4m depth and 7.2m width. There would be a dual height of 3.5m to the common boundary with No.15 and 4m height to the remainder of the roof. As this affects the rear aspect only, it would not be clearly viewed from the street frontage. I find the revised plan drawing to be acceptable in design terms. Accordingly, the scheme would comply with relevant design Policies CP3 and CP4 and saved Policy H16.

## **7.2. Residential Amenity**

Saved policy GD5 (Amenity) of the CDLPR states that "Planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. In considering harm, the Council will consider the following: a. Loss of privacy; b. Overbearing (massing) effect; c. Loss of sunlight and daylight; d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit; e. Air, water, noise and light pollution; f. Hazardous substances and industrial processes; g. Traffic generation, access and car parking".

The main residential amenity impacts relate to immediate adjoining occupiers at No.15 and No.19 Walnut Close. With regards to No.19, which abuts the northern common boundary, this property contains an existing single storey extension with a rear facing obscure glazed window. As the proposed extension would project approximately 2m beyond the rear building line of the neighbouring extension, the resulting built relationship would be satisfactory. Whilst the 13.5m depth of the side extension would dominate the side aspect of No.19, there is only one side facing window to No.19, facing the application site, which appears to be a 'secondary' window. Consequently, there would not be any undue massing or overlooking impacts upon the occupiers of No.19 Walnut Close.

In respect of No.15, which is the immediate neighbour to the south, the original design of the pair of semi-detached dwellings is "T" shaped in its footprint. This also means the original form of the application dwelling contains a two storey rear projecting 2.2m depth section, extending beyond the original rear building line of No.15. Moreover, there is a lounge window situated approximately 1m from this side blank brick wall. Therefore, this existing juxtaposition already has some degree of massing affect.

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**Type: Full Application**

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The agent has revised the plan drawings by introducing a hip within the roof to the side extension facing No.15, which reduces the eaves level along the side extension and reduces the roof height impact. As such, the hipped roof design allows the roof to slope away from the side elevation facing No.15. The eaves height measures 2.33m and ridge height 3.5m, with an overall depth of 4.4m. Under permitted development rights, a 2m boundary fence/wall could be built along the common boundary.

Furthermore, permitted development rights allow dimensions of 4m height and 3m depth for a single storey rear extension. In considering the amenity impacts upon the occupiers of No.15, the revised design reduces the physical impact of the extension. Also, the additional size of the proposed rear extension beyond the size of extension that could be built under permitted development rights is not significantly different.

The neighbouring property No.15 is located to the south side of the application site, meaning the extension would not impede sunlight reaching the rear aspect. In addition, No.15 benefits from a large corner garden layout without any built development to its south side. It is considered that the proposed rear element would have some massing impact upon the rear lounge window to No.15, however the impact would not result in significant adverse impacts to warrant the scheme unacceptable, with the amended roofline in place. Therefore in residential amenity terms, the scheme would comply with policy GD5.

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

#### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed development would be acceptable in design and amenity terms and the revised drawings would reduce the amenity impacts on nearby dwellings.

#### **8.3. Conditions:**

1. Standard condition - time limit

**Reason:** Time limit reason

2. Standard condition list of approved plans

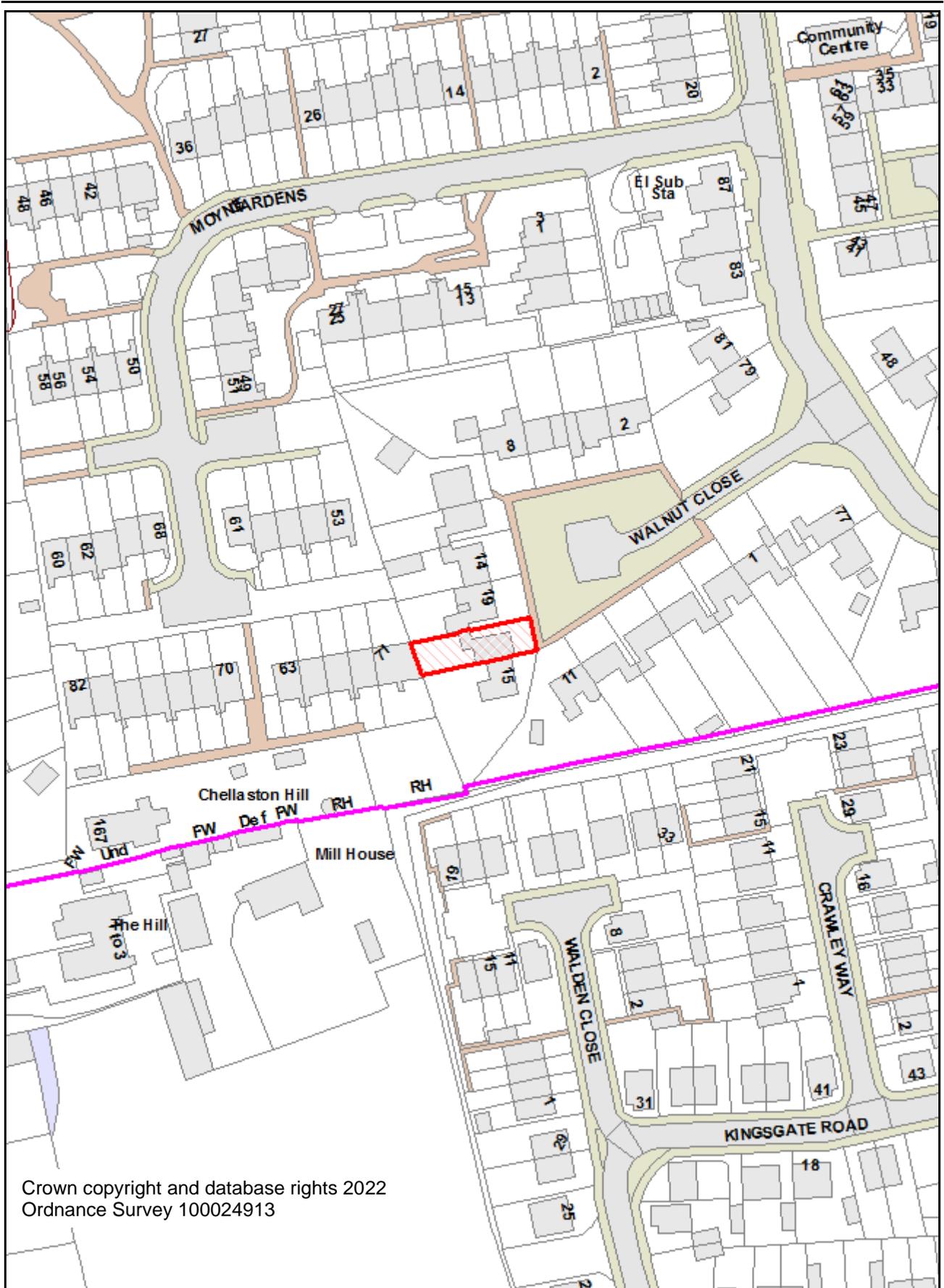
**Reason:** For the avoidance of doubt

3. External materials to match appearance of existing dwelling.

**Reason:** For satisfactory appearance of the development.

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

The 8 week target date was 2 June 2022. An extension of time has been agreed until 21 July.



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## **Committee Report Item No: 8.2**

**Application No: 22/00459/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 78 Carlton Road, Derby

**1.2. Ward:** Abbey Ward

**1.3. Proposal:**

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

**1.4. Further Details:**

Members may recall that a decision on this application was deferred from the last meeting to enable a site visit to be completed. The site visit was conducted on 24 August and was attended by members and officers. Members will be updated on details of the site visit at the meeting.

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/22/00459/FUL>

Brief description

The dwelling at 78 Carlton Road, is a semi-detached property surrounded, predominantly by residential dwellings of a similar size however, varying style, character and design.

Roof alterations are currently being undertaken at the property by way of a hip to gable roof extension, which is permitted development and is not being assessed as part of the current change of use application.

The proposed bedrooms and shared living spaces would be located at ground floor, first floor and second floor levels as follows:

Ground floor

Bedroom 1 – One person bedroom with en-suite – 14 Sq.m

Shared kitchen- 17 Sq.m

Shared hallway- 10 Sq.m

Shared lounge- 19 Sq.m

First floor

Bedroom 2 – One person bedroom with en-suite – 12 Sq.m

Bedroom 3 – One person bedroom with en-suite - 10 Sq.m

Bedroom 4 – One person bedroom with en-suite – 11 Sq.m

Gym-6m<sup>2</sup>

Shared landing 9m<sup>2</sup>

Second floor

Bedroom 5 – Double occupancy bedroom with en-suite – 14 Sq.m

Bedroom 6 – Double occupancy bedroom with en-suite – 14 Sq.m

## **Committee Report Item No: 8.2**

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**Type: Full Application**

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It should be noted that a small HMO of up to 6 people falls under Use Class C4. The HMO proposed would, be for two additional people occupying the property from that currently permitted to form a total of 8 persons, living at the property.

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

No Planning History

### **3. Publicity:**

Neighbour Notification- 6 Letters

Site Notice

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

### **4. Representations:**

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

Cllr Atwal – I would like to object to this application please & I will attend Planning Committee.

4 Letters of objection

Reasons for objection include:

- Insufficient parking space to the front of the property.
- Highway safety and insufficient manoeuvrability for vehicles and access for emergency vehicles.
- Highway safety- bus route
- Noise and disturbance from construction and number of residents.
- Loss of family homes

### **5. Consultations:**

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

According to the application form, the property is an existing 4 bed dwelling.

No off-street parking is proposed; although there are proposals to provide cycle parking to the rear.

## **Committee Report Item No: 8.2**

**Application No: 22/00459/FUL**

**Type: Full Application**

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Drawing 13A3 Rev 1 states “While there is an abundance of street parking, residents will be encouraged to make use of the lockable bike storage at the rear of the property and use local transport links including the public bus routes. Carlton road is situated directly on the 5/5A bus route with bus stop signs within 2-300 metres in either direction.”

Whilst highway parking should not be considered as available for all occupants, the site is nevertheless in a sustainable location.

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

This shows that for a 1 room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles. As such, for a 6 bedroom HMO this would equate to 2-3 vehicles; a figure which is not dissimilar to that which would be associated with occupation as a four bed family dwelling.

I am 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”.

As six room HMOs are considered permitted development. Therefore, there is also an additional argument that the only impact that can be considered material is that of the additional rooms above the permitted limit, which in this case would mean that there would be no additional vehicles associated with the development.

Para 111 of the National Planning Policy Framework states that

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

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

Whilst the scheme would potentially increase demand for parking spaces, the Highway Authority considers that it would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety or upon the adjacent highway network.

### **Note To Applicant**

The consent granted will result in alterations to a building which need 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 the site, location in relation to existing land and property, and the placement of front doors or primary means of access

## **Committee Report Item No: 8.2**

**Application No: 22/00459/FUL**

**Type: Full Application**

### **5.2. Resources and Housing (HMO):**

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

It is noted the property is intended to be let to multiple households so it will be classed as an HMO under Section 254 of the Housing Act 2004. As the HMO is intended to be occupied by 5 or more persons a mandatory HMO licence will be required.

In order to obtain a licence it will need to be adequately managed and free of significant hazards under the Housing Health and Safety Rating System (HHSRS). This will include provision and maintenance of fire precautions. Guidance on fire safety in HMOs can be found in the LACORS Housing fire Safety guidance. This department will generally use this guidance when assessing fire safety in residential property.

It will also need to meet the guidelines set out by this Authority for space and amenities in HMOs in the City. The published guidance should be referred to in order to ensure rooms are of an adequate size and there are enough cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people proposed to be housed.

If work is carried out that results in the property failing to meet standards in terms of space, amenities and fire precautions, enforcement action may be taken by the Housing Standards Team. The space and amenity guidance, information about HHSRS and LACORS fire safety guidance can be obtained from the Housing Standards pages of the Derby City Council's website.

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

## **6. Relevant Policies:**

- 6.1. 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

## **Committee Report Item No: 8.2**

**Application No: 22/00459/FUL**

**Type: Full Application**

### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

### **6.2. Applications involving the provision of housing:**

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

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

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

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

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**Application No: 22/00459/FUL**

**Type: Full Application**

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

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

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

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. The proposed use of the site**

#### **7.2. Proposed six bedroom (eight occupant) HMO use and its implications to neighbouring residents**

#### **7.3. Highway implications**

#### **7.4. Objections**

#### **7.5. Conclusion**

### **7.1. The proposed use of the site**

Policy H13 specifically refers to C1, C2, C3 uses and hostels but can, by extension, be considered as guidance for other residential uses such as HMOs. In this case, the site is in a traditional residential area. A solely residential use of the site is therefore considered acceptable in this location and the proposed use can be supported in land use terms.

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The proposal comprises the conversion of the existing residential property to create an eight person HMO. The proposal would marginally increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. As set out in the policy comments regarding the "tilted balance", the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. There is currently a significant housing land supply shortfall and therefore very significant weight should be applied in favour of applications that can contribute to increasing this supply.

**7.2. Proposed six bedroom (eight occupant) use and its implications to neighbouring residents**

In regard to the use as a six bedroom (eight occupant) HMO, a small HMO of up to six people would fall under Use Class C4. Planning permission is not required for a HMO of up to 6 residents. The proposed introduction of 2 additional residents requires permission as a larger HMO of more than 6 occupants is a Sui Generis use. The 2 additional residents would occupy the two double rooms in the roofspace, which are both the largest rooms at 14 sq metres. The property has a large communal kitchen and lounge space on the ground floor and a gym on the first floor, for the use of residents, in addition to the rooms themselves. The amount of residential accommodation for the use of occupants would therefore be generous in scale and floorspace. This proposal would result in two additional people living at the property and on that basis the proposed increase in occupation, is considered to be acceptable in this location and would be difficult to argue against at any future appeal.

As per Derby City Councils Housing Standards, room size standards the minimum room sizes for a single occupancy and double occupancy room in an HMO, where there is other living space available elsewhere, is 8m<sup>2</sup> and 12m<sup>2</sup> respectively. Taking this into consideration, I am satisfied that the bedrooms/shared living spaces would exceed these requirements, providing adequate living and bathroom facilities for any future occupants, which has been confirmed by the City Council's Housing Standards team. The proposed layout and size of the rooms is also considered to form a pleasant and secure living environment for the occupants as required by Policy CP3 and saved Policy H13.

In regard to residential amenity, saved Policy GD5 states that "permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas". With this in mind it is considered that the proposed introduction of a more intensive type of residential use, by forming a HMO, would not result in any undue material impact to neighbouring residents within the vicinity of the site, by way of loss of privacy, increased pollution (such as noise), disturbance or resultant parking implications. Although a number of objections have been raised by third parties and a Councillor, the use of the building to be occupied by up to eight occupants would not, in my opinion, be an unreasonably harmful level of use of the proposed building, bearing in mind the size of the property and the context in a relatively high density residential area. Although concerns have been raised in respect of 'clusters' of HMO's in certain areas, I can confirm that according to the

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latest mapping information there are no HMO's of six or more people in operation in close proximity to the site. The closest HMO's recorded are at Palmerston Street, Porter Road and Chatsworth Street. It does however need to be noted that these are only licenced HMO's therefore any HMO's operating under Permitted Development Rights are not shown on the map. Taking this into consideration I am satisfied that the proposed use would meet criteria set out in adopted policies CP3, CP4 and CP23 of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies H13 and GD5 of the adopted City of Derby Local Plan Review.

### **7.3. Highway implications**

Although third party objections have been received in regard to the current and future parking in the area, the Highways Officer does not raise objection in respect of the potential additional parking generated by the occupants of the HMO, given the sustainable location of the property, on a bus route and therefore accessible the City Centre. The cycle parking indicated in the rear garden of the property can be secured by a suitable planning condition for clarity.

By reference to Table A2.4 from "Residential Car Parking Research", (Queen's Crown Copyright, 2007), research carried out by the former Department for Communities and Local Government, on car residential ownership and parking demand – which was based on analysis of Census information not generally published in the public domain. This shows that for a one room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles. As such, for a six bedroom (eight occupant) HMO, this would equate to around 2-3 vehicles; a figure not dissimilar to that which would be anticipated in respect of the normal residential occupancy of the dwelling. As previously indicated, a six bedroom (six occupant) HMO would be considered permitted development, therefore there is also an additional argument that the only impact that can be considered material is that of the additional rooms above the permitted limit. The site does not contain off-street parking provision with residents needing to park any vehicles within the unrestricted on-street parking.

Para 111 of the National Planning Policy Framework states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." To be clear, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. 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. Overall it is considered that the layout meets with the transport objectives of Policy CP23 where it provides for suitable cycle parking facilities on the application site.

### **7.4. Objections**

Four letters of objection and one Councillor objection have been received in response to this application. A number of the objections raised are not considered to be material planning matters therefore cannot be dealt with by the Planning Authority. I am satisfied that all relevant planning matters relating to highway implications,

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residential amenity and housing standards have been adequately addressed within the appraisal section of this report.

### **7.5. Conclusion**

Overall it is felt that the proposal is acceptable by way of highway implications, residential amenity and provision of a high quality living environment. Although objections have been received from neighbouring residents I am satisfied that all relevant planning matters have been adequately addressed within this report. The proposal reasonably satisfies the requirements of policies of the Derby City Local Plan: Part 1 and saved policies of the City of Derby Local Plan Review and the overarching guidance in the National Planning Policy Framework

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed increase in the use of the residential property to form a six bedroom (8 person) HMO would marginally increase the variety and amount of housing delivered in this part of the city and hence the proposal is considered to be acceptable in principle. The proposal meets all the Council's housing standards, regarding room sizes. A satisfactory quality of living accommodation is proposed and the proposed residential use would not cause such an overriding adverse impact on residential amenity or the character of the area to warrant a refusal.

### **8.3. Conditions:**

1. Standard condition (3 year time limit)

**Reason:** To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Standard condition list of approved plans

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

3. No part of the development hereby permitted shall be brought into use until the covered cycle parking area on site has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

**Reason:** To promote sustainable travel and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

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### **8.4. Informative Notes:**

#### Highways:

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

[traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the site layout, location in relation to existing land and property, and the placement of front doors or primary means of access.

#### Housing Standards:

If the HMO property is occupied by 5 or more persons a mandatory HMO licence will be required:

<https://www.derby.gov.uk/trading-standards-environmental-health/environmental-health/housing-standards/houses-in-multiple-occupation/about/>

If work is carried out that results in the property failing to meet standards in terms of space, amenities and fire precautions, enforcement action may be taken by the Housing Standards Team. The space and amenity guidance, information about HHSRS can be obtained from the Housing Standards pages of the Derby City Council's website.

<https://www.derby.gov.uk/trading-standards-environmental-health/environmental-health/housing-standards/housing-health-safety-rating-system/>

LACORS fire safety guidance

<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

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

### **8.5. Application timescale:**

This application expired 17/05/2022 however, has been delayed in order to be heard at Full Planning Committee. An extension of time has been agreed until Monday 18<sup>th</sup> July.



## **Committee Report Item No: 8.3**

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### **1. Application Details**

**1.1. Address:** Littleover Manor, 453 Burton Road, Derby

**1.2. Ward:** Littleover

### **1.3. Proposal:**

Demolition of existing dwelling. Erection of seven dwelling houses (Use Class C3)

### **1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/01718/FUL>

### Brief description

The application is for the demolition of the existing dwelling and erection of seven dwelling houses upon the site.

The area surrounding the site is generally residential in character with pockets of commercial development.

The application site is a rectangular piece of land situated on the southern side of Burton Road. It covers an area of approximately 0.18ha. The site is currently occupied by a large detached dormer bungalow which had previously been utilised as supported housing for up to six disabled residents, however, this use is no longer operated and the building has been disused for a number of years. The site is served by an existing vehicle access from Burton Road, located to the north east of the site. The bungalow is set back approximately 17m from Burton Road, behind a parking and turning area. It is partially screened from the highway by high level boundary treatments, vegetation and a detached garage which had previously been utilised for office purposes, in association with the supported residential use. To the rear of the bungalow is a raised patio and a large mature garden, the majority of which is laid to lawn, however I believe this area has recently been cleared. Land levels across the application site drop considerably from Burton Road towards the properties on Lime Walk. The fall across the site as a whole is approximately 6m. The area surrounding the application site is predominately residential in character. Number 451 Burton Road, located to the north east of the site, is a Georgian-style 2/3 storey building which has been subdivided into apartments. To the rear of this building are a row of modern two-storey houses which front onto Lime Gate Mews, a private drive accessed from Lime Walk. To the southwest of the site is number 455 Burton Road, an individually designed two-storey dwelling dating from the 1970's. The southern site boundary abuts the gardens of two-storey houses along Lime Walk. The trees within the grounds of number 451 and the houses along Lime Gate Mews are covered by a group Tree Preservation Order (Number: 336).

### The proposal

Planning permission is sought to demolish the existing bungalow on the site and erect 7 dwellings. The development would be arranged in two 'blocks' of development across the site. Block A would be situated approximately 20m back from the site frontage. It would comprise of a pair of semi-detached and one detached four bedroomed property

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with accommodation over two floors to the front elevation and three floors to the rear, (utilising the current land level changes upon the site). The pair of semi-detached and the detached dwelling would be separated by the access road, serving block B to the rear. Each of the properties would be served by two parking spaces to the front, north.

Block B would be sited to the rear of the site (south), approximately 57m from the sites frontage. It would be comprised of two pairs of semi-detached, four bedroomed properties, providing accommodation over three floors, (utilising the loft space within each of these dwellings). Each of the properties would be served by two parking spaces to the front elevations. As previously stated, this block would be accessed via a vehicular access road between dwellings in block A. A turning area would also be located to the front of the parking spaces. There is an existing vehicle access into the site which would be relocated towards the western boundary, central to the site. The application is accompanied by a Design and Access Statement, A Tree Survey, a Bat Survey and a Drainage Scheme.

This application is submitted further to the submission of application /07/12/00915, for demolition of bungalow and erection of 7 dwelling houses, which had been refused at Planning Committee on 1<sup>st</sup> October 2015. The application was further referred for appeal and subsequently allowed on 26<sup>th</sup> February 2016 under reference APP/C1055/W/15/3135711 subject to conditions.

The relevant matters addressed as part of this previous site history have been addressed in turn within the appraisal section of this report.

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

<b>Application No:</b>	07/12/00915	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused:	<b>Date:</b>	01/10/2015
	Allowed at appeal		26/02/2016
<b>Description:</b>	Demolition of bungalow and erection of 7 dwelling houses		

<b>Application No:</b>	19/01165/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Approval	<b>Date:</b>	05/12/2019
<b>Description:</b>	Change of use of care home to house in multiple occupation and change of use of outbuilding to apartment, alterations to land levels		

### **3. Publicity:**

- 17 Neighbour Notification Letters
- Site Notice

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

**4. Representations:**

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

**Cllr Emily Lonsdale** – I would like to object to it as the access to the proposed properties would add pressure to the already busy Burton Road

17 Objections have been received in respect of the following matters:

- Land drainage & Sewerage: inadequate assessment of flood risk arising from the reduction in ground and vegetation soakaway. Previous plans referenced underground storage tanks but the current plans only reference using the main sewer, which is on Burton Road and higher than the proposed development.
- Boundary fencing
- Highway access
- Parking provision inadequate
- Trees on site
- Bin storage
- Privacy
- Overlooking
- Noise
- Design of dwellings
- Overdevelopment
- Construction time frame
- Construction hours
- Breaches of covenants
- Fear of crime
- Potential loss of trees and natural wildlife habitats.

**5. Consultations:**

**5.1. Highways Development Control:**

Further revised comments 30 August to revised plan P02 Rev E:

The internal access road wasn't necessarily a highways concern, however it has been widened to 3.5m in accordance with my advice. Manual for Streets (para 6.7.3) gives advice on minimum access widths for a fire appliance, stating "... the access route could be reduced to 2.75m over short distances..."

Members also asked at pre-agenda if there was/is space to pass within the internal access. There is not. However, there is space at either end for a vehicle to wait, and therefore for vehicles to pass. The incidence of this is likely to be low due to only 4 dwellings being in place at the far end of the site.

This is in itself not a highway issue being internal within the site.

Revised comments received 12 August 2022:

Observations: Following the previous highway observations of 14/06/2022; a revised plan "P02 Rev D" has been submitted.

In highway terms the revised plan utilises the agreed highways access point and retains sufficient space for turning. The basic change in relation to the revision is the internal access road within the site which now bisects proposed dwellings rather than being along one side.

In highway terms, the principle of the development is acceptable, and the revised layout does not materially alter this.

However, informal advice is that a (scaled at) 3m wide internal access road may prove to be too narrow for regular vehicular use, especially for vehicles such as home shopping/removals etc. I would advise that a minimum of 3.5m should ideally be provided.

As this is internal within the site, it is not specifically a highways concern; further this may be too narrow to for ease of access by (for example) a fire tender. The Local Planning Authority may wish to consult further with Derbyshire Fire & Rescue in this respect.

Burton Road (A5250) is subject to a 30mph speed limit and has a "No waiting at any time" (double yellow lines) parking restriction across the site frontage, the site is lower than the adjacent highway. The footway fronting the site is approximately 1.8m wide.

The application drawing shows appropriate 2.4m x 43m visibility splays, correctly drawn and should be drawn to the nearside kerb edge.

The site is served by an existing highway dropped kerb which will need to be lifted and reinstated as full height footway; this can be dealt with by appropriate condition.

A suitable refuse collection point has also been shown within the site boundary near to the highway.

The proposals show the relocation of the site access into the centre of the frontage. This will entail the relocation of a lamp column (LC34133) and is covered within the Notes to Applicant at the end of this response.

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Given the location of the site, it will be necessary to condition that a Construction/Demolition Management Plan be provided. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations. This will be dealt with by condition.

The application shows a 5.0m wide highway access; given that Burton Road is a Classified Road (A5250); together with the number of dwellings proposed, the highway dropped kerb should be 10 dropped kerbs (9.2m) wide.

### Recommendation:

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

#### Condition 1:

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

Reason: To maintain the free flow of traffic and pedestrians along the highway and in the interests of highway safety

#### Condition 2:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

Reason: In the interests of highway safety.

#### Condition 3:

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 10 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).

#### Condition 4:

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.  
Reason: To protect the structural integrity of the highway and to allow for future maintenance.

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Condition 5:

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway to the specification of the Highway Authority.

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

Condition 6:

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided, with the parking bays clearly delineated in accordance with the approved plans. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

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

Condition 7:

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

Reason: To maintain the free flow of traffic and pedestrians along the highway and in the interests of highway safety

### **Original comments 23 December 2021:**

Observations:

These observations are primarily made on the basis of the following submitted information.

Drawing P02 Rev A.

Planning Statement

Burton Road is subject to a "No waiting at any time" (double yellow lines) parking restriction across the site frontage, the site is lower than the adjacent highways. The footway fronting the site is approximately 1.8m wide.

The application drawing shows 2.4m x 43m visibility splays, although these are incorrectly drawn and should be drawn to the nearside kerb edge, not to an offset. Nevertheless it does appear that these are achievable.

The site is served by an existing highway dropped kerb which will need to be lifted and reinstated as full height footway; this can be dealt with by appropriate condition.

Whilst in principle the Highway Authority is supportive of the redevelopment of the site; the layout submitted (14 parking spaces serving 7 units) does not take account the likelihood of servicing of the site; space should be provided such that vehicles such as (for example) those associated with home shopping deliveries can enter the site and have sufficient space to be able to turn such that they can exit and enter the highways in a forward gear. There appears to be no space for this within the submitted layout.

The applicant should therefore provide a revised plan showing provision of a suitable turning area/s together with vehicle tracking to show that space to turn is achievable.

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No provision appears to have been made for refuse collection associated with the development; the applicant is reminded of BS 5906: 2005 which provides guidance and recommendations on good practice for refuse collection. 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.

Whilst transporting containers within the site is a matter for the occupiers; a suitable refuse collection point should be provided within the curtilage (and within the distances set out), but not within the access visibility splays; and should be shown on the revised plan.

The proposals show the relocation of the site access into the centre of the frontage. This may entail the relocation of a lamp column (LC34133), but this is not shown on the plan; in order to establish whether the proposals will have an impact upon the column; the applicant should add this highway feature to the drawing.

Given the location of the site, it will be necessary to condition that a Construction/Demolition Management Plan be provided. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations. Whilst this can be required by condition, the applicant may wish to consider a suitable submission at application stage.

The application shows a 5.0m wide highway access; given that Burton Road is a Classified Road (A5250); together with the number of dwellings proposed, the highway dropped kerb should be *10 dropped kerbs (9.2m) wide*.

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

### **5.2. Highways (Land Drainage):**

This site has no flooding of any sort. There is, however, the question of volume and quality control of the run-off from the site. The applicant should consider the use of permeable paving, rain gardens, tree pits, etc. It will be necessary to reduce the flow to 2l/s if infiltration is not possible.

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

#### **Comments received 3 March 2022:**

The site is adjacent to an area type TPO (No.336) and a group type TPO which protects 6 Lime trees within TPO No. 37. No tree survey and supporting documents have been provided to support the application.

*Additional tree information submitted April 2022. Revised comments awaited and will be reported orally.*

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### **5.4. Derbyshire Wildlife Trust:**

#### Revised comments received 15 July 2022:

In our previous consultation response we advised that further bat survey information was required prior to the determination of the application. We have now had the opportunity to review a Bat Emergence and Activity Surveys report prepared by Tim Smith dated June 2022 which presents the results of two bat emergence surveys carried out during May and June 2022 in accordance with current best practice guidance. No bats were observed emerging from the house during the surveys.

Overall, we advise that the assessment that has 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 Regulations 2019. 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. The proposed development does however provide opportunities to enhance biodiversity in line with the objectives of the National Planning Policy Framework and policy CP19 Biodiversity of the Derby City Local Plan through the incorporation of bat and swift bricks within the new dwellings. We therefore recommend the following planning condition;

“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 (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. Policies:**

### **6.1. Relevant Policies:**

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

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

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

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### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E17	Landscaping Schemes
E24	Community Safety
T10	Access for Disabled People

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

### **6.2. Applications involving the provision of housing:**

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

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

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

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote

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39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

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

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

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

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Principle of development**

#### **7.2. Design, visual amenity and layout**

#### **7.3. Residential amenity**

#### **7.4. Highway and Transport planning impacts**

#### **7.5. Land drainage**

#### **7.6. Biodiversity**

#### **7.7. Trees**

#### **7.8. Conclusion**

### **7.1. Principle of development**

The principle of residential development on the site is acceptable and has been established through previous permissions for change of use and redevelopment of the site for the provision of new housing. The proposal would boost the supply of housing through the creation of six additional homes. The application site is located within an existing residential area which is well served by public transport and situated close to shops and other amenities, in view of this the site is considered to be a suitable and sustainable location for new residential development within the City. There are no concerns with the demolition of the existing bungalow which is considered to be of insufficient architectural merit to warrant its retention.

As stated above, this application is submitted further to the approval, at appeal, for the erection of seven dwellings upon the site (ref:DER/07/12/00915). This application was approved in 2015 on appeal, however a number of the policy principles remain unchanged. The Planning Inspectorate concluded at the time that “there is a presumption in favour of sustainable development. The site is previously developed land located in a highly sustainable area and, having regard to the Framework, it would be suitable for the kind and scale of development. The immediate vicinity includes schools, health facilities, and local amenities such as shops. It is accessible by public transport with good links in and out of the town centre, and the bus stops are within walking distances. Such a location would meet with the Government’s objectives of locating new housing in sustainable areas so that people are less dependent upon private transport to get around”.

With this in mind, the development of the site for housing, in principle seems to be consistent with policy as it would provide much needed new homes with a net gain of six new dwellings. Since the approval of the previous scheme, Policy CP6 has been deemed to be ‘out of date’ therefore the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked. However, it is essential that at a more detailed level, the proposal would need to meet other objectives of national and local policy in order to provide a sustainable form of development. These include considering climate change related matters, providing suitable and satisfactory living accommodation and conditions, consideration of residential amenity, ensuring safe and proper highway access and parking and considering design and character.

### **7.2. Design, visual amenity and layout**

Policies CP3 (Placemaking Principles) and CP4 (Character and Context) both seek to achieve high quality, well designed places and the policy requirements include considering optimising density, providing good standards of privacy and security, providing well connected spaces and delivering well integrated vehicle and cycle parking.

In terms of design and placemaking, the revised NPPF is relevant and the changes, further emphasise the importance of good design. The Framework also introduces a requirement to provide beautiful homes and places. Revised paragraph 126 states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve".

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Policy CP3 seeks that proposals make efficient use of land, are well integrated into their setting and provide safety and security. Generally, the density of the proposals would appear to make an efficient use of the site.

With this in mind it is acknowledged that there are a mix of existing residential properties in the locality, including the apartments adjacent to the site. In respect of visual amenity I am satisfied that the introduction of two storey, semi-detached properties and detached dwelling upon the site would be visually acceptable within the existing street scene of Burton Road. Block A would occupy a similar position within the site to the existing bungalow, which is considered to be acceptable given the varied building line along this side of Burton Road. The erection of appropriate boundary treatment along the site frontage would be controlled through condition, as would the provision of suitable landscaping to screen the proposed parking/turning area to the sites frontage.

The two blocks of development have a fairly simple design. It is accepted that there is a variety of building types and architectural designs within close proximity of the site therefore the gable ended dwellings proposed would be appropriately placed within the Burton Road street scene. The overall building heights of block A would be approximately 8.8m. Whilst this block would provide three storeys of accommodation at the rear, the fall in land levels within this area of the site mean the dwellings would be two-storeys when viewed from Burton Road. Although larger in scale than the existing bungalow on the site, taking into consideration the fall of the land away from Burton Road and the lowered land levels proposed, I am satisfied that the development would not appear unduly prominent when viewed from the highway. The scale of the properties would be comparable with surrounding buildings and the development on the site frontage would be significantly lower than the tallest element of the neighbouring apartment building at 451 Burton Road. As a result of the existing vegetation, including trees and surrounding built development the dwellings within block B, located to the rear of the site, would be well screened from public views and surrounding street scene. In view of this it would be difficult to argue that this element of the proposed development would have a significant adverse effect upon the visual amenities of the locality as a result of its backland position. The parking area to the front elevations of the properties would be well screened and the provision of some landscaping and suitable surfacing can be controlled through condition. Furthermore, it must be noted that a parking dominated frontage design had previously been approved as part of the previous scheme. Overall, it is considered that the proposed development would be acceptable in terms of its siting, scale and design and would not detract from the overall character of the surrounding area. 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) and the saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.

### **7.3. Residential amenity**

Objections have been raised in respect of a possible overbearing effect and massing of the proposed dwellings in respect of existing properties surrounding the application site. Reference is also made to loss of sunlight and daylight. In my opinion, the siting, massing and height of the proposed dwellings would cause no material issues of massing or overshadowing of adjacent neighbouring properties surrounding the site.

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Regard has been given to the elevated position of the site compared with neighbours, on Lime Gate Mews. Whilst there would be some massing impact upon the garden areas of properties within Lime Gate Mews to the east and south of the site, the depth of their gardens is such that this impact would not be significantly harmful. The impact upon no.455 Burton Road is also considered to be tolerable, given the degree of separation. Nevertheless, I recommend finished floor levels should be conditioned for the avoidance of doubt.

In regard to overlooking of the surrounding properties I am satisfied that all side windows to the proposed dwellings would serve bathroom/ensuites therefore I raise no objections to the siting of these windows. Furthermore garden depths and distances between properties both upon the site and adjoining the site would be sufficient to avoid any material overlooking implications. Overall the proposal is considered to be acceptable in terms of the distances and relationship between properties and the positioning of windows.

Objections have been raised in respect of a loss of amenity arising from vehicle movements on and surrounding the application site however, I am satisfied that the access and parking layout proposed would not result in the undue disturbance to neighbours. It is in any case proposed to condition boundary treatments.

The proposed development would provide approximately 25m between the rear elevations of the dwellings in Block A and the front elevations of Block B and would also allow for rear garden depths of approximately 9m to the boundary with properties along Lime Walk to the rear of the site. These distances are considered to be sufficient to ensure there are no significant adverse implications through overlooking between the proposed dwellings.

Whilst the siting of Block A at the front of the site would just cut into the 45 degree angle take from the ground floor habitable room within the front elevation of the apartment within no. 451 Burton Road, it should be noted that the existing bungalow already had an impact upon light entering this window. In view of this, I consider the relationship between the proposed detached dwelling on the frontage and the apartments within no. 451 Burton Road to be tolerable.

Regard must also be had for the previous approval for 7 dwellinghouses, allowed on appeal (ref:DER/07/12/00915), which was of a comparable scale, form and layout to the current proposal. The relationships with neighbouring properties are not dissimilar to that approved scheme.

Overall the development would reasonably comply with the requirements of policies H13 and GD5 in respect of neighbour amenity. I am also satisfied that the proposal would create an acceptable living environment for future occupiers in terms of both the internal and external spaces provided. 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) and the saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.

#### **7.4. Highway and Transport Planning Implications**

Third party objections have been raised in regard to the level of parking provision to be provided upon the site, however further to consultation with Highways colleagues, I am satisfied that the level of parking provision is sufficient for a scheme of this size.

In respect of the highway implications of the revised layout, the Highways Officer is satisfied that the proposed layout would include sufficient turning space, therefore drivers would exit in a forward gear providing safe and suitable access to the site and the on-site car parking spaces for each dwelling would be consistent with guidelines. A revised layout plan has recently been submitted, Rev E, to address Highway Officer's comments about the width of the internal access road. This plan has widened the access to 3.5 metres to allow delivery and emergency vehicles to pass more easily. A number of highway related conditions and informative notes have been recommended, which are to be included as appropriate

The conclusion from the Planning Inspectorate in relation to the allowed decision for residential development from 2015, states that "the site is located in a highly sustainable area given its proximity to wide range of local amenities such as shops, health and educational facilities. I find that future occupiers of the new dwellings would be within reasonable walking distance to local facilities and services thus reducing their need to rely on the private car to meet their day-to-day needs". Furthermore they go on to state "I have seen no cogent evidence whatsoever to the effect that the proposed number of dwellings would place considerable additional pressure on the local highway network, parking amenity in the area or compromise the safety of children accessing schools.....I consider that the location of the new access and its use in connection with seven dwellings would not adversely affect the free-flow of traffic along Burton Road". Although the appeal decision was issued a number of years ago, I consider these comments to be relevant in respect of this latest scheme. I therefore conclude that the site is located within a sustainable location, adequately served by a number of transport options.

Taking this into consideration I am satisfied that the proposal meets criteria set out in adopted policy CP23 of the Derby City Local Plan Part 1: (Core Strategy) and the saved policy H13 of the adopted City of Derby Local Plan Review.

#### **7.5. Land drainage and climate change**

Policy CP2 (Responding to Climate Change) requires that development is in sustainable locations and is designed and constructed in a sustainable manner. The application site is in a generally residential area and the location is generally sustainable. There is good access to local shops at the nearby Littleover District Centre and a good/frequent bus route to the city centre along Burton Road. It is relevant that the Council has declared a 'Climate Emergency' and so the requirements of Policy CP2 are particularly important.

The policy also deals with drainage and flooding matters. A number of third-party objections and concerns have been raised in respect of past drainage and flooding matters.

My Land Drainage colleagues have commented that there is no drainage information for this site and there is no flooding shown on the EA's maps or on the IUD flooding

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information. They have concluded that the only item of concern is the requirement for suitable surface water drainage, therefore a suitably worded condition has been recommended in order to ensure appropriate and acceptable sustainable drainage methods are utilised. Provided this condition is adhered to I am satisfied that the development would meet with the criteria outline within Policy CP2 of the City of Derby Local Plan Part 1.

### **7.6. Biodiversity**

Insufficient ecological information had been submitted as part of the initial application. Subsequently officers advised that in order to accord with current guidance, the buildings (to be demolished) need to be subject to at least one bat emergence/re-entry survey between May and August to demonstrate the presence or otherwise of roosting bats and to inform appropriate mitigation, if required. A Bat Emergence and Activity Surveys report, dated June 2022 which presents the results of two bat emergence surveys carried out during May and June 2022, has been submitted. No bats were observed emerging from the house during the surveys. Derbyshire Wildlife Trust are satisfied that that sufficient information regarding these protected species has now been submitted. No evidence of roosting bats was found and as such, they advise that bats should not present a constraint to the proposed development. The proposed development does however provide opportunities to enhance biodiversity in line with the objectives of the National Planning Policy Framework and policy CP19 Biodiversity of the Derby City Local Plan – Part 1 through the incorporation of bat and swift bricks within the new dwellings therefore a suitable condition shall be included as appropriate. Taking this into consideration I am satisfied that the proposal meets criteria set

### **7.7. Trees**

The proposal would result in the loss of trees on the application site (14). However these trees are not protected and do not offer sufficient visual amenity value within the surrounding streetscene to warrant a Tree Preservation Order being made. In view of this it is considered that refusal of the application on the grounds of the loss of these trees would be difficult to sustain. Trees on the adjacent property at 451 Burton Road, are protected by Tree Preservation Orders, including 7 Lime trees. One of the Lime trees is at the front of the site and overhangs the application site, fronting Burton Road. The applicant has submitted an Arboricultural Impact Assessment and Tree Protection Plan, in response to Tree Officer's comments, which assesses the health and amenity value of the trees and the impact of the development on visually significant trees, including the protected trees located within the garden of no. 451 Burton Road. In particular the reports highlight the visually important Lime tree situated close to the north-eastern corner of the site within the front garden area of no. 451 Burton Road, but advises that if due care is taken to avoid disturbance or damage to the roots in this area the development should not have a detrimental impact on the health of the tree. Subject to tree protection measures being put in place, which can be secured through a condition, it is considered that the development can be carried out without causing harm to the protected trees, particularly those on the site frontage at no. 451 Burton Road. It should also be noted that the approved scheme, allowed on appeal, also required removal of all the on-site trees and had similar impacts on the adjacent protected trees.

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Submission of a full tree protection plan and arboricultural method statement for the retained TPO trees, should be therefore conditioned. Accordingly the proposed development is considered to reasonably comply with policy CP16 of the Derby City Local Plan Part 1.

### **7.8. Conclusion**

Overall it is felt that the proposed residential development is acceptable by way of size, form, character and design, highway safety and residential amenity will not be unreasonably affected. It would deliver new housing in a sustainable location in the city. There are also no adverse impacts on biodiversity, trees and flood risk, subject to recommended conditions. Although objections have been raised by neighbouring residents I am satisfied all relevant planning matters have been addressed within the Officer's report. The proposal reasonably satisfies the requirements of saved policies of the Derby City Local Plan: Part 1 and saved policies of the City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed residential development is acceptable by way of size, form, character and design, highway safety and residential amenity will not be unreasonably affected. It would deliver new housing in a sustainable location in the city. There are also no adverse impacts on biodiversity, trees and flood risk, subject to recommended conditions.

### **8.3. Conditions:**

#### **General:**

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 approved plans and details condition.

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

#### **Pre commencement:**

3. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is carried out above foundation level. Any materials that may be agreed shall be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory external appearance of the development in the interests of visual amenity and to accord with the adopted policies of the

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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.

4. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority development shall be carried out in accordance with such detailed plans.

**Reason:** In the interests of visual and residential amenity 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.

5. A landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard and enhance the visual amenities of the area 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.

6. The landscaping scheme submitted pursuant to Condition 5 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason:** To safeguard and enhance the visual amenities of the area 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.

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

**Reason:** To maintain the free flow of traffic and pedestrians along the highway and in the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision.

8. No development shall take place 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.

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

**9.** 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 (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.

**Reason:** To protect wildlife on and adjoining the site during the course of construction works in order 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.

**10.** Prior to commencement of the development, an Arboricultural Method Statement (including TPP) shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating full protection for trees on land adjacent to the application site. The method statement must include details of protective fencing to be in place before and during construction works and the date of construction of such protection and of its completion and details of foundations. 'No dig' solutions are to be implemented in the root protection area of trees on adjacent land and during the period of construction works all trees, hedgerows and other vegetation on adjoining land shall be protected in accordance with BS:5837:2012 ("Trees in relation to design, demolition and construction").

**Reason:** To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**Pre-occupation:**

**11.** No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

**Reason:** In the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision.

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**12.** 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 10 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) 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.

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

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

**14.** No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this permission is permanently closed and the access crossing reinstated as footway to the specification of the Highway Authority.

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

**15.** No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided, with the parking bays clearly delineated in accordance with the approved plans. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

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

**16.** Before occupation of any of the dwellings, cycle parking storage shall be provided on the site, in accordance with details first submitted to and approved in writing by Local Planning Authority.

**Reason:** To ensure provision for cycling and promote sustainable transport 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.

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17. Before development is carried out above foundation level, a scheme of solar PV panels for the south facing roof slopes of dwellinghouses on the development, which are suitable for such installation shall be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In interests of reducing carbon emissions and providing sustainable development 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.

**Management:**

18. No gates shall be erected at the access to the development from the public highway.

**Reason:** To maintain the free flow of traffic and pedestrians along the highway and in the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision.

### **8.2. Informative Notes:**

**Highways:**

N1. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code. Correspondence with the Highway Authority should be addressed to:

[HighwaysDevelopmentControl@derby.gov.uk](mailto:HighwaysDevelopmentControl@derby.gov.uk)

N2. The development makes it necessary to alter/improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact [customerservices@derby.gov.uk](mailto:customerservices@derby.gov.uk) or tel 0333 200 6981.

N3. The development makes it necessary to relocate a lamp column in the public highway. In these circumstances, it is the responsibility of the Developer to identify the asset number and exact location; all works shall be carried out at cost to the Developer, including design compliance, and shall be to the satisfaction of the Highway Authority. Therefore, you are required to contact our Street Lighting team, at Derby City Council, to make the necessary application for these works to be carried out. You can contact them via email at [engineering@derby.gov.uk](mailto:engineering@derby.gov.uk)

N4. The minor access reinstatement works referred to in Condition 5 above involve work on the highway and as such require the consent of the City Council. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact [customerservices@derby.gov.uk](mailto:customerservices@derby.gov.uk) or tel 0333 200 6981

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N5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

N6. External Lighting to private developments.

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

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

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

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

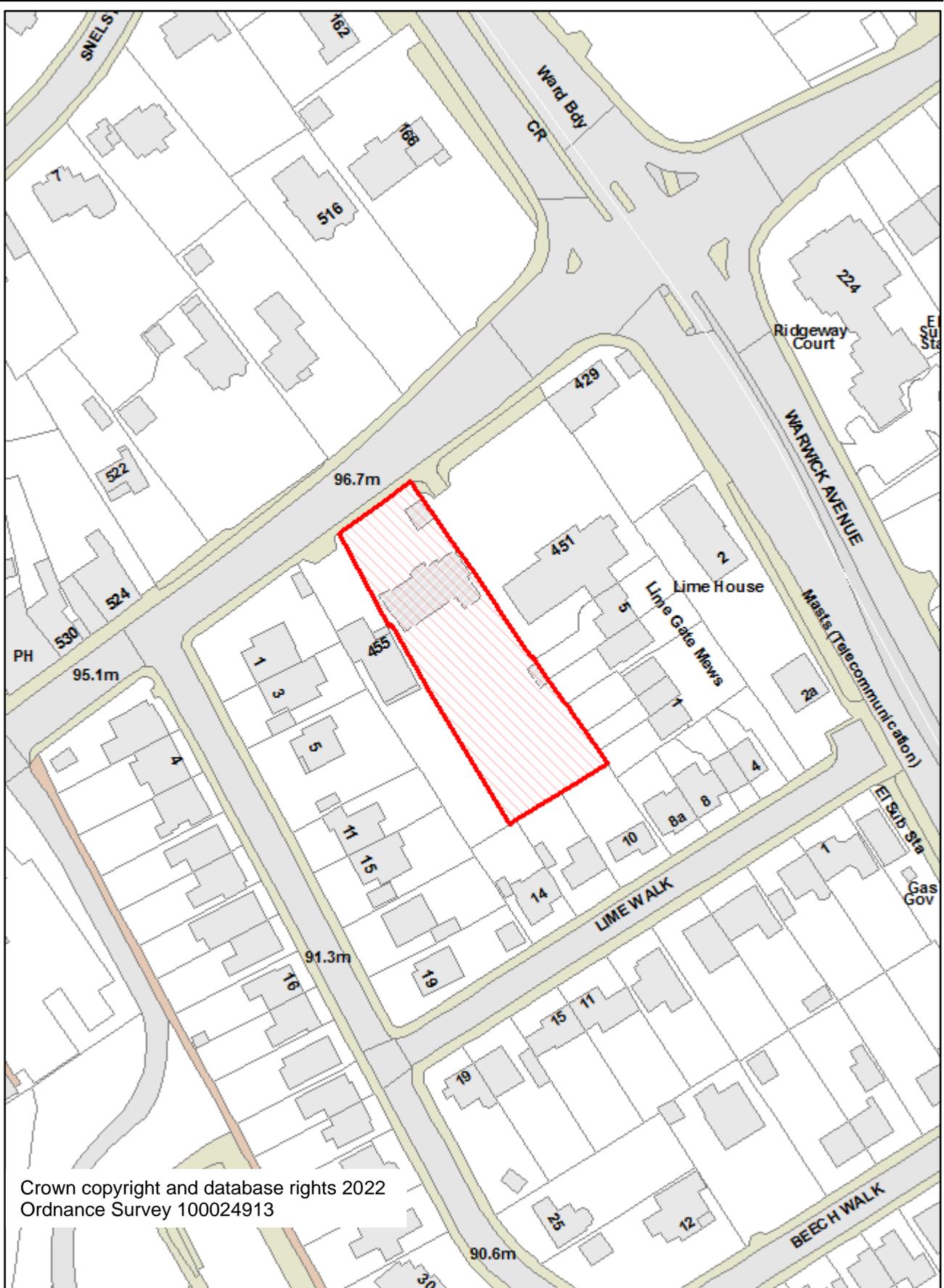
N7. The consent granted will result in the construction of new buildings which need numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the 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 means of access on each plot.

N8. Burton Road is a "permit street" under the New Roads and Streetworks Act. This means that construction works along Burton Road are subject to separate authorisation by the Councils Streetworks Manager.

In practice, this means that such works are likely to be subject to controls in respect of working hours and appropriate traffic management; contact [roadworks@derby.gov.uk](mailto:roadworks@derby.gov.uk) for additional information.

### **8.3. Application timescale:**

The target date for determination of the application was the 3 February 2022 and an extension of time was agreed to 18 July 2022. A further extension of time will be agreed with the applicant.



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## **Committee Report Item No: 8.4**

**Application No: 22/00312/OUT**

**Type: Outline (all matters reserved)**

### **1. Application Details**

**1.1. Address:** 13 West Park Road Derby

**1.2. Ward:** Darley

**1.3. Proposal:**

Demolition of dwelling. Erection of 2 dwelling houses.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/22/00312/OUT>

Brief description

13 West Park Road is a residential plot at the western end of a cul-de-sac. The site is flanked by residential plots to the east, north and west although it is separated from these last two by a pedestrian footway and a foot/cycleway respectively. The Derbyshire Federation of Women's Institutes stands to the south. A two-storey detached house stands towards the site's north-eastern corner, and a small detached outbuilding stands adjacent to the site's south-eastern corner with the remainder in use as garden space and hardstanding for vehicle parking. Several mature trees and shrubs stand on the site and adjacent land. Land levels around the site fall very gently to the west and south.

Outline permission is sought to demolish the existing house, subdivide the site into two and to erect a dwelling on each of the resulting plots. At this stage, permission is sought for the principle of development only with matters of access, appearance, landscaping, layout and scale reserved for later determination.

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

<b>Application No:</b>	10/77/01273	<b>Type:</b>	
<b>Decision:</b>	Withdrawn	<b>Date:</b>	30.11.1977
<b>Description:</b>	Erection of domestic garage and erection of bungalow on land adjacent to 13		

### **3. Publicity:**

- 2 Neighbour Notification Letters
- Site Notice

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

**4. Representations:**

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

Four objections and one neutral comment have been received, plus Councillor Martin's request that the application be considered by the committee. These raise the following points:

- Concern around the potential for on-street parking and attendant harm to highway safety, and the potential for the overlooking of neighbouring plots from the proposed development;
- Requests for a construction management plan, measures to prevent overlooking and particular boundary fence heights.

**5. Consultations:**

**5.1. Highways Development Control:**

The property is located on West Park Road which is a 30-mph speed limit. The development will come with off-street parking. As shown on indicative drawing number "EDS-0765-02", each new dwelling will come with 2 hardstanding spaces for parking.

It is unclear from the plans where the refuse collection point will be located however upon site visit the current refuse point is adjacent to the dwelling which is acceptable. The applicant must ensure the new refuse collection points are no more than 15m away from the Highway boundary.

Recommendation: The Highways Authority has No Objection subject to the following suggested conditions.

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, structures, visibility splays and drainage.

**5.2. Natural Environment (Tree Officer):**

[Verbal comments]: No objection in principle, a tree survey will be required at reserved matters stage.

**5.3. Derbyshire Wildlife Trust:**

Two bat activity surveys were undertaken, as per the recommendations in the Preliminary Bat Roost Assessment (The Bat Surveyor, March 2022). Small numbers of commuting and foraging bats were recording during both bat activity surveys; however, no bats were recorded to emerge/re-enter the existing building that will be

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affected by the proposed development. As a result, bats should not present a constraint on this development.

Overall, we advise that the assessment that has been carried out meets guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with this Circular and to discharge its duty in response of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

To safeguard commuting bats, nesting birds and to achieve net gain for biodiversity in line with the guidance set out in the National Planning Policy Framework (2021) we recommend implementing the following planning conditions:

### Lighting

Prior to the installation of new lighting on site, a detailed lighting strategy shall be submitted to an approved in writing by the Local Planning Authority to safeguard nocturnal wildlife, including bats. This should provide details of the chosen luminaires, their location and any variables such as timers, dimmers and passive infrared sensors. Guidelines detailing lighting strategy can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

### Nesting Birds

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

### Biodiversity Enhancement

Prior to occupation, the installation of a minimum of two external bat boxes shall be incorporated at eaves level, favouring south-western elevations facing the tree line of the garden area. Within 14 days of the installation of the bat boxes the applicant shall submit in writing to the Local Planning Authority confirmation of the bat box installed along with photographic evidence.

## **5.4. Land Drainage:**

There is no flooding on this site, either fluvial or surface.

The site's existing drainage should be investigated, as should the permeability of the site and if it is found that infiltration is appropriate for the site this should be used.

If infiltration is not appropriate then rain gardens or other forms of SuDS should be used to reduce the run-off to as close as possible to the greenfield rate.

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### **6. Policies:**

#### **6.1. Relevant Policies:**

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

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

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

#### *Saved CDLPR Policies*

GD5	Amenity
H13	Residential Development – General Criteria

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

#### **6.2. Applications involving the provision of housing:**

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

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

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

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

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

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

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

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

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1. Principle of Development**

**7.2. Amenity**

**7.3. Ecology & Water**

**7.4. Highways**

**7.5. Planning Balance & Conclusions**

**7.1. Principle of Development**

The site is located in an established residential area close to local amenities and public transport and so could reasonably be argued to represent a sustainable location for residential development. The existing curtilage is fairly large relative to the existing house. The plots resulting from the proposed subdivision would each have an area of around 300m<sup>2</sup> and it seems reasonable to conclude that they would be capable of accommodating a dwelling, including sufficient private amenity space and space for vehicle parking. All the submitted plans showing proposed layouts and buildings are indicative only and do not form part of the proposal at this stage. The layout and landscaping of the plots and the scale and appearance of the proposed dwellings would require careful consideration to comply with local and national design and amenity policies. These are, however, matters to be addressed at the reserved matters stage. Overall, I am satisfied that the proposed residential plots would be capable of satisfying these requirements and would be suitable for the proposed development.

**7.2. Amenity**

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. Saved policy H13 Residential Development – General Criteria requires development to create a satisfactory form of development and relationship to nearby properties [and] a high quality living environment. These policies are reinforced by paragraph 130 of the National Planning Policy Framework (NPPF) which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users". Adopted policy CP4 Character and Context states that "all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods". Paragraph 130 of the NPPF also states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and history including the surrounding built environment, and establish or maintain a strong sense of place.

I am satisfied that the proposed plots would be of a sufficient size to each accommodate a single dwelling and outdoor amenity and vehicle space without causing undue harm to the amenity of neighbouring properties in terms of massing or

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overshadowing, provided that appearance, layout and scale are carefully considered. Although *some* massing and overshadowing effects to neighbouring plots are likely to result, it is unlikely in my opinion that this would rise to the level of “unacceptable harm” which is the test contained in policy GD5. As details of the external appearance are not being considered at this stage, precise locations of windows, fences and other details are not assessed here, however I am satisfied that the dwellings could be designed to avoid any significant loss of privacy to neighbours. The site’s presence in the streetscene is currently characterised by greenery and dense vegetation that surrounds the existing house. The proposed subdivision of the site into two would inevitably reduce the amount of vegetation on the site’s frontage which will alter the site’s character with some harm arguably occurring as a result. However, it is likely that this harm could be mitigated by judicious landscaping and I am conscious that a similar change in the site’s character could occur independently of the planning system through resident’s gardening. Overall, my opinion is that the proposal is capable of satisfying the requirements of Local Plan policies CP3, CP4, saved policies GD5 and H13 and the NPPF with limited harm resulting and that this harm can be avoided or significantly mitigated through the reserved matters process.

### **7.3. Ecology & Water**

Adopted policy CP19 Biodiversity sets out the Council’s intention to achieve a net gain for biodiversity over the development plan period (up to 2028) and to ensure that development will protect, enhance and restore the biodiversity and geodiversity of land and buildings. This is supported by paragraph 174 of the NPPF which states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity. Policy CP2 Responding to Climate Change encourages efficient use of water and sustainable drainage systems.

The site is already partially built over, however, depending on the final layout and landscaping, the proposal is likely to reduce the site’s ecological value somewhat through the development of garden land and the removal of trees and vegetation. It has been demonstrated that no protected species are likely to be disturbed or displaced by the removal of the existing buildings on the site. It would need to be demonstrated that the largest of the trees on and around the site would remain unharmed and that the site’s drainage and lighting has been considered and that it is possible to achieve a net gain for biodiversity through the development. To these ends, a biodiversity enhancement scheme, drainage strategy, lighting scheme, and tree survey would be required at the reserved matters stage and a condition on that subject is recommended. My opinion is that subject to those being controlled by condition it would be possible for the proposed development to be executed in accordance with adopted policies CP2 and CP19 and paragraph 174 of the NPPF.

### **7.4. Highways**

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Paragraph 110(b) of the NPPF encourages local planning authorities to ensure that safe and suitable access can be achieved for all users. No objection is raised by the Highway Authority and my opinion is that the proposed residential plots would be capable of providing suitable access and sufficient space for the parking of vehicles within the site without harm to

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the highway network and satisfying the requirements of adopted policy CP23 and paragraph 110(b) of the NPPF. A condition is recommended below to reflect the information requested by the Highway Authority at the reserved matters stage.

### **7.5. Planning Balance & Conclusions**

Overall the location proposed is considered to be a sustainable one and therefore, in principle, it is an acceptable location for new residential development. The layout and details of the proposed buildings, landscaping and access submitted with the application are indicative only and cannot be assessed here. However, in my opinion the site is capable of subdivision and the accommodation of two dwellings without causing undue harm to the amenity of neighbouring plots, the character of the area or the highway network. Details of the scale and external appearance of the dwellings, and the site's layout, access and landscaping would be dealt with at reserved matters stage, but I am satisfied that such details can be controlled to provide an acceptable development with little or no adverse impacts.

Furthermore, the application of the tilted balance as described at paragraph 6.2 effectively raises the bar for refusal of residential development, meaning the test for a refusal of this proposal is whether the adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits" of doing so. The benefit in this case is the provision of an additional dwelling in the context of a significant shortfall in the city which should be given very significant weight. The adverse effects are limited, in my opinion, to the effect of the development on the character of the site and the streetscene and some limited massing and overshadowing effects to neighbouring plots to which moderate weight can be given in my opinion. There is therefore potential for limited harm to visual and residential amenity, but this can be avoided or mitigated through the reserved matters process. The potential adverse impacts are relatively minor and would not, in my opinion, significantly and demonstrably outweigh the benefits of the proposal.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposal would be broadly acceptable with regard to local and national planning policy and other material considerations and that any adverse impacts of the development, in terms of impacts on visual amenity, residential amenity, highway safety, flood risk and biodiversity would be limited and would not significantly or demonstrably outweigh the benefits of the scheme. A recommendation to approve with conditions is given.

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**8.3. Conditions:**

1. Standard reserved matters condition

**Reason:** These matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Standard outline permission condition

**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. Standard approved plans condition.

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

4. Required information for reserved matters stage: Tree survey, biodiversity enhancement scheme, drainage strategy, lighting scheme, details of parking and turning facilities.

**Reason:** To reflect responses from consultees that may not be automatically included in a reserved matters application.

**8.4. Application timescale:**

The determination period has been extended and will end on 9.9.2022



## **Committee Report Item No: 8.5**

**Application No: 22/00674/VAR**

**Type: Variation of Condition**

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### **1. Application Details**

**1.1. Address:** 79 Rykneld Road, Littleover

**1.2. Ward:** Littleover

**1.3. Proposal:**

Variation of conditions 2 (approved plans), 4 (operating hours) and 5 (parking provision) of previously approved planning permission ref: 06/18/00822, which approved the demolition of the previous Retail Building and the Erection of a two-storey building for use as a Dental Clinic and Retail / Financial and Professional Services uses.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/22/00674/VAR>

The Site and Surrounding

The application site comprises the site of a former convenience store on the corner of Rykneld Road and Haven Baulk Lane. Permission was granted to demolish the store and to erect a 2-storey building, housing a ground floor dentist and a first floor retail/service use.

The approved layout showed 11 parking spaces, positioned on both road frontages, and a further 3 parking spaces adjoining the west site boundary. Cycle parking was shown to be provided on the Rykneld Road frontage, behind the parking spaces.

This permission has been implemented and the dentist use is operational. The site is tight up to the boundary with the 2 adjoining dwellings. The surrounding area is primarily residential. Rykneld Road is a main arterial road, giving access to the A38 further south. To the east of Rykneld Road is the Nuffield hospital and a care home.

The proposal

The layout, as implemented, now includes a ground floor extension in the southwest corner. This prevents any car parking along the west site boundary, as shown on the approved plans. The parking layout, as implemented, has only 7 spaces laid out and no cycle parking.

This application seeks to vary three Conditions imposed on the previous permission. The proposal relates to the variation of Condition 2 (approved plans), Condition 4 (operating hours), to allow revised opening hours; and Condition 5 (parking provision), to allow for a revised parking layout.

The applicant has now confirmed that the proposed opening hours of the dentist are between 9.00am-5.00pm, Monday to Saturday. The proposed layout now shows a ground floor extension in the southwest corner, and no car parking along the west site boundary. The proposed parking layout shows 11 parking spaces, with dropped kerbs on both road frontages and cycle parking as per the approved scheme.

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**Type: Variation of Condition**

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

<b>Application No:</b>	06/18/00822	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	30.07.2018
<b>Description:</b>	Demolition of Existing Retail Building. Erection of a Two Storey Building for Use as a Dental Clinic (Use Class D1) at Ground Floor And Retail (Use Class A1) or Financial And Professional Services (Use Class A2) at First Floor Level		

- Condition 4 states: The dental clinic hereby approved shall only be open to patients during the following hours:
  - 8.30 - 19.30, Monday and Tuesday;
  - 8.30 - 17.30, Wednesday and Thursday;
  - 8.30 - 14.30, Fridays
  - and not at all at weekends or on public holidays.
  - The first floor use shall only be open to customers between 8.30-19.30 daily, unless otherwise agreed in writing by the local planning authority.
- Condition 5 states: No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan 2028.004. The parking areas shall not be used for any purpose other than parking of vehicles.

<b>Application No:</b>	04/18/00557	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	05.06.2018
<b>Description:</b>	Change of use from retail (use class A1) to dental clinic (use class D1) including installation of new windows		

### **3. Publicity:**

- 2 Neighbour Notification Letters
- Site Notice

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

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### **4. Representations:**

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

No third party objections received. However, Cllrs Care and Lonsdale both requested that, due to local interest, the application should be referred to Planning Control Committee.

### **5. Consultations:**

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

Condition 4 reads

"The dental clinic hereby approved shall only be open to patients during the following hours: 8.30 - 19.30, Monday and Tuesday; 8.30 - 17.30, Wednesday and Thursday; 8.30 -14.30, Fridays and not at all at weekends or on public holidays. The first floor use shall only be open to customers between 8.30-19.30 daily, unless otherwise agreed in writing by the local planning authority."

The submitted application form states that "Opening hours have been revised"; but no information appears to have been provided to advise what the revised opening hours are; and therefore the need for the varied condition.

Nevertheless the hours of operation of the site are unlikely to be of significant concern to the Highway Authority.

Condition 5 reads

"No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan 2028.004. The parking areas shall not be used for any purpose other than parking of vehicles."

These observations are primarily made on the basis of details shown on submitted plans 2028.004 Rev A and 2028.006 Rev A.

A site visit has ascertained that this layout is not "as constructed"; it is therefore assumed that the applicant intends to reconstruct to comply with the submitted drawings.

By comparing these drawings with the approved historic plan (2028.004) it appears that the building has not been constructed in line with the approved details, this has resulted in the loss of three (marked for staff) parking spaces.

Further, it is also apparent that whilst the development is currently being operated with a different parking layout than is shown on the plans. It is also clear that some of the spaces shown (and constructed) are too small to be of practical use and lead to

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vehicles overhanging the highway footway. In respect of new development this would not normally be supported.

This notwithstanding, in this case the principle has been established with respect to the plans approved for historic application, which could therefore be legitimately implemented (albeit that the applicant developer would need to demolish and reconstruct some of the development).

The site visit also indicated that some patients/visitors appear to be parking on the adjacent highway (Haven Baulk Lane in particular – but at the time of the Case Officer visit there was also parking on Rykneld Road); whilst there are no parking restrictions in the vicinity of the site, parking so close to the junction could be considered to be creating a hazard.

Further, there are no pedestrian crossing facilities on Rykneld Road in close proximity, lack of parking means that patients/customers are also parking on the opposite side of Rykneld Road and are having to cross the busy road to visit the premises. This is considered to be increasing the risk to pedestrians at this point.

The Council's Parking Standards – as set out in the Derby City Local Plan, Part 1 – Core Strategy (Appendix C) advises that for “surgeries and clinics” that there should be 1 space per medical staff member and two spaces per consulting room. As there are 4 consulting rooms it is assumed that there will be 8 medical staff (one dentist and one dental nurse per consulting room) – this equates to 16 parking spaces.

In respect of A2 use, the same standards advise that there should be 1 space per 35sqm, the upper floor approved follows much the same layout as the ground floor, and I estimate this has a ‘footprint’ of (say) 240sqm; which equates to 6-7 parking spaces.

Making a total number of spaces required to (say) 22 spaces.

The plans show 11 off-street parking spaces (as previously mentioned some are too small for practical use); giving a shortfall of a minimum of 11 off-street parking spaces.

The Highway Authority considers therefore that inadequate levels of parking have been (and will be) provided to serve the development.

I am aware of complaints having been received in respect of highway parking associated with the development along Haven Baulk Lane at the junction with Rykneld Road; as previously stated, such parking close to the junction can be hazardous.

Should the Local Planning Authority be minded to approve the application, the Highway Authority considers that it would therefore be appropriate for the developer to fund the provision of a suitable Traffic Regulation Order to control highway parking adjacent to the junction. The standard fee for such provision would be £7,000.

Nevertheless, the only material difference between the historic and current proposals appears to be the loss of the (three) staff parking spaces to the rear of the development; spaces which may not in practice have been accessible; by reference to the parking standards calculation, this would equate to one consulting room (two members of staff plus 2 spaces).

It is suggested therefore that should the Local Planning Authority be minded to approve the application, that the development be restricted to three consulting rooms, not four.

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I do note proposals to create dropped footway crossings along the appropriate site frontages of Rykneld Road and Haven Baulk Lane. Should the variation be approved these works should be completed accordingly.

The Local Planning Authority should also note that the site appears to also currently operating in breach of conditions 6 and 8.

### Recommendation.

Should the Local Planning Authority be minded to approve the application to vary Condition 5; the Highway Authority recommends that:-

1. The use of the site ceases until the approved parking layout has been implemented in accordance with details shown on drawing 2028.004 Rev A.
2. The use of the site be restricted to a maximum of three consulting rooms
3. The applicant funds the provision of a suitable Traffic Regulation Order to protect the highway junction of Rykneld Road and Haven Baulk Lane.

All in the interests of highway safety.

### Notes To Applicant

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

N2. Traffic Regulation Orders – The proposal relies on the introduction of a new traffic regulation order (TRO). It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. You proceed are required to fund all costs associated with the new TROs that is to be implemented.

The applicant should in the first instance contact traffic.management@derby.gov.uk to commence the process.

## **6. Policies:**

### **6.1. Relevant Policies**

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

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

CP1a	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change

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CP13	Retail and Leisure Outside of Defined Centres
CP21	Community Facilities
CP3	Placemaking Principles
CP4	Character and Context
CP23	Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

T10	Access for Disabled People
GD5	Amenity

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

### **6.2. Non-housing applications:**

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

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### **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. Highway Safety**

#### **7.3. Other amenity issues**

#### **7.1. The principle of the development**

The proposal was considered to be acceptable in principle, and permission ref: 18/00822 was approved.

Core Strategy Policy CP21 deals with health uses and seeks to have a choice of travel options and ideally to be located within existing centres. The site is relatively close to a Neighbourhood Centre and has the potential for linked trips. The site is on a main road with good public transport links. The clinic proposal was considered to be in accordance with Policy.

Any use of the site would be limited by its scale, accessibility, parking proposals and impact on neighbours. It was considered that the proposal would not vary in use from a more typical arrangement of a ground floor retail use, with a service use above. Particularly, it was considered that the proposed uses would not have a cumulative detrimental impact on the vitality or viability of any nearby centres.

#### **7.2. Highway Safety**

The Highway Authority note that the development is currently being operated with a different parking layout than is shown on the approved plans. It is also clear that some of the constructed spaces are too small to be of practical use and lead to vehicles overhanging the highway footway. In respect of new development, this would not normally be supported.

However, in this case, the principle of the development has been established through the historic permission, such that mitigating measures must be considered to alleviate the current unsafe parking arrangements and traffic congestion near to the road junction.

Consequently, the Highway Authority recommends that the approved parking layout should be implemented, the use of the site should be restricted to a maximum of three consulting rooms and that the applicant funds the provision of a suitable Traffic Regulation Order to protect the highway junction of Rykneld Road and Haven Baulk Lane.

The applicant agrees with the highways officer's recommendations. The applicant has a contractor waiting to start on the parking bays, dropped kerbs and footpath. The client is also only running 3 surgeries at the current time, and this will continue. The applicant is content to instigate the necessary TRO.

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Subject to the implementation of the above matters, in the circumstances, it is considered that the best possible highway safety solution will be achieved.

It is appreciated that there are on-going highway safety problems and that the Highways Officer is recommending the closure of the site until these are resolved. However, it is not considered that imposing such a Condition would be reasonable. In the circumstances, Conditions are recommended with what is considered to be a reasonable implementation time of 6 months.

### **7.3. Other amenity issues**

The extension of opening times to include Saturday use is likely to have some impact on residential amenities. However, the former convenience store was open 7 days a week and probably had no planning restrictions over opening hours. The proposed 9-5 opening hours are unlikely to have any overriding impact on residential amenity. No enforcement complaints or objections to the application have been raised on these grounds.

The visual impact of the small ground floor extension on the adjoining neighbours also needs to be considered, with a greater degree of enclosure and some marginal additional overshadowing on no. 182 Havenbault Lane. The rear garden faces south and is already overshadowed by a large fruit tree within the garden. The change in levels and intervening garage give significant separation to no. 81 Rykneld Road. On balance it is not considered that the neighbour's amenities would be adversely affected. Overall, it is considered that the proposal would not have any additional overriding adverse impact on residential amenity.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposal was considered to be acceptable in principle, and permission ref: 18/00822 was approved. In policy terms, it is not considered that the proposed uses would have a detrimental impact on the vitality or viability of any nearby centres. Subject to the implementation of the recommended parking and operational measures, in the circumstances, it is considered that the best possible highway safety solution will be achieved. Overall, it is considered that the proposal would not have any additional overriding adverse impact on residential amenity.

The recommended Conditions have been re-numbered and re-ordered to meet the requirements of the current decision notice format, as follows:

- Condition 2 (approved plans) remains unaltered.
- Condition 4 (operating hours) of previously approved permission ref: 06/18/00822 has been replaced by proposed Condition 7.

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- Condition 5 (parking provision) of previously approved permission ref: 06/18/00822 has been replaced by proposed Condition 3.

### **8.3. Conditions:**

#### **General Conditions**

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

**Reason:** To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development must conform in all aspects with the plans and details shown in the application as listed below. (It is very important to note that, in order for this decision to be lawfully implemented, all approved plans and details must be adhered to and any other condition(s) attached to this decision must be formally discharged, by separate Discharge of Condition applications, in accordance with the relevant timeframe).

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

<b>Plan Type:</b>	<b>Plan Ref – Rev:</b>	<b>Date received:</b>
Location Plan	2028.006 rev A	26.4.2022
Layout Plan	2028.004 rev A	26.4.2022
Proposed Floorplans	2028.003 rev A	26.4.2022
Proposed Elevations	2028.002 rev A	26.4.2022

#### **Management Conditions**

3. Within 6 months of the date of this permission, the parking areas shall be provided in accordance with the approved plan 2028.006 rev A. The parking areas shall be surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary and with provision to prevent the discharge of surface water from the parking areas to the public highway. The parking areas shall then be maintained in such a manner for the life of the development. The parking areas shall not thereafter be used for any purpose other than parking of vehicles.

**Reason:** To ensure that adequate and satisfactory off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area 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. Within 6 months of the date of this permission, provision shall be made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

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**Reason:** To promote sustainable travel and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

5. Within 6 months of the date of this permission a scheme of local traffic management measures shall be implemented and thereafter retained. The measures shall include the making of a suitable Traffic Regulation Order, to protect the highway junction of Rykneld Road and Haven Baulk Lane.

**Reason:** In the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

6. Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987 (as amended) and any relevant succeeding legislation, the use of the premises hereby approved shall be for:

- Ground Floor - a dental clinic only and not for any other purpose, including other uses falling within Use Class D1.
- First Floor - a single operator using the whole of the first floor for purposes falling within Use Classes E(a) and E(c) only.

The dental clinic shall only operate a maximum of three surgeries at any one time. The first floor shall not be subdivided and used by more than one operator without the approval of a planning application.

**Reason:** To enable the Local Planning Authority to exercise control in the interests of the amenities of nearby residents and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

7. The dental clinic hereby approved shall only be open to patients during the following daily hours:

- 09:00 to 17:00 Monday to Saturday
- and not at all on Sundays or on public holidays.
- The first-floor use shall only be open to customers between 8.30-19.30 daily, unless otherwise agreed in writing by the local planning authority.

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

### **8.4. Informative Notes**

1. The development makes it necessary to improve vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried

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out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

2. Traffic Regulation Orders – The proposal relies on the introduction of a new traffic regulation order (TRO). It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. You proceed are required to fund all costs associated with the new TROs that is to be implemented. The applicant should in the first instance contact traffic.management@derby.gov.uk to commence the process.

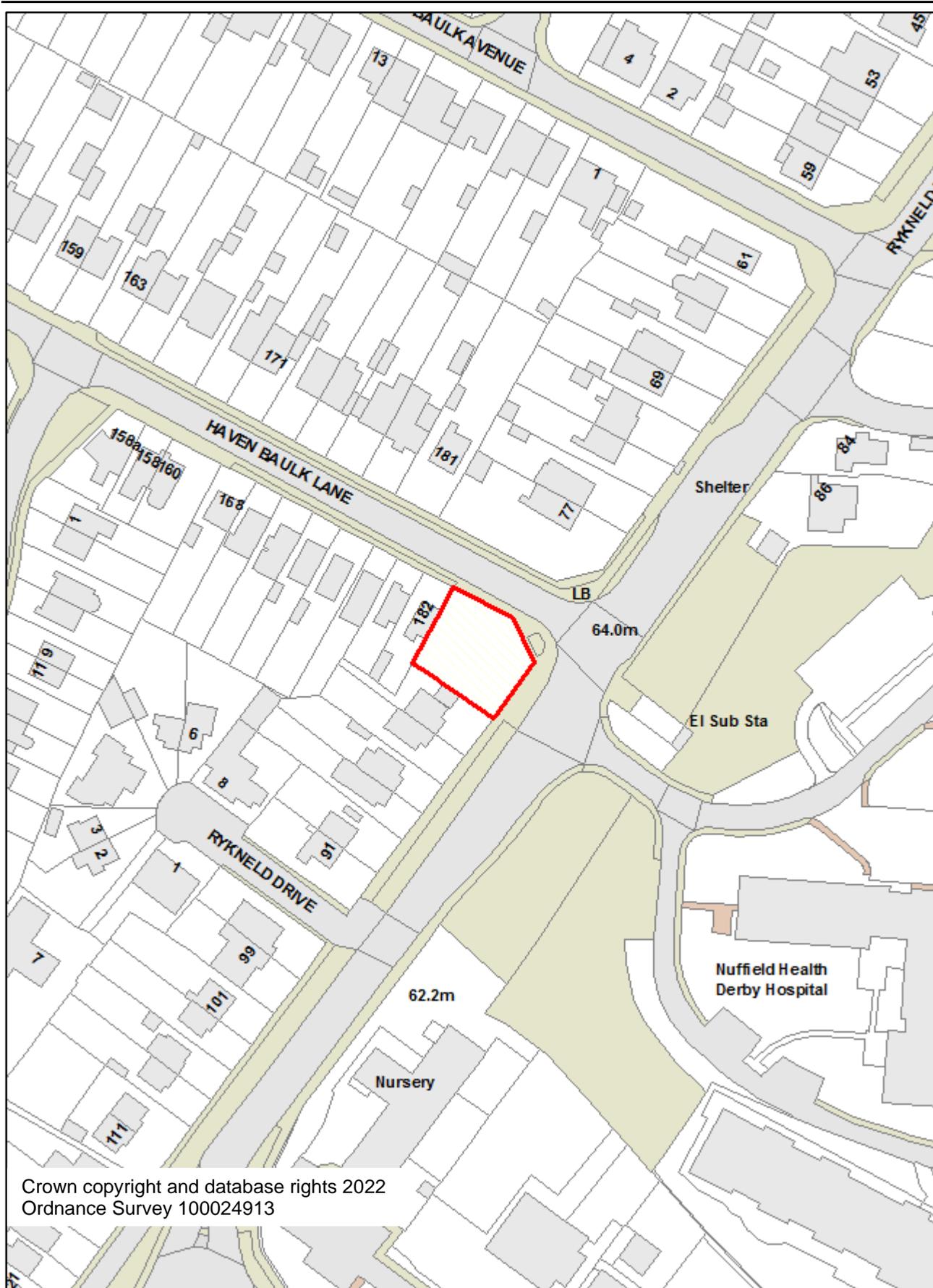
### **8.5. Application timescale:**

The application expired on 12/7/2022. Further to negotiations, an extension of time has been requested. The application has been called into Committee by Cllrs Care and Lonsdale.

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## **Committee Report Item No: 8.6**

**Application No: 22/01075/FUL**

**Type: Full Application**

### **1. Application Details**

**1.1. Address:** 23 Chaddesden Park Road, Derby

**1.2. Ward:** Derwent

**1.3. Proposal:**

Change of use from dwelling house (Use Class C3) to a residential children's home for up to four children (Use Class C2)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/22/01075/FUL>

Brief description

This property is a mature detached dwelling house, with the gable-fronted elevation facing the street. To the front is a mixture of hard surfacing for vehicle parking and a small garden area. To the rear in a long garden with trees along the boundary with dwellings on Durham Avenue.

The property has benefited from previous extensions and currently has two sitting rooms on the ground floor together with a large kitchen/ diner/ snug and utility room and downstairs cloakroom.

On the first floor are five bedrooms and two bathrooms.

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

<b>Application No:</b>	22/00896/CLP	<b>Type:</b>	Certificate of Lawful Development
<b>Decision:</b>	Withdrawn	<b>Date:</b>	04.07.2022
<b>Description:</b>	Change of Use of dwelling house (Use Class C3(a)) to Use Class C3(b) (residential children's home)		

<b>Application No:</b>	19/00989/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Approval	<b>Date:</b>	15.11.2019
<b>Description:</b>	Two storey rear and single storey front extensions to dwelling house (porch, kitchen/dining area, W.C., living space and two bedrooms) and installation of a new first floor window to the side elevation		

<b>Application No:</b>	12/97/01453	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted	<b>Date:</b>	09.01.1998
<b>Description:</b>	Extensions To Dwelling House (Kitchen, Utility Room, Bedroom and Bathroom)		

**3. Publicity:**

- 4 Neighbour Notification Letters
- Site Notice

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

**4. Representations:**

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

1 Petition with 109 Signatures stating, 'We the undersigned are concerned citizens who urge the people in authority to act now to stop the change of use from a dwelling house to a residential children's home/ young adults rehabilitation centre'.

12 Responses have been, received all objecting to the proposal. Concerns raised relate to:

- Heavy traffic on Chaddesden Park Road which will be made worse by the development due to staff/ visitor movements.
- Increased parking problems due to insufficient parking provision within the site.
- Proposal will lead to increased parking on highway verge.
- Bus-stop close by making manoeuvring more difficult.
- Intensification of vehicle use should have required a transport statement to be submitted.
- Anxiety created for existing residents over fears of anti-social behaviour of children resident in home.
- Previously operated home in the area resulted in many incidences where the Police were called. The same will result from this use.
- Peer pressure from children in home with behaviour problems influencing local children towards bad behaviour.
- Additional pressure on existing local resources such as police, fire service etc.
- The local demographic is made up of mostly older residents which makes it an unsuitable area for children to be housed.
- The cost of this type of home to the Local Authority is very high.
- The applicant is profiteering from such homes as this site will be just one of several the applicant owns.

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- The current care system doesn't work and should be reviewed.
- Derby City Council Local Plan policies are out of date therefore the decision should be made on the National Planning Policy Framework (NPPF) only.
- The NPPF states – 'planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion'.
- No demonstration of 'need' has been submitted with application.
- A 'family home' is removed from the supply when the Council already cannot meet its housing needs.
- The room sizes are too small.
- There is a restrictive covenant on the property preventing commercial use at the dwelling.

### **5. Consultations:**

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

Observations:

These observations are primarily based upon the following submitted information:

- Application Form.
- Planning Statement
- Drawing ~ Existing Floorplan
- Drawing ~ Proposed Floorplan

In highway terms, the proposals will change the use of a 5 bedroom residential dwelling, to a six bedroom residential children's home, housing four children and with two staff on the premises.

A site visit has established that there are two off-street parking spaces within the curtilage; the application from states that 3 are available, with further works, this could be improved to park three vehicles, this will be covered by condition but will also involve the widening of the existing dropped vehicular crossing.

There are bus stops nearby the site (one immediately adjacent), and the Local Planning Authority may wish to also consider the provision of a measure of cycle parking for the use of staff/ visitors to the premises.

The Highway Authority view is that in respect of vehicular trips, the proposed use would not necessarily be dissimilar to that which would be anticipated in respect of a purely residential use of the property; and the provision of an additional off-street parking space would also be seen as being of benefit.

Para 111 of the National Planning Policy Framework states that:

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

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

It is the view of the Highway Authority that it would not be possible to argue that the proposals will not lead to 'unacceptable impacts' to highway safety.

Recommendation:

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

Condition 1:

The development hereby permitted shall not be brought into use until off-road parking has been provided for three off-road parking spaces have been provided; in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

Condition 2:

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

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

### **Notes To Applicant**

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

## **5.2. Land Drainage and Flood Defence:**

The surface water flood map shows a risk of flooding up to 300 mm for high (>3.33% AEP) risk and a depth of 300 mm to 900 mm for medium (3.33% to 1% AEP) and low (1% to 0.1%) risk floods.

There is no change in the flood risk, but it is recommended that, if possible, the building should be flood proofed, possibly using flood proof doors and high level sockets, etc. Refer to:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7730/flood\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf).

There is no increase in the impermeable area of the site but although it is not mandatory it would be desirable to reduce the run-off. The installation of rain gardens would be ideal.

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### **6. Policies:**

#### **6.1. Relevant Policies:**

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

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

CP1a	Presumption in favour of sustainable development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

#### *Saved CDLPR Policies*

GD5	Amenity
H13	Residential Development (General Criteria)
E24	Community Safety

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

#### **6.2. Applications involving the provision of housing:**

The Local Plan consists of the policies of the DCLP1 and the saved policies of CDLPR. The DCLP1, which sets out the growth strategy for the city, covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions

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of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

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

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

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

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

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

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

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

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1. Background**

**7.2. Main issues**

**7.3. Third party concerns**

**7.4. Assessment and conclusions**

**7.1. Background**

The application seeks permission to change of use of a dwelling house (Use Class C3) to a small care facility for children up to 18 years of age. (Use Class C2).

A maximum of four children would reside at the home, looked after by a team of carers who will work on a regular shift pattern. Typically, there will be four staff present in the daytime and two staff during the night.

The day shift would work between 8.00am and 11.00pm and would include a site manager. Children would be cared for on a medium to long term basis and would attend school etc. in the usual manner.

The care home would be managed by a professional company and subject to inspection and monitored by Ofsted. Supporting documents indicate that the home is intended to replicate the environment in a traditional family dwelling house as much as possible.

This application arises following the withdrawal of an earlier submission for a Certificate of Proposed Lawful Use or Development. As part of that application process the case officer advised that whilst there are some circumstances where such a proposed use may *not* result in a material change in use/ activity requiring an application for planning permission, this case, though finely balanced, did require assessment through the submission of a formal application for planning permission due to the combined number of residents and carers.

**7.2. Main issues**

**The Use**

This site is not specifically allocated in the Local Plan. There are no in principle objections to the proposed use of the dwelling as a care home for children, subject to assessments regarding the living environment created for future occupiers and the impact on the amenity of nearby residents.

The property is located in a residential area and when considering the impact of the proposal on neighbouring occupiers and the local environment it is important to consider the fall-back position. In this case this position includes:

1. The continued use of the property as a dwelling house under Use Class C3. This Use Class addresses use as a dwelling house, as a principal or secondary residence. The classifications were updated in 2010 aligning the definitions of

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usage C3(a) (single household) and C4 (House in Multiple Occupation) with those in the [Housing Act 2004](#). This Class is formed of 3 parts:

- a. C3(a): those living together as a single household as defined by the [Housing Act 2004](#), what could be construed as a family.
  - b. C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
  - c. C3(c): allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
2. The potential conversion of the property to a House in Multiple Occupation (HMO) for no more than 6 people, as a permitted change to Use Class C4. Members will be aware that such a use can accommodate between 3 and 6 unrelated residents as a HMO where they share basic amenities such as kitchen or bathrooms and use it as their only (or main) residence.

The proposed use would generate daily movements from the site, by pedestrians and vehicle users, and a level of general disturbance created by occupiers within the property and its curtilage. In terms of the impact of the proposed use on neighbouring occupiers and the immediate area it is my view that the uses listed above could, potentially, be lawfully operated from this property and create similar impacts in terms of general disturbance and highways movements. It would be very difficult, in my opinion and judgment, to predict that the proposed use would be injurious to local residential amenities above and beyond what could otherwise be lawfully carried out from this property. All uses will have some degree of impact but as decision makers we have to consider whether that impact is within reasonable tolerances. In this case it is a controlled residential use within a residential area and the proposal is not dissimilar to the composition of a family. In my opinion and judgment, to refuse permission on residential amenity grounds could not be successfully defended at any appeal.

### Highways impact

No objection has been raised by the Highways team to the proposed use. It is noted that the site is located on a main bus route to and from the city centre - bus stops are almost outside the property and on the opposite side of the road - together with the availability of wider bus routes for staff close by on Nottingham Road. By the use of appropriate planning conditions to ensure completion of provision before the proposed home comes in to use, three parking spaces for vehicles providing off street parking for staff could be created together with the provision of bicycle parking for staff.

The use of such conditions would ensure parking spaces are of adequate size and can be safely accessed. Cycle parking too can be controlled to ensure a covered secure stand can be provided.

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The Highways team consider that that in respect of vehicular trips the proposed use would not necessarily be dissimilar to that which would be anticipated at a purely residential property.

### Flood issues

No change in flood risk is generated by this proposal. However, given the wider area does fall within a Flood Zone 2 on the City Council Strategic Flood Risk Assessment it would be wise to flood proof the building. An advisory note to this effect together with other measures to assist with the management of rainwater run-off can be included on any decision notice to that effect.

### **7.3. Third Party concerns**

This application has generated a large number of responses which can be grouped under several topic areas.

#### Parking problems/ traffic generation

Concerns relate to the level of activity the use will generate with staff and visitors, inadequate parking provision and the wider impact on an already busy road. As part of the application process the specialist views of colleagues in Highways Development Control have been sought and, subject to safeguarding conditions, there are no over-riding objections on trip generation or parking grounds. Therefore, in line with DCLP1 Policy CP23, the proposal is acceptable.

#### The Use

Concerns are expressed that the proposed home would be occupied by children with behavioural problems which would lead to social problems in the wider area and would impact on the residential amenities of nearby residents, as a result of the anxiety created. In my opinion and judgment there may be some behavioural issues with some of the children but, in this case, the children would be cared for around the clock and there are separate controls in place to manage the use during the life of its operation.

The provision of 'care' in this type of small commercially run facility and the cost of this to the Council. The issue of the business model employed in this case is not a planning consideration and the overall cost of such to the Council is beyond the remit of the Local Planning Authority.

### **7.4. Assessment and conclusions**

This proposal relates to the change of use of a dwelling house to an alternative form of residential use. Chaddesden Park Road and the surrounding area is residential in character and an established mature neighbourhood with the amenities expected in such a location – schools, recreation grounds, shops, public transport etc.

The site has no specific allocation in the DCLP1 and there are no 'in principle' concerns with the proposed change of use, with no policies to control the number or type of care facilities provided.

The operation and standards of management of care homes such as this is covered by other legislation and does not fall within the planning remit. The facilities would be

## **Committee Report Item No: 8.6**

**Application No: 22/01075/FUL**

**Type: Full Application**

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inspected and controlled by Ofsted, and I understand the home must be registered in accordance with the Care Standards Act 2000.

Saved Policy GD5 of the CDLPR (Amenity) states that planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. New development should not seriously detract from the amenity of nearby land, property, or the occupants of these. The point at which new development will unacceptably affect nearby areas will depend on the nature of the activity proposed and the nature of the surrounding area. In my opinion and judgment the proposed use would not create a level of activity and impact upon immediate neighbours and the wider area to warrant the refusal of permission in line with saved Policy GD5.

Multiple third party objections have been received which raise similar concerns relating to increased activity at the property, problems with parking and problems arising from the type of residents occupying the property. The property is not being extended and the maximum number of resident children will be four supported by staff on site, with two sleeping over at any one time. Unlike an unrestricted single household which could lawfully operate under Use Class C3, this use can be controlled by a maximum occupancy condition which would, in my opinion and judgment, meet the tests for planning conditions. Indeed the proposed level of occupation is no different to what might be expected in a five bedroomed family house and is not considered to be excessive. Such a residential property may well contain a family with two parents with cars and older children with their own vehicles all coming and going at different times of the day, plus receiving visitors and deliveries etc.

The provision of adequate parking for vehicles and bicycles at the premises is referenced in the Highway Officer comments. No objections have been raised to the proposal and a condition to limit the number of children resident and members of staff, together with a further condition requiring parking provision to be created before the use come into operation, can be used to preserve the amenity of neighbours, and ensure the proposals accord with broad aims of DCLP1 Policy CP23.

Saved Policy E24 considers community safety issues. Crime and the fear of crime and anti-social behaviour are material planning considerations however there is no *evidence* submitted which suggests that this home will result in an increase of such in the area. Whilst the supporting statement indicates the home will care for children with additional problems and needs it does not follow that this would lead to increased crime or anti-social behaviour. These matters are all for the carers who run the home and as this is to be a registered and formally inspected care facility any failures in this respect would be addressed by Ofsted and not the Planning regulations.

The application has generated a variety of concerns and objections, and these have been summarised in the report. As members will be aware the application has to be determined in accordance with the Development Plan when considered as a whole and the various policies of the adopted CDLPR and DCLP1 have been included in the report. I am satisfied that, on balance, the proposal is a reasonable scale and form of development in a residential area and recommend accordingly.

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

**8.1. Recommendation:**

To grant planning permission with conditions.

**8.2. Summary of reasons:**

The principle of the proposed residential care use is acceptable, and the proposal is considered to be acceptable in terms of highway safety and impacts on residential amenity, subject to compliance with the conditions. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice contained within the NPPF.

**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 approved plans and details condition.

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

3. Condition requiring the provision of three on-site parking spaces before the use is occupied.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area 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. Condition requiring the provision of secure on-site cycle parking spaces before the use is occupied.

**Reason:** To promote sustainable travel and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

5. Condition controlling the scale of the use and the number of children and staff to be accommodated at the property at any time.

**Reason:** To enable the Local Planning Authority to maintain control over the proposed use and to safeguard the amenities of the surrounding area and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**8.4. Informative Notes:**

The development makes it necessary to alter/improve a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the

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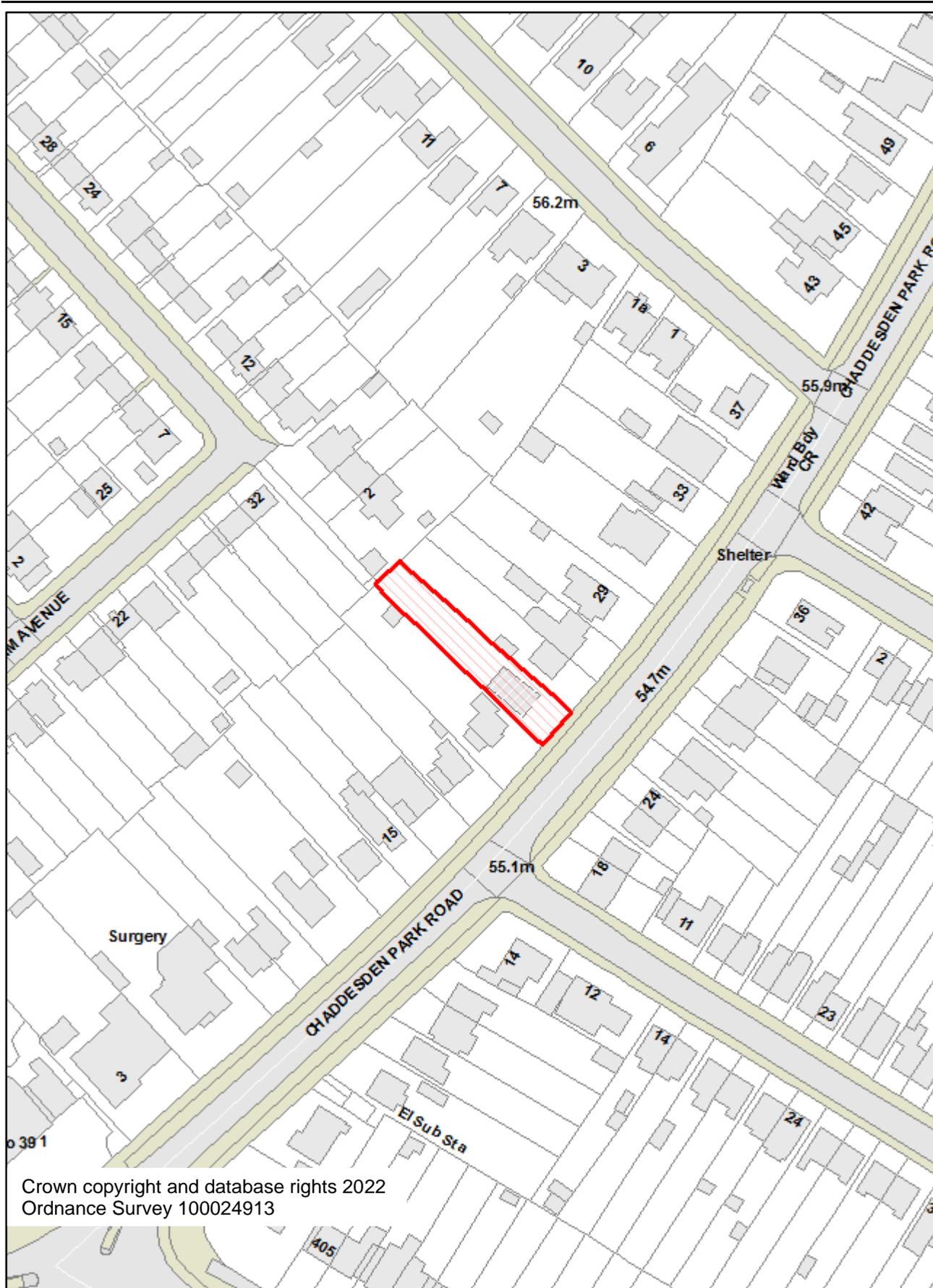
satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

There is no change in the flood risk, but it is recommended that, if possible, the building should be flood proofed, possibly using flood proof doors and high level sockets, etc. Refer to:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7730/flood\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf). There is no increase in the impermeable area of the site but although it is not mandatory it would be desirable to reduce the run-off. The installation of rain gardens would be ideal.

### **8.5. Application timescale:**

An extension of time to accommodate the necessary committee meeting has been sought.





**Delegated decisions made between  
between 01/06/2022 and 30/06/2022**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01295/LBA	Listed Building Consent - Alterations	Audrey House 17 Vernon Street Derby DE1 1FT	Re-building of wall and installation of new metal beams to front bay window and concrete lintel and re-build of first floor internal wall	Approval	22/06/2022
20/01363/CLP	Lawful Development Certificate -Proposed	5 Stornoway Close Derby DE24 3LL	Use of dwelling house to care for a maximum of three children with adult carers	Approval	10/06/2022
21/00482/DISC	Compliance/Discharge of Condition	Land At Rykneld Road Derby DE23 4AN	Erection of a retail unit (Use Class A1) with new access and car parking - Discharge of condition nos 5, 6;, 10, 15;, 17, 18, 19, 20, 22 and 23 of previously approved permission 20/00741/FUL	Discharge of Conditions Complete	20/06/2022
21/01276/DISC	Compliance/Discharge of Condition	Land South Of Pioneer Way And Off Infinity Park Way Derby	Formation of a surface water drainage Lagoon and flood attenuation area; raising and shaping of ground levels to create development platforms and associated drainage channels/features; together with associated haul routes, landscaping and ancillary works - Discharge of conditions 3, 6 and 10 of planning permission 21/00460/FUL	Discharge of Conditions Complete	20/06/2022
21/01309/FUL	Full Application	164 Dale Road Spondon Derby DE21 7DH	Two storey side extension to dwelling (undercroft parking at ground floor and two bedrooms at first floor)	Approval	08/06/2022
21/01324/FUL	Full Application	Boulton St Marys Church Boulton Lane Derby DE24 0GE	Installation of a pair of doors to the south porch	Approval	17/06/2022
21/01547/FUL	Full Application	14 Oakfields Grove Derby DE21 7ST	Two storey side extension to dwelling house (dining area, bedroom and enlargement of kitchen)	Approval	01/06/2022

21/01581/FUL	Full Application	6 Bramble Street Derby DE1 1HU	Demolition of outbuilding. Change of use from taxi office (Sui Generis) to a five bedroom house in multiple occupation (Use Class C4) including alterations to the front and rear elevations and erection of an annexe building (Use Class C3)	Approval	09/06/2022
21/01740/FUL	Full Application	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of an additional 124 apartments (Use Class C3)	Approval subject to Section 106	24/06/2022
21/01771/FUL	Full Application	Meole Brace 14 Lens Road Derby DE22 2NB	Increase in height from single storey to two storey dwelling including two storey extensions to front and rear elevations. Single storey rear extension with screened balcony above (extended lounge, reception room with dining area, utility, two bedrooms landing and bathroom).	Approval	30/06/2022
21/01932/FUL	Full Application	189 Rykneld Road Derby DE23 4DL	Two storey front and single storey rear extensions to dwelling house (hall, balcony and kitchen/lounge/diner). Raising of the roof height and installation of front and rear dormers to form rooms in the roof space (two bedrooms with en-suites)	Approval	16/06/2022
21/02027/FUL	Full Application	Pektron Alfreton Road Derby DE21 4AP	Erection of a manufacturing and warehousing unit (Use Classes B2, B8 and E)	Approval	20/06/2022
21/02107/FUL	Full Application	9 Chapel Side Chapel Street Spondon Derby DE21 7JQ	Single storey rear extension to commercial unit (kitchen) and installation of an extraction flue and canopy	Approval	30/06/2022
21/02175/FUL	Full Application	79 Otter Street Derby DE1 3FD	Installation of front and rear dormers to form rooms in the roof space, installation of replacement windows and erection of railings to the front boundary wall	Approval	01/06/2022

21/02227/FUL	Full Application	137 Willson Avenue Derby DE23 1TW	Two storey side and single storey rear extensions to dwelling house (sitting room, bedroom, bathroom sun lounge and enlargement of kitchen)	Approval	17/06/2022
22/00030/FUL	Full Application	8 Wellesley Avenue Derby DE23 1GQ	Single storey rear extension to dwelling (enlargement of kitchen) addition of a pitched roof to replace existing flat roof and erection of an outbuilding (garage)	Approval	09/06/2022
22/00039/FUL	Full Application	22 Kingsley Road Derby DE22 2JJ	Two storey rear and single storey side and rear extensions to dwelling house (playroom, snug, kitchen/diner, bedroom and en-suite)	Approval	01/06/2022
22/00107/FUL	Full Application	2 Sherroside Close Derby DE22 2HN	Enlargement of driveway and erection of retaining walls	Approval	20/06/2022
22/00118/FUL	Full Application	140 Swarkestone Road Derby DE73 5UD	Erection of front boundary wall and gates	Approval	24/06/2022
22/00143/FUL	Full Application	5 Tunstead Drive Derby DE73 6WT	Two storey side and rear and single storey rear extensions to dwelling house (garage, playroom and two bedrooms)	Approval	17/06/2022
22/00187/VAR	Variation of Condition	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 - Variation of conditions 2, 5 and 7 of previously approved planning permission 19/00723/FUL	Approval	14/06/2022
22/00188/NONM	Non-Material Amendment	97 Albert Road Derby DE21 6SG	Erection of single-storey rear and side extension to dwelling house (utility room, w.c., bin store, covered area and enlargement of kitchen and dining area) and erection of pergola - Non-material amendment to previously approved planning permission 21/01073/FUL to create an additional store area to the side elevation, amend the rooflight arrangement and amend the roof design	Approval	21/06/2022

22/00198/FUL	Full Application	34 Weston Park Avenue Derby DE24 9EQ	First floor and single storey extensions to dwelling (lounge, two bedrooms with en-suites and storage)	Approval	24/06/2022
22/00202/PNRT	Prior Approval - Telecommunications	Highway Verge Warwick Avenue Derby (adjacent To Beech Walk)	Installation of a 20m high monopole with six antennas, three equipment cabinets and ancillary development	Approval	15/06/2022
22/00234/FUL	Full Application	18 Windsor Avenue Derby DE23 3ER	Two storey side and rear and single storey rear extensions to dwelling house (garage, kitchen/living space and two bedrooms)	Approval	10/06/2022
22/00247/FUL	Full Application	8 Lilac Way Derby DE22 2NX	Two storey side and single storey rear extensions to dwelling house (office, utility, W.C., living/dining space, bedroom and ensuite)	Approval	14/06/2022
22/00249/PNRJ	Prior Approval - Shop / Bank to Resi	Unit 5 Osmaston Road Business Park Osmaston Road Derby DE23 8LD	Change of use of ground floor from offices (Use Class E) to 16 apartments (Use Class C3)	Refused	08/06/2022
22/00254/FUL	Full Application	266 Derby Road Chaddesden Derby DE21 6RW	Single storey front and rear extensions to dwelling house (lobby, enlargement of lounge and kitchen/dining room) and formation of rooms in the roofspace (bedroom and ensuite) including installation of rear dormer window	Approval	08/06/2022
22/00257/FUL	Full Application	30 Willson Road Derby DE23 1BZ	Side extension to dwelling (utility and enlargement of kitchen), roof alterations to include raising of the roof height, installation of a rear dormer and new first floor side elevation windows to form rooms in the roof space (two bedrooms, study and bathroom)	Approval	24/06/2022
22/00277/FUL	Full Application	28 Heronswood Drive Derby DE21 7AX	Change of use from domestic garage to hair salon (Use Class E)	Approval	10/06/2022
22/00287/FUL	Full Application	21 Goldcrest Drive Derby DE21 7TN	Single storey side and rear extensions to dwelling house (storage, bathroom, bedroom and sun lounge) and formation of a raised patio area to the rear elevation	Approval	23/06/2022

22/00314/FUL	Full Application	53 The Crescent Chaddesden Derby DE21 6QD	Two storey and single storey side and rear extensions to dwelling house (hall, study, shower room, utility, kitchen/dining space, two bedrooms and bathroom)	Approval	08/06/2022
22/00315/FUL	Full Application	12 Seymour Close Derby DE22 3FG	Two storey side extension to dwelling house (utility, two bedrooms and enlargement of kitchen/dining area) and installation of a dormer to the rear elevation to form rooms in the roof space (two bedrooms and shower room)	Approval	10/06/2022
22/00325/NONM	Non-Material Amendment	Former Rolls Royce Works Nightingale Road Derby	Erection of 406 Dwellings with Associated Car Parking and Landscaping together with Refurbishment of 5 Existing Dwellings and all associated works - Non-material amendment to previously approved planning permission 22/00326/VAR to amend the approved plans	Approval	27/06/2022
22/00336/FUL	Full Application	454 Nottingham Road Derby DE21 6PE	Demolition of bungalow. Erection of two dwelling houses (Use Class C3) and widening of vehicle access	Approval	24/06/2022
22/00351/FUL	Full Application	3 Vicarage Road Mickleover Derby DE3 0EA	Erection of a storage shed and side boundary fence	Approval	15/06/2022
22/00352/FUL	Full Application	72 Porter Road Derby DE23 6RA	Single storey rear extension to dwelling house (bedroom and wetroom)	Approval	20/06/2022
22/00364/FUL	Full Application	28 Victory Road Derby DE24 8ER	Single storey rear extension to dwelling house (garden room)	Approval	10/06/2022
22/00377/NONM	Non-Material Amendment	Site Of 12 Louvain Road Derby DE23 6BZ	Demolition of bungalow and erection of 12 apartments - Non-material amendment to previously approved planning permission 19/00033/FUL to include three additional opaque windows to the gable elevation	Approval	21/06/2022
22/00390/FUL	Full Application	101 Station Road Chellaston	Single storey rear extension to dwelling house (dining/living space) with flue	Approval	24/06/2022

		Derby DE73 5TA			
22/00401/VAR	Variation of Condition	Land To The South Of Victory Road Victory Park Derby DE24 8ZF	Erection of three units (Use Classes B1(b), B1(c), B2 and B8) together with access, car parking, landscaping and associated works - Variation of condition 2 of previously approved planning permission Code No. 21/00441/VAR to amend window and door locations and internal office layout of unit 13	Approval	27/06/2022
22/00403/FUL	Full Application	323 Nottingham Road Derby DE21 6FP	Installation of front and rear dormers	Refused	24/06/2022
22/00405/FUL	Full Application	141 Blenheim Drive Derby DE22 2LH	Single storey rear extension to dwelling house (dining/family space)	Approval	13/06/2022
22/00410/TPO	Works to a tree with a TPO	27A Penny Long Lane Derby DE22 1AX	Pruning of of 2.5m of lateral branches and crown pruning to provide 1m of Pine tree protected by Tree Preservation Order No 392	Approval	16/06/2022
22/00433/FUL	Full Application	Century House 13 St James Court Friar Gate Derby DE1 1BT	Alterations to existing car park to form 4 additional car parking spaces with electric vehicle charging points, bike shelter and ancillary landscaping	Approval	17/06/2022
22/00455/FUL	Full Application	61 Peet Street Derby DE22 3RF	Two storey and first floor extensions to dwelling house (bedroom, en-suite, undercroft and enlargement of kitchen)	Approval	15/06/2022
22/00465/DISC	Compliance/Discharge of Condition	440 Kedleston Road Derby DE22 2TG	Two storey and single storey front, side and rear extensions to dwelling house with rooms in the roof space and erection of two storey outbuilding (garage and home study area) - Discharge of condition nos 3 and 5 of previously approved permission 21/01494/FUL	Discharge of Conditions Complete	17/06/2022
22/00474/FUL	Full Application	9 East Street Derby DE1 2AU	Installation of an ATM - retrospective application	Approval	23/06/2022

22/00475/ADV	Advertisement Consent	9 East Street Derby DE1 2AU	Display of non illuminated ATM surround and sign - retrospective application	Approval	23/06/2022
22/00497/FUL	Full Application	3 Oval Court Derby DE23 6XP	Two storey and first floor rear extensions to dwelling house (enlargement of kitchen and three bedrooms) and installation of two new first floor side elevation windows	Approval	08/06/2022
22/00505/FUL	Full Application	76 Moor End Derby DE21 7EE	Single storey rear extension to dwelling house (dining area)	Approval	21/06/2022
22/00510/DISC	Compliance/Discharge of Condition	Land At Rykneld Road Derby	Erection of a 66 No. Bed Care home for elderly people with associated parking, access, landscaping and associated ground works - Discharge of condition 11 of planning permission 20/00937/FUL	Discharge of Conditions Complete	17/06/2022
22/00523/TPO	Works to a tree with a TPO	39 Springwood Drive Derby DE21 2HE	Reduction of lateral branches by 2m, removal of deadwood and one single damaged branch of an Oak tree protected by Tree Preservation Order No. 31	Approval	20/06/2022
22/00526/CAT	Works to Trees in a Conservation Area	107 Belper Road Derby DE1 3ER	Felling of various trees and reduction of Laurel trees within the Strutts Park Conservation Area	Approval	16/06/2022
22/00538/FUL	Full Application	19 Finchley Avenue Derby DE22 4ES	Two storey side and single storey front extensions to dwelling house (W.C., office, utility, kitchen/dining area, bathroom, bedroom, en-suite and enlargement of hall) and erection of outbuilding (garage)	Approval	21/06/2022
22/00549/FUL	Full Application	23 Ashworth Avenue Derby DE21 6PN	Single storey front, side and rear extensions to dwelling (porch, covered way and enlargement of kitchen/dining area)	Approval	01/06/2022
22/00554/CAT	Works to Trees in a Conservation Area	7 Siddals Lane Derby DE22 2DY	Height reduction of a Conifer tree by 4m and a Holly tree by 3m within the Allestree Conservation Area	Approval	10/06/2022
22/00560/FUL	Full Application	230 Osmaston Road Derby	Change of use to four self contained serviced apartments (Use Class C1)	Approval	17/06/2022

		DE23 8LB			
22/00561/FUL	Full Application	100A Douglas Street Derby DE23 8LJ	Change of use from guest house to eight self contained serviced apartments (Use Class C1)	Approval	17/06/2022
22/00562/FUL	Full Application	100 Douglas Street Derby DE23 8LJ	Change of use to 3 serviced apartments (Use Class C1)	Approval	17/06/2022
22/00565/TPO	Works to a tree with a TPO	St Peters Church Of England Junior School Thornhill Road Littleover Derby DE23 6FZ	Crown reduction by up to 4 metres in height and 3 metres lateral spread of a Lime tree protected by Tree Preservation Order no. 319	Approval	15/06/2022
22/00571/TPO	Works to a tree with a TPO	Alleestree Park Duffield Road Derby DE22 2EU (Trees Adjacent To Rear Boundary Of 8 Evans Avenue)	Removal of one lower lateral limb of a Yew tree and crown lift to give 3-3.5m clearance from ground level of a Yew tree, branch reduction by 3m of a Willow and removal of deadwood from a Maple tree (garden side) protected by Tree Preservation Order no. 235	Approval	13/06/2022
22/00574/FUL	Full Application	26 Briar Lea Close Derby DE24 9PB	Demolition of existing garage/outbuilding. Two storey side/rear and single storey rear extensions to dwelling house (hall, W.C., home gym/office, kitchen, bedroom, bathroom and cinema room)	Refused	17/06/2022
22/00578/FUL	Full Application	4 Sherston Close Derby DE21 2ER	Single storey rear extension to dwelling house (sitting area)	Approval	17/06/2022
22/00584/FUL	Full Application	Crompton House Derwent Street Derby DE1 2ZG	Infilling of ATM aperture	Approval	10/06/2022
22/00586/DISC	Compliance/Discharge of Condition	Site Of The Moorways Sports Centre Moor Lane Derby DE24 9HY	Erection of a leisure centre (Use Class D2) including a 50M swimming pool, leisure water including water slides, fitness suite, studios and other complementary uses with associated parking, drainage and related	Discharge of Conditions Complete	20/06/2022

			infrastructure. Demolition of store - Discharge of conditions 10 and 17 of planning permission 19/01206/FUL		
22/00588/FUL	Full Application	1 - 3 Stables Street Derby DE22 3EJ	Change of use from hot food takeaway (Sui Generis) and flat (Use Class C3) to a six bedroom (seven occupant) house in multiple occupation (Sui Generis) including a two storey rear extension, rear dormer, bricking up of shop front and installation of a new window to the front elevation	Approval	09/06/2022
22/00592/FUL	Full Application	120 Borrowfield Road Derby DE21 7HG	Single storey side/rear extension to dwelling house	Approval	14/06/2022
22/00594/FUL	Full Application	17 Camden Street Derby DE22 3NR	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (seven occupant) house in multiple occupation (Sui Generis)	Approval	09/06/2022
22/00595/CLP	Lawful Development Certificate -Proposed	2 Larkhill Crescent Derby DE24 9PP	Use of dwelling house to care for a maximum of two children with adult carers	Approval	08/06/2022
22/00606/FUL	Full Application	82 Bracknell Drive Derby DE24 0BT	Single storey rear extension to dwelling house (kitchen/dining area)	Approval	08/06/2022
22/00612/FUL	Full Application	165 St Thomas Road Derby DE23 8RH	Change of use of ground floor from retail (Use Class E) to flat (Use Class C3) including alterations to the front elevation	Approval	27/06/2022
22/00614/PNR1A	Prior Approval - Shop / Bank to Resi	6 Loudon Street Derby DE23 8ER	Change of use from public house (Sui Generis) to Nursery (Use Class E)	Application Withdrawn	10/06/2022
22/00615/TPO	Works to a tree with a TPO	114 Belper Road Derby DE1 3EQ	Removal of epicormic growth and cutting back of branches to give 2m clearance of the dwelling of an Oak tree protected by Tree Preservation Order no. 571	Approval	13/06/2022
22/00616/FUL	Full Application	4 Fordwells Close Derby	Single storey side/rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	09/06/2022

		DE23 3SU	with a raised patio area		
22/00617/DISC	Compliance/Discharge of Condition	Copley Dene 5 Parkfields Drive Derby DE22 1HH	Two storey side extension to dwelling house (bedroom and enlargement of kitchen/dining area) - Discharge of condition 3 of planning permission 20/00011/FUL	Discharge of Conditions Complete	21/06/2022
			This off-white/magnolia tone and brand has been chosen as it is the same render used on a number of other local properties.		
22/00620/ADV	Advertisement Consent	1 Prospect Place Derby DE24 8HG	Display of six internally illuminated signs to building elevations.	Approval	10/06/2022
22/00622/FUL	Full Application	14 Lindon Drive Derby DE24 0LN	Single storey side and rear extensions to dwelling house (kitchen/dining room and garage)	Approval	13/06/2022
22/00628/FUL	Full Application	Site Of Former Celanese Acetate Holme Lane Derby DE21 7BS	Erection of a sub-station with all associated works.	Approval	14/06/2022
22/00631/FUL	Full Application	Old Wall House 2 Kipling Drive Derby DE3 9NH	Single storey and two storey side extensions to dwelling house (Garden room, garage, bedroom and ensuite)	Approval	17/06/2022
22/00632/ADV	Advertisement Consent	Land Opposite 107 Normanton Road Derby DE1 2GG	Display of replacement double-sided free-standing Advertising Unit with digital displays	Approval	16/06/2022
22/00633/ADV	Advertisement Consent	Highway Verge Corner Of Grove Street And Normanton Road Derby DE23 6US	Display of replacement double-sided free-standing Advertising Unit with digital displays	Approval	16/06/2022
22/00634/ADV	Advertisement Consent	Highway Adjacent 67 St Peter's Street Derby DE1 2AB	Display of replacement double-sided free-standing Advertising Unit with digital displays	Approval	16/06/2022
22/00635/ADV	Advertisement Consent	Footpath Adjacent Marks & Spencer	Display of replacement double-sided free-	Approval	16/06/2022

		Traffic Street Derby DE1 2DX	Standing Advertising Unit with digital displays		
22/00636/ADV	Advertisement Consent	Highway Adjacent Derbion Entrance Traffic Street Derby DE1 2NL	Display of replacement double-sided free- Standing Advertising Unit with digital displays	Approval	16/06/2022
22/00637/CLP	Lawful Development Certificate -Proposed	6 Ambervale Close Derby DE23 3YB	Single storey rear extension to dwelling house	Approval	13/06/2022
22/00645/FUL	Full Application	63 Grange Road Derby DE24 0JY	Single storey side/rear extension to dwelling house (shower room, utility, study and kitchen/family room)	Approval	15/06/2022
22/00648/FUL	Full Application	Land At The Side Of 33 Collingham Gardens Derby DE22 4FR	Erection of a dwelling house (Use Class C3)	Refused	17/06/2022
22/00653/FUL	Full Application	73 Stenson Road Derby DE23 1JF	Formation of a vehicular access	Approval	15/06/2022
22/00659/FUL	Full Application	976 And 978 London Road Derby DE24 8PY	Change of use and alterations of No 976 from dwelling house to form two flats, No 978 to form three flats (Use Class C3) including the addition of a dormer extension to rear of roof and the insertion of two windows to side elevation. Erection of a new building comprising of three flats (Use Class C3) (eight flats in total)	Refused	17/06/2022
22/00665/FUL	Full Application	6 Chapel Lane Chaddesden Derby DE21 4QT	Single storey rear extension to dwelling (living space)	Approval	15/06/2022
22/00666/FUL	Full Application	McCorquodale Riverside Road Derby DE24 8HY	Extension to warehouse building	Approval	15/06/2022

22/00669/TPO	Works to a tree with a TPO	1 Mulberries Court Derby DE22 2HL	Crown raise to 4-5m, removal of deadwood, split, broken and damaged branches of a Redwood tree protected by Tree Preservation Order no. 77	Approval	21/06/2022
22/00670/FUL	Full Application	45 St Cuthberts Road Derby DE22 3JX	Single storey rear extension to dwelling house (kitchen/dining area) with balcony above	Approval	24/06/2022
22/00671/DISC	Compliance/Discharge of Condition	Land South Of Pioneer Way Derby	Erection of Industrial Unit (Use Classes E (g) iii / B2 / B8), with External Yard incorporating plant, open storage of materials and finished products (with alternative scheme including dock levellers), together with introduction of right turn provision within the adjoining highway and all associated parking, servicing, drainage and landscaping areas - Discharge of condition 13 of planning permission 21/00585/FUL	Discharge of Conditions Complete	17/06/2022
22/00679/FUL	Full Application	107 Darley Abbey Drive Derby DE22 1EF	Change of use from dwelling (Use Class C3) to an architects' office (Use Class E(g)(i))	Refused	22/06/2022
22/00682/FUL	Full Application	177 Stenson Road Derby DE23 1JN	Single storey side/rear extension to dwelling house (reception/playroom and shower room) and erection of a 2.4m high boundary fence with netting to the rear garden	Approval	23/06/2022
22/00685/FUL	Full Application	International Hotel 288 Burton Road Derby DE23 6AD	Alterations to the front elevation to include installation of new windows and doors, timber cladding, render, formation of access ramp and steps	Approval	17/06/2022
22/00688/FUL	Full Application	10 Pear Tree Crescent Derby DE23 8RN	Single storey side/rear extension to dwelling house (study and enlargement of kitchen)	Approval	17/06/2022
22/00689/FUL	Full Application	2 Copperleaf Close Derby DE22 3QR	Single storey rear extension to dwelling house (lobby, bedroom and wetroom)	Approval	17/06/2022
22/00693/VAR	Variation of Condition	Former Rolls Royce Works Nightingale Road	Erection of 406 Dwellings with Associated Car Parking and Landscaping together with	Approval	27/06/2022

		Derby	Refurbishment of 5 Existing Dwellings and all associated works - Variation of condition 24 of planning permission Code no. 22/00326/VAR		
22/00694/FUL	Full Application	319 Ladybank Road Derby DE3 0TW	Formation of a vehicular access	Approval	22/06/2022
22/00696/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Rolls Royce Wilmore Road Derby	Erection of a 20m high monopole with equipment cabinets and ancillary development	Approval	17/06/2022
22/00702/FUL	Full Application	128 Shardlow Road Derby DE24 0JS	Single storey rear extension to dwelling house (living/dining space)	Approval	18/06/2022
22/00703/FUL	Full Application	87 - 89 Nightingale Road Derby DE24 8BG	Change of use from commercial premises to five flats (Use Class C3) including alterations to elevations	Refused	20/06/2022
22/00704/PNRPV	Prior Approval - PV on Non-Domestic	20 Chequers Road Derby DE21 6EL	Installation of 669 roof mounted solar panels	Approval	24/06/2022
22/00710/FUL	Full Application	7 Vicarwood Avenue Derby DE22 1BX	Two storey side and single storey front, side and rear extensions to dwelling house (storage, utility, W.C., bedroom, en-suite and enlargement of kitchen)	Approval	18/06/2022
22/00713/FUL	Full Application	4 Bristol Drive Derby DE3 9BT	Single storey side/rear extension to dwelling (enlargement of lounge) and installation of a new roof to the existing side/rear single storey projection	Approval	18/06/2022
22/00723/FUL	Full Application	76 Stockbrook Road Derby DE22 3PJ	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	30/06/2022
22/00727/FUL	Full Application	47 Grasmere Crescent Derby DE24 9HS	Single storey side/rear extension to dwelling house (wet room, kitchen/dining area, utility and enlargement of lounge)	Approval	18/06/2022

22/00732/PNRT	Prior Approval - Telecommunications	Highway Verge Chaddesden Lane Derby (adjacent To Junction With Reginald Road South)	Installation of 19m high monopole, three equipment cabinets and associated ancillary works	Refused	30/06/2022
22/00734/ADV	Advertisement Consent	Unit 6 St Georges Estate Nottingham Road Derby DE21 6BW	Display of various signage	Approval	29/06/2022
22/00737/CAT	Works to Trees in a Conservation Area	2 Sheffield Place Derby DE1 2RW	Crown reduction by 3m in height and 1m lateral spread of a Pear tree within the Railway Conservation Area	Approval	17/06/2022
22/00739/FUL	Full Application	40 West Avenue South Derby DE73 5SH	Two storey side extension to dwelling house	Approval	22/06/2022
22/00743/FUL	Full Application	40 Parkside Road Derby DE21 6QQ	Single storey rear extension to dwelling house (kitchen, shower room and utility)	Approval	30/06/2022
22/00746/FUL	Full Application	6 Molineux Street Derby DE23 8HE	Single storey rear extension to dwelling house (kitchen, utility and bathroom)	Approval	30/06/2022
22/00747/DISC	Compliance/Discharge of Condition	Land Between 42 And 46 Middleton Avenue Derby DE23 6DL	Erection of a dwelling (Use Class C3), part retrospective application - Discharge of condition 4 of planning permission 21/01997/FUL	Discharge of Conditions Complete	01/06/2022
22/00752/FUL	Full Application	Unit 20 Sir Francis Ley Industrial Park Shaftesbury Street South Derby DE23 8YH	Change of use from offices (Use Class E(g)) to mixed use warehouse and community outlet (Use Classes B8 and E)	Approval	14/06/2022
22/00759/FUL	Full Application	5 Stanage Green Derby DE3 9DX	First floor side extension to dwelling house (bedroom and en-suite)	Approval	29/06/2022
22/00762/FUL	Full Application	73 Highfield Lane Derby	Two storey and single storey extensions to rear and front of dwelling house	Refused	18/06/2022

		DE21 6PJ			
22/00768/FUL	Full Application	98 Broadway Derby DE22 1BP	Erection of an outbuilding (garage)	Approval	18/06/2022
22/00771/FUL	Full Application	39 Reginald Road South Derby DE21 6NG	Single storey side and rear extensions to dwelling house (kitchen, family space and bedroom)	Approval	20/06/2022
22/00772/FUL	Full Application	2 Pine Close Derby DE21 6ZQ	Single storey front extension to dwelling house (W.C., porch and enlargement of lounge)	Approval	20/06/2022
22/00777/FUL	Full Application	64 Allestree Lane Derby DE22 2HR	Single storey front and side extensions to dwelling house (canopy, store, shower room and utility) and installation of a pitched roof to the existing single storey rear extension	Approval	14/06/2022
22/00778/PNRH	Prior Approval - Householder	17 Washington Avenue Derby DE21 6JT	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.1m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	27/06/2022
22/00783/FUL	Full Application	Alvaston Medical Centre 14 Boulton Lane Derby DE24 0GE	Single storey side extension to Health Centre (consulting room)	Approval	20/06/2022
22/00786/FUL	Full Application	Western Power Distribution 11 Victory Park Way Derby DE24 8ZF	Installation of new windows	Approval	22/06/2022
22/00794/ADV	Advertisement Consent	B And Q Peak Drive Derby DE24 8EB	Display of various signage	Approval	27/06/2022
22/00795/FUL	Full Application	347 Prince Charles Avenue Derby DE22 4LL	Formation of vehicular hard standing and retaining wall	Approval	27/06/2022
22/00796/FUL	Full Application	32 Cambridge Street	Formation of vehicular access	Application	01/06/2022

		Normanton Derby DE23 8HG		Withdrawn	
22/00801/DISC	Compliance/Discharge of Condition	Site Of Former Celanese Acetate Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition nos 13, 21, 23, 27, 28 and 29 of previously approved permission 21/02197/VAR	Discharge of Conditions Complete	09/06/2022
22/00802/NONM	Non-Material Amendment	Site Of Former Celanese Acetate Holme Lane Derby DE21 7BS	Erection of Unit 1, two security offices including internal access routes/layout and landscaping in connection with previously approved outline permission Code No. 20/01646/OUT - Non-material amendment to previously approved permission 21/01107/RES to amend highways arrangements	Approval	20/06/2022
22/00810/FUL	Full Application	2 Troon Close Derby DE23 4UA	Erection of single storey front and two storey rear extensions to dwelling house (porch, enlargement of living room, enlargement of bedroom and en-suite), and alterations to external materials. Formation of first floor balcony and alterations to form two raised patio/terrace areas.	Approval	28/06/2022
22/00821/NONM	Non-Material Amendment	18 Carlton Avenue Derby DE24 9EJ	Single storey side and rear extensions to dwelling house (cloakroom and conservatory) and raising of the roof height of the existing single storey rear projection - Non-material amendment to planning permission 21/02009/FUL to amend approved plans	Approval	30/06/2022
22/00822/DISC	Compliance/Discharge of	Site Of Former Celanese Acetate	Outline planning application with access	Discharge of	09/06/2022

	Condition	Holme Lane Derby DE21 7BS	details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 16 of previously approved application code No. 21/02197/VAR	Conditions Complete	
22/00849/FUL	Full Application	89 Uttoxeter Road Derby DE3 9GF	Single storey rear extension to dwelling house (living kitchen) and erection of outbuilding (garage)	Approval	27/06/2022
22/00863/CLP	Lawful Development Certificate -Proposed	8 Hansard Gate Derby DE21 6AR	Installation of 125 solar PV Panels	Application Withdrawn	01/06/2022
22/00889/NONM	Non-Material Amendment	Unit 2 Fernhook Avenue Derby DE21 7HW	Erection of a warehousing unit and ancillary office accommodation, vehicle maintenance unit, gatehouse, servicing and parking areas and landscaping (Plot L) - Non-material amendment to 20/00535/VAR to amend the approved plans.	Approval	22/06/2022
22/00905/NONM	Non-Material Amendment	Land On South West Side Of Barlow Street Derby DE1 2TT	Construction of 11 apartments providing temporary accommodation for homeless families, together with one office for support staff and associated car parking and gardens. - Non-material amendment to previously approved planning permission Code No. 20/00939/FUL to include the Installation of roof mounted solar panels	Approval	24/06/2022
22/00970/DISC	Compliance/Discharge of Condition	44 Willson Road Derby DE23 1BZ	Alterations to roof space to form 3 bedrooms, bathroom and en-suite and internal alterations to ground floor - Discharge of condition 1 of planning permission 04/08/00619	Discharge of Conditions Complete	20/06/2022



**Delegated decisions made between  
between 01/07/2022 and 31/07/2022**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
06/18/00825	Compliance/Discharge of Condition	Former Rolls Royce Car Park Dunstall Park Road Derby	Erection Of 6 Buildings To Form 14 X Mixed B1/B8 Units - Discharge Of Conditions 6, 7, 10, 13, 14, 16, 17, 19 And 20 Of Planning Permission DER/05/17/00604	Discharge of Conditions Complete	12/07/2022
06/18/00832	Compliance/Discharge of Condition	468 Kedleston Road Derby DE22 2NE	Extensions And Alterations To Bungalow To Form A Dwelling House With Rooms In The Roof Space And Erection Of A Detached Garage - Discharge Of Condition 3 Of Previously Approved Application No. DER/12/17/01656	Discharge of Conditions Complete	27/07/2022
19/00947/DISC	Compliance/Discharge of Condition	Development Land North East Of Allan Avenue Pritchett Drive And Andrew Close Pritchett Drive Derby DE23 4AX	Erection Of 12 Additional Dwelling Houses In Association with Previously Approved Outline Application Code No. DER/12/14/01678 - Discharge of condition 5 (Part 3) of previously approved application code No. DER/07/18/01132	Discharge of Conditions Complete	12/07/2022
20/00181/DISC	Compliance/Discharge of Condition	Land Rear Of 17 And 19 Derby Road Chellaston Derby	Erection of a dwelling house (Use Class C3) - Discharge of condition nos 3 and 4 of previously approved permission 19/01102	Discharge of Conditions Complete	04/07/2022
20/00213/DISC	Compliance/Discharge of Condition	3 St Marys Gate Derby DE1 3JA	Change of Use from Offices to Restaurant (Use Class A3) at ground floor and apartment (Use Class C3) at first floor level with alterations to include the Installation of doors to the west elevation - Discharge of condition 5 of previously approved permission DER/04/16/00477	Application Withdrawn	12/07/2022
20/00214/DISCLB	Compliance/Discharge of Condition LB	3 St Marys Gate Derby DE1 3JA	Change of Use from Offices to Restaurant (Use Class A3) at ground floor and apartment (Use Class C3) at first floor level with alterations to include the Installation of doors to the west elevation - Discharge of condition	Application Withdrawn	12/07/2022

			5 of previously approved permission DER/04/16/00478		
21/00530/DISC	Compliance/Discharge of Condition	Land North Of Onslow Road And East Of Station Road Mickleover Derby DE3 9FB	Erection of 203 dwellings (Use Class C3) with associated infrastructure, open space and landscaping - Discharge of condition 16 of planning permission 19/00763/FUL	Discharge of Conditions Complete	04/07/2022
21/01019/FUL	Full Application	Lavender Lodge 40 - 50 Stafford Street Derby DE1 1JL	First floor rear extension to nursing home (additional bedrooms with en-suites) and other minor elevational alterations	Approval	21/07/2022
21/01090/FUL	Full Application	Strathaven 20 Kedleston Road Derby DE22 1GU	Change of use from house in multiple occupation (Use Class C4) to seven flats (Use Class C3) and external alterations to include installation of a replacement roof and windows	Approval	08/07/2022
21/01515/DISC	Compliance/Discharge of Condition	Land East Of Deep Dale Lane Sinfin Derby (South Of Moy Avenue / Watten Close / Loyne Close)	Residential Development Of Up To 50 Dwellings Including Infrastructure And Associated Works - Discharge of condition 5 of planning permission 02/15/00211	Discharge of Conditions Complete	19/07/2022
21/01729/FUL	Full Application	58 - 62 Curzon Street Derby DE1 1LP	Alterations to rear yard to include formation of six car parking spaces and erection of a boundary fence	Approval	20/07/2022
21/01755/FUL	Full Application	9 The Hollow Mickleover Derby DE3 0DG	Erection of an outbuilding (garage)	Approval	22/07/2022
21/01827/FUL	Full Application	Site Of Former Cock N Bull Sinfin Lane Derby DE24 9GL	Erection of a Community Hub building (Use Class F2(b)) and a Place of Worship (Use Class F1(f)) and the siting of a temporary building (Use Classes F2(b) and F1(f)) during the construction of the permanent building	Approval	12/07/2022
21/01849/FUL	Full Application	6 Liston Drive Derby DE22 1AS	Erection of outbuilding (garden shed/store) - retrospective application	Approval	07/07/2022

21/01877/FUL	Full Application	301 Morley Road Derby DE21 4TD	First floor front and side and single storey front and rear extensions to dwelling house (family space, two en-suites and enlargement of lounge and bedroom), conversion, alterations and extensions to the existing garage/games room to form dependant relative accommodation and garage. Felling of an Ash tree protected by Tree Preservation Order no. 31	Approval	04/07/2022
21/01884/FUL	Full Application	Telecommunications Mast Merrill Way Derby DE24 9DX	Installation of a replacement 20m high monopole and ancillary development	Approval	01/07/2022
21/01911/FUL	Full Application	187 Rykneld Road Derby DE23 4DL	Two storey front and single storey rear extensions to dwelling house (balcony and enlargement of hall and kitchen/lounge) together with installation of front and rear dormers.	Approval	21/07/2022
21/01947/FUL	Full Application	Gervase House 111 - 113 Friar Gate Derby DE1 1EX	Partial rendering of brickwork and installation of replacement of windows to the front elevation	Approval	18/07/2022
21/02031/FUL	Full Application	The Croft Cathedral Road Derby DE1 3FQ	Installation of a backup generator with 1.8m high enclosure	Approval	07/07/2022
21/02180/FUL	Full Application	Land Adjacent To Bakum House Etwall Road Derby	Creation of a footway/cycleway and associated ground works	Approval	22/07/2022
21/02214/FUL	Full Application	Land North West Of Blackmore Street Derby DE23 8AX (adjacent To The Akaal School)	Erection of 36 bungalows (Use Class C3) and associated access, open space and ground works	Approval	22/07/2022
21/02221/FUL	Full Application	41 Overdale Road Derby	Two storey front extension to dwelling house and raising of the roof height and installation	Approval	18/07/2022

		DE23 6AU	of a dormer to form rooms in the roof space		
22/00021/FUL	Full Application	Land At The Side And Rear Of 39 West Avenue South Derby DE73 5SH	Erection of two dwelling houses (Use Class C3) and all associated ground works	Approval	29/07/2022
22/00028/FUL	Full Application	51 The Hollow Littleover Derby DE23 6GH	Demolition of garage. Erection of annexe accommodation	Approval	18/07/2022
22/00158/FUL	Full Application	21 Lindon Drive Derby DE24 0LP	Two storey side and single storey rear extensions including roof alterations from a hip to gable roof design (bathroom, extended bedroom, open undercroft, kitchen/dining area, utility/office, store, bedroom and storage space).	Approval	14/07/2022
22/00171/DISC	Compliance/Discharge of Condition	346 Uttoxeter New Road Derby DE22 3HS	Extensions To Nursing Home Including 8 Bedrooms, Lounge Area, Dining Area, Bathrooms, Sluice Room, And W.C.'s. - Discharge of conditions 7 and 8 of planning permission 02/16/00224	Discharge of Conditions Complete	04/07/2022
22/00251/NONM	Non-Material Amendment	Land South Of Pioneer Way Derby	Erection of Industrial Unit (Use Classes E (g) iii / B2 / B8), with External Yard incorporating plant, open storage of materials and finished products (with alternative scheme including dock levellers), together with introduction of right turn provision within the adjoining highway and all associated parking, servicing, drainage and landscaping areas - Non-material amendment to previously approved planning permission 21/00585/FUL to include louvres to the production unit gable ends	Approval	19/07/2022
22/00294/FUL	Full Application	21 Alice Street Derby DE1 2BY	Conversion of existing workshop and storage building into workshops, offices and stores. Demolition of storage building to east of site and construction of a parking courtyard	Approval	22/07/2022
22/00295/CAD	Relevant Demolition in a Cons Area	21 Alice Street Derby	Demolition of storage building	Raise No Objection	21/07/2022

		DE1 2BY			
22/00311/FUL	Full Application	14 Hazel Drive Derby DE21 7DS	Single storey rear extension to dwelling (kitchen/dining area)	Approval	07/07/2022
22/00396/TPO	Works to a tree with a TPO	29 Chaddesden Lane Derby DE21 6LQ	Felling of a Lime tree protected by Tree Preservation Order no. 23	Refused	08/07/2022
22/00400/DISC	Compliance/Discharge of Condition	Land North Of Snelsmoor Lane Derby DE73 6TQ	OUTLINE PLANNING APPLICATION - for up to 800 dwellings (Class C3) with all matters reserved except access; access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Class D1) with playing field, alongside open space including creation of country park (including footpath/cycleways, wildflower meadows, public orchard etc.) and Green Infrastructure network. FULL PLANNING APPLICATION - for 245 dwellings (Class C3) including site roads, Infrastructure, landscaping, attenuation ponds and play areas. - Discharge of conditions 8 and 16 of planning permission 04/13/00351	Discharge of Conditions Complete	05/07/2022
22/00418/FUL	Full Application	518 Burton Road Derby DE23 6FN	Single storey extension to detached garage	Approval	08/07/2022
22/00450/FUL	Full Application	852 London Road Derby DE24 8WA	Demolition of existing retail unit. Erection of replacement retail unit (Use Class E)	Approval	21/07/2022
22/00487/DISC	Compliance/Discharge of Condition	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of 796 dwellings comprising 773 dwellings and apartments, conversion of Wilderslowe House into 10 apartments conversion of nos 123-129A Osmaston Road into 12 apartments, alteration and refurbishment of The Lodge together with conversion and extension of the 'Pepper pot' buildings into a cafe, exhibition/meeting space, and gym/fitness facilities. Relocation	Discharge of Conditions Complete	11/07/2022

			of the listed Queen Victoria statue, together with formation of vehicular access, public open space, landscaping and associated engineering works - Variation of condition 16 of previously approved planning permission Code No. 18/01677/FUL to allow landscaping works to take place pre-occupation rather than pre-commencement - Discharge of condition 8 of planning permission 20/01096/VAR		
22/00503/DISCLB	Compliance/Discharge of Condition LB	The Bakehouse Abbey Yard Derby DE22 1DS	Repair and cleaning of brickwork, walls, floors and ceiling, installation of heating and ventilation system to include erection of removable cabinet in yard. Formation of new doorway together with repairs to drainage at upper floor level. Erection of ramp access and installation of partitions in connection with the formation of cloak room - Discharge of condition 3 of Listed Building Consent 21/01437/LBA	Discharge of Conditions Complete	15/07/2022
22/00533/FUL	Local Council Own Development Reg 3	Market Hall Albert Street Derby DE1 2DB	Refurbishment works including demolition works to form new external openings for new windows/doors, demolition of existing island stalls and panoramic lift and stair, new feature staircase, new balcony guarding, new lift, new toilets, partial demolition of first floor slab to Poultry Market, replacement of 1980s metal flat roof and installation of PV panels, refurbishment of retail units and new first floor bottle bar, with associated building services, including extract ventilation, space heating, drainage, water, fire detection, lighting, power and data supplies, new feature lighting to barrel-vaulted roof and internal finishes and redecoration. Plus demolition of external buildings: 3no. kiosks (Osnabruck Square) and 3no retail units (Lock-up Yard)	Approval	22/07/2022
22/00534/LBA	Listed Building Consent - Alterations	Market Hall Albert Street Derby	Refurbishment works including demolition works to form new external openings for new windows/doors, demolition of existing island	Approval	22/07/2022

		DE1 2DB	stalls and panoramic lift and stair, new feature staircase, new balcony guarding, new lift, new toilets, partial demolition of first floor slab to Poultry Market, replacement of 1980s metal flat roof and installation of PV panels, refurbishment of retail units and new first floor bottle bar, with associated building services, including extract ventilation, space heating, drainage, water, fire detection, lighting, power and data supplies, new feature lighting to barrel-vaulted roof, and internal finishes and redecoration.		
22/00540/FUL	Full Application	11 Rowan Park Close Derby DE23 1WQ	Two storey front and single storey rear extensions to dwelling house (sitting area and enlargement of study and bedroom)	Approval	15/07/2022
22/00541/VAR	Variation of Condition	Unit 7 Kingsway Retail Park Kingsway Derby DE22 3FA	Variation of condition 5 of previously approved planning permission Code no. 08/94/01036 to allow the sale of sports and leisure clothing and footwear, sports goods and equipment and ancillary items in Unit 7	Refused	01/07/2022
22/00547/FUL	Full Application	192 Warwick Avenue Derby DE23 6HP	Two storey side extension to dwelling house (garage, kitchen, two bedrooms and shower room)	Approval	07/07/2022
22/00582/LBA	Listed Building Consent - Alterations	Museum And Art Gallery The Strand Derby DE1 1BS	Replacement of roof materials and rainwater goods, associated repairs to roof, addition of two internal accessible WCs and internal accessibility improvements	Approval	15/07/2022
22/00583/FUL	Local Council Own Development Reg 3	Museum And Art Gallery The Strand Derby DE1 1BS	Replacement of roof materials and rainwater goods, associated repairs to roof	Approval	15/07/2022
22/00591/FUL	Full Application	27 Barden Drive Derby DE22 2AL	Demolition of outbuilding. Single storey side and rear extensions to dwelling house (store, utility, living space, office and two bedrooms). Formation of rear patio area with retaining wall. Creation of new additional access and driveway.	Approval	07/07/2022

22/00596/DISC	Compliance/Discharge of Condition	Land Rear Of 52 Chatsworth Street Derby (Between 57 And 67 Livingstone Road) DE23 6PS	Erection of two dwelling houses (Use Class C3) - Discharge of condition 3 of planning permission 21/00356/FUL	Discharge of Conditions Complete	05/07/2022
22/00611/FUL	Full Application	44 Muirfield Drive Derby DE3 9YA	Two storey front extensions to dwelling house (Retrospective Application)	Approval	04/07/2022
22/00623/FUL	Full Application	Derby High School Hillsway Littleover Derby DE23 3DT	Formation of additional car park, relocation of netball and tennis courts to playing field and erection of refectory and Art and Design Building	Approval	19/07/2022
22/00655/PNRH	Prior Approval - Householder	175 Haven Baulk Lane Derby DE23 4AF	Single storey rear extension (projecting beyond the rear wall of the original house by 3.52m, maximum height 3.7m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	22/07/2022
22/00656/ADV	Advertisement Consent	49 Smalley Drive Derby DE21 2SF	Display of two internally illuminated fascia signs	Approval	04/07/2022
22/00673/FUL	Full Application	6 Links Close Derby DE24 9PF	First floor side extension to dwelling house (bedroom)	Approval	08/07/2022
22/00676/CLP	Lawful Development Certificate -Proposed	32 St Andrews View Derby DE21 4LH	Single storey side extension to dwelling house	Refused	01/07/2022
22/00677/FUL	Full Application	Former Methodist Church St Thomas Road Derby DE23 8RL	First floor and single storey extensions to public worship building and alterations to include cladding, render and replacement windows	Approval	14/07/2022
22/00686/RES	Reserved Matters	Site Of Former Celanese Acetate Holme Lane Derby DE21 7BS	Reserved matters application for construction of proposed on-site infrastructure including access roads, Energy Centre, primary sub-station, waste water treatment plant; and waste management/recycling facility with all	Approval	26/07/2022

			associated works.		
22/00687/FUL	Full Application	76 Morley Road Derby DE21 4QW	Two storey and single storey extensions to dwelling house together with roof alterations including installation of a lantern roof window to form rooms in the roof space. Erection of car port and garage	Approval	05/07/2022
22/00695/CLP	Lawful Development Certificate -Proposed	83 Allestree Lane Derby DE22 2HS	Single storey side/rear extension to dwelling house (utility room)	Approval	18/07/2022
22/00697/FUL	Full Application	17 North Street Derby DE1 3AZ	Single storey side/rear extension to dwelling house (enlargement of kitchen and W.C.)	Approval	14/07/2022
22/00707/FUL	Full Application	54 Evans Avenue Derby DE22 2EN	Erection of a replacement raised terrace area to the rear garden	Approval	05/07/2022
22/00715/NONM	Non-Material Amendment	Land South Of Pioneer Way Derby	Erection of Industrial Unit (Use Classes E (g) iii / B2 / B8), with External Yard incorporating plant, open storage of materials and finished products (with alternative scheme including dock levellers), together with introduction of right turn provision within the adjoining highway and all associated parking, servicing, drainage and landscaping areas - Non-material amendment to previously approved planning permission 21/00585/FUL to amend the location of the access	Approval	19/07/2022
22/00718/TPO	Works to a tree with a TPO	3 Elms Garden Derby DE23 6EF	Felling of a Walnut tree protected by Tree Preservation Order no. 155	Approval	05/07/2022
22/00719/FUL	Full Application	181 Portland Street Derby DE23 8PH	Two storey side and rear and single storey rear extensions to dwelling house (kitchen/diner, lounge, two bedrooms and en-suite)	Approval	01/07/2022
22/00721/FUL	Full Application	99 Sinfin Avenue Derby DE24 9EY	Two storey side and rear extensions and single storey rear extension to dwelling house, raising of the roof height and replacement	Approval	13/07/2022

			garage.		
22/00722/CLP	Lawful Development Certificate -Proposed	244 Duffield Road Derby DE22 1BL	Installation of roof lights to the front elevation and a dormer to the rear elevation to form rooms in the roof space	Application Withdrawn	15/07/2022
22/00728/FUL	Full Application	120 Pear Tree Crescent Derby DE23 8RR	Single storey rear extension to dwelling house (two lounges, shower room and enlargement of kitchen)	Approval	22/07/2022
22/00731/FUL	Full Application	121 Alvaston Street Derby DE24 0PA	Two storey rear extension to dwelling house (kitchen/dining/family space and two bedrooms)	Approval	15/07/2022
22/00733/PNRT	Prior Approval - Telecommunications	Pavement Outside 825 Osmaston Road Derby DE24 9BQ	Installation of 18m high monopole, three equipment cabinets and associated ancillary works	Approval	07/07/2022
22/00738/FUL	Full Application	12 Stafford Street Derby DE1 1JG	Change of use from office (Use Class E(g)) to eight flats (Use Class C3) including a three storey rear extension and external alterations	Approval	22/07/2022
22/00744/FUL	Full Application	24A Weirfield Road Derby DE22 1DH	First floor rear and single storey side extensions to dwelling house (dining room/study, bedroom, en-suite and enlargement of bedroom)	Approval	12/07/2022
22/00745/FUL	Full Application	Telecommunications Mast At St Philips Church Taddington Road Derby DE21 4JU	Installation of three new antennas, three replacement antennas, an additional equipment cabinet and ancillary equipment	Approval	25/07/2022
22/00748/TPO	Works to a tree with a TPO	16 Park Lane Littleover Derby DE23 6FX	Felling of one Sycamore tree, crown reduction by 2m and Crown Clean of 2nd Sycamore tree protected by Tree Preservation Order no. 127	Approval	22/07/2022
22/00755/FUL	Full Application	Ye Olde Dolphin 6 - 7 Queen Street Derby DE1 3DL	External works to include removal of roof coverings to rear external trade area, existing corner stage and shed and making good. Making good of railings and retaining boundary walls. Erection of pergola, railings	Approval	08/07/2022

			with access gate and bench seating		
22/00756/LBA	Listed Building Consent - Alterations	Ye Olde Dolphin 6 - 7 Queen Street Derby DE1 3DL	External works to include removal of roof coverings to rear external trade area, existing corner stage and shed and making good. Making good of railings and retaining boundary walls. Erection of pergola, railings with access gate and bench seating	Approval	08/07/2022
22/00760/FUL	Full Application	53 Kenilworth Avenue Derby DE23 8TZ	Extensions to dwelling house ( en-suite)	Approval	15/07/2022
22/00761/FUL	Full Application	44 - 46 Kingsley Street Derby DE24 9GR	Demolition of garage and erection of single storey side and rear extensions to existing residential unit.	Approval	13/07/2022
22/00765/PNRH	Prior Approval - Householder	157 Morley Road Derby DE21 4QY	Single storey rear extension (projecting beyond the rear wall of the original house by 8m, maximum height 3m, height to eaves 2.5m) to dwelling house	Prior Approval Approved	18/07/2022
22/00769/TPO	Works to a tree with a TPO	Derby Crown Court Morledge Derby DE1 2XE	Various works to Norway Maple trees protected by Tree Preservation Order No 470	Approval	07/07/2022
22/00770/FUL	Full Application	1 Melbourne Close Allestree Derby DE22 2QS	Erection of a boundary fence	Approval	07/07/2022
22/00773/FUL	Full Application	Copeland Street Car Park Copeland Street Derby DE1 2PU	Continued use of the land as a car park for a temporary period of two years	Approval	08/07/2022
22/00775/FUL	Full Application	157 Duffield Road Derby DE22 1AH	Two storey side/rear extension to dwelling house (porch, covered area and office) and alterations to the existing outbuilding to change the roof design	Approval	28/07/2022
22/00779/CLP	Lawful Development Certificate -Proposed	21 Cowley Street Derby	Two storey rear extension to dwelling house (en-suite and enlargement of kitchen)	Refused	12/07/2022

		DE1 3SL			
22/00781/FUL	Full Application	Unit 1a Kingsway Retail Park Kingsway Derby DE22 3FA	Single storey rear extension to retail unit (coldroom)	Application Withdrawn	28/07/2022
22/00788/FUL	Full Application	286 Duffield Road Derby DE22 1EQ	Erection of a two storey outbuilding (double garage and office)	Approval	15/07/2022
22/00789/FUL	Local Council Own Development Reg 3	Becket Primary School Monk Street Derby DE22 3QB	Installation of replacement windows and doors	Approval	13/07/2022
22/00791/FUL	Local Council Own Development Reg 3	Silverhill Primary School Draycott Drive Derby DE3 0QE	Installation of two replacement windows, new external door and ramp	Approval	14/07/2022
22/00798/FUL	Full Application	Derby Grammar School Rykneld Road Derby DE23 4BX	Replacement of existing external staircase	Approval	07/07/2022
22/00799/LBA	Listed Building Consent - Alterations	Derby Grammar School Rykneld Road Derby DE23 4BX	Replacement of existing external staircase	Approval	08/07/2022
22/00800/FUL	Full Application	14 Witham Drive Derby DE23 1QE	Erection of detached outbuilding (garage, workshop and W.C) - Retrospective application. Erection of 1.8m fence.	Approval	08/07/2022
22/00803/CLP	Lawful Development Certificate -Proposed	16 Oulton Close Derby DE24 9DU	Single storey rear extension to dwelling house (lounge) and alterations to existing porch	Approval	15/07/2022
22/00807/VAR	Variation of Condition	Garage Court Crompton Street Derby	Demolition of 18 garages. Erection of a three storey building containing six apartments (Use Class C3) with associated access, parking and amenity space - Variation of condition No 2 of	Approval	05/07/2022

			previously approved application code No 19/01602/FUL		
22/00816/PNRPV	Prior Approval - PV on Non-Domestic	Waldor House Pear Tree Street Derby DE23 8PN	Installation of solar panels	Approval	26/07/2022
22/00824/FUL	Full Application	12 Ladbroke Gardens Derby DE22 4HD	Single storey front and two storey side extensions to dwelling house (porch, garage, utility, w.c, bedroom and en-suite) and alterations to external elevations	Approval	20/07/2022
22/00827/FUL	Full Application	Maple View School 305A Prince Charles Avenue Derby DE22 4LL	Erection of 'garden office' building within grounds of existing school	Approval	07/07/2022
22/00828/CLP	Lawful Development Certificate -Proposed	15 Deep Dale Lane Derby DE24 3JY	Single storey rear extension to dwelling house (sitting room)	Approval	15/07/2022
22/00830/CLP	Lawful Development Certificate -Proposed	4 Dovestone Gardens Derby DE23 4EJ	Single storey rear extension (sun room)	Approval	19/07/2022
22/00831/FUL	Full Application	Calvery House Sinfin Moor Lane Derby DE73 5SP	First floor front extension, raising of the roof, formation of rooms in the roof space (landing, bedroom, en-suite and rear dormers) and external alterations to dwelling	Approval	21/07/2022
22/00833/ADV	Advertisement Consent	Pavement Adjacent The Clock House Morledge Derby	Installation of digital display screen to rear of Communication Hub unit to show static illuminated content	Refused	19/07/2022
22/00834/TPO	Works to a tree with a TPO	1 Charterhouse Close Derby DE21 2AX	Crown reduction, crown lift and crown thinning of Horse Chestnut. Protected by Tree Preservation Order No.477	Approval	20/07/2022
22/00836/ADV	Advertisement Consent	Pavement Adjacent 33 East Street Derby	Installation of digital display screen to rear of Communication Hub unit to show static illuminated content	Refused	19/07/2022

22/00837/FUL	Full Application	Pavement Adjacent 9 And 10 Albion Street Derby	Installation of a multifunctional communication Hub including defibrillator	Refused	19/07/2022
22/00838/ADV	Advertisement Consent	Pavement Adjacent 9 And 10 Albion Street Derby	Installation of digital display screen to rear of Communication Hub unit to show static illuminated content	Refused	20/07/2022
22/00839/FUL	Full Application	Pavement Adjacent 9 London Road Derby DE1 2NS	Installation of a multifunctional communication Hub including defibrillator	Refused	26/07/2022
22/00840/ADV	Advertisement Consent	Pavement Adjacent 9 London Road Derby DE1 2NS	Installation of digital display screen to rear of Communication Hub unit to show static illuminated content	Refused	26/07/2022
22/00841/FUL	Full Application	277 Ladybank Road Derby DE3 0RS	Single storey side extension to dwelling house	Approval	05/07/2022
22/00842/DEM	Demolition - Prior Notification	Warwick House Bonsall Avenue Derby DE23 6JW	Demolition of former residential care home building and external facilities (excluding all trees and boundary features)	Approval	11/07/2022
22/00843/FUL	Full Application	187 Allestree Lane Derby DE22 2PG	Single storey front, rear and side extensions to dwelling house (dining room, utility room and porch) and formation of patio	Approval	08/07/2022
22/00844/CAT	Works to Trees in a Conservation Area	79 Mansfield Road Derby DE1 3QZ	Pollarding of Sycamore tree (T2) within Little Chester Conservation Area	Approval	05/07/2022
22/00845/FUL	Full Application	Building And Land At Side Of 73 Friar Gate Derby DE1 1FN	Demolition of social club outbuilding. Erection of four apartments (Use Class C3)	Refused	29/07/2022
22/00848/FUL	Full Application	4 Garth Crescent Derby DE24 0GX	Single storey front and side extensions to dwelling (living space) and installation of cladding	Approval	20/07/2022
22/00850/FUL	Full Application	22 Birchwood Avenue	Two storey side and single storey rear	Approval	08/07/2022

		Derby DE23 1PZ	extensions to dwelling house (enlargement of kitchen, store, shower room, utility, bedroom and enlargement of bedroom)		
22/00852/ADV	Advertisement Consent	Pavement Adjacent 18, 22-26 St Peters Street Derby DE1 1SH	Double-sided digital free-standing advertising unit.	Refused	21/07/2022
22/00854/CLP	Lawful Development Certificate -Proposed	50 Valley Road Chaddesden Derby DE21 6QT	Erection of outbuilding (workshop)	Approval	20/07/2022
22/00855/FUL	Full Application	42 Green Avenue Derby DE73 6TE	Single storey side extension to dwelling (utility room and garage) and installation of front and rear dormer windows	Approval	08/07/2022
22/00856/FUL	Full Application	56 Burnside Drive Derby DE21 7QQ	Two storey side extension to dwelling house (utility, w.c., bedroom and enlargement of kitchen and bathroom)	Approval	21/07/2022
22/00868/PNRPV	Prior Approval - PV on Non-Domestic	16 Pride Point Drive Derby DE24 8BY	Installation of roof mounted solar PV system comprising of 327 x Canadian Solar 380w panels	Prior Approval Approved	20/07/2022
22/00870/FUL	Local Council Own Development Reg 3	31 Reginald Street Derby DE23 8FR	Single storey rear extension to dwelling house (wetroom)	Approval	09/07/2022
22/00873/FUL	Full Application	2, 6, 10, 14-18 And 22 Drayton Avenue Derby DE22 4JU	Alterations to shop fronts and installation of access ramps and handrails	Approval	27/07/2022
22/00879/CLP	Lawful Development Certificate -Proposed	8 Melbourne Street Derby DE1 2GE	Change of Use from Residential Class C3 to House in Multiple Occupation Class C4 for up to 6 people.	Approval	25/07/2022
22/00881/DISC	Compliance/Discharge of Condition	Site Of Former Celanese Acetate Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class	Discharge of Conditions Complete	22/07/2022

			and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition Condition 18 and 19 - Phase 2 Plot 8 of previously approved application code No. 21/02197/VAR		
22/00887/FUL	Full Application	21 Windermere Crescent Derby DE22 2SF	Two storey side extension to dwelling house (store, w.c., kitchen, bedroom and en-suite)	Approval	26/07/2022
22/00894/FUL	Full Application	25 Allestree Lane Derby DE22 2HQ	Single storey front side and rear extensions to dwelling house (porch, store, workshop, utility and shower room)	Approval	09/07/2022
22/00896/CLP	Lawful Development Certificate -Proposed	23 Chaddesden Park Road Derby DE21 6HE	Change of use of dwelling house (Use Class C3(a)) to Use Class C3(b) (residential childrens home)	Application Withdrawn	04/07/2022
22/00899/FUL	Full Application	7 Maize Close Derby DE23 3YP	Alterations to front elevation to include enlarged gable and formation of balcony.	Approval	10/07/2022
22/00902/FUL	Full Application	24 Merridale Road Derby DE23 1DJ	Erection of outbuilding - Retrospective Application	Approval	09/07/2022
22/00904/VAR	Variation of Condition	Land Adjacent To 48 Cummings Street Derby DE23 6WW	Erection of four dwelling houses (Use Class C3) and all associated works - Variation of condition 2 of previously approved planning permission 19/01732/FUL to include roof mounted solar panels	Approval	26/07/2022
22/00906/DISC	Compliance/Discharge of Condition	Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing warehouse and storage yard and construction of a new mental health facility and energy centre, associated landscaping, groundworks, parking, and access arrangements - Discharge of condition	Discharge of Conditions Complete	22/07/2022

			7 of planning permission 21/02055/FULPSI		
22/00909/PNRH	Prior Approval - Householder	8 Melbourne Street Derby DE1 2GE	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.1m, height to eaves 2.9m) to dwelling house	Prior Approval Not Required	11/07/2022
22/00910/PNRH	Prior Approval - Householder	27 Slater Avenue Derby DE1 1GT	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	05/07/2022
22/00911/PNRPV	Prior Approval - PV on Non-Domestic	7 St Christophers Way Derby DE24 8JY	Installation of a 350kW solar PV system comprising of 919 x 380w Canadian Solar panels	Prior Approval Approved	22/07/2022
22/00914/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Discharge of condition 10 in respect of Phase 3 of planning permission 21/02197/VAR	Discharge of Conditions Complete	19/07/2022
22/00917/FUL	Full Application	4 Cobthorne Drive Derby DE22 2SY	Single storey rear extension to dwelling house (kitchen/dining/living space)	Approval	10/07/2022
22/00922/CAT	Works to Trees in a Conservation Area	Front Car Park Vernon Gate Derby DE1 1UQ	Cutting back tree roots of a London Plane tree within the Friar Gate Conservation Area	Approval	22/07/2022
22/00926/FUL	Full Application	Land To The Rear Of 46 Grosvenor Street Derby DE24 8AU	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	26/07/2022
22/00927/PNRH	Prior Approval -	121 Royal Hill Road	Single storey rear extension (projecting	Prior Approval Not	11/07/2022

	Householder	Derby DE21 7AG	beyond the rear wall of the original house by 4.3m, maximum height 3.5m, height to eaves 2.6m) to dwelling house	Required	
22/00931/FUL	Full Application	3 Whitaker Road Derby DE23 6AR	Change of use of ancillary accommodation to a dwelling house (Use Class C3)	Refused	25/07/2022
22/00932/FUL	Full Application	30 Hartington Way Derby DE3 9BG	Single storey side/rear extension to dwelling (family room and enlargement of kitchen), enlargement of the existing rear dormer and installation of a new first floor side elevation window	Approval	25/07/2022
22/00935/PNRH	Prior Approval - Householder	43 Stanton Street Derby DE23 6ND	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	11/07/2022
22/00940/FUL	Full Application	Alstom Litchurch Lane Derby DE24 8AD	Erection of two 'Zapp Shelters'	Approval	26/07/2022
22/00956/FUL	Full Application	255 Deep Dale Lane Derby DE24 3HG	Single storey extension to dwelling house and alterations to existing garage projection to form bedroom and shower room and installation of access ramps	Approval	26/07/2022
22/00969/FUL	Full Application	14 Witham Drive Derby DE23 1QE	Two storey side and single storey front and rear extensions to dwelling house (porch, wet room, sitting room, kitchen/dining area, shower room, two bedrooms and enlargement of lounge)	Approval	27/07/2022
22/00981/FUL	Full Application	186 And 188 Upper Dale Road Derby DE23 8BQ	Installation of dormers to the rear roof planes	Approval	27/07/2022
22/00983/FUL	Full Application	4 Vernon Street Derby DE1 1FR	Change of use from offices to seven flats (Use Class C3)	Application Withdrawn	13/07/2022
22/00984/LBA	Listed Building Consent -	4 Vernon Street	Internal alterations in association with change	Application	13/07/2022

	Alterations	Derby DE1 1FR	of use from offices to seven flats to include removal of internal walls and staircase, blocking up of doors, creation of new openings and partition walls	Withdrawn	
22/00987/FUL	Full Application	Wilsons Pharmacy 18 - 20 Sinfin District Centre Arleston Lane Derby DE24 3ND	Installation of an automated prescription collection machine	Approval	27/07/2022
22/00988/FUL	Full Application	Wilsons Pharmacy Unit 2-3 Oakwood District Centre Danebridge Crescent Derby DE21 2HT	Installation of an automated prescription collection machine	Approval	27/07/2022
22/00990/DISC	Compliance/Discharge of Condition	Former Ambulance Headquarters Kingsway Hospital Grounds Derby	Demolition of Existing Buildings and Erection of 27 New Dwellings (Use Class C3) and associated ground works - Discharge of conditions 3 and 4 of planning permission 08/18/01319	Discharge of Conditions Complete	18/07/2022
22/01012/PNRH	Prior Approval - Householder	20 Amber Street Derby DE24 8FT	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	22/07/2022
22/01021/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR -Discharge of condition 9 for Phase 3 of planning permission 21/02197/VAR	Discharge of Conditions Complete	15/07/2022
22/01022/DISC	Compliance/Discharge of	Former Celanese Site	Outline planning application with access	Discharge of	15/07/2022

	Condition	Holme Lane Derby DE21 7BS	details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 12 of planning permission 21/02197/VAR	Conditions Complete	
22/01023/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 24 in respect of Phase 3 of planning permission 21/02197/VAR	Discharge of Conditions Complete	15/07/2022
22/01052/FUL	Full Application	21 Baseball Drive Derby DE23 8NE	Single storey front extension to dwelling house	Approval	26/07/2022
22/01086/ADV	Advertisement Consent	St Modwen Park Wyvern Way Derby DE21 6YH	Display of four internally illuminated totem signs, two non-illuminated totem signs, two non-illuminated hoarding signs and five non-illuminated mini-totem signs	Approval	26/07/2022
22/01110/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities	Discharge of Conditions Complete	22/07/2022

for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of conditions 18 and 19 in respect of phase 3 of planning permission 21/02197/VAR