

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

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

Planning Control Committee 19/11/2020
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2	13 – 23	20/01014/FUL	1057 London Road Derby	Change of use to an 11 bedroom house in multiple occupation (Sui Generis Use)	To grant planning permission with conditions.
3	24 – 76	20/00741/FUL	Land At Rykneld Road Derby (South Of The Hollybrook PH)	Erection of a retail unit (Use Class A1) with new access and car parking	A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement. B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.
4	77 – 87	20/00783/FUL	Land At Rykneld Road Derby	Installation of surface water drainage infrastructure including attenuation basin	To grant planning permission with conditions.
5	88 - 95	20/00861/TPO	27 Fairbourne Drive Derby	Various works to trees protected by Tree Preservation Order No 172	To grant TPO Consent with conditions.

Committee Report Item No: 1

Application No: 20/00383/OUT

**Type: Outline Application
with access**

1. Application Details

1.1. Address: Land at the Side Of 9 Vicarwood Avenue, Derby

1.2. Ward: Darley Abbey

1.3. Proposal:
Residential development - one dwelling

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00383/OUT>

The site and surroundings

The application relates to a rectangular plot of land of some 331 sqm in area situated to the east of No. 9 Vicarwood Avenue. The site lies within the residential suburb of Darley Abbey. It is located outside of the Darley Abbey Conservation Area but lies within the buffer zone to the Derwent Valley Mills World Heritage Site. The land had formed part of the garden area of No. 9 Vicarwood Avenue accommodating the property's single storey garage. The plot has now been fenced off from No. 9 and much of the site has been cleared. The side and rear boundaries are enclosed by a mixture of 1.8/2m high fencing and hedgerows. There is a fall in land levels across the site towards the southern boundary.

No. 9 Vicarwood Avenue, situated to the west of the site, is one of a pair of two-storey semi-detached dwellings dating from the 1930's/40's. The property has a gabled roof, two-storey bay windows and an arched front door feature. Its external elevations of the property are finished with white render (first floor) and red/brown brickwork (ground floor). The house is set approx. 5m back from the highway boundary behind a newly created front parking area. A flat roofed single storey extension has been erected on the property's rear elevation and a rear dormer window. It should be noted that No. 9 Vicarwood Avenue is no longer within the ownership of the applicant. To the east of the site is No. 7 Vicarwood Avenue another two-storey, semi-detached property. This neighbour is orientated at an angle within its plot facing the junction of Vicarwood Avenue and Windley Crescent. Land levels slope down towards this road junction. The property has a detached garage situated adjacent to the boundary with the application site and permission to be further extended with a two-storey side addition approved under application ref: 18/01701/FUL. There are no main habitable room windows in this neighbour's side elevation.

The wider area is also residential in character. Nearby streets are comprised of both detached and semi-detached two-storey dwellings dating from the interwar period. To the west of the site at the junction of Vicarwood Avenue and Duffield Road are No's 282-4 Duffield Road, a pair of 1930s Flat-roofed 'Moderne' villas. Red brickwork, cream/white render and clay roof tiles are the dominant building materials in the area. Many of the surrounding properties have bay windows and decorative timber, brickwork and tile hanging details. Properties are set within mature garden plots and arranged in rows and crescents. Front boundaries are defined by low level walling, fencing and hedgerows. There is a variety of styles and plot frontages, especially opposite the site are relatively full.

The Proposed Development

This application is a resubmission following the withdrawal of an earlier application ref:18/01568/FUL and the refusal of application ref:19/00703/FUL. The reasons for refusal are reproduced below.

- *Vicarwood Avenue is predominantly characterised by 1930's dwellings of a traditional form, scale and design, set in reasonably spacious, well vegetated, garden plots. The narrow width of the application site, and close proximity of the proposed dwelling to No. 9 Vicarwood Avenue would erode the spacious character along this part of the street, resulting in an over-intensive and cramped form of development in the context of the streetscene which would be harmful to the visual amenities of the area. In the opinion of the Local Planning Authority this harm would be exacerbated by the modern design of the dwelling, with its flat roofed rear projecting element, and the introduction of a frontage dominated by car parking. For these reasons the proposed development is considered to be contrary to policies CP3 and CP4 of the Derby City Local Plan - Part 1: Core Strategy (2017) and saved policy H13 of the City of Derby Local Plan Review.*
- *In the opinion of the Local Planning Authority the proposed development, as a result of its height, scale, bulk and siting close to the eastern site boundary, would have an unacceptable overbearing and dominating impact on the garden area of No. 7 Vicarwood Avenue, resulting in significant harm to the residential amenities of this property. Accordingly, the proposed development would conflict with saved policies GD5 and H13 of the City of Derby Local Plan Review.*

Application reference: 18/01568/FUL sought full planning permission for a very modern, flat roofed three-storey dwelling the footprint of which almost filled the width of the application plot. Application reference 19/00703/FUL proposed a slightly smaller two-storey house with accommodation within the roof but, again, the property had a modern design with bulky, flat roofed projecting elements to the rear, and a particularly deep elevation abutting the boundary with No. 7 Vicarwood Avenue.

The application now before you has been submitted in outline form with only means of access being considered at this stage. As a result, it merely seeks planning permission for the principle of siting a single dwelling on application site and the access point serving the development. Precise details of layout, scale, external appearance and landscaping would need to be considered under a subsequent reserved matters application(s).

An indicative site plan has been submitted with the application which shows a detached dwelling with a rectangular footprint measuring approx. 5.5m by 8.4m. The dwelling is set in line with No. 9 Vicarwood Avenue. The plans have been submitted to give a flavour of how the site could be developed. The submitted plans suggest the property would have a floor area of approx. 92.4m² (it is presumed this would be provided over two floors, although matter of scale are not being considered) and the new dwelling would be situated closer to the eastern site boundary, abutting No. 7 Vicarwood Avenue.

The proposal, as originally submitted, sought approval for a widened vehicle access shared with No. 9 Vicarwood Avenue. No. 9 has been sold during the life of the

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with access**

application and is no longer within the ownership of the applicant and as a result the shared access has been removed from the application. Instead the scheme, as amended, now proposes a new dropped kerb access from Vicarwood Avenue which would be used solely by the proposed new dwelling (as shown on revised drawing No. 20664/P01 Rev A). The existing house at No. 9 Vicarwood Avenue is already served by an existing vehicle access to the west and an area of off-street parking. This arrangement would be unaffected by the development.

2. Relevant Planning History:

Application No:	19/00703/FUL	Type:	Full Application
Decision:	Refused	Date:	10/07/2019
Description:	Erection of a dwelling house (Use Class C3)		
Application No:	18/01568/FUL	Type:	Full Application
Decision:	Withdrawn	Date:	17/12/2018
Description:	Erection of a dwelling house (Use Class C3)		

3. Publicity:

Neighbour Notification Letters – 4

Site Notice – Yes

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

4. Representations:

In total **19** objections have been received following consultation on the application. The issues raised are summarised below:

- Impact on No. 7 Vicarwood – loss of sunlight, privacy and view, overshadowing and impact on the boundary
- Not in keeping with the character of the area – loss of spaciousness
- Overdevelopment would result in a 'crammed' infill property with an overbearing impact and mass of built form dominating the plot
- Inappropriate infill development, which could result in a potentially overbearing and oppressive property on a constrained plot.
- Detrimental impact on the status of the village as a World Heritage site.
- The drawings do not provide sufficient details
- Negative impact on neighbours
- The site will be dominated by car parking
- Hedges have been removed
- Lack of car parking

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- Highway safety concerns
 - Increased traffic and congestion
 - Concerns about manoeuvring/turning
 - Impact on drainage
 - Development will require raising of the ground levels.

Cllr Repton – *'I too have some reservations and concerns about this application on a site that has had previous applications for which have caused many concerns and objections from local people. These objections are many and varied regarding over development, being over intensive, out of keeping with other houses in the street, over massing, overlooking and loss on amenity.'*

Updated responses following re-consultation on amended access details

- The proposals remain unchanged from the previous scheme
- The frontage is dominated by car parking
- An integral garage will be required to provide 3 parking spaces
- The development has not provided the now sold property with the dropped kerb necessary to access parking at the front of the property
- Loss of car parking at 9 Vicarwood Ave
- The proposal does not take into account extant permissions to extend No. 7 Vicarwood Ave (18/01707/FUL).
- The proposal does not meet national space standards of 84sqm required for 2 storey, 3 bedroomed dwellings
- Impact on neighbour's solar panels

5. Consultations:

5.1. Highways Development Control:

Has no objections and advises that if planning consent is given I would recommend the following:

Conditions:

1. No part of the development hereby permitted shall be brought into use until an extension to the existing dropped vehicular footway crossing on Vicarwood Avenue is made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
2. No part of the development hereby permitted shall be brought into use until the driveway/parking area is surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
3. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface

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water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason:

1. In the interests of highway safety
2. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
3. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Updated Highway consultation response following revisions to the proposed site access

This response is in respect of a reconsultation based upon revised plan "20664/P01 Rev A".

The application is Outline, with only access being determined at this stage.

In highway terms, the principle of the development has been established in respect of previous applications for the site.

The Highway Authority is satisfied that (subject to conditions); safe and suitable access can be achieved from the site onto the adjacent highway.

Recommendation:

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

Condition 1:

No part of the development hereby permitted shall be brought into use until an extension to the existing dropped vehicular footway crossing on Vicarwood Avenue is made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason:

In the interests of highway safety

Condition 2:

No part of the development hereby permitted shall be brought into use until the driveway/parking area is surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive 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 3:

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

Reason:

To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

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5.2. Derbyshire County Council Archaeologist:

We do not consider that it will have any archaeological impact and we would not wish to comment further on the scheme.

5.3 Conservation Officer:

No comments

6. Relevant Policies:

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

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC9	Derwent Valley Mills World Heritage Site

Saved CDLPR Policies

GD5	Amenity
E17	Landscaping Schemes
E18	Conservation Areas
E21	Archaeology
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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of the Development

7.2. Heritage Issues/Impact upon the Character of the Streetscene

7.3. Impact on Neighbours

7.4. Other Issues

7.5. Conclusion

7.1. The Principle of the Development/General Issues

The principle of introducing a new dwelling within this established residential location is considered to be acceptable. The development would maximise the efficient use of land within this sustainable urban area and would make a small contribution towards the City's housing supply. Subject to a consideration of the detailed issues, as discussed below, there are no objections to the principle of this type of infill development in the location proposed. It is considered that the proposal would generally accord with Core Strategy Policy CP6 and saved Policy H13 of the CDLPR in this regard.

Although an illustrative layout plan has been submitted in support of the application, precise details of layout, scale and external appearance are reserved for future approval. As a result, the assessment of this proposal must consider whether one dwelling could be satisfactorily accommodated on the site in a manner which would be in keeping with the character of the surrounding area and can also maintain adequate amenities to the adjoining properties. As details of access are also being considered issues in respect of parking/highway safety are a consideration at this stage. Members will note that access arrangements are considered acceptable by the Highway Authority, as referenced above.

7.2. Heritage Issues/Impact upon the Character of the Streetscene

Initially, given the limited scale of the development and the position of the site relative to these designated areas I am satisfied that the addition of a single dwelling in this location would have no impact on the outstanding universal value of the Derwent Valley Mills World Heritage Site, or the setting of the Darley Abbey Conservation Area. Accordingly, there would be no conflict with policies AC9 and CP20 of the Core Strategy, saved policy E18 of the CLDPR, or the statutory duties contained within the The Planning (Listed Building and Conservation Areas) Act 1990. The character issues raised during the earlier applications related to the more localised impact of the development and its effect on the character and appearance of the immediate streetscene. In particular, the refusal raised concerns about the overall width of the proposed dwelling within the plot, the close siting of the dwelling to the existing property at No. 9 Vicarwood Avenue and the loss of the spacious character along this part of the street. It was considered that the harmful visual impact of the development would

be exacerbated the modern design of the dwelling, with its flat roofed rear projecting element and the introduction of a frontage dominated by car parking.

To address the earlier concerns about the layout and cramped relationship the indicative site plan proposes a much smaller footprint of dwelling set in line with No. 9 Vicarwood Avenue, with a separation distance of approx. 3m between the two houses. The layout now shows a footprint which would not be dissimilar to existing properties within the vicinity of the site and, on-plan, the proposal does not appear to be harmful to the urban grain of the area, maintaining reasonable separation distances between adjacent buildings. Although careful consideration would need to be given to the precise scale and external appearance of the dwelling at reserved matters stage it is considered that a development on a similar footprint could be accommodated on the site without causing undue harm to the urban grain and general character and appearance of the area. Accordingly, the principle of development would be difficult to resist on character grounds. To address concerns regarding the large area of parking proposed to the fore of the new dwelling, the revised layout provides an indication of how low-level planting could be introduced to soften its visual appearance. Precise details of any planting can be controlled further during the consideration of landscaping as a reserved matter.

Overall, whilst further details of appearance, layout, scale and landscaping would need to be addressed at reserved matters stage. It is considered that the principle of siting one dwelling on the site, in a similar manner to that shown on the indicative layout plan, would not be unduly harmful to the character of the area. Accordingly, there would be no conflict with policies CP3 and CP4 of the Derby City Local Plan - Part 1: Core Strategy and saved policy H13 of the City of Derby Local Plan Review in this regard.

7.3. Residential Amenity Issues/Impact on Neighbours

Initially I'm satisfied that the development could be suitably designed to minimise any impact on neighbour amenity though overlooking/loss of privacy. The indicative site plan shows an adequate depth of rear garden, approx. 19m, would be achievable. This would maintain a more than adequate separation distance between a proposed dwelling and neighbouring gardens to the south. Any main habitable room windows could be limited to the dwelling's northern and southern elevations and where side facing secondary windows are proposed, they could be conditioned to remain fixed and obscurely glazed. Clearly further consideration would need to be given to the precise external appearance of the dwelling at reserved matters stage, including the position of any main habitable room windows, but I am only speculating and am satisfied that a reasonable level of amenity could be maintained in this regard.

The previously refused scheme under application reference 19/00703/FUL proposed a dwelling with a substantial 2/3 storey flank wall situated along the common boundary with No. 7 Vicarwood Avenue. The development would have been approx. 8.7m high and approx. 11.5m in depth, with a large projecting two-storey flat roofed element at the rear. As a result, the application was refused, in part, due to the unacceptable overbearing and dominating impact on the garden area of No. 7 Vicarwood Avenue. The indicative site plan now shows a much smaller footprint of dwelling with a reduced depth of approx. 8m which would primarily sit adjacent to the existing detached garage at No. 7 Vicarwood Avenue. The supporting information states that the revised

development could have a smaller subservient design that uses detailing from its setting and would more appropriate in this context, to assist in reducing any issues in respect of massing/overbearing. Again, although careful consideration would need to be given to the precise details of scale, siting and design of the dwelling at reserved matters stage taking into account the revisions to the depth of the dwelling shown on the indicative site layout plan, together with the presence of the intervening detached garage, it is considered that the siting of a new dwelling in a similar location to that proposed would not be unduly harmful to the amenity of No. 7 Vicarwood Avenue with regards overbearing, massing, or loss of light.

Overall, it is considered that one dwelling could be accommodated on the site without causing undue harm to the amenity of neighbouring residents and would also provide an acceptable level of amenity for future occupiers within the site. As a result, the development would comply with saved policies GD5 and H13 of the CDLPR.

7.4. Other Issues:

Several of the objectors raise concerns about the potential of the proposal to generate more traffic and therefore cause on-street parking, congestion and highway safety problems. However, subject to conditions, no objections have been raised by the Highway Authority in terms of highway safety, or parking issues. The Highways officer has provided further advice on the minimum width of the any proposed dropped kerb which can be controlled through condition. In view of this I see no reason to resist the application on these grounds and I am satisfied that policy CP23 of the Core Strategy would be complied with in this respect.

The site is not located in a flood risk zone and I am unaware of any significant site-specific drainage issues. The use of sustainable urban drainage systems are encouraged, where appropriate, and such details can be controlled through condition. Precise details of finished floor levels and any changes to land levels across the site could be controlled under the reserved matters application.

No objections have been raised by the County Archaeologist in terms of the impact on possible below ground heritage assets.

7.5. Conclusion

In principle it is considered that the site could accommodate one dwelling without causing undue harm to the character of the area, the amenity of neighbour residents, or having an unacceptable impact on the highway network. Although precise details of appearance, layout, scale and landscaping would need to be carefully addressed at reserved matters stage, based on the indicative details provided at this stage, it is considered that the proposal would comply with Core Strategy policies CP1A, CP2, CP3, CP4, CP6, CP20, CP23, AC9 and saved policies GD5, E17, E18 and H13 of the CDLPR. Accordingly, it is recommended that this outline planning permission is granted, subject to the conditions suggested below.

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8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

There are no objections to introduction of new residential dwelling in this existing residential location. In principle it is considered that the site could accommodate one dwelling without causing undue harm to the character of the area, including the setting of the nearby Darley Abbey Conservation Area and the DVMWHS, highway safety and the amenity of neighbouring residents. Although precise details of appearance, layout, scale and landscaping will need to be addressed at reserved matters stage, it is considered that the development would reasonably comply with Core Strategy policies CP1A, CP2, CP3, CP4, CP6, CP16, CP19, CP23 and saved policies GD5 and H13 of the CDLPR.

8.3. Conditions:

Time limits/General

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

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

2. Standard time limit for outline applications

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

3. Standard approved plans condition

Reason: For the avoidance of doubt

Pre-commencement Conditions

4. Standard drainage condition drainage

Reason: To ensure a satisfactory development

Pre-occupation Conditions

5. Condition requiring the provision of a dropped vehicular footway crossing on Vicarwood Avenue

Reason: In the interests of highway safety

6. Condition controlling surfacing material

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and in the interests of highway safety

7. Condition preventing the discharge of water onto the public highway.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users and in the interests of highway safety

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Management Conditions

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

Reason: To ensure a satisfactory development

8.4. Informative Notes:

The development makes it necessary to alter a vehicular crossing over a footway of the public highway on Vicarwood Avenue. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact Highways Maintenance at Derby City Council to apply for a vehicle access licence under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Contact maintenance.highways@derby.gov.uk tel 0333 2006981.

The consent granted will result in the construction of a new building which needs naming and numbering. The Applicant is informed the process is chargeable and to ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.

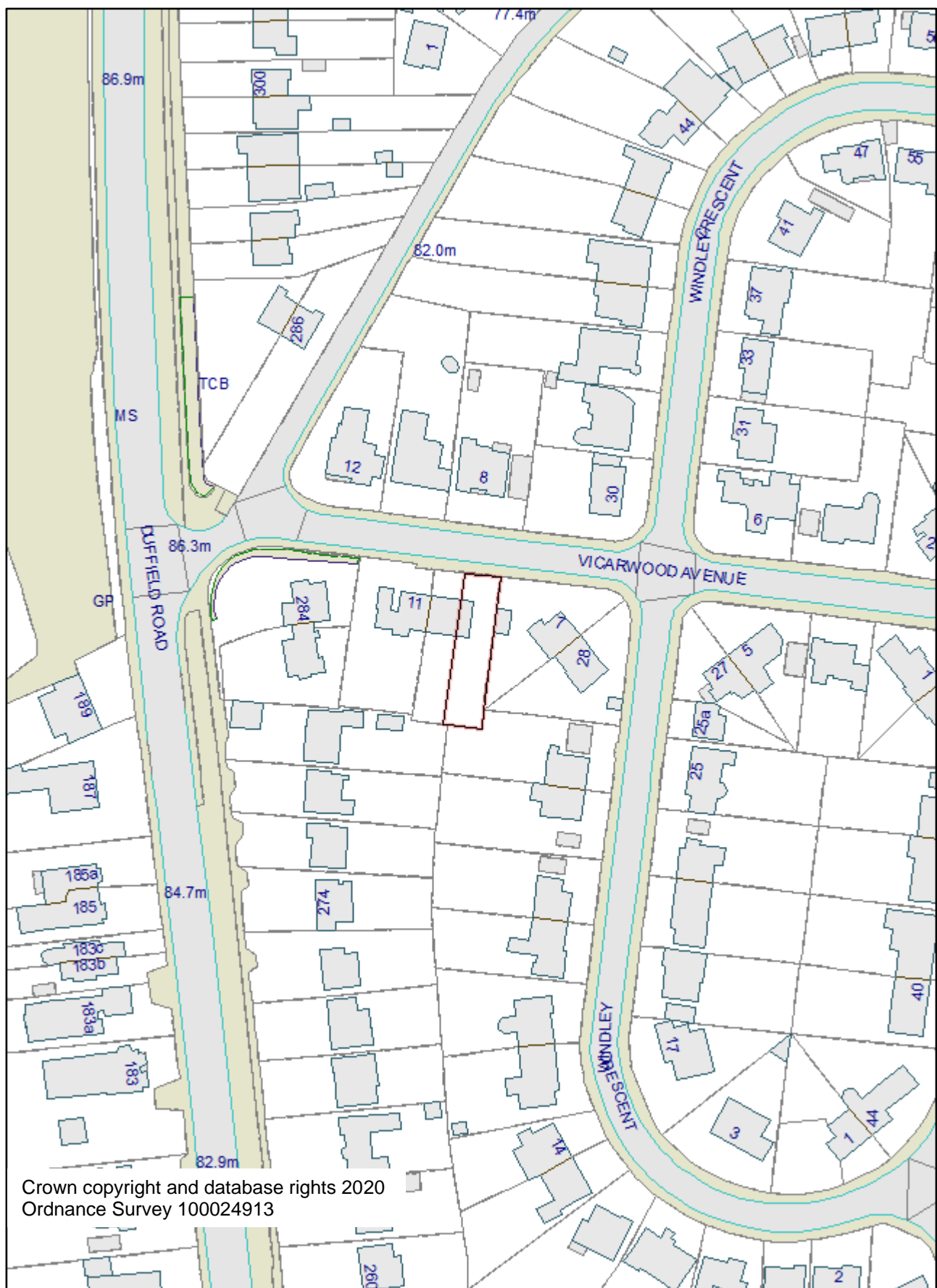
It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

8.5. S106 requirements where appropriate:

None

8.6. Application timescale:

An extension of time on the application has been agreed until the 26th November to allow the application to be brought to committee.



Committee Report Item No: 2

Application No: 20/01014/FUL

Type: Full Application

1. Application Details

1.1. Address: 1057 London Road, Alvaston

1.2. Ward: Alvaston

1.3. Proposal:

Change of use to an 11 bedroom house in multiple occupation (Sui Generis Use)

1.4 Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01014/FUL>

The Site and Surroundings

The site comprises a 2-storey semi-detached building, with a basement and attic conversion. The building appears to have previously been used as an 8-bedroom lodging establishment but that use ceased in November 2109. The building is currently undergoing refurbishment.

The existing property has 8 rooms (some of which are en-suite), as below, which accommodated up to 13 persons:

- Ground Floor: 2 double rooms, kitchen and laundry.
- First Floor; 1 single bedsit, 2 double rooms, 1 single room and bathroom.
- Second floor: 1 double room and 1 single room.

The site is surrounded by residential properties fronting the A6, with a caravan park to the rear. The HIMO Register indicates that there are many other properties along London Road that are or have been in multiple use, including several B&B guest houses.

The Proposal

This proposal seeks permission to regularise the previous use, being for the conversion of this currently vacant property to a “sui generis” 11-bedroom (11 occupant) HIMO. Each bedroom would be used as single occupancy. Other than the provision of a rooflight on the front elevation and the addition of one small side window to one of the proposed attic rooms, no other external works are proposed.

Various internal works are proposed to facilitate the conversion. The internal layout has been amended to address comments made by DCC Housing Standards, such that the proposal would result in the following accommodation:

- Ground floor – 3 bedrooms (measuring 10sqm) and communal kitchen/living area (30 sqm), with access to the rear garden.
- First Floor - 5 bedrooms (10-11 sqm), one of which is en-suite, and one bathroom.
- Second floor- 3 bedrooms (8.5-10 sqm), two of which are en-suite.

The submitted Design & Access Statement concludes:

“The proposal will surely create a good living standard to the occupiers, but more than that it is creating good habitable space within. It will surely enhance the

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character, use and value of the property internally. It is also helping the client to upgrade the property by better insulation, energy efficient lighting and central heating to required current building regulations standards, which will reduce the use of energy, carbon emission and losses, which in turn makes the property more sustainable. London Road is a classified road subject to a 30mph speed limit and there are parking spaces in front of the property however the Alvaston district centre and London Road has a very good bus service. The alterations designed to harmonise and to provide good quality bedsit / bedrooms for the occupants and also utilising the entire property without extending the foot print or alter any elevations. Hence architectural styles of the original building and the character of the area is retained and unchanged”.

2. Relevant History:

Application No:	03/00/00234	Type:	Full Application
Decision:	Granted	Date:	24/08/2000
Description:	Change of Use to 1 flat and 1 maisonette		

Building Regulations: DBY/06/0282/HI – Internal consultation on 3/3/2006 from the HIMO team, regarding potential alterations to convert the property to a 7-bed HIMO. No subsequent Building Regulations or Planning application was submitted.

HIMO Register: The property has been licensed since 2007 under the current Housing Act and was also registered up to then under the registration scheme of the previous Housing Act. The changeover was 2006 where the registered properties were 'passported' into the new licensing scheme. The current License, which is valid for 5 years, for 8 persons/bedrooms started on 30/9/2016.

Based on the above history, it appears that the lawful planning use of the property may be as a House in Multiple Occupation, as the building may have been converted as early as 2006 and has been in that use (albeit without planning permission) for a period exceeding 10 years.

3. Publicity:

- 3 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:

Cllr Alan Graves – *“I wish to register my objection to this on the grounds of lack of parking space. London Road is a very busy road and has very little opportunities for parking space. It is unreasonable to suggest that new tenants will not have vehicles. Alvaston has an increased number of HMOs and is causing many problems in certain areas mainly due to lack of parking spaces but also changing the ambience of the neighbourhood. The location of this building is near Meadow Lane and opposite Burnaby Street. Meadow Lane is the entrance to Alvaston Park and is a residential street where overflow of cars will end up. Similarly, Burnaby Street which is already a full street having a Car Sales premises on one corner, will be used for overflow”.*

Additionally, 2 representations were received from local residents, objecting to the proposal, stating:

- *“London Road is crowded enough as it is no parking spaces and accidents due to overcrowding adding 11 occupants would only add to those dangers”.*
- *“The area of London Road that this property lies in is already full of B&B's, and multiple occupancy dwellings. The levels of noise, litter, drug dealing and alcoholism in the area is not acceptable for residents, so by adding further opportunity to fuel the fire, the area will become further entrenched with the drug and alcohol dependants. Parking is a major issue within the area, one side of London Road is double yellow lines, the side streets are already overrun with residents' cars, with people parking on adjacent side streets when there is no room on their own street and driveways are often blocked. Landlords are only interested in money, the impact of the HMO on the wider social aspects of the residential area is of no interest to them. There are already a significant number of HMO's within the local area, currently advertising vacancies, we do not need anymore”*

5. Consultations:

5.1. DCC – Highways

Recommendation: The Highway Authority has No Objection to the proposals, subject to condition.

Observations: The following observations are primarily based upon information shown on submitted drawing “1057/LON/005” and the accompanying Design & Access Statement. As existing; the property is in use as an 8-bedroom house in multiple occupation; with the proposals being to add an additional 3 rooms. This being the case, the Highway Authority comments can only be made in respect of the 3 additional rooms/occupants, not upon 11. London Road is not subject to any waiting restrictions across the immediate property frontage and is subject to a “no waiting at any time” restriction on the opposite side.

The property has a dropped footway vehicular crossing; and hardstanding capable of storing 2-3 vehicles (albeit that such vehicles may overhang the footway slightly; as is the case with neighbouring properties). The site is in a sustainable location; with the nearby local district centre being less than ½ mile away; and with easy access to local bus services. I do note that no cycle parking appears to be provided for the occupants (this will be dealt with by condition).

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The 2011 Census Summary Report (published by Policy, Research & Engagement – Derby City Council) suggests that 28.9% of households do not own a car or van. Taking a coarse assessment that 70% of the occupants will own a vehicle (due to the sustainable location of the site this is by no means a certainty); the development (3 additional beds) could attract around 2 vehicles to the vicinity; this is considered a “robust” assessment and in reality this may not actually be the case.

Para 109 of the National Planning Framework Policy states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The Highway Authority considers that it would not be possible to argue that (at worst) an additional 2 vehicles as a result of the proposals would have an unacceptable impact on highway safety, or a severe impact upon the adjacent highway network.

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

Condition:

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

Reason:

To promote sustainable travel.

5.2. DCC – Housing Standards

Initial Comments:

I have reviewed the planning application in accordance with the relevant housing legislation and guidelines which are applied by this department. I do not have any objections to the proposals but have the following comments to make;

If the property is intended to be let to multiple households it will be classed as a HMO under Section 254 of the Housing Act 2004 and will require a licence from this Authority for occupation by five or more persons. It will need to meet the guidelines set out by this Authority for HMOs in the City. The published guidance should be referred to in order to ensure there are enough cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people proposed to be housed. These can be obtained from this department. It is noted from the plans that there are proposals for 11 bedrooms over three storeys. For single occupancy of each room the required minimum amount of shared kitchen/dining space (if combined) is 34m². Therefore, the proposal of 25m² for eleven persons is undersized.

In order to obtain a licence, it will also 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 which can

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also be obtained from this department if required. This Authority will generally use this guidance when making an assessment of fire safety in residential property.

All conversion work and renovation should 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.

Comments on amended layout plan:

I have no further comments to make, the layout now appears to meet the Councils HMO standards.

Further information provided:

The property has been licensed as an HMO since 2007 under the current Housing Act and I believe it was also registered under the registration scheme of previous Housing Act up to then. The changeover was 2006 where the registered properties were 'passported' into the new licensing scheme.

Unfortunately, our records don't give any more detail before 2007. The current License, which is valid for 5 years, for 8 persons/bedrooms started on 30/9/2016

6. Relevant Policies:

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

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

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

Saved CDLPR Policies

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

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. The principle of development

7.2. High quality living environment

7.3. Design/visual appearance

7.4. Impact on residential amenity.

7.5. Highways/parking

7.6. Impact on the character of the surrounding area

7.1 The principle of the development

NPPF 2019 states that the Government's objective is to significantly boost the supply of homes, and that a sufficient amount and variety of land should come forward to address the needs of groups with specific housing needs.

The application site is not allocated for any particular use in the Core Strategy. However, Policy CP6 states that the Council will continue to encourage the re-use of under-utilised or vacant properties for residential uses. Saved Local Plan Policy H14 states that the Council will support the re-use of underused buildings, throughout the City, for residential purposes including proposals for intensifying existing residential uses. Saved Local Plan Policy H13, which requires proposals to have a quality living environment, specifically refers to Use Classes C1, C2, C3 and hostels but can, by extension, be considered as guidance for other residential uses such as HMOs.

The proposal comprises the conversion of the former dwelling, which has previously operated, albeit without the benefit of planning permission or Building Regulations approval, as a 13-person HMO, to create an 11-person HMO, through the rationalisation of the internal layout and creation of 3 additional single bedrooms.

The proposal will regularise the variety and amount of housing delivery in accordance with Core Strategy policy CP6. There are no planning policy objections to the proposal. Subject to an assessment of the quality of the proposed living environment (as required by Local Plan Policy H13) and the effect that the intensification of use may have on the amenity of the surrounding area (as required by Policy GD5), the proposal is considered to be acceptable in principle.

7.2 High quality living environment

The proposed conversion shows 11 bedrooms, three of which would be en-suite. The 30 sqm kitchen/living room would provide satisfactory communal facilities and access to the rear garden. There is a rear garden would have an adequate amount of outside amenity space and space for cycle storage, which would be easily accessible. All the bedrooms have full windows, with two attic rooms having both rooflights and small side windows.

All rooms achieve the required minimum size standard and no objections have been raised by Housing Standards. The rationalisation of the internal layout will mean that all bedrooms will be single occupancy, increasing the space available. It is considered that the proposed conversion will provide an appropriate standard of living accommodation.

7.3 Design/visual appearance

The only proposed external alteration would be the addition of a rooflight on the front elevation, and a small side window at second floor level, which would look out onto the side elevation of the adjoining property. There is already a similar window here serving the existing attic room. It is not considered that this proposal would have an adverse impact on the visual amenities of the surrounding area.

7.4 Impact on residential Amenity.

The most likely noise nuisance would come from the communal kitchen/living area on the ground floor. This is in the existing outrigger and would not adjoin any bedrooms, thereby having less impact on the adjoining neighbours. Overall, it is considered that the proposed residential use would not have any overriding adverse impact on residential amenity.

The proposed rationalisation of the premises, to regularise the 11-person occupation would potentially reduce the number of occupants. In any respect, the site is located within a dense urban area, fronting a busy arterial route, and the dwelling is already operating, albeit without the benefit of planning permission, as a 13-person HIMO.

Two residents have objected to the proposal, but neither are immediate neighbours. One objector lives approx. 800m from the application site. The resident's objections are related to parking and anti-social behaviour, rather than the direct impact of the proposed use. It is considered that three additional bedrooms and the additional side window would not have any overriding additional impact on any immediate neighbour's amenities.

7.5 Highways/parking

The proposed development would have no additional on-site car parking. However, the site is located in an accessible and sustainable location, approx. 600m walking distance from Alvaston District Centre and fronting a public transport route along London Road.

It is acknowledged that existing on-street parking availability is at a premium. However, in the absence of off-street parking, no resident has an entitlement to park on the highway, let alone directly outside their property.

Notwithstanding Cllr Graves' comments that, "*Meadow Lane is ... a residential street where overflow of cars will end up*", it must be noted that there are no residential properties fronting Meadow Lane. This road is primarily access to Alvaston Park, Alvaston Mobile Home Park and the ASG factory premises. Officer's site visits have always found available on-street parking in this area.

The Highway Authority raise no objections and have stated that it would be difficult to argue that any additional residents would lead to a severe impact upon the adjacent highway network or would lead to 'unacceptable impacts' to highway safety.

7.6 Impact on the character of the surrounding area

The 2 objectors have raised concerns that the proposed multiple occupancy development would create problems relating to parking, overcrowding and potential anti-social behaviour. The objectors consider that these problems cumulatively would have a detrimental impact on the character of the surrounding area.

Concerns regarding the intensification of use of the property and the impact of this extended HIMO on the character of the surrounding area must be carefully considered, as the proposal is primarily seeking to regularise a previous unauthorised use that has been ongoing for many years. It is arguable whether the proposal actually comprises an intensification of use, as the proposed scheme would potentially reduce the number of occupiers by two.

Planning Control Committee has recently refused several similar applications for proposed HIMO's. However, Members must be aware that each application must be considered on its own merits. In this instance, a critical consideration is that the property has been in use and has a valid HIMO Licence (albeit for only 8 persons). The principle of multiple occupation is, therefore, already well established, if not authorised in planning terms. Furthermore, the number of actual occupiers might be reduced by two, as a result of this proposal.

As such, any judgement on the impact on the character of the area must be confined to how much extra impact the regularisation of the use would make.

If significant evidence is not put forward to justify a refusal on the grounds of the detrimental impact on the wider character of the area, any subsequent appeal is likely to be successful.

Overall, therefore, it is considered that the proposal would not represent a substantial change to the character of the property and that a refusal is unlikely to be sustained on appeal.

8. Recommended decision and summary of reasons:

8.1 Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed residential use would increase the variety and amount of housing delivery; hence the proposal is acceptable in principle. The proposal meets all the Council's housing standards, regarding room sizes. A satisfactory quality of living accommodation is proposed. The proposal would not cause any overriding adverse impact on highway and neighbour amenity. Consequently, the proposal is in compliance with key Core Strategy Policies CP6 and CP23 and Saved Local Plan Policy H13.

8.3. Conditions and Reasons:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used as an 11-person House in Multiple Occupation and for no other purpose. All bedrooms shall be used as single occupancy only.

Reason: This use only is permitted and other uses or a more intensive use, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 may not be acceptable to the Local Planning Authority in this location because of the potential impact on 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.

4. The Second Floor Bedroom 9 shall not be occupied until the side elevation window has been installed, as set out on the approved plans.

Reason: To ensure a satisfactory living environment for future occupiers, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

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

Reason: To promote sustainable travel, to ensure the provision and availability of adequate cycle parking 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 applicant is advised that the use must comply with Derby City Council's space and amenity standards for HMOs:

<https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/amenities-and-space-guidance-for-hmos-2018.pdf>

Regard shall also be had to the LACoRS Fire Safety Guide, which Housing Standards refer to as best practice regarding fire safety precautions in rented property:

<https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/housing/LACORS%20Housing%20Safety%20Guide.pdf>

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

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

8.5. Application timescale:

The 8-week determination period expired on 21 October 2020. This application was referred to Planning Committee due to a call-in request by Cllr Alan Graves. An Extension of Time has been requested.



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Application No: 20/00741/FUL

Type: Full Planning Application

1. Application Details

1.1. Address: Land at Rykneld Road, Littleover (South of the Hollybrook PH)

1.2. Ward: Littleover

1.3. Proposal:

Erection of retail unit (Use Class A1) with new access and car parking

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00741/FUL>

Site and Surroundings

The application site covers approx. 1.12 hectares of land situated on the eastern side of Rykneld Road. It lies on the south-western fringes of the City within the suburb of Littleover. To the north the site abuts the Hollybrook public house which, together with a medical centre, shops and other amenities form the Heatherton Neighbourhood Centre. The Centre is accessed off Hollybrook Way via a roundabout at its junction with Rykneld Road. The wider Heatherton housing estate lies to the northeast of the development site.

The application site itself is comprised of an area of rough agricultural grassland. The land directly to the east and south of the development site, which is blue-lined land within the control of the applicant, is also comprised of open farmland. To the north and west the site is bounded by hedgerows. There is a ditch along the northern site boundary and the Holly Brook runs close to the site's north-eastern corner.

There are several mature and semi-mature trees situated within the limits of the application site, including four oak trees. A row of three oak trees situated along the western boundary are protected under Tree Preservation Order No. 35. An individual Oak tree situated in the north-eastern corner of the application site is also protected under Tree Preservation Order No. 591.

Land levels within the application site are set approx. 1 metre below Rykneld Road. There is a general fall in levels across the site from south-west to north-east. At present there is no direct vehicular access into the development site itself although the wider site is served by a gated farm access, situated further south along Rykneld Road.

The development along the western side of Rykneld Road is comprised of a mixture of detached and semi-detached dwellings. Houses are arranged in a linear form along the route of the highway extending out towards its junction with the A38 trunk road. Further to the south of the site is the Highfields Farm housing development which falls within South Derbyshire District.

Planning Context

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

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centre at Heatherton, 2.4ha of employment land, as well as specific transport mitigation measures. The site was originally covered by Policy H9 of the City of Derby Local Plan Review (2006). This allocation was rolled forward into the new Derby City Local Plan Part 1 – Policy AC20. Policy AC20 requires a coordinated approach to development to ensure the site and necessary infrastructure is delivered comprehensively.

An application for outline planning permission was submitted on the wider site in 2011, under application reference DER/01/11/00023. This earlier development proposed the erection of up to 800 dwellings, a retail food store, community facilities, commercial uses, a primary school and vehicular accesses to Rykneld Road and Hollybrook Way. Although Planning Control Committee resolved to grant permission for the development back in 2013, negotiations on the associated Section 106 Agreement have since stalled and the application remains undetermined.

The Proposal

The application seeks to obtain full planning permission for the erection of a detached single storey building which would form a retail store (Use Class A1). The development would create some 1,315 sqm of net retail floor space (1,786 sqm gross) together with associated car parking and servicing. The application has been submitted on behalf of the mainstream convenience food store operator, Aldi Stores.

The proposed retail store would be positioned close to the application site's southern boundary with its main elevation fronting a large car parking area to the north. The main entrance into the store would be situated on building's north-western corner facing towards the existing Neighbourhood Centre.

In total, the development would provide 120 car parking spaces, including 6 accessibility spaces and 2 electric vehicle charging bays. Cycle parking is proposed close the store entrance. Servicing for the store would be situated on the southern side of the building. Proposed hours of opening are 08.00am to 10.00pm (Monday to Saturday).

To facilitate the development a new vehicle access into the site is proposed from Rykneld Road. The retail store itself would then be accessed off a new estate road which would run to the south of the proposed building, ending in a turning head. The submission includes wider improvements to pedestrian links between the site and the existing Neighbourhood Centre at Hollybrook Way through footway widening by 2 metres between the site and the public house and the installation of a new pedestrian crossing on Rykneld Road.

An indicative Zoning Plan, Masterplan, Masterplan Linkages and Road Corridor Plan have also been submitted in support of the application. Whilst the area edged in blue, covered by the Masterplan does not form part of the current application, it helps to illustrate how the wider site could be developed. Any connections into the land to the east of the site would need to be subject to a future application(s).

This application is a resubmission following the refusal of a similar scheme in November 2019 (application ref: 19/01265/FUL) against which an appeal has now been lodged. Since the 2019 refusal the applicant has worked to try and address the overcome the reasons for refusal. The reasons for refusal related to the following issues -

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- **Comprehensiveness;**
- **Linkages to the existing local centre;**
- **Design and layout;**
- **Drainage, sustainability and biodiversity enhancement**
- **Insufficient information related to archaeology**
- **Concern about the impact on trees**

The full wording of each reason can be found in the Decision Notice for planning application ref: 19/01265/FUL, please see appendix 1.

The new application seeks to address the six reasons for refusal. The key differences between the previously refused application and the new proposal are as follows:

- Relocation and re-orientation of the retail store;
- Redesign of the building and integration of more sustainability credentials;
- Increased landscaping across the site and the retention of Oak tree T05;
- A more comprehensive and sustainable drainage solution;

In addition to the proposed physical changes to the proposal, the applicant has submitted significantly more supporting information including new reports relating to the provision of employment land and updated reports relating to archaeology and retail policy matters. Importantly, the applicant has also offered to safeguard land within their control, but outside of the application area, for the provision of policy compliant uses, this is discussed in more detail in the Officer Opinion section of this report.

The application is accompanied by the following documents:

- A Planning Statement,
- A Retail Statement,
- A Design and Access Statement
- A Transport Assessment
- A Travel Plan,
- A Noise Assessment and Noise Technical Note,
- An Air Quality Report
- A Drainage Addendum to Flood Risk Assessment ref: RRL-BWB-ZZ-XX-RP-YE-0001
- A Landscape and Visual Appraisal
- An Ecological Appraisal
- An Arboricultural Report
- A Contaminated Land Report
- An Archaeological Desk Based Assessment and Geophysical Survey Report
- A Sustainability and Biodiversity Statement

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- FHP Statement and;
- A Statement of Community Involvement

An associated full application (ref: 20/00783/FUL) has also been submitted relating to formation of an attenuation pond to the east of the site on land also owned by the applicant and which is included on the submitted Masterplan for the wider allocated site. A full application for a care home (ref: 20/00937/FUL) is currently under consideration on land to the south of the application site.

2. Relevant Planning History:

Application No:	19/01265/FUL	Type:	Full Application
Decision:	Refused	Date:	26/11/2019
Description:	Erection of a retail unit (Use Class A1) with new access and car parking		

Application No:	01/11/00023	Type:	Outline Planning Application
Decision:	Awaiting decision following committee resolution to grant planning permission	Date:	
Description:	Residential development (up to 800 dwellings), business units (Use Class B1), retail foodstore (Use Class A1), community facilities (Use Classes D1 and D2), commercial uses (Use Classes A1, A2, A3, A4 and A5), primary school (Use Class D1) and formation of vehicular accesses to Rykneld Road and Hollybrook Way		

3. Publicity:

Neighbour Notification Letter - 5

Site Notice – yes

Statutory Press Advert – yes

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

4. Representations:

In total 25 letters/emails of objection (and 3 letters/emails of support) have been received in response to the consultation process. The issue raised are summarised below:

Objections

- The application hasn't addressed the previous reasons for refusal
- The access directly off Rykneld Road does not comply with the Masterplan/SPD
- Highway safety concerns regarding the position of the access
- There are other options to provide an access from Hollybrook Way.

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- Impact on neighbours entering/exiting their properties and pedestrians crossing the road
- Increase in volume and type of traffic, danger to pedestrian and cyclists
- Additional congestion, increased noise and pollution, impact on traffic flows along nearby roads
- Concerns about the access serving wider development
- Adverse impact on the residential character of the area
- Increased signage in the area
- Loss of trees and hedgerows
- Poor landscaping proposals
- Detrimental impact on neighbours in terms of loss of view/outlook, loss of privacy
- Concerns about noise nuisance and light pollution from the new store
- Overdevelopment – another store isn't needed.
- Impact on the biodiversity of the site/protected species.
- Impact on the protected oak trees on the site
- Loss of a greenfield site
- Drainage/flood risk concerns
- The design of the development is not cohesive with the area
- The development will operate as a stand-alone store not part of the neighbourhood centre
- The development shouldn't be considered in isolation. Regard should be given to cumulative impact including nearby developments.

Support

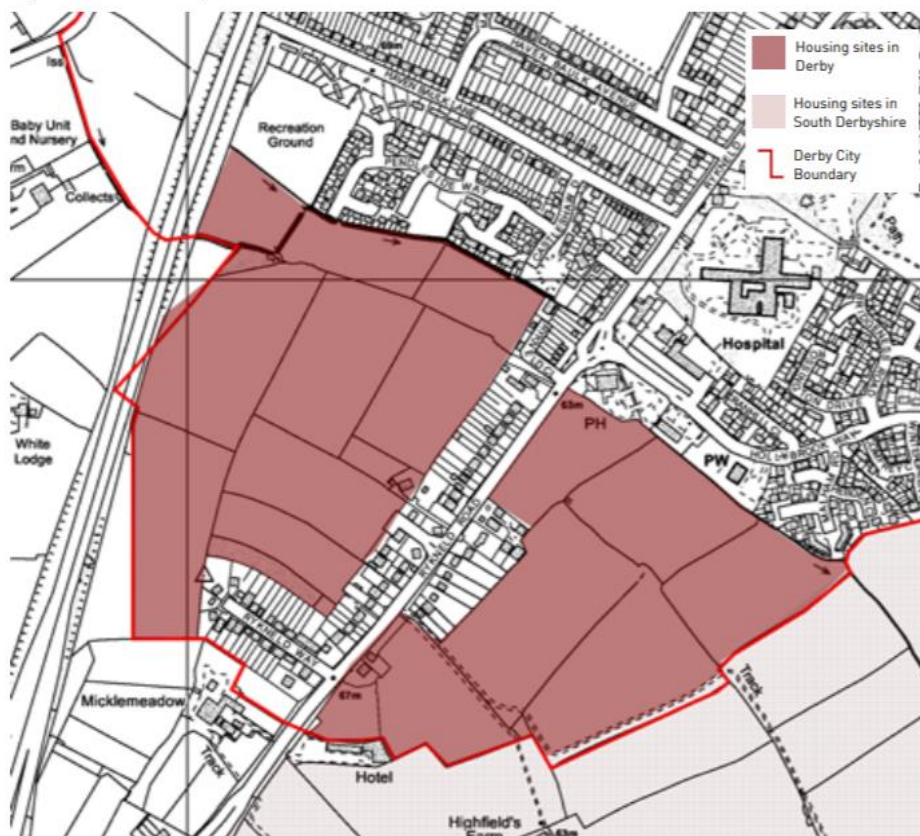
- The development may encourage other amenities to the area.
- The development would provide the opportunity to shop daily
- Job creation

5. Consultations:

5.1. Highways Development Control:

The application is again seeking full planning permission to build a 1786 sqm Aldi food store with access direct to Rykneld Road approximately 300m south of Hollybrook Way. The application area is part of a much larger development allocation as defined by Policy AC20 in the Derby Local Plan (part1) see plan of AC20 below:

Figure 33 - Extent of Rykneld Road Allocation



AC20 says the following, albeit this refers to the whole of the allocation shown above:

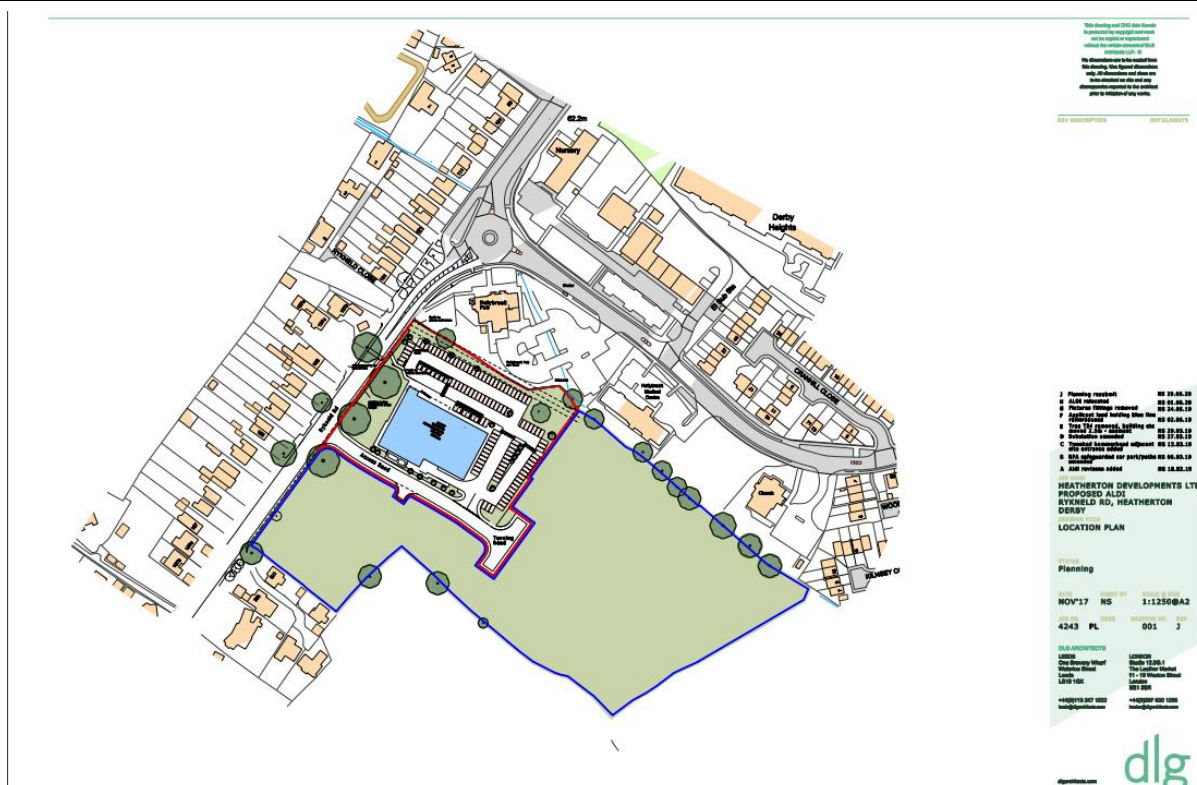
The Council will require:

e) measures to encourage alternative forms of transport to the car

(f) high quality pedestrian and cycle routes within the site and links between these and existing or proposed routes beyond the site

(g) the provision of two access points to each part of the site and on-site and off-site road and junction improvements, including improvements to the A38 / A50 junction prior to the occupation of the 500th dwelling and improvements to the Chain Lane / Burton Road / Pastures Hill / Hillsway junction prior to the occupation of the 300th dwelling.

The extent of the proposed application site is shown edged red below. The land edged blue is land also in the applicant's control:



With respect to access to the site the Transport Assessment addendum supporting the application says:

“3.4 The access would measure 7.3 metres wide, to cover any potential future uses at the site, and include for a turning head at the end of the initial section to be built. It is proposed that the access road would be adopted by DCC, on the basis that it would form part of the wider development proposals for the site to the east of Rykneld Road, with a view to potentially providing a connection onto Hollybrook Way.

3.6 As set out in the planning statement the application site is part of a larger area allocated for development in DCC’s Core Strategy. The access arrangements proposed are intended to facilitate future access into areas to be developed on the eastern side of Rykneld Road as envisaged in the Core Strategy allocation.”

It should also be noted that the Transport Assessment supporting the original application included the drawing below showing what appears to be access options across the ‘blue land’.



Whilst the applicant may aspire to deliver the suggested future access options, these options cannot be secured through this application. The applicant has made no assessment of potential future land uses on the 'blue land', consequently all that is being proposed and assessed is the food store served by 7.3m wide cul-de-sac off Rykneld Road. The following comments relate solely to what is being proposed in terms of the requirements of the National Planning Policy framework (NPPF).

National Planning Policy Framework (NPPF) 2018

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

Paragraph 108 of the NPPF (2018) says:

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

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

Paragraph 111 says:

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

Considering the above criteria I make the following comments:

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

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

Public Transport - The site is well served by public transport.

Cycling - Existing cycle routes lie to the north and east of site and any links to these routes and cycling provision within the site could be conditioned.

Walking - The developer is proposing to widen the footway across the site frontage and beyond to provide a reasonable standard continuous footway link between the proposed store and the Hollybrook Way neighbourhood centre. The applicant has confirmed this will include widening the footway across the front of the public house albeit only in the public highway. The details of this widening will be determined by condition, see below.

The applicant is also proposing a controlled pedestrian crossing adjacent No 137b Rykneld Road. The highway extents plan shows a footway width in front of No 137b of just over 2m, however site measurements shows a clear width of 1.7m between the kerb and the properties boundary hedge. Through the S278 detail design process it is likely the applicant will need to undertake works to the boundary hedge to provide sufficient land to site the crossing, see condition below.

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

The proposed junction will provide a safe and suitable access solution for the development, by the above application.

Parking and Servicing – parking and servicing are considered acceptable.

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

The developer is proposing to widen the footway across the site frontage and beyond to provide a reasonable width footway link between the proposed store and the neighbourhood centre, also to provide a controlled pedestrian crossing, as per details above.

Traffic Modelling – the transport assessment (TA) only considers the proposed retail store and not any potential development on the land edged blue, this is despite the possibility that the 'blue land' may also be served from the proposed cul-de-sac. The TA indicates that the proposed junction would operate with plenty of spare capacity

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when serving just the Aldi, albeit the trips rates used to test the junction are far lower than the actual trip rates recorded at the Aldi at Colman Street, Derby. It is likely that the proposed junction would still operate satisfactorily if tested with the trip rates from Coleman Street but clearly a cul-de-sac has a finite capacity and the more capacity used by the Aldi the less is available for the other uses on the site. However, it should be noted that other land uses may generate trips in an opposite direction and at different times to the proposed Aldi, so it's not a simple calculation and dependent upon the other land uses on the site.

The suitability of the proposed access to serve development on the 'blue land' will need to be tested at the time that applications are made for development on the 'blue land', as the land use and timing are currently unknown. The future applications will need to consider and mitigate the proposed level of trip making by all modes, any other access connections through the 'blue land' (as indicated may be available by the applicant) and any changes to the traffic on the surrounding highway network such as the impact of the A38 grade separation improvement scheme. Therefore, the decision about the suitability of the proposed access to serve further development cannot be made until the future applications are considered in line with the principle of every application being considered on its merits.

Miscellaneous

Adoption of the Aldi Access Road

Adoption of new streets is not normally a planning matter, as it is controlled by the Highways Act 1980 (as amended). However, as the transport assessment states, "*It is proposed that the access road would be adopted by DCC*" I felt it is important to clarify the Highway Authority's position.

The adoption of new street is considered on the basis of the level of utility to the public to justify the road being maintained at public expense, which is normally if a development that falls under the jurisdiction of the Advanced Payments Code S219 to 225 Highways Act 1980 (as amended) (APC) i.e. new housing. Roads serving only retail are not covered by the APC code, consequently Derby City Council do not adopt such roads. If the developer's intention is to build new housing to the rear of the site served from the proposed cul-de-sac and/or a link to Hollybrook as suggested in the TA, they should include such proposals in a future application for the residential development. Should they then wish to offer their new residential streets for adoption they will need to include any sections of private road connecting to the highway network within their proposals and demonstrate that these existing lengths of road meet or can be brought up to adoption standard.

Recent application 20/00783/FUL which is for the "Installation of surface water drainage infrastructure including attenuation basin"; shows the provision of "Cellweb" construction within the road this is in order to provide protection for trees subject to TPO's. The applicant should be aware that to date I am not aware that DCC have adopted 'Cellweb' construction within a public highway. The developer should note that by building 'Cellweb' into their road construction it could render the road unadoptable. Should the applicant wish to offer the 'Cellweb' construction for adoption they will need demonstrate that such a form of construction is suitable for adoption.

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

Suggested Conditions and Notes

- 1) No development shall commence on the application area unless or until:
- a wheel washing facility constructed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational;
 - details of the Construction Management Plan including routing for construction traffic has been submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety

- 2) The proposed food store shall not become operational unless or until the following has been provided in accordance with details to be submitted to and approved in writing by the LPA;
- The proposed access to Rykneld Road as shown on Drg No.RYK-BWB-GEN-XX-DR-TR-101 S3 P13;
 - The proposed footway widening to provide a suitable connection for pedestrians between the development to the neighbourhood centre off Hollybrook Way;
 - a travel plan;
 - A pedestrian crossing as shown for indicative purposes only on Drg No.RYK-BWB-GEN-XX-DR-TR-101 S3 P13 design in accordance with the Traffic Signs manual Chapter 6: Traffic Control
 - Secure and covered cycle parking.

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

5.2. Natural Environment (Tree Officer):

The submission of a well-produced BS5837 is welcomed and I note that some investigatory works have been carried out to assess likely root distribution of trees T08 and T09.

Although trees T07 –T09 are not recorded on the ancient tree register and are not classed as veteran trees I am confident that they would be recorded as locally notable trees if they were assessed for inclusion within the register. Tree T07 does require some remedial work in order to retain and reduce the risk of complete collapse.

The RPA's of trees T08 and T09 have been modified to reflect the existing constraints of the highway on the likely root distribution. However it is not useful that it still shows RPA's as circles.

The location of the access to the site between T08 and T09 is not ideal and ideally should be positioned outside of the modified RPA's. The proposed access within the RPA's of the tree is mostly proposed to be of a cellular confinement non-dig system as shown on the TPP and cross section drawing Site Access Cellweb Construction Sections ref: RLL-BWB-DGT-XX-DR-C-0650. I am concerned that cross section 2

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shows the cellular construction for the footpath either side of the road is placed on top of made up ground (4/20 clean angular stone) which I assume will need to be compacted (as shown below). This must be amended so that all proposed highway construction is on top of existing soil levels and not on made up land or the present proposal justified. The battering up of levels beyond the highway construction should not be an issue as long as the AMS is followed.

Will rails/fencing be required on the south side of the access road?

I note that highways will not adopt the access road if it is constructed using a non-dig solution. If the access road were to be constructed using traditional highway construction methods then it would have a significant detrimental effect on the visually significant and important habitat trees and would not be achievable with the trees in situ.

I do have some concerns that by allowing the construction of the access road between the trees that we would increase the pressure on the trees to be removed prematurely. However as long as the trees are managed sympathetically post construction one would hope that the trees could be retained for many years.

I would like to see justification for the part removal of H01 to facilitate construction.

Landscaping:

The inclusion of soil cells for some of the trees proposed to be planted is welcomed and must be encouraged. I note that only three trees are proposed to receive the soil cell treatment. To ensure a successful tree planting scheme all trees in or immediately adjacent to hard surface must be treated to soil cells. I would like to see soil volume calculations for trees to be planted as well.

Conclusion:

Adopted Highway implications need to be assessed.

Amendments to access road design to extend non-dig element above existing ground level (or justify present design).

Will rails/fencing be required on the south side of the access road?

Further use of soil cells for tree planting immediately adjacent to hard surfaced areas.

Justification for the part removal of Hedge H01 to facilitate construction.

If the above are adequately addressed that I am likely to support as long as a final AMS is agreed and conditioned. However if the access road must be constructed, for adoption purposes, using traditional construction methods then I would not support.

Updated Tree officer comments following receipt of revised cross section drawing

The revised cross section RLL-BWB-DGT-XX-DR-C-0650 Revision 2 has addressed my concerns regarding the construction of the footpath element and is acceptable. What is key is that its construction is included in the final AMS and that it the construction is monitored and documented by the Arboriculturalist

5.3. Environmental Services (Health – Ground Contamination):

Background

1. I note that this is an amended version of a similar application which was refused in November 2019.
2. The main change to that application is an amended layout which moves the main retail building from the north eastern corner of the site to a position centred towards the southern portion, adjacent to the proposed access road.
3. In addition, the main entrance and servicing areas have been orientated differently.
4. I understand that the site comprises former agricultural fields and therefore contamination risks are considered to be low. Nonetheless, the application is supported by a *Phase 1 Geo-Environmental Assessment (BWB Consulting Ltd, Ref: NTE2470, Dated: November 2018)*. I can comment on the report as follows.

Phase I Geo-Environmental Assessment

5. The report references a wider site incorporating land to the east of the application area, however the assessment is focussed on the land in the western portion and therefore appropriate to the application site area.
6. The report comprises of solely a desk-based assessment without any intrusive investigation or site sampling.
7. Based on the geology and history of the site, the report highlights some potential sources of contamination which require further investigation. More specifically, the report suggests in Section 8.7:
An intrusive ground investigation is recommended to characterise the ground conditions, particularly the Made Ground and potential contamination associated with it. The investigation should also include soil and groundwater chemical testing of soils and a suitable period of ground gas monitoring
8. The assessment follows good practice and is considered to be robust in its approach and the recommendations for further investigation are deemed sensible.

Conclusions and Recommendations

9. The Environmental Protection Team accepts the conclusions and recommendations of the submitted Geo-Environmental Assessment, namely that an intrusive ground investigation should be undertaken on site.
10. **In this regard, I would recommend that some suitably-worded conditions are attached to the consent, should it be granted, requiring:**
 - i) **A Phase II intrusive ground investigation to ascertain the levels of contaminants on site including soil, groundwater and gas analysis, with a Report of the assessment to be agreed with the LPA prior to commencement of the development.**
 - ii) **The production of a Remediation Strategy where deemed necessary by the agreed Phase II investigation, to be agreed by the LPA prior to commencement of the development.**

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- iii) Full implementation of the agreed Remediation Strategy and suitable validation of the works before the site can be occupied.

5.4. Environmental Services (Health – Air Quality):

Background

1. I note that this is amended version of a similar application which was refused in November 2019.
2. You will already be aware of comments regarding air quality submitted by this Department in connection with that application and taking into account an air quality impact assessment received in support of the scheme. Those comments are dated 12th November 2019 and concluded 'insignificant' impacts associated with air quality arising from the scheme.
3. The main change to the earlier scheme under the current application is an amended layout, which moves the main retail building from the north eastern corner of the site to a position centred towards the southern portion, adjacent to the proposed access road.
4. In addition, the main entrance and servicing areas have been orientated differently.
5. The scale of the unit and associated car parking remain broadly the same however, with a small associated increase in car parking spaces from 113 to 121.

Air Quality Implications

6. Other than a very small increase in car parking spaces, the air quality implications of the current scheme, compared with the earlier proposals, are expected to remain the same.
7. Nonetheless, an updated *Air Quality Assessment* (BWB Consulting, Ref: NTT2544-001, Dated: April 2020) has been submitted in support of the revised scheme, however the report is almost identical, other than an update to the plans and dates.
8. The conclusions of the submitted report remain the same as for the earlier version.

Conclusions and Recommendations

9. The Environmental Protection Team's conclusions and recommendations remain the same as they did for the earlier scheme. For ease of reference, I have reproduced them below in connection with the current application.
10. Regarding construction dust impacts, **the Environmental Protection Team would recommend a planning condition requiring that the mitigation measures produced in Section 5 of the submitted air quality assessment are reproduced within a detailed construction management plan. This should be agreed with the LPA prior to commencement of construction works and will need to be complied with in full throughout the duration of construction works.**

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11. In addition, in accordance with National Policy and expected forthcoming changes to the Building Regulations, **the Environmental Protection Team would strongly recommend that electric vehicle charge points are provided within the car parking provided on site and as such a suitably-worded condition is recommended to require this.**
12. The EV charging facilities should comply with the minimum standards outlined within the recent Government consultation on EV Charging in residential and non-residential buildings, namely a minimum of 7KW and type Mode 3 charge points, or at least the cabling infrastructure to allow installation of high current charge points in future (to include cabling routes, cables and the necessary electrical capacity at the distribution board). Further details can be found here: (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818810/electric-vehicle-charging-in-residential-and-non-residential-buildings.pdf)

5.5. Environmental Services (Health – Noise):

Background

1. I note that this is an amended version of a similar application which was refused in November 2019.
2. You will be aware of comments produced by this Department in connection with that scheme, which included a recommendation for a condition to ensure that chosen plant equipment complied with the noise limits detailed within the submitted *Noise Impact Assessment*.
3. The main change to that application is an amended layout which moves the main retail building from the north eastern corner of the site to a position which is now centred towards the southern portion, adjacent to the proposed access road.
4. The proposed relocation of the servicing area and proposed mechanical plant has the potential to affect the earlier conclusions of the *Noise Impact Assessment* and as such, an updated version of the report has been submitted in support of the application (*BWB Consulting Ltd, Ref: NTT2544-002, Dated: May 2020*).
5. I can comment on the submitted report and its implications for noise as follows.

Noise Impact Assessment

6. The assessment follows the same principles and methodology as those applied previously, but now takes into account the slight change in distances between noise sources and the nearest receptors resulting from the amended building position and in particular, the change in locations of the proposed servicing/delivery and plant areas.
7. In some cases, the amount of noise screening provided by the building has changed too and this is also included in the calculations.
8. Notably, the delivery bay is now afforded less screening from the building and consequently, the results of the BS4142 assessment for delivery noise now predicts an '*adverse impact*' (a rating value of +5dB over the background levels) at receptor location *NSR2* during the night. Daytime results still indicate a low

impact however, as do both daytime and night-time results at the other assessed receptor points.

9. The results of the car parking assessment result in the same conclusions as previously, with plant noise in particular expected to be of lesser concern due its proposed new location further away from the closest receptors with additional screening from the building.
10. In order to address the concerns that now arise regarding possible noise impacts associated with delivery operations, noise mitigation measures are presented in Section 5 of the Report. These include:
 - White noise reversing beepers should be used at night;
 - Engines should be switched off when HGVs are stationary;
 - A 5mph speed limit should be applied when HGVs are moving around the site; and
 - The incorporation of a 1.7m high barrier along the southern boundary of the development.
11. Further calculations demonstrate that the inclusion of a barrier is expected to reduce the described impact to 'low' assuming that the barrier is in place and effective across the whole delivery operation area.
12. It is important to note that the proposed location of the barrier would not be expected to provide any attenuation from HGVs arriving to site along the access road.
13. The report notes further attenuation in the future, in the form of additional screening created by potential new development between the access road and the nearest dwellings to the south. Whilst I would accept this point when considering the existing dwellings, it is important to note that significant noise impacts might be expected for any *sensitive* future development within this new development area.

Conclusions and Recommendations

14. The assessment is considered to be robust, based on relevant methodology and takes into account the amendments to the scheme as presented in this current application.
15. Based on the information provided, I would accept the conclusions of the report, namely that significant noise impacts should be avoided with appropriate mitigation in place.
16. **This includes an acoustic barrier in order to provide protection from delivery noise along the southern boundary, which I would strongly recommend is secured by condition should consent be given.**
17. Although considered to be of less potential impact compared with the previous scheme given its amended position further away from nearby dwellings, **I would still recommend that a plant noise assessment is also required by condition, in association with a requirement for incorporation of any mitigation recommended by the assessment, before the development is occupied.**

18. It is also important to note that the current scheme does raise concerns for the future delivery of development proposed on the adjacent land immediately to the south of the site. Based on the submitted assessment, I would expect that night-time delivery noise in particular, could cause significant impacts on any sensitive development (dwellings or a care/residential home) proposed close to the boundary of the site.
19. In such a case, mitigation options may be limited, with the most effective options being either restrictions on night-time deliveries (between 11pm and 7am) or possibly even a refusal of planning consent for sensitive uses proposed on the adjacent land to the south.
20. Although I acknowledge that the land is not the subject of a current planning application/permission and therefore outside the remit of this application, I would strongly advise that the implications of this are taken into consideration as part of this application in order to avoid possible future conflicts. In this regard, moving the servicing/delivery area to a location away from the southern boundary would be a sensible resolution if practical and feasible. I would therefore recommend discussions with the developer in this regard.

Updated Environmental Health comments following receipt of additional Noise Technical Note

In response to those comments, the applicant has now commissioned an updated Noise Assessment (described as a Noise Technical Note), designed primarily to address the concerns raised regarding the newly proposed care home on land adjacent to the application site immediately to the south.

I have reviewed the updated *Noise Technical Note (BWB Consulting, Document Ref: NTT2544/TN/SG001, Dated:23/10/20)* and can offer the following comments in relation to the arising noise implications for the development as follows.

Noise Impact Assessment

1. The assessment follows the same principles and methodology as those applied previously, but reapplies the calculations to delivery operations based on a new receptor position representative of a first floor bedroom window on the façade of the new care home.
2. In the absence of mitigation, the BS4142 assessment concludes a '*significant adverse impact*' (a rating value of up to +14dB over the background levels, depending upon the activity being assessed) at the care home receptor location during the night. Daytime results now indicate an '*adverse impact*'.
3. The same noise mitigation 'good practice' measures are presented, but these are now accompanied by proposals for a more substantial barrier than that suggested previously, described as:
 - a 2.4m high barrier along the southern boundary of the development which can provide approximately 14dB attenuation
4. The report also notes (paragraph 1.29) that consideration has only been given to HGV's arriving/departing site within the Aldi Foodstore development boundary,

and as such *it is recommended that the acoustic barrier extend up to the access point.*

5. The addition of such a barrier is calculated as reducing the perceived BS4142 impact to be 'low' in all cases.
6. As for previously, it is important to note that the proposed location of the barrier would not be expected to provide any attenuation from HGVs arriving to site along the access road. The barrier would only offer protection from noise associated with the delivery bay area.
7. The assessment is based solely on BS4142 assessment methodology. No calculations are included in the report to determine the likely internal noise levels within care home bedrooms at night associated with delivery noise.

Conclusions and Recommendations

8. The report makes it clear that HGV noise is likely to cause unacceptable levels of disturbance for occupants of the care home at night, if left unmitigated.
9. The barrier proposed in the report, which I note is of substantial construction, has been demonstrated as providing a sufficient degree of protection from noise at times when HGVs are behind the barrier.
10. It is important to note however that during each delivery operation, HGVs will only be behind the barrier when immediately within the delivery bay area. Consequently, high levels of HGV noise can be expected at night whilst vehicles drive up and down the access road and also, when undertaking reversing manoeuvres into the delivery bay area.
11. Whether significant harm from noise will occur in practice, will therefore be dictated by a combination of the regularity of deliveries and the times at which they take place, something which hasn't been clarified in the report.
12. Although not specifically assessed, the evidence provided in the Noise Assessment raises concerns that HGV movements could cause sleep disturbance for occupants of the care home when undertaken at night, especially where bedroom windows are kept open for ventilation.
13. **Consequently, I would maintain my recommendation for any planning consent in respect of this application to include a condition restricting night-time deliveries i.e. between the hours of 11pm and 7am, unless further evidence can be provided which demonstrates otherwise.**
14. **Either way, I would strongly recommend that a condition is attached to the consent requiring the installation of the noise barrier as described in the Noise Technical Note.**

5.6. Derbyshire County Council Archaeologist:

The site has been the subject of archaeological investigation by means of desk-based assessment and geophysical survey. This work was undertaken in relation to an assessment of the potential for the survival of Roman remains on the site, as the postulated line of the Rykneld Street Roman Road (Derbyshire Historic Environment Record number: MDR 10207) runs along the north-western edge of the proposed development area.

The geophysical survey identified evidence of ridge and furrow ploughing, which is related to medieval cultivation of the land in question. No anomalies of likely earlier origin were encountered, however such remains are not always detected through this type of assessment and it may be that archaeological deposits may still survive on the site.

In order that this may be addressed following grant of planning permission I would recommend that the following condition be attached to consent:

- "a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- "b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
- "c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

This recommendation is in line with the requirements of NPPF para 199 which requires developers to record and advance understanding of the significance of heritage assets to be lost (wholly or in part). The fieldwork should be conducted by a suitably qualified archaeological consultancy (ie a CIFA registered organisation), to a written scheme of investigation to be agreed with ourselves.

5.7. Land Drainage:

The proposal is located in an area identified for a wider development mixed use development, including residential uses, covered by Core Strategy Policy AC20. There is an accompanying application for surface water drainage infrastructure submitted under planning application ref: 20/00783/FUL

As such the full extents of the areas adjacent to Holly Brook which can be impacted by the proposed developments should be considered.

Whilst considering the combined area would benefit the management of flood risk mitigation options, particularly by allowing the discharge points to be placed further downstream to help mitigate risk to the properties north of Holly Brook and afford the opportunity to introduce a number of discharge points to better represent natural discharge to the water course.

All the proposed developments will increase the permeable areas and as such the potential for flood.

The information supplied by the Applicant does not show the wider area and its impact on that area, particularly the effects of raising the ground levels adjacent to Holly Brook. Mapping from the Council's SFRA shows Holly Brook to represent both FZ 2 and 3. With recent flooding having occurred north of the brook, there is a need to consider the effects of the developments on the wider flood risks in the area and downstream, as required by the Councils Core Policy CP2m) and also the Planning Practice Guidelines.

Exceedance flows, whilst the designed capacity of the drainage system is discussed, consideration must be given to the exceedance flows in the event of a blockage in any part of the system.

SuDS features and green space, the Terminal basin described in the Applicants submission, whilst functional as an engineering structure does not provide the additional amenity that would benefit the wider development and environment.

Consideration should be given to the basins and ponds described in the SuDs Manual v6.

It may be beneficial for the applicants of the relevant developments to take a holistic view with respect to developing a drainage strategy for the areas identified by the applications, 20/00741/FUL, 20/00783/FUL and Policy AC20 as a whole, as there would appear to be suitable opportunity to engineer an acceptable and sustainable system that provides both flood mitigation and public amenity.

Access to Holly Brook by way of a wayleave must be ensured as stated in previous response to application re: 19/01265/FUL.

Unrelated to drainage, but an important issue concerning future flood risk management post-development, we would need to see details of the boundary treatment adjacent to the Holly Brook which falls just outside of the red line boundary. A suitable green buffer has been provided and access to the brook for heavy machinery will be available from the Holly Brook pub side of the Holly Brook if ever necessary. However in the interests of maintaining full access to the brook as well as maintaining a viable biodiversity corridor along the brook, we would

object to any fencing being placed along the site boundary adjacent to the brook. No obstacles should be present along this stretch of the brook.

The full provision of the 8 metre wayleave at existing or lowered ground level should be provided in both this development, where applicable and the adjacent, wider developments. This will help provide an area of flood water storage on the south side of Holly Brook.

With reference to the above observations we would like to attach the following conditions to the scheme.

On review of the FRM addendum, the proposed development is now acceptable with the following conditions:

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

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

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

- 2) 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. The scheme shall include, as far as reasonably practicable:-
 - A sustainable drainage solution,
 - Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
 - Restriction of surface water runoff from the whole site to maximum 5 litres per second,
 - Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - Appropriate ability to maintain the system in a safe and practical manner.

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

5.8. Derbyshire Wildlife Trust:

The Trust commented on an earlier scheme under the reference 19/01265/FUL in correspondence dated 5th November 2019.

The current application seeking permission for the erection of a retail unit with new access and car parking is supported by the same Ecological Appraisal prepared by WYG dated 16th April 2019. The appraisal is informed by an Extended Phase 1 Habitat Survey conducted on 2nd May 2019, which is considered to be within the optimum survey period. Consideration is also given to previous surveys undertaken on the site. In addition, a Landscape Scheme Supporting Statement Revision A dated June 2020 and Soft Landscape Proposals plan prepared by Middlemarch Environmental are submitted with the application.

The reports identify the site to comprise an agricultural field of species-poor semi-improved grassland bounded by hedgerows with trees. All five hedgerows that form the site boundaries meet the criteria as Habitat of Principal Importance (priority habitat). We fully support the retention of all hedgerows on the site and their protection from damage during construction works. Where some removal is absolutely necessary, suitable compensatory planting will be required to ensure no net loss of linear priority habitat. It is disappointing that some hedge removal has previously occurred at the site as indicated by a strip of bare ground in the centre of the site. We are not aware of a Hedgerow Removal Notice having been submitted for the removal of this hedge and it is not believed to be part of an existing planning permission. Compensatory planting for this hedge removal is therefore required within the scheme.

The following condition to avoid harm to retained hedgerows and trees is recommended:

“No development, including preparatory works, shall commence until a scheme for the protection of all trees and hedgerows to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on best practice as set out in BS 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.”

A small stream lies on the northern site boundary but this was not considered suitable to support otter or water vole. We concur that this is likely to be an accurate assessment.

On the basis of the submitted ecological information we advise that great crested newts, badger or reptiles should not be affected by the proposed development.

We support the various proposed enhancement measures recommended in the submitted appraisal report, the Sustainability and Biodiversity Statement and the Soft Landscaping Proposals to include the provision of a green wall, tree and hedge planting, species-rich wildflower grassland creation, scrub planting and bat and bird box installation. We advise that implementation of the measures detailed in the Landscape Scheme Supporting Statement Revision A dated June 2020 and shown on the Soft Landscape Proposals plan prepared by Middlemarch Environmental should enable the development to demonstrate a net gain in biodiversity in line with the

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National Planning Policy Framework and Policy CP19 Biodiversity of the Derby City Local Plan and should be secured by a planning condition.

The ongoing maintenance of all retained habitats and landscape areas should be covered by a Landscape and Ecological Management Plan (LEMP) secured by a planning condition:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.***
- b) Ecological trends and constraints on site that might influence management.***
- c) Aims and objectives of management.***
- d) Appropriate management options for achieving aims and objectives.***
- e) Prescriptions for management actions.***
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a fifteen-year period).***
- g) Details of the body or organisation responsible for implementation of the plan.***
- h) Ongoing monitoring and remedial measures.***

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

5.9. Police Liaison Officer:

From my perspective the revised layout and store position presents a better combination than the previously refused scheme. Both the access footpath and back of store area have been moved to more open locations away from the woodland between the site and Hollybrook public house.

I understand that the refused application is subject to appeal, but if the development is to proceed my preference would lean very strongly towards the current design.

There seems to be less detail for the retail store set out within the current supporting information, and a leaning towards the effects of the wider masterplan area.

As previously recommended, matters of boundaries, external lighting and an external CCTV scheme should be conditions of approval.

Looking at masterplans included within the current design and access statement, references 4243 PL 14A and 16A, and the area immediately to the south east of the site, there is a footpath between the two phases which links into the application site, also across the front of the next phase to the proposed road link from Heatherton, and what appears to be the beginning of a footpath link between the Hollybrook PH car park and Medical Centre.

Whilst I know this area is not within the red line of the application on an informative note, this proposed link between the Hollybrook and Medical Centre would have a poor aspect and raise potential risk to users and current occupiers on both sides without a substantial widening out, which would be quite challenging given the context and levels.

In my view safe and convenient access would be served by the proposed road link to Heatherton, the road link to Rykneld Road and new path access from the Aldi car park.
Relevant Policies:

6. Relevant Policies:

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

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

- CP1 (a) Presumption in Favour of Sustainable Development
- CP1 (b) Placemaking Principles for Cross Boundary Growth
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP9 Delivering a Sustainable Economy
- CP10 Employment Locations
- CP12 Centres
- CP13 Retail and Leisure Outside of Defined Centre
- CP16 Green Infrastructure
- CP19 Biodiversity
- CP23 Delivering a Sustainable Transport Network
- AC20 Rykneld Road
- MH1 Making it Happen
- CP1 (a) Presumption in Favour of Sustainable Development
- CP1 (b) Placemaking Principles for Cross Boundary Growth
- CP2 Responding to Climate Change
- CP3 Placemaking Principles

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Saved CDLPR Policies

E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
E24	Community Safety
T10	Access for Disabled People
GD5	Amenity

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Employment Land and Comprehensive Development

7.2. Retail Policy

7.3. Design and Layout Issues

7.4. Site Accessibility, Parking and Highway Safety Issues

7.5. Other Issues, including Residential Amenity (Noise and Disturbance, Other Amenity Considerations)

7.6. Conclusions

7.1 Employment Land and Comprehensive Development

The application site forms part of a strategic mixed-use allocation identified in the Derby City Local Plan Part 1. Policy AC20 allocates land on either side of Rykneld Road (including the application site) for the delivery of a minimum of 900 high quality new homes as part of a larger growth area including the development of a further 1,200 new homes at the Highfields Farm site in South Derbyshire. Policy AC20 sets out a

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number of requirements which the Council expects development in this area to adhere to. AC20 states that the Council will require:

- (a) a coordinated approach to development, taking account of the Highfields Farm allocation within South Derbyshire;
- (b) a new primary school and contributions to the extension of local Secondary Schools;
- (c) the expansion of Heatherton Neighbourhood Centre to provide extended shopping facilities and community uses, including a small supermarket. Expansion should complement the provision of similar facilities within the South Derbyshire element of the development;
- (d) employment uses on land adjacent to the enlarged local centre, providing at least 2.4 hectares of B1 development
- (e) measures to encourage alternative forms of transport to the car;
- (f) high quality pedestrian and cycle routes within the site and links between these and existing or proposed routes beyond the site
- (g) the provision of two access points to each part of the site and on-site and off-site road and junction improvements, including improvements to the A38 / A50 junction prior to the occupation of the 500th dwelling and improvements to the Chain Lane / Burton Road / Pastures Hill / Hillsway junction prior to the occupation of the 300th dwelling
- (h) attenuation measures for noise generated by vehicles on the A38
- (i) appropriate flood mitigation measures
- (j) measures to enhance the green infrastructure and biodiversity networks

The Policy goes on to state that, *'the Council will continue to work with South Derbyshire District Council and developers to ensure that development proposals offer a holistic vision for a new suburb that are delivered in a comprehensive manner across local authority boundaries'*.

Land on both sides of Rykneld Road has been allocated for mixed use development for many years, with the AC20 allocation having been carried forward largely unchanged from the City of Derby Local Plan Review (CDLPR), adopted in 2006, where the land was referenced as 'H9'. A Supplementary Planning Document (SPD) to guide the development of this area was published in 2008, supporting the provisions of CDLPR Policy H9. As Policy AC20 largely carries forward the provisions of H9, the SPD remains a material consideration, although it is acknowledged that the weight that can be attributed to it has reduced. Planning Control Committee resolved to grant an outline planning application for part of the allocated area in 2013. The application included provision of 800 homes, business units, community facilities, commercial uses (including A1) and a new Primary School. The application remains undetermined, as the S106 agreement has not been progressed by the applicant.

Employment Land - The SPD and outline planning application envisage the development of B1 uses on the application site, with the extension to the Neighbourhood Centre identified further to the east, accessed from a new road linking

onto Hollybrook Way, between the Church and medical centre. The inclusion of employment land in the policy requirements was challenged by the then landowners of the application site at the Local Plan Part 1 examination in 2016, on the grounds of market interest and deliverability. The Inspector concluded that it is unsurprising that there has not been recent progress with the B1 aspect, given the uncertainties about the development of the wider site. He went on to acknowledge that, *'although the allocation would be small it could still provide a significant number of local jobs. The site is well related to the A38. There are clear benefits from providing some employment close to a major cross boundary new housing allocation. Notwithstanding the other offers in the employment land supply in Derby, in this context it would be premature to delete the employment uses from the allocation. It cannot be concluded that there is no reasonable prospect of it being used for that purpose'*.

As already noted, this application is a re-submission following refusal of a similar scheme in 2019 (ref: 19/01265/FUL) to which an appeal has been lodged. The first reason for refusal related to the issues of comprehensive development and the provision of employment land and was worded as follows:

Reason for refusal 1. In the opinion of the Local Planning Authority the application fails to satisfactorily demonstrate how the issues of comprehensive development across the wider Policy AC20 allocation site would be achieved. This includes how the Policy requirement of delivering 2.4ha of employment land can be satisfied elsewhere within the allocated area and how the development would provide the links required to 'open up' land on the eastern side of the wider development site, including the provision of pedestrian and vehicular linkages and associated infrastructure. In the opinion of the Local Planning Authority, this lack of a comprehensive approach leads to risks over the delivery and viability of future phases of the allocated land on the eastern side of Rykneld Road, limits access and layout opportunities, and could prejudice development of the wider site. The proposal thereby fails to demonstrate or plan for comprehensive or holistic growth. For these reasons the Local Planning Authority considers that the development fails to comply with Policies AC20 and MH1 of the Derby City Local Plan - Part 1 (Core Strategy).

Based on the planning history and policy context set out above, the question is whether this new standalone planning application is acceptable in principle.

There is a longstanding aspiration to see the development of employment uses in this area. The policy requirement has been carried forward from the 2006 CDLPR and before that from the 1998 plan, which envisaged a much larger employment area. This aspiration is reflected in the SPD. There are considered to be sustainability benefits in seeking employment uses in this area due to the good links with the A38 and the overall amount of residential growth planned in this area, as acknowledged by the Planning Inspector examining the most recent Local Plan. It also provides an opportunity to at least partially re-balance employment land supply provision within Derby, which is heavily weighted towards the river corridor in the north and east and the Rolls-Royce Aerospace Campus to the south, with very little employment land to the west. Having said that, the nature of employment is of course changing with fewer jobs falling into the traditional B use class categories which are largely accommodated within areas of allocated employment land.

The SPD is indicative, showing how the provisions of Policy H9 (and now AC20) could be delivered on-site. Whilst only indicative, there is clearly some logic and planning justification in locating the non-residential uses close to the existing local centre, in order to provide an extension (as required by policy), create the opportunity for linked trips and act as a hub for the new community. If a significant proportion of the area identified in the SPD for employment uses is to be developed for a foodstore, the Council needs to be content that the policy requirement of delivering 2.4ha of employment can be met elsewhere within the allocated area. Alternatively, the applicant would need to make a case to demonstrate that the requirement to include employment land as part of the development of the area is no longer reasonable due to evidence around market demand and deliverability – in line with the provisions relating to loss of employment land detailed in CP10. Insufficient information relating to how the proposal tied in with the future development of the wider site and market demand / deliverability for the employment uses was submitted alongside the refused 2019 application, hence the first reason for refusal.

It is highly material to note at this point that whilst Policy AC20 requires the development of 2.4ha of B1 uses, recent changes to the Use Classes Order (1st September 2020) mean that the B1 use class has been replaced and has been subsumed into the new use class 'E'. Class E provides much greater flexibility for units to move between uses without the need for planning permission and includes shops (A1), financial and professional services (A2), food and drink (A3), offices (B1a), research and development (B1b) light industry (B1c), non-residential institutions (D1) and indoor sport and leisure (D2). The reality of this change is that, whilst the policy seeks the delivery of 2.4ha of B1 employment uses, the Council now has more limited control over the exact nature of the commercial uses that could be delivered and sustained within the allocation area.

Notwithstanding the recent changes in circumstances referenced above, this time around the applicant has submitted a comprehensive statement prepared by FHP Property Consultants (an East Midlands property advisory company) which provides a professional opinion on the market demand / deliverability of B1 employment uses in this location. The statement from FHP raises genuine concerns about the realism of achieving the full 2.4ha of B1 employment land. Concerns relate to:

- availability of existing stock, including the impact of Covid-19 and the likelihood of existing industrial stock being released back to the market as businesses adapt and rationalise operations;
- the increasing need to focus office development in the city centre wherever possible;
- viability of speculative new build in this location;

The statement concludes by questioning the continued validity of providing the full 2.4ha requirement, but acknowledges that there may still be a viable opportunity to provide a reduced quantum of development (in the region of 0.8ha), specifically aimed at light industrial / workshop operators, utilising the access road to be provided by the Aldi proposal.

Officers have some sympathy with the conclusions of the statement from FHP and acknowledge that, whilst the principle of securing a mix of uses in this location remains

a sound one, the reality is that the chances of the full 2.4ha of B1 uses being delivered within the Plan period are overly ambitious, particularly in light of the changes to the Use Classes Order. It is also highly material to note that paragraph 120 of the NPPF specifically acknowledges that decisions need to reflect changes in the demand for land and that prior to updating a plan, applications for alternative uses should be supported, where the proposed use would contribute to meeting an unmet need for development in the area. The issue of need is covered later in this report.

In order to try and provide some comfort about the future delivery of additional commercial uses, as an extension to the existing local centre, the applicant has agreed to 'safeguard', through the associated Section 106 Agreement, part of their residual landholding specifically for the future development of E class uses, which could include office or light industrial uses as originally envisaged by the policy. The applicant has agreed to safeguard and market approx. 1.7 ha of land to the east of the proposed Aldi for a period of **three** years following the grant of planning permission for the food store.

Whilst there is a logic in the commercial uses being located within the area of the application site, it should be remembered that the SPD is purely indicative and can only be attributed limited weight. Policy AC20 does not specifically stipulate where within the allocated area the employment uses should be located. The burden of proof for the applicant at an appeal would be to simply demonstrate that their standalone application would not prejudice the future delivery of other policy requirements such as 2.4ha of employment area and the extension to the local centre. 2.4ha of employment uses could, theoretically, be delivered within the wider allocation. When this is considered alongside the offer to safeguard and market adjacent land for commercial uses for a period of **three** years, the conclusions of the submitted FHP report and the recent changes to the use class order, Officers are now satisfied that the impact of the proposed food store on employment land provision is no longer a reason for objection on this proposal.

Comprehensive Development - Outside of the employment land issue, the consideration of this standalone development raises a number of other substantive issues in relation to the overall comprehensive development of the allocated area. AC20 is clear that the vision for the area should be holistic and delivered in a comprehensive manner, whilst Policy MH1 goes on to state that, '*the Council will only permit proposals for new development where a comprehensive and co-ordinated approach to both phasing and infrastructure can be demonstrated*'. In order to try and remedy this issue, the applicant has submitted an indicative 'masterplan' showing how their wider land holding could be developed in future. They have also agreed to 'safeguard', again through the associated S106 Agreement, a north-south corridor within this area to enable the future development of a road linking the allocated area to the south with Hollybrook Way.

Whilst clearly it would have been beneficial to see how the proposal relates to the full extent of the allocated area, through a revised outline application for example, the consideration of the wider landholding as set out in the masterplan and the proposed highway safeguarding are welcomed and, to an extent, provide some comfort that the standalone retail store application will not prejudice the delivery of policy objectives and the development of the wider allocation. Within the submission, the applicant has provided examples from other locations of where the development of an Aldi has

resulted in the subsequent development of other uses, providing a catalyst for wider development, and Miller Homes have written in support of the application on behalf of the consortium of developers involved with the future development of the allocated area to the west of Rykneld Road. They note that the delivery of an Aldi store early in the development pipeline will be a great encouragement to housing delivery as potential purchasers would see its existence as an attraction. This is encouraging to hear and provides some comfort that the proposed store could be a catalyst and whilst it is disappointing that letters of support have not been submitted by the other interested parties involved in the eastern parcel of land, if the development of the standalone food store was likely to in any way prejudice housing development (for example by impacts on viability) on the eastern side, then its likely other parties would have objected to this application, which they have not. The key is therefore to ensure that the standalone application would not **prejudice** the physical delivery of policy objectives. In the case of the previous application, similar concerns related to these issues were significantly compounded by the design and layout of the proposal and its relationship (or lack of) with the existing local centre, as is discussed later in this report.

Whilst the submitted masterplan, proposes safeguarding of land for future E Use Class development and the creation of a road linking to Hollybrook Way and does not give certainty about future housing delivery in the wider allocation, the plan does help to paint a picture of how land within the applicant's control could potentially come forward for development and importantly, give some comfort that the future delivery of policy objectives will not be prejudiced by this application. Ultimately, the allocated site has remained undeveloped for many years with little progress towards breaking the deadlock and providing the much-needed new homes on it. Whilst there is some risk that approving the application in isolation will result in a standalone development, Officers feel that the time has come to accept the risk in the hope that it will be the catalyst needed to kickstart wider development, subject to appropriate safeguards noted above. The recent submission of a care home application (ref: 20/00937/FUL) on land to the south of the proposed food store may be the start of this process.

7.2 Retail Policy Issues

The site is located to south of Heatherton Neighbourhood Centre. Policy CP20 identifies a requirement to expand the existing Neighbourhood Centre and refers to the provision of a small supermarket. CP20 acknowledges that expansion should complement the provision of similar facilities in South Derbyshire and the supporting text to the policy highlights that expansion could include the provision of 1,000sqm (net) of convenience floorspace and should be well related to the existing centre. This objective is also reflected in Policy CP12 which identifies the allocated AC20 area for a new or extended centre to support the creation of a growing community. CP12 goes on to note that, *'proposals in this location should be of an appropriate scale for the level of growth proposed and should not have an unacceptable impact on the vitality and viability of other centres in the shopping hierarchy. Where necessary, the Council will impose conditions on new centres to ensure they remain consistent with their expected role and function'*.

Whilst the objective of expanding the centre is clear, the policy and associated Policies Map does not identify where the expansion should occur. The only guide is the SPD. The application site is therefore not technically covered by a 'centre' designation and

is therefore considered to be an 'edge-of-centre' location. On the basis that the proposal is located in an edge-of-centre location, the main policy considerations are whether the proposal is compliant with the provisions of the sequential and impact tests, as set out in the NPPF and Policy CP13 (Retail and Leisure Outside Defined Centres), including consideration of impacts on the Council's retail strategy.

The applicant has submitted an addendum report to supplement the retail statement that was submitted in support of the previously refused scheme. The updated addendum report takes account of the findings of the Council's 2019 Retail and Centres Study which was published after the previous scheme was submitted. The inclusion of this addendum report is welcomed and seeks to ensure that decisions are based on the most up to date and robust information available.

The findings of the addendum report largely relate to the issue of 'impact' as discussed later in this report, as opposed to the sequential test.

Sequential Test: In terms of the sequential test, the applicant is relying on the assessment provided alongside the previously refused application, where it was concluded that the proposal was capable of meeting the requirements of the sequential test. It is necessary to review this information in the context of the new application and to consider whether there have been any material changes in circumstances that would change the previous conclusions. The merits of the sequential assessment are therefore rehearsed again below.

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

Whilst no longer a specific policy test, identification of the PCA fundamentally relates to an understanding of the retail 'need' or 'deficiency' which the proposal intends to satisfy. In identifying the objective of expanding the existing Neighbourhood Centre through the provision of a small supermarket, the Council has already identified a need / deficiency in this area, associated with the planned residential growth in this part of the city and beyond. It is therefore logical for the need to be met in the most sustainable location to meet this identified need.

It should be noted that the proposed overall sales floorspace is in excess of the figure suggested in the supporting text of the policy, although the convenience floorspace is stated to be 1,052sqm, based on an 80:20 split between convenience and comparison goods. The scale of proposed convenience sales floorspace is therefore considered to be of the same magnitude as that suggested by the supporting text of the policy and will serve a similar function to that originally intended. It is a commercial reality that food stores of this nature generally trade in the 1,200sqm-1,500sqm (net) bracket.

The applicant has identified the extent of the PCA for the proposed store at Appendix 1 of the previously submitted Retail Statement. The suggested PCA incorporates the south-west of the City outside of the ring road and extends to areas well beyond the city boundary into South Derbyshire and includes villages such as Willington, Stenson, Findern and Burnaston. The PCA incorporates Mickleover and Sinfin District Centres as well as Heatherton Neighbourhood Centre.

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The PCA appears to be roughly based on a 5-minute drive time isochrone and appears to be broadly logical for a store in this location and of the scale proposed.

Whilst the presence of the existing Aldi store at Manor Parkway will undoubtedly have some impact upon the definition of the PCA, the fact that this store is recognised as overtrading¹ and the accessible location of the proposed store could suggest that it will be attractive to shoppers further east of the PCA boundary, incorporating the residential areas closer to the ring road. On this basis, it would have been preferable for the applicant to have also taken into account Littleover District Centre. I will return to this point later in the report.

Based on the extent of the PCA, the applicant has considered 8 alternative locations, set out below:

1. Land adjacent to The Christian Haven, Hollybrook Way, Heatherton
2. Unit 2 Sinfin Shopping Centre, Sinfin
3. Unit 22 Sinfin Shopping Centre, Sinfin
4. 24 Uttoxeter Road, Mickleover
5. Land at the Corner of Uttoxeter Road and Limes Avenue, Mickleover
6. Highfields Housing Allocation
7. Wragley Way Housing Allocation
8. Land West of Mickleover Housing Allocation

In terms of site 1, the applicant concludes that the site is not large enough to accommodate the scheme as proposed land is unlikely to be viable due to lack of main road frontage. It's accepted that the land parcel alone is not large enough to accommodate the proposed store and parking areas, however land to south (in the control of the applicant) also forms part of the allocation and is the area identified for the extension to the Neighbourhood Centre in the SPD. A parcel of land could be assembled to accommodate the proposed store, a large part of which would be within the defined boundary of the centre and would be sequentially preferable to the proposal site.

Officers are in agreement with the applicant with the reasons to discount sites 2, 3, 4, 5 and 6. Officers are also agreed that the proposed centres at Wragley Way (7) and the Newhouse Farm (8) site would not provide sustainable or logical locations to meet the needs of the enlarged community in the Heatherton area.

As noted above, the actual PCA of the proposed store is likely to extend further east, beyond the boundary identified by the applicant. On this basis, Littleover District Centre comes into consideration. However, from my knowledge of the centre and consideration of similar applications, there are no alternative sites within the centre that could be considered suitable, available and viable.

In summary, the only alternative site that could potentially be considered sequentially preferable is site 1. This area in conjunction with land to the south (in the control of the applicant) is the most logical parcel of land that could provide a functional extension to

¹ The estimated turnover of the store compared to the company average.

the existing centre and is the area identified for such purposes in the SPD. Nonetheless, the applicant has raised concerns about the viability of building a food store of the nature proposed in this area, due to a lack of main road frontage. The alternative site would be preferable from a placemaking perspective, but there is a commercial reality that operators such as Aldi require main road frontage as their business model requires a degree of bypass trade and cannot rely solely on expenditure generated in the immediate area.

Operators willing to locate more centrally within the allocated area are more likely to be of a scale and nature more akin to the Co-op store already operating within the Heatherton and Highfields Farm Neighbourhood Centres.

The policy objective is to attract a 'main food shop' operator, as opposed to a further 'top up' or 'basket store' operator, in order to try and secure greater retention of convenience expenditure generated in the area, reduce leakage to other zones and overall create more sustainable shopping patterns. Operators such as Aldi and Lidl are generally of a scale that can meet this objective and are the main operators that are in the market for new stores in the current economic climate. Therefore, the reality is that in order to achieve the policy objective of securing a main food shop destination and enabling the function of the existing centre to be upgraded to District Centre status, it remains the case that we're likely to have to accept a site with at least some main road frontage / visibility. On this basis, it can be concluded that the alternative site is unlikely to be viable and is therefore not suitable. I continue to be satisfied that the proposal meets the provisions of the sequential test.

Notwithstanding this, it should be noted that compliance with the provisions of the sequential test (and the limitations set by associated case law) does not necessarily equate with a site being the most sustainable option, once other factors are taken into account such as placemaking objectives.

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

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

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

It is important to remember that quantitative impact assessments are merely indicators of potential trade diversion and cannot ever fully represent the complexities of shopper behaviour and retail dynamics. They are generally based on a huge number of assumptions (importantly including the operator) and therefore can only ever provide a guide and are not a decision-making tool. It should also be remembered that the Council has pro-actively identified a 'need' for new convenience shopping floorspace in this location due to the planned growth in the residential population.

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The applicant submitted an impact assessment alongside the previously refused application. The assessment partially utilised the Council's 'Retail Capacity Partial Update' published in 2015, but also amended a range of other variables accordingly to reflect more up to date information. As noted in the Committee Report for the previous application, the 2015 report was superseded by the Council's Retail and Centres Study (RCS - 2019) which was published during the lifetime of the previous application.

To support the new application, the applicant has provided an addendum report to the previously submitted impact assessment in order to provide commentary on the key findings of the 2019 study and the potential implications for the conclusions reached in the original assessment.

The addendum report highlights several key findings that are pertinent to the consideration of impact and the determination of this application. These are considered in the conclusions relating to retail impact.

Moving to the merits of the actual assessment, the most obvious way in which a new retail proposal can have a negative impact upon an existing centre is through trade diversion.

The starting point for considering trade diversion is to determine the potential turnover of the proposed store. The applicant predicts an overall turnover of around £15m, of which £12.5m is expected to be derived from convenience goods sales with the residual £2.5m coming from comparison goods sales. This is based on an 80:20 split, the merits of which are discussed in more detail later in the report. Turnover figures of this magnitude are in the region of what would be expected for a store of this scale and nature and are supported by the assumptions in the Council's RCS.

80% of the store's turnover is expected to be derived from within the PCA, with 20% coming from 'inflow' from outside the PCA. Again, these assumptions appear logical for a store of this scale and nature.

Based on the applicant's assumptions, the most significant proportion of convenience turnover will be diverted from the following locations:

- £3.4m from Asda in Sinfin District Centre
- £2.1m from Tesco in Mickleover District Centre
- £1.0m from Asda in Spondon
- £0.9m from Sainsburys at Kingsway
- £0.9m from Aldi at Southmead Way
- £0.6m from Morrisons at Meteor
- £0.5m from Sainsburys at Wyvern
- £0.4m from Aldi at Coleman Street
- £0.4m from Aldi on Burton Road
- £0.3m from Sainsburys on Osmaston Park Road
- £0.3m from Morrisons in Burton on Trent
- £0.2m from Lidl in Normanton District Centre

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In addition to the above, £1.2m is expected to be diverted from 'other' stores, reflecting the accessibility of the site and the 20% inflow assumption. £0.025m is expected to be diverted from the Co-op in Heatherton Neighbourhood Centre.

The majority of stores expected to be impacted by the proposal are located in out-of-centre locations and therefore do not receive any policy protection. Policy is concerned with protecting the vitality and viability of in-centre locations such as Sinfin, Mickleover and Normanton Road District Centres.

Given the proximity of Littleover District Centre, it is anticipated some degree of trade diversion from existing stores such as the Co-op and Iceland to have been shown in the assessment. In addition, some of the diversion patterns appear to be somewhat illogical. For example, that more turnover will be diverted from Asda at Spondon than the existing Aldi in Littleover and that more turnover will be diverted from Sainsburys at Wyvern than the Sainsburys at Osmaston Park Road or existing Aldi stores on Burton Road and Coleman Street. In reality one would anticipate that a greater proportion of the turnover of the store will be diverted / 'cannibalised' from existing Aldi stores. People who want to shop at an Aldi already have options in Derby. The new store will simply provide a more convenient option to shoppers in the PCA. Given that none of the existing Aldi stores are within District Centres, greater impact on these stores is not a concern. Trade diversion can be converted to a proportional impact figure by considering it in the context of the turnover of individual stores and more widely the total turnover of a local centre.

The previously submitted impact assessment reported that £3.4m diverted from Asda at Sinfin would equate to a 4.8% impact on the turnover of the store, whilst £2.1m from Tesco at Mickleover would equate to a 3.7% impact, £0.2m from Lidl at Normanton Road would equate to a 1.8% impact and £0.025m from the Co-op at Heatherton Neighbourhood Centre would equate to a 2.1% impact. The previous committee report also acknowledged that impacts of a similar magnitude should be anticipated in the Co-op in Littleover District Centre.

It's worth at this point considering the implications of the findings of the Council's RCS. As noted in the applicant's addendum report, the RCS identifies that a number of food stores within the city appear to be overtrading, in some cases significantly. This includes stores that would be impacted by this proposal. The fact that a store is already overtrading should mean that it is more resilient to absorbing trade diversion and the proportional impact will be less. All of the in-centre stores referenced above fall into this category.

Taking account of the overtrading identified in the RCS, the impact on in-centre stores is likely to be as follows:

- 4.4% - Asda, Sinfin
- 3.9% - Tesco, Mickleover
- 1.2% - Lidl, Normanton
- <1% - Coop, Heatherton

The revised impact estimate on Tesco is marginally increased as a degree of overtrading was already factored into the original assessment. However, the impact remains of a similar magnitude, whilst the other stores see a reduction.

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Impacts of this magnitude should be capable of being absorbed by operators such as Asda and Tesco, particularly in light of assumed overtrading. These centres (Sinfin and Mickleover) are also considered to be in a healthy and viable state.

Concerns do remain about the overlap between the top up function provided by the existing Co-op at Heatherton and the extent to which a new Aldi will also cater for top-up shopping. Whilst the RCS suggests that the existing store is overtrading significantly, this is likely to be overstated due to the nature of the questions (relating to top up shopping) asked in the household survey that underpins the RCS. It is also anticipated that the amount of trade diversion will be significantly greater than the £0.025m suggested by the applicant, resulting in a more significant degree of impact. However, this clearly needs to be balanced against the Council's stated intention of providing additional convenience retail facilities and expanding the function of the Centre. A degree of trade diversion therefore has to be expected in this context.

Whilst there will be some overlap in top up function, the different nature of the primary offering (i.e. top up vs. main food shop), it is unlikely that impacts on the Co-op will be 'significantly adverse', which is the bar set by national policy.

As already noted, the conclusions relating to retail impact need to be considered in the context of other key findings in the RCS.

- There is capacity to support a number of new food stores (taking account of commitments) at 2019, increasing to 2028. The study factors in 1,000sqm of (equating to circa £7m turnover) convenience floorspace at Heatherton to reflect the allocation;
- Food shopping in the south-west of the city is dominated by Tesco at Mickleover, Aldi at Southmead Way and Sainsburys at Kingsway – all of which, as already noted, are overtrading significantly;
- Very strong performance of Aldi stores across the city suggests that this type of food store may currently be under provided for;
- Need for new food store provision to the south and west of the city alongside residential growth areas;
- Existing Heatherton Neighbourhood Centre is considered to be healthy but lacking in offer;

It should also be noted that the impact estimates assume trend-based population growth, as opposed to 'policy on' taking account of the significant planned growth in this area of the city. The amount of available expenditure in the catchment is therefore likely to be greater than the estimates suggest, potentially reducing the level of impact on individual stores.

It is fair to conclude that the findings and outcomes of the original impact assessment remain valid as a number of the findings of the RCS were anticipated and factored into the assessment. The findings of the RCS simply bolster the case for a new foodstore in this location and provide additional comfort that the impacts of the proposal will not be significantly adverse.

Impact on Strategy: We have generally sought to limit 'ancillary' or 'complementary' non-food comparison sales from out-of-centre and edge-of-centre locations to <15%

of the total sales floor space to ensure that the floor space can only function in a genuinely ancillary or complementary role and not challenge the primacy of centres as comparison good shopping destinations. This approach has been taken in order to protect the Council's overall retail strategy as set out in CP12 and CP13.

It is generally considered that where such floor space exceeds 15%, it is no longer ancillary or complementary as it performs a more fundamental role within the business model. Where figures in excess of 15% have been permitted, it is generally where a specific robust case to allow such sales has been made. It should be noted that restrictions limiting the amount of comparison goods sales to 15% of the total sales floor space have been accepted by Aldi at their Coleman Street store, at their recently opened Normanton Road / Burton Road store and at their extended store at the Meteor Centre. In this specific case, the applicant is seeking permission for comparison goods sales from 20% of the net sales area, providing an estimated turnover of £2.5m, of which £2.04m will be derived from the PCA. They have argued that the comparison goods floorspace will supplement and support the wider function of the store

Whilst the level of comparison turnover is not insignificant, the nature of such sales from operators such as Aldi means that there is unlikely to be sustained periods of trade diversion from any single in-centre operator. Growth in comparison expenditure will also help to mitigate potential impacts. The main issue in relation to comparison sales is the potential impact on overall retail strategy, if we permit in excess of 15% of net sales area to accord with the provisions of Policy CP13, which seeks to restrict the sale of a range of comparison goods from locations that are not within defined centres.

In order to protect the Council's retail strategy (and primacy of the city centre as a comparison goods destination during difficult economic times), rather than imposing a blanket condition to ensure that comparison floor space equates to no more than 15%, it is instead recommended that a condition that limits the sale of all of the goods listed in the supporting text of Policy CP13 to no more than 15% of the sales floor space is imposed. This provides the applicant with some level of flexibility, whilst protecting the Council's overall strategy and is line with CP13 which is clear that in regard to new and extended centres, where necessary, the Council will impose conditions to ensure they remain consistent with their expected role and function.

In the case of the Coleman Street store a condition was imposed restricting the sale of newspapers, tobacco and magazines in order to try and protect the vitality and viability of a nearby neighbourhood centre. Officers feel there would be justification to impose the same condition in this case, in order to mitigate some potential trade diversion from the existing Co-op store located within the adjacent Neighbourhood Centre.

There is no evidence to suggest that the proposal will have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

In summary, whilst impacts are not expected to be 'significantly adverse', it will be important to ensure that the new store is adequately integrated into the existing Neighbourhood Centre in order to maximise opportunities for linked trips and support the turnover of the existing Co-op store.

7.3 Design and Layout Issues:

The NPPF recognises that good design is a key aspect of sustainable development and is clear at Paragraph 124 that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. Policy CP3 of the Derby City Local Plan Part 1 expects high quality, well designed developments that will help raise the overall design standard of the city. It expects developments to incorporate high-quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character. Policy CP4 requires that all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods.

The key consideration in this regard is whether the proposal, in terms of its design and layout, takes the opportunity to improve the area in terms of its functionality. As already noted, the Council has a stated aspiration to see Heatherton Neighbourhood Centre enlarged in order to enhance its functionality and better meet the needs of existing and planned residential development in this area of the city. The SPD/Development Brief identifies a logical location for this enlargement to occur, to the rear of the existing medical centre and church, fronting a new north / south road with direct access into the existing centre. However, Policy AC20 does not specifically require the development of the site to accord with the SPD, which now has limited weight. The scheme as proposed would see the development of a new food store to the rear of the Hollybrook PH, to the west of the area suggested in the SPD, with access taken from a new junction with Rykneld Road. This is the same location as the scheme which was refused. The second and third reasons for refusal of the previous scheme read as follows:

Reason for refusal 2. As a result of its divorced position relative to the existing Neighbourhood Centre, in terms of layout and orientation, the Local Planning Authority considers that the proposed retail store would fail to provide a cohesive, well related and legible extension to the existing Neighbourhood Shopping Centre at Heatherton as required by Policies CP12 and AC20. Accessed via an independent vehicular access and orientated towards the south, the proposed store turns its back on the Neighbourhood Centre resulting in a development which is tantamount to a standalone retail store, rather than a functioning extension to the existing Centre. With poor pedestrian linkages from the development site through to the Heatherton Neighbourhood Centre and lack of a direct pedestrian or vehicular access onto Hollybrook Way, the proposal offers limited opportunities for linked trips with the wider Centre and provides a lack of connectivity with existing housing development to the northeast. The proposal fails to complement, expand or extend the existing Centre and fails to demonstrate comprehensive, integrated or holistic growth. For these reasons the development is considered to be contrary to Policies CP12, AC20 and MH1 of the Derby City Local Plan - Part 1 (Core Strategy) and the guidance contained within the National Planning Policy Framework, in particular paragraph 124.

Reason for refusal 3. In the opinion of the Local Planning Authority the proposed development, as a result of its' car park dominated layout and the uninspiring standard format design of the retail store, represents a poor solution to the redevelopment of this site and would fail to make a positive contribution to the

character and appearance of the surrounding locality. As such the development is considered to be contrary to Policies CP3 and CP4 of the Derby City Local Plan - Part 1 (Core Strategy) and the overarching guidance contained within the National Planning Policy Framework which seeks to achieve high quality developments, which add to the overall quality of an area.

The question for consideration is has the revised scheme evolved sufficiently to overcome the two previous reasons for refusal.

Firstly, whilst the site of the proposal remains the same, unlike the previous proposal the proposed food store will face northwards, no longer turning its back on the existing centre, to which it is intended to function as an extension to. This is a significant improvement to the scheme providing a more obvious interface with the centre and increasing the likelihood for linked trips. In addition to the re-orientation of the store, there are a number of other significant enhancements that count in favour of the new scheme including:

- Enhancements to sustainability credentials, including the inclusion of green wall, installation of PV panels, combined CO2 refrigeration and heating system, net additional planting of trees, provision of bird / bat boxes;
- Opportunities for biodiversity gains around the attenuation pond (part of separate application)
- Additional glazing and timber effect cladding
- Safeguarding of TPO tree
- Porous paving
- Wider, more pronounced footpath linking to the existing local centre
- Shielding of rear elevation
- Breaking up of the car parking through landscaping

The effect of these changes is a more bespoke design that has greater regard to its location and context. As a result of the changes that have been negotiated, the applicant claims that the proposal will be one of the most sustainably designed stores in the country.

It is fully acknowledged that further enhancements in terms of more direct pedestrian links with the centre following a desire line through the Hollybrook Pub car park would have been preferable and, if the scheme is granted, it would be beneficial if the applicant / operator could continue to seek this enhancement through discussions with the relevant landowner. However, the proposals do propose enhancements to pedestrian linkages through the widening of the footway along Rykneld Road and the restrictions offered by the site location need to be considered in the context of the fact that we have accepted that the business model of operators such as Aldi require main road visibility. Design considerations therefore need to be balanced against the policy objective of securing a main food shop destination. The site of the application is therefore the only site within the allocated area that is capable of meeting the viability requirements of the operator (in terms of needing main road frontage) and the ability to provide any sense of integration with the existing centre.

Retail Policy, Design and Layout Conclusions

The Council has identified a need to expand Heatherton Neighbourhood Centre to enhance its function and help to meet the convenience shopping needs of the increasing population of this part of Derby in a sustainable manner. The principle of a new food store in this general location and broadly consistent with the scale proposed is therefore accepted. The Local Plan does not designate where the extension should occur and the only guidance is provided by the SPD, which identifies land to the east of the proposal site. The proposal site is therefore considered to be an edge-of-centre location in retail planning terms. In this context, the applicant is required to demonstrate compliance with the sequential test whilst we need to be sure that the proposal will not lead to significant adverse impacts on centres. On balance, it is therefore considered that the revised design and layout of the store is the optimum possible in this location.

Sequential Test – A number of alternative sites / locations have been identified by the applicant and discounted for appropriate reasons. The only alternative site that could potentially be considered to be sequentially preferable is the land between the existing medical centre and church within Heatherton District Centre. This area in conjunction with land to the south (also in the control of the applicant) is the most logical parcel of land that could provide a functional extension to the existing centre and is the area identified for such purposes in the SPD. Nonetheless, the applicant has raised concerns about the viability of building a food store of the nature proposed in this area, due to a lack of main road frontage. There is a commercial reality that operators such as Aldi require main road frontage. Therefore, the reality is that in order to achieve the policy objective of securing a main food shop destination and enabling the function of the existing centre to be upgraded to District Centre status, we're likely to have to accept a site with at least some main road frontage / visibility. On this basis, it can be concluded that the proposal meets the provisions of the sequential test.

Impact – As demonstrated by the applicant, the proposal will result in trade diversion from a number of existing retail locations, the majority of which are out-of-centre and therefore do not receive policy protection. Some of the trade draw patterns identified by the applicant appear slightly illogical; however any adjustments in this regard are only likely to result in reduced diversion from out-of-centre stores on the east side of the city at the expense of out-of-centre stores in closer proximity to the application site. The most significant levels of trade diversion from in-centre locations will be from Tesco within Mickleover District Centre and Asda within Sinfin District Centre. Both stores are estimated to be overtrading significantly, as confirmed by the Council's own RCS and trade diversion of the magnitude suggested by the applicant should be absorbed without undermining their ongoing viability. It is also relevant to note that the principle of a new foodstore of the scale and nature proposed in this general location is supported by other findings of the Council's RCS. Nonetheless, in order to protect the Council's retail strategy, an appropriate condition should be imposed, limiting the proportion of sales floorspace that can be used for the sale of specific comparison goods, as listed in the supporting text of CP13. In addition, further conditions should be imposed to limit the net sales area to 1,315sqm and to restrict the sale of newspapers, tobacco and magazines in order to try and protect the vitality and viability of the adjacent Neighbourhood Centre. Impacts on the existing Co-op store within the adjacent Neighbourhood Centre are likely to be greater than that stated by the applicant, although it is acknowledged the existing and proposed stores do provide a

different function. Nonetheless, operators such as Aldi do to an extent provide a top up function. Impacts on the existing centre would have been exacerbated by the design and layout of the previously submitted scheme. However, improvements in this regard do provide some comfort about the potential for linked trips to the local centre and the ongoing viability of the Co-op.

Design and Layout – The design and layout of the new store is fundamentally related to the retail policy considerations. The revised scheme includes a number of enhancements to the design and layout, most significantly the re-orientation of the store so that it now faces the existing Neighbourhood Centre, making it at least in part feel like a genuine extension to the centre and increasing the chances of linked trips. Whilst some concerns remain about the integration of the store, these are largely as a result of the site being located to the rear of the Hollybrook PH. These remaining concerns need to be balanced in the context of the policy objective of securing a main food shop destination in this general location and the commercial reality of operators such as Aldi requiring main road frontage. There is a hard reality that Aldi or similar operator of this nature would not be interested in such a site from a viability perspective. The site of the application is therefore the only site within the allocated area that is capable of meeting the viability requirements of the operator (in terms of needing main road frontage) and the ability to provide any sense of integration with the existing centre. The changes to the design of the retail store, in particular, the introduction of a living green wall on the western elevation of the building, additional glazing and the use of improved materials have resulted in significant improvements to what had previously been a standard format retail store.

All of these changes are welcomed and have resulted in a far enhanced scheme in visual terms. The revisions to the layout have also broken up the car park, so it now wraps around the front and side of the store, and the introduction of additional landscaping and tree planting ensure the large car parking area is no longer a sea of hardstanding which would dominate the development. As a result, it is considered that the revised scheme would now comply with Core Strategy policies CP3 and CP4.

7.4 Site Accessibility, Parking and Highway Issues:

The proposed development would be accessed via a new priority controlled junction located along Rykneld Road. The location and design of the access including the achievable visibility splays have been fully assessed by Highway Authority, who are satisfied that the junction onto Rykneld Road would provide a safe and suitable access solution for the development proposed. The submitted Transport Assessment indicates that the proposed junction would operate with plenty of spare capacity when serving the proposed retail store and the development can be satisfactorily accommodated at the site without having a significant adverse impact on the wider highway network, in terms of capacity and congestion. Parking and servicing arrangements for the development are also considered to be acceptable and the Highway Authority raises no objections in this regard.

As noted previously, the improvements to wider pedestrian linkages between the between the proposed store and the existing Neighbourhood Centre are proposed, together with the provision of a new controlled pedestrian crossing along Rykneld Road and commuted sum towards improvements to sustainable transport measures

Although the Highway Authority stress that further assessment would be required before they can determine whether the site access would be suitable to serve any wider development, this would not be a reason to resist the retail store in isolation. The applicant highlights that the estate road leading to the Aldi store need not necessarily provide a vehicular route onto the north-south link for the rest of the eastern AC20 allocation. It could simply be a pedestrian and cycle way to possibly avoid any rat running through the allocated site. Such decisions would need to be made as and when any future development sites come forward.

Many of the neighbour objection letters raise concerns about position of the site access however it should be noted that the access point into the site remains the same at that submitted under the refused 2019 scheme. No objections were raised by the Highway Authority within their earlier submission and matters pertaining to highway safety were not included within the six reasons for refusal attached to planning application reference 19/01265/FUL. In line with their previous consultation response, the Highways Authority have raised no objections to the current proposals on the grounds of highway safety, or the development's impact on the highway network. Accordingly, it is considered that the proposal would be in compliance with Policy CP23, subject to conditions relating to the wheel washing, a construction management plan, vehicle access details, off-site highway works, cycle parking and provision of a travel plan, in line with the Highway Authority's comments.

7.5 Other issues:

Residential Amenity Considerations

Although located in a slightly different position within the site compared to the earlier 2019 application, the proposed would still be set a reasonable distance from neighbouring residential properties, the nearest being approx. 55m to the west and approx. 100m to the south. Given the distances involved the proposed development is unlikely to result in any detrimental impact on nearby dwellings through overlooking, loss of light, overbearing or general massing issues. As with the previous application the main concerns in respect of residential amenity relate to the possible increase noise and disturbance from deliveries/servicing, mechanical plant and from customers during operating hours, together with any issues associated with lighting from the proposed development.

Noise - The application is accompanied by an updated Noise Impact Assessment and a Noise Technical Note. The reports consider the impact of delivery noise, car park noise, development generated road traffic and fixed building services plant. Noise mitigation measures within the report include the provision of a 2.4m high barrier along the southern boundary of the development, adjacent to the proposed service area. The findings of the Noise Assessment have been considered by the Environmental Health Officer (EHO), who agrees that the barrier demonstrates a sufficient degree of protection from noise at times when HGVs are behind the barrier. However, to address wider noise concerns associated with delivery vehicles accessing the site during night-time hours, he has recommended a condition restricting night-time deliveries i.e. between the hours of 11pm and 7am, unless further evidence can be provided which demonstrates otherwise. Subject to inclusion of the suggested conditions on any approval, no objections have been raised by the EHO on the grounds of noise and/or disturbance.

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Light – Given the position of the nearest residential properties and the presence of an intervening highway, which has a number of streetlights along it, the proposals are unlikely to result in any significant harm through increase glare, or light pollution. It is considered that a condition requiring the applicant to submit full details of the location, positioning and luminance of any lighting on the site for prior approval by the Local Planning Authority prior to its installation, would adequately ensure that external lighting within the site would not cause undue light pollution/spillage to the detriment of the residential amenity of neighbouring occupiers.

The reasons for refusal attached to the 2019 scheme did not include residential amenity concerns and, although the position of the food store has been revised slightly, subject to the conditions recommended above, the revised scheme is not considered to have an unreasonable impact on the amenity of neighbours through increased noise and disturbance, or other amenity considerations. Consequently, it is considered that the development would reasonably comply with saved Policy GD5 of the adopted CDLPR which states that planning permission for development will not be granted where it results in unacceptable harm to the amenity of nearby areas.

Biodiversity/Sustainable Drainage

The fourth reason for refusal related to the previous submission's inability to incorporate sustainable drainage features and provide net biodiversity gain across the application site. The reason for refusal is reproduced in full below.

Reason for refusal 4. In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to demonstrate how the development would be drained in a sustainable manner through the use of sustainable drainage features, and how surface water from the proposed access road would be dealt with until such time that future development plots to the east of the application site come forward. The provision of above ground surface water storage areas would also offer significant opportunities to provide net biodiversity gain on the site which the development currently fails to achieve. Without this information, the Local Planning Authority considers that the development fails to comply with saved policies CP2, CP19 and AC20 of the Derby City Local Plan - Part 1 (Core Strategy), together with the advice contained within the National Planning Policy Framework (paras.165 and 170) which encourage opportunities for net biodiversity gain and the use of sustainable drainage systems in all major developments.

The First part of reason for refusal 4, above, related to the lack of sustainable drainage provision across the earlier scheme. To address part of the refusal reason a separate application (reference ref: 20/00783/FUL) has been submitted which would see the creation of an attenuation pond to the east of the application site, within 'blue edged' land also controlled by the applicant to provide a permanent solution to surface water drainage for both the retail site and the access road. The submitted information states that the benefits of providing a separate attenuation pond relate not only to the ability to facilitate a more comprehensive drainage strategy for further development that might take place on part of the AC20 site but also the ability to increase biodiversity gains in and around the attenuation basin. Permeable paving would also be incorporated within the drainage layout across the proposed car parking area to provide a form of treatment to surface water flows and a bypass separator to provide additional treatment to areas

that are trafficked by both cars and haulage vehicles. Subject to conditions requiring the submission of a surface water drainage scheme for the site and the demonstration that there will be no loss of flood plain storage, or interference with surface water conveyance, no objections have been raised by the Lead Local Flood Authority. Based on the revised drainage strategy proposed, it is considered that the development would comply with Derby City Local Plan Part 1 Policy CP2, together with the advice contained within the NPPF (para 165), which requires major developments to incorporate sustainable drainage systems.

To address the second part of refusal reason 4, the revised scheme proposes significant improvements to planting proposals/habitat creation across the development site. New species rich grassland would be created on the north-eastern side of the site. Twenty-two scattered trees are proposed within the proposed car park area and, in total, 136m of new species rich hedgerow would be created across the site. The design of the retail store itself has been revised to include a living green wall on its western elevation which would cover an area of approx. 0.01ha. Derbyshire Wildlife Trust (DWT) have now advised that implementation of the revised planting measures (as detailed in the Landscape Scheme Supporting Statement Revision A dated June 2020 and shown on the Soft Landscape Proposals plan prepared by Middelmarsh Environmental) should enable the development to demonstrate a net gain in biodiversity in line with the National Planning Policy Framework and Policy CP19 Biodiversity of the Derby City Local Plan Part 1. According, it is considered that the revised submission has addressed the 'biodiversity' reason part of the reason and, subject to conditions, the development would now reasonably comply with the requirement of Policies CP16 and CP19 and para. 170 of the NPPF.

Impact on Heritage Assets/Archaeology

The fifth reason for refusal related archaeology and the absence of a geophysical survey on the site. The reason for refusal is reproduced below.

Reason for refusal 5. In the opinion of the Local Planning Authority, in the absence of a geophysical survey insufficient information has been submitted with the application to allow the Local Planning Authority to fully assess and understand the impact of the development on any below ground archaeological features. Although the Local Planning Authority notes that the development site has been the subject of some archaeological assessment in the past, the submitted information is now very out of date, and the survey work involves the use of techniques which are no longer considered to be adequate methods of assessing below ground archaeological features (Historic England geophysics guidance 2008). Consequently, the application fails to comply with saved Policy E21 of the adopted City of Derby Local Plan Review, together with the advice contained within the National Planning Policy Framework (para. 189).

To address and the County Archaeologist's previous concerns and address the reason for refusal, the site has been subject to a further geophysical survey. No anomalies suggestive of significant archaeological features were identified during the latest field work and, subject to a condition requiring the approval/implementation of a Written Scheme of Investigation for archaeological work, the County Archaeologist has raised no objections to the latest proposals. As a result, it is considered that additional field evaluation work is sufficient to overcome the above reason for refusal and the current

scheme would comply with the provisions of saved Policy E21 of the CDLPR, together with the advice contained within the NPPF (para 189) relating to the impact on heritage assets.

Arboricultural Issues

The sixth reason for refusal attached to application ref 19/01265/FUL related to the ability of the development to construct the site access without causing harm to the root of the nearby protected Oak trees and the loss of T05; an Oak tree located to the north-east of the application site. The reason for refusal is reproduced below.

Reason for refusal 6. In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to satisfactorily demonstrate how the development can be constructed without causing harm to the health and visual amenity value of retained trees on the site. In particular, given the change in land levels close to the western site boundary, the Local Planning Authority questions the feasibility of constructing the site access using no-dig construction methods within the root protection areas of Oak trees (T08 and T09). The Local Planning Authority also considers that the development, as result of the removal of Oak tree (T05), would cause harm to the visual amenities of the surrounding area through the loss of an important landscape feature on the site. For these reasons it is considered that the development fails to comply with Policies CP3, CP4 and CP16 of the Derby City Local Plan - Part 1 (Core Strategy).

Prior to submission of the application investigatory works were carried out to assess the likely root distribution of Oak trees T08 and T09 located either side of the proposed site access. The revised submission is supported by further information which confirms that the combination of the positioning of the road; suitable no-dig construction techniques; the use of porous surfacing and the status of the TPO trees as 'non-veteran' would allow the road to be constructed without significant effect on the root system of the trees. To further minimise any potential risk of such effects, all services which would normally be within the access road, are proposed to be re-routed through the store's car park. The revisions to the site layout have also allowed for the retention of the Oak tree T05, which would have been lost as part of the previous development.

Although the Tree Officer does have some concerns that allowing the construction of the access road between the trees would increase the pressure to remove them prematurely, as long as the trees are managed sympathetically post construction it is considered that the trees could be retained for many years. During the life of the application further cross-sectional details of the proposed access road have been submitted to address the Tree Officers concerns regarding the use of made up ground. Details of any railings/fences within the root protection areas of retained trees can be controlled through condition, together with the use of soil cells for planting adjacent to hard surfaces area. In this instance it is considered that part removal of hedgerow H01, to facilitate the site access and allow for the widening of the footway up to the Neighbourhood Centre, is justified. The hedgerow along the widened pathway will be replaced with a mixed species hedgerow extended along the site boundary for enhanced biodiversity.

Subject to the submission/agreement of a final Arboriculture Method Statement, which can be controlled through condition, the Tree Officer states that he is likely to support

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the proposed development and there are no reasons to resist it on arboricultural grounds. Accordingly, it is considered that the sixth reason for refusal has been addressed and the development would comply with the requirements of Derby City Local Plan Part 1 Policy CP16, which seeks to maintain, enhance and manage Derby's green infrastructure.

Sustainability

The revised scheme includes a number of additional features which seek to deliver sustainability benefits within the development. These include the provision of a green wall fronting onto Rykneld Road; net additional planting of trees; installation of bat and bird boxes; inclusion of PV panels on the south-west facing roof of the store and the inclusion of combined CO2 refrigeration and heating systems. Details of sustainable construction methods and design features can be controlled through a suitably worded condition in order to comply with Derby City Local Plan Part 1 Policy CP2, which seeks to reduce emissions from new development.

Air Quality

The application is accompanied by an updated Air Quality Assessment, dated April 2020. The conclusions of the submitted report remain the same as for the earlier version submitted within the 2019 application and the air quality impacts arising from the development, in terms of dust and road traffic emissions, are not considered to be significant. As per the 2019 application, the Environmental Health Officer generally concurs with the Report's findings and no objections have been raised, subject conditions relating to dust management mitigation measures and the provision of electric car charging points.

Contaminated land

The Environmental Health Officer accepts the conclusions and recommendations of the submitted Phase 1 Geo-Environmental Assessment, namely that an intrusive ground investigation should be undertaken on site. No objections are raised in respect of contamination land issues, subject to conditions controlling the approval and implementation of a Phase II Intrusive Ground Investigation Report and Remediation Strategy.

Community safety Issues

The Police Liaison Officer considers that the revised layout and store position present a better combination than the previously refused scheme. Both the access footpath and back of store area have been moved to a more open location away from the woodland between the site and the Hollybrook Pub. Subject to conditions relating to boundary treatment, external lighting and CCTV no objections are raised on public safety grounds and the development would comply with saved Policy E24 of the CDLPR.

7.6. Conclusions:

The Council has identified a need to expand Heatherton Neighbourhood Centre to enhance its function and help to meet the convenience shopping needs of the increasing population of this part of Derby in a sustainable manner. Accordingly, the principle of a new retail unit in this general location, and broadly consistent with the scale proposed, is accepted. There is however a commercial reality that operators such as Aldi require a main road frontage and that, in order to achieve the policy objective of securing a main food shop destination and enabling the function of the existing

centre to be upgraded to District Centre status, we are likely to have to accept a site with at least some main road frontage/visibility. On this basis it has also been concluded that the proposal meets the provision of the retail sequential test.

Improved connections to Heatherton Neighbourhood Centre have been achieved within the revised submission through the re-location and re-orientation of the retail store building, so it no longer turns its back on the existing Centre; and enhanced pedestrian linkages are proposed between the two sites increasing the likelihood of linked trips. A re-design of the proposed food store, together with the incorporation of enhanced sustainability credentials, have resulted in significant improvements to what had previously been a standard format retail store; and the revisions to the layout and introduction of additional landscaping assist in breaking the proposed car parking area, ensuring it no longer dominates the development.

The submission of further supporting information in the form of a masterplan, together with an agreement from the applicant to safeguard and market land within their control for future development for uses within Use Class E, and a north-south corridor to enable the future development of a road linking the allocated area to the south with Hollybrook Way, provide assurance that the introduction of a standalone retail store application will not prejudice the delivery of policy objectives and the development of the wider AC20 allocation, in terms of pedestrian and highway links and employment land provision.

No objections have been raised by the Highway Authority in terms of the access location, or impact on the local highway network, and the position of the site access is consistent with the refused 2019 application. Whilst the associated SPD shows an access point from Hollybrook Way, the SPD is purely indicative and can be attributed limited weight. Ultimately Policy AC20 does not specifically stipulate where within the parcel of land the access point should be located and, as noted above, the development would not preclude a future access from Hollybrook Way at a future date. The technical reasons for refusal in terms of archaeology, provision of sustainable drainage solutions, biodiversity enhancements and impact on retained trees have been addressed through the submission of further supporting information.

Overall, although it would have been preferable to see how the proposal relates to the full extent of the allocated area through the submission of a wider outline application, Policy AC20 does not preclude the development of the parcels of land independently, subject to the demonstration of a co-ordinated approach to delivery. Based on the revised information submitted and the additional safeguarding in place, Officers consider that it has been satisfactorily demonstrated that the proposal would not **preclude** or **prejudice** the delivery of policy objectives and the development of the wider AC20 allocation, and, ultimately it is hoped that the development of a retail store in this location will in fact provide a catalyst for the commencement of development across the wider site.

For the above reasons it is considered that the development will reasonably comply with the relevant Local Plan policies as listed in Section 6 of this report, together with the provision of the NPPF.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

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

8.2. Summary of reasons:

In terms of retail policy, it is accepted that there are no alternative sites within the defined Primary Catchment Area that are available, suitable, and viable and therefore the sequential test to site selection has been passed. Moreover, in the absence of any clear evidence of 'significant adverse' impact on the health of centres within the shopping hierarchy, it is considered that there are no grounds to resist the application on the basis of impact. Improved connections to Heatherton Neighbourhood Centre have been achieved through the re-location and re-orientation of the retail store building, together with enhanced pedestrian linkages; and the submission of further supporting information in the form of a masterplan, together with an agreement to safeguard and market land for uses within Use Class E and a north-south corridor, provide assurances that the introduction of a standalone retail store application would not preclude or prejudice the delivery of policy objectives across the wider AC20 allocation. It is considered that the proposal would result in a satisfactory form of development in terms of its relationship with neighbour and that, subject to conditions, would cause no undue harm to the amenity of neighbouring residents through significant increases in noise and disturbance; and re-design of the retail store, together with the incorporation of enhanced sustainability credentials and landscaping, have overcome previous reasons for refusal relating to design/visual impact. The development is also considered to be acceptable in terms of flood risk, biodiversity, and other environment issues and, subject to conditions, would not have a detrimental impact on retained TPO'd trees on and adjacent to the site. No objections have been raised by the Highway Authority in terms of highway safety issues, and the proposal is also considered to be acceptable in terms of its access, serving and parking arrangements.

8.3. Conditions:

Time limit Conditions

- 1. Standard 3 year time limit condition

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

- 2. Standard approved plans reference condition
 - Location Plan – 4243 PL 001 Rev J
 - Proposed Site Plan – E17A34 P002 Rev E

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- Proposed Floor Plan – E17A34 P003
- Proposed Roof Plan – E17A34 P005
- Soft Landscaping Proposal – MEL-446-001-Rev P1
- Coloured Elevations – E17A34 P007 Rev A
- Access General Arrangement Plan (BWB) – TR 101 S2 P13
- Site Access CellWeb Construction (BWB) – DR-C-0650-P2
- Proposed Site Sections - E17A34 - P008

Reason: For the avoidance of doubt

Pre-commencement Conditions

3. Condition relating to archaeological WSI

Reason: To protect any below ground heritage assets

4. Construction Management Plan condition

Reason: In the interests of residential amenity and highway safety

5. Condition controlling details of external materials

Reason: In the interest of visual amenity

6. Condition controlling boundary treatment details

Reason: In the interest of visual amenity and tree health

7. Condition controlling details of landscaping/paving

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

8. Flood Plain storage condition

Reason: To ensure the provision of satisfactory drainage arrangements

9. Surface water drainage condition

Reason: To ensure the provision of satisfactory drainage arrangements

10. Condition controlling provision of the drainage attenuation basin

Reason: To ensure the provision of satisfactory drainage arrangements

11. Condition controlling details of tree/hedgerow protection

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

12. Condition controlling details of any underground service runs

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

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13. Condition controlling the submission/implementation of an Arboricultural Method Statement

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

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

Reason: In the interests of biodiversity enhancement

15. Condition controlling details of sustainable design features

Reason: To promote sustainable development

16. Contaminated land conditions – phase II intrusive ground investigation and remediation strategy

Reason: To identify and deal with any contamination on the site

Pre-occupation conditions

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

Reason: In the interests of visual and residential amenity

18. Condition controlling details of acoustic screen

Reason: In the interests of residential amenity

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

Reason: In the interests of residential amenity

20. Condition requiring the submission of a CCTV scheme for the site

Reason: In the interests of community safety

21. Travel Plan condition

Reason: To promote sustainable modes of transport

22. Cycle Parking condition

Reason: To promote sustainable modes of transport

23. Condition controlling electric vehicle charging points

Reason: To promote sustainable modes of transport

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Application**

placed along the site boundary adjacent to the brook. No obstacles should be present along this stretch of the brook.

8.5. S106 requirements where appropriate:

The applicant has agreed to the following obligations to be secured through a Section 106 agreement which will help to ensure that the wider AC20 allocation site is developed in a comprehensive manner:

- Safeguarding a corridor of land to enable a road to be built linking Hollybrook Way to further development land to the south
- Safeguarding land to the east of the application site for E Class uses with associated marketing for up to three years

The applicant has also agreed to provide a commuted sum towards improvements to sustainable transport.

8.6. Application timescale:

An extension of time on the determination timeframe has been agreed until the 30th November to allow the application to be considered at a planning control committee meeting.

24. Highway Condition

- The proposed access to Rykneld Road as shown on Drg No RYK-BWB-GEN-XX-DR-TR-101 S3 P13;
- The proposed footway widening to provide a suitable connection for pedestrians between the development to the neighbourhood centre off Hollybrook Way;
- A pedestrian crossing as shown for indicative purposes only on DNo RYK-BWB-GEN-XX-DR-TR-101 S3 P13 design in accordance with the Traffic Signs manual Chapter 6: Traffic Control

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

Management conditions

25. Delivery/operation hours condition

Reason: In the interests of residential amenity

26. Condition for the implementation/planting of landscaping

Reason: In the interest of visual amenity, biodiversity enhancement

27. Condition limiting the proportion of sale floorspace that can be used for the sale of specific comparison goods, as listed in the supporting text of Policy CP13, to include clothes, footwear, toys, sports goods etc.

Reason: To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy

28. Condition limiting the net sales area to 1.315sqm

Reason: To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy.

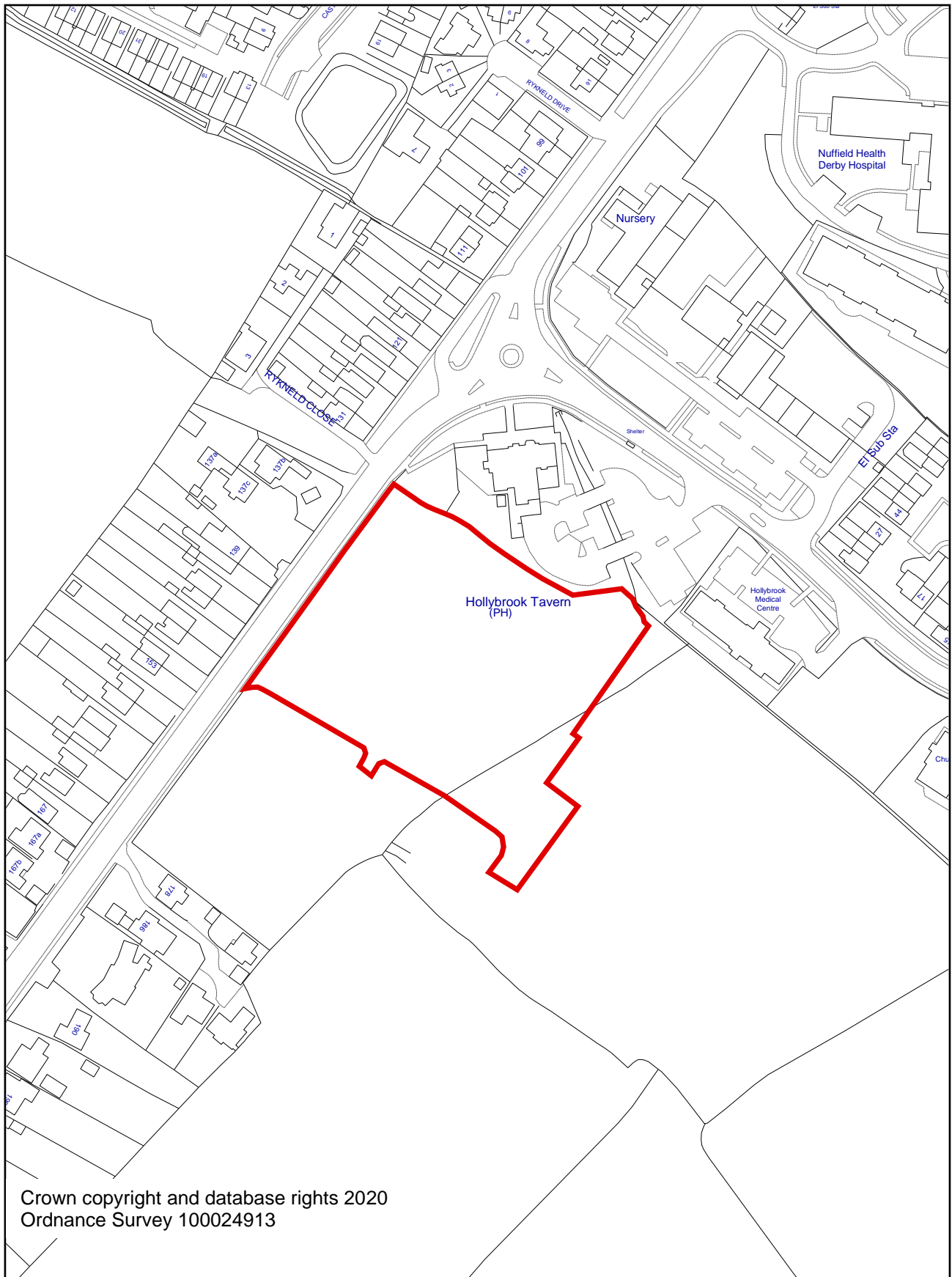
8.4. Informative Notes:

The Grampian condition relating to the pedestrian crossing, requires works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For the works to proceed you will require a S278 agreement, please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of the works.

As the pedestrian crossing incorporates Zig Zag markings that can only be enforced by the Police, the Police and public will need to be consulted about the pedestrian crossing through the S278 process.

For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 642264.

In the interests of maintaining full access to the Hell Brook as well as maintaining a viable biodiversity corridor along the brook, we would object to any fencing being





Derby City Council

SC5 Planning
The Elms
Oakwood Park Business Centre
Bishop Thornton
Harrogate
HG3 3BF

Planning Application Decision

Town and Country Planning Act 1990

Part 1: Application Details

Application No: 19/01265/FUL (please quote in correspondence)
Location: Land At Rykneld Road, Derby, (South Of The Hollybrook PH)
Proposal: Erection of a retail unit (Use Class A1) with new access and car parking

Part 2: Decision

Permission is **refused** for the reasons given in Part 4

Part 3: Related Plans

The development hereby refused relates to the following plans:

Plan Type:	Plan - Rev:
Location Plan	001 Rev G
Site plans	002 Rev G
Floor plans	010 Rev B
Elevations	004 Rev C
Elevations	011 Rev C
Elevations	012 Rev C

Part 4: Reasons for Refusal

1. In the opinion of the Local Planning Authority the application fails to satisfactorily demonstrate how the issues of comprehensive development across the wider Policy AC20 allocation site would be achieved. This includes how the Policy requirement of delivering 2.4ha of employment land can be satisfied elsewhere within the allocated area and how the development would provide the links
-

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
derby.gov.uk

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required to 'open up' land on the eastern side of the wider development site, including the provision of pedestrian and vehicular linkages and associated infrastructure. In the opinion of the Local Planning Authority, this lack of a comprehensive approach leads to risks over the delivery and viability of future phases of the allocated land on the eastern side of Rykneld Road, limits access and layout opportunities, and could prejudice development of the wider site. The proposal thereby fails to demonstrate or plan for comprehensive or holistic growth. For these reasons the Local Planning Authority considers that the development fails to comply with Policies AC20 and MH1 of the Derby City Local Plan - Part 1 (Core Strategy).

2. As a result of its divorced position relative to the existing Neighbourhood Centre, in terms of layout and orientation, the Local Planning Authority considers that the proposed retail store would fail to provide a cohesive, well related and legible extension to the existing Neighbourhood Shopping Centre at Heatherton as required by Policies CP12 and AC20. Accessed via an independent vehicular access and orientated towards the south, the proposed store turns its back on the Neighbourhood Centre resulting in a development which is tantamount to a standalone retail store, rather than a functioning extension to the existing Centre. With poor pedestrian linkages from the development site through to the Heatherton Neighbourhood Centre and lack of a direct pedestrian or vehicular access onto Hollybrook Way, the proposal offers limited opportunities for linked trips with the wider Centre and provides a lack of connectivity with existing housing development to the northeast. The proposal fails to complement, expand or extend the existing Centre and fails to demonstrate comprehensive, integrated or holistic growth. For these reasons the development is considered to be contrary to Policies CP12, AC20 and MH1 of the Derby City Local Plan - Part 1 (Core Strategy) and the guidance contained within the National Planning Policy Framework, in particular paragraph 124.
3. In the opinion of the Local Planning Authority the proposed development, as a result of its' car park dominated layout and the uninspiring standard format design of the retail store, represents a poor solution to the redevelopment of this site and would fail to make a positive contribution to the character and appearance of the surrounding locality. As such the development is considered to be contrary to Policies CP3 and CP4 of the Derby City Local Plan - Part 1 (Core Strategy) and the overarching guidance contained within the National Planning Policy Framework which seeks to achieve high quality developments, which add to the overall quality of an area.
4. In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to demonstrate how the development would be drained in a sustainable manner through the use of sustainable drainage features, and how surface water from the proposed access road would be dealt with until such time that future development plots to the east of the application site come forward. The provision of above ground surface water storage areas would also offer significant opportunities to provide net biodiversity gain on the site which the development currently fails to achieve. Without this information, the Local Planning Authority considers that the development fails to comply with saved policies CP2, CP19 and AC20 of the Derby City Local Plan - Part 1 (Core Strategy), together with the advice contained within the National Planning Policy Framework (paras. 165 and 170) which encourage opportunities for net biodiversity gain and the use of sustainable drainage systems in all major developments.

5. In the opinion of the Local Planning Authority, in the absence of a geophysical survey insufficient information has been submitted with the application to allow the Local Planning Authority to fully assess and understand the impact of the development on any below ground archaeological features. Although the Local Planning Authority notes that the development site has been the subject of some archaeological assessment in the past, the submitted information is now very out of date, and the survey work involves the use of techniques which are no longer considered to be adequate methods of assessing below ground archaeological features (Historic England geophysics guidance 2008). Consequently the application fails to comply with saved Policy E21 of the adopted City of Derby Local Plan Review, together with the advice contained within the National Planning Policy Framework (para. 189).
 6. In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to satisfactorily demonstrate how the development can be constructed without causing harm to the health and visual amenity value of retained trees on the site. In particular, given the change in land levels close to the western site boundary, the Local Planning Authority questions the feasibility of constructing the site access using no-dig construction methods within the root protection areas of Oak trees (T08 and T09). The Local Planning Authority also considers that the development, as result of the removal of Oak tree (T05), would cause harm to the visual amenities of the surrounding area through the loss of an important landscape feature on the site. For these reasons it is considered that the development fails to comply with Policies CP3, CP4 and CP16 of the Derby City Local Plan - Part 1 (Core Strategy).
-

Part 5: Relevant Policies

The provisions of the National Planning Policy Framework where appropriate and the following 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 are relevant to the application.

City of Derby Local Plan Review Saved Policies

E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
E24	Community Safety
T10	Access for Disabled People
GD5	Amenity

Derby City Local Plan Part 1 (Core Strategy) Policies

CP1A	Presumption in Favour of Sustainable Development
CP1B	Placemaking Principles for Cross Boundary Growth
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP12	Centres

CP13	Retail and Leisure Outside of Defined Centres
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network
AC20	Rykneld Road
MH1	Making it Happen

Signed:



Paul Clarke
Authorised Officer of the Council

Date: 26/11/2019

1. Application Details

1.1. Address: Land at Rykneld Road, Derby

1.2. Ward: Littleover

1.3. Proposal:

Installation of surface water drainage infrastructure including attenuation basin

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00783/FUL>

Site and Surroundings

The application site is located on the northern edge of the AC20 allocation area within the suburb of Littleover. It lies to the south-west of The Haven Christian Centre located along Hollybrook Way. The site is set approx. 200 metres back from the road frontage on the eastern side of the Rykneld Road.

The application site is comprised of an area of rough agricultural grassland with vegetated site boundaries. The Hell Brook runs along the north-eastern site boundary. The bank of trees situated between the application site and the nearby church are protected by an area Tree Preservation Order - A1 of TPO No. 516.

The proposal

The application seeks planning permission for the installation of surface water drainage infrastructure including an attenuation basin. The proposed drainage basin would be some 60m by 20m in area would be approx. 3.5m deep. The sides of the basin would have a gradient of around 1:3. Biodiversity planting is proposed around the shelf of the attenuation basin.

The attenuation pond is proposed as part of sustainable drainage solution for the new Aldi retail store proposed to the west of the site and submitted under application reference 20/00741/FUL.

The supporting information states that the application gives a permanent solution to the surface water drainage for both the Aldi site and the access road. It is envisaged that the attenuation pond would also provide additional surface water drainage capacity to allow further development within the AC20 allocation site.

The application is accompanied by the following -

- An Arboricultural Report
- A Drainage Addendum
- An Ecological Appraisal
- Phase I Geo-Environmental Assessment
- Phase 1 Surface Water Drainage Strategy

Committee Report Item No: 4

Application No: 20/00783/FUL

Type: Full Application

Planning Context

Policy AC20 of the Derby City Local Plan – Part 1 (DCLP1) extends to approx. 33.3 hectares of land on both the eastern and western side of Rykneld Road, including the application site, and is identified for a large-scale, mixed-use development. Policy AC20 allocates the area for the delivery of a minimum of 900 homes plus supporting infrastructure, including a new primary school, an extension of the neighbourhood centre at Heatherton, 2.4ha of employment land, as well as specific transport mitigation measures. The site was originally covered by Policy H9 of the City of Derby Local Plan Review (2006). This allocation was rolled forward into the new Derby City Local Plan Part 1 – Policy AC20. Policy AC20 requires a coordinated approach to development to ensure the site and necessary infrastructure is delivered comprehensively.

An application for outline planning permission was submitted on the wider site in 2011, under application reference DER/01/11/00023. This earlier development proposed the erection of up to 800 dwellings, a retail food store, community facilities, commercial uses, a primary school and vehicular accesses to Rykneld Road and Hollybrook Way. Although Planning Control Committee resolved to grant permission for the development back in 2013 negotiations on the associated Section 106 Agreement have stalled and the application remains undetermined.

2. Relevant Planning History:

Application No:	01/11/00023	Type:	Outline Planning Application
Decision:	Awaiting decision following committee resolution to grant planning permission	Date:	
Description:	Residential development (up to 800 dwellings), business units (Use Class B1), retail foodstore (Use Class A1), community facilities (Use Classes D1 and D2), commercial uses (Use Classes A1, A2, A3, A4 And A5), Primary school (Use Class D1) and formation of vehicular accesses to Rykneld Road and Hollybrook Way		

Land to the west of the site

Application No:	19/01265/FUL	Type:	Full Application
Decision:	Refused	Date:	26/11/2019
Description:	Erection of a retail unit (Use Class A1) with new access and car parking		

3. Publicity:

Site Notice - yes

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

4. Representations:

One letter of comment has been received from the adjacent church on Hollybrook Way. This raises concerns about potential safety risk of the drainage pond to children at the church and requests that the pond is fenced and that outfall is properly maintained.

5. Consultations:

5.1. Highways Development Control:

These observations are primarily made on the basis of information shown on application drawing “.... 0502 Rev P4’ and the accompanying Drainage Addendum.

For avoidance of doubt, and despite what is shown on the drawing and mentioned in the Drainage Addendum (paras 3.38 & 5.1); the Highway Authority will NOT adopt the access road serving the site(s).

Whilst this does not preclude the applicant/developer constructing the road to (as stated) ‘adoptable standards’; the proposed site has Insufficient Utility to be accepted by the Highway Authority; and further, the drawing shows an area of “Cellweb non-dig highway construction”; such a design would not be acceptable within any adoptable extents.

The following response is made on the basis that the proposed access road will be a Private Drive. This being the case also; the Highway Authority is not making comments upon the suitability of the drainage design within the site.

In highway terms, the principle of the development has been established in respect of historic application 19/01265/FUL; although this application has been refused (not on highway grounds) and is subsequently under Appeal; therefore technically the access arrangement has yet to be determined.

Nevertheless, the proposals are for a surface water drainage system; and not for any form ‘adoptable’ layout.

In this respect, the only concern of the Highway Authority would be to ensure that during the construction phase, that the impact of the proposals on Rykneld Road is mitigated; for example, measures to prevent the contamination of the road by mud and other materials, delivery hours, the parking of contractors’ vehicles will be required. This can be covered by an appropriate condition requiring the submission of a Construction Management Plan.

Recommendation:

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

Condition:

No development shall commence unless or until a Construction Management Plan and Construction Travel Plan are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter works shall be carried out in accordance with the approved plan.

Reason:

In the interests of highway safety.

5.2. Natural Environment (Tree Officer):

A tree survey and preliminary AMS has been supplied. The survey was also used for the application ref: 20/00741/ FUL Erection of a retail unit (Use Class A1) with new access and car parking.

The TPP within the report identifies non dig hardstanding construction that runs along the south side of Holly Brook. The TPP also identifies phased protection measures however its construction of the non-dig hardstanding is not identified within the main body of the report. As long as the non-dig hardstanding is installed correctly it should have minimal impact on tree health.

Trees that run along the brook are protected by the area type TPO (A1 of TPO No.516). A very small section of A1 is proposed to be removed to facilitate the construction of the drainage outfall. This small loss is acceptable.

In principal I have no objection however it must be conditioned that a final AMS and TPP must be produced and agreed. The AMS must include Arboricultural monitoring of phased protection and the monitoring of the installation of the approved no-dig construction.

Construction must not be started until the non-dig access road has been properly installed into the site from Rykneld Road.

I note that the preliminary AMS/TPP states that the AMS will need to be updated in respects to the siting of the site compound, landscaping, utilities and installation of street lighting.

Glossary:

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

5.3. Land Drainage:

The proposal is located in an area identified for a wider development mixed use development, including residential uses, covered by Core Strategy Policy AC20. There is an accompanying application for a retail store under planning application 20/0741 FUL.

Records show that land and properties to the north of Holly Brook have experienced flooding from Holly Brook. The development should not exacerbate this risk but seek to mitigate it where possible.

In addition to the observations made in our response to the associated application, 20/00741/FUL, relating to the opportunities given by the application of a drainage system for the wider area, we would support the application with the following three conditions.

Conditions:

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

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

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

2) 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. The scheme shall include, as far as reasonably practicable:-

- A sustainable drainage solution,
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Restriction of surface water runoff from the whole site, that is the access road and those plots that will drain to the same system of QBar or a maximum 5 litres per second, whichever is greater.
- Details of how erosion and scouring will be prevented at the discharge point or points in the watercourse.
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- Appropriate ability to maintain the system in a safe and practical manner.

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

3) The discharge and surface water overland flow from the Access Road and associated development must not give rise to pollution in the water course, at any stage in the life cycle of the development, including the construction phase.

5.4. Derbyshire Wildlife Trust:

The application is supported by an Ecological Appraisal prepared by WYG dated 16th April 2019.

The proposed development is located within an agricultural field of species-poor semi-improved grassland and, as such, we advise that the proposed development should not adversely impact any habitats or species of substantive nature

conservation value. The Holly Brook is considered to be generally unsuitable for water vole and otter.

On the other hand the proposed development does provide opportunities to achieve significant biodiversity benefits.

Although the supporting information states that no public open space or landscaping will be provided by the development, in accordance with the NPPF, all developments should seek to achieve measurable net gains for wildlife.

We therefore recommend that a pre-commencement condition should be attached to any permission requiring the submission and approval of a landscaping scheme that provides biodiversity benefits together with a timetable for implementation and a management schedule.

6. Relevant Policies:

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

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

CP1 (a) Presumption in Favour of Sustainable Development
CP2 Responding to Climate Change
CP3 Placemaking Principles
CP4 Character and Context
CP16 Green Infrastructure
CP19 Biodiversity
CP23 Delivering a Sustainable Transport Network
AC20 Rykneld Road
MH1 Making it Happen

Saved CDLPR Policies

E17 Landscaping Schemes
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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

- 7.1. Policy Requirement**
- 7.2. Biodiversity and Trees**
- 7.3. Highway Implications**
- 7.4 Conclusion**

7.1 Policy Requirement

As stated above, the application is associated with application reference 20/00741 which proposes the erection of an Aldi retail store and associated access road on land to the west of the application site. The submission states that the attenuation pond would also provide additional surface water drainage capacity to allow further development including employment uses; care home and key road infrastructure to be catered for – hence facilitating the implementation of other development (outside the proposed Aldi) in accordance with Policy AC20.

As Members are already aware the retail store application is a re-submission of an earlier scheme refused in November 2019 (ref: 19/01265/FUL) and therefore the purposes of the application is to demonstrate the previous concerns regarding the lack of a sustainable drainage system have been addressed. In particular, the application seeks to address the following reason for refusal.

Reason for refusal 4. In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to demonstrate how the development would be drained in a sustainable manner through the use of sustainable drainage features, and how surface water from the proposed access road would be dealt with until such time that future development plots to the east of the application site come forward. The provision of above ground surface water storage areas would also offer significant opportunities to provide net biodiversity gain on the site which the development currently fails to achieve. Without this information, the Local Planning Authority considers that the development fails to comply with saved policies CP2, CP19 and AC20 of the Derby City Local Plan - Part 1 (Core Strategy), together with the advice contained within the National Planning Policy Framework (paras.165 and 170) which encourage opportunities for net biodiversity gain and the use of sustainable drainage systems in all major developments.

The development would facilitate the provision of a sustainable drainage system (SuDS) for the proposed retail store and future development on the AC20 site. In this regard would comply with the requirements of Policy CP2, which encourages the use of SuDS systems in all new developments. No objections have been raised by the Lead Local Flood Authority, although a number of conditions have been recommended which seek to control further details of the design of the drainage scheme and ensure no loss of flood plain occurs.

7.2 Biodiversity and Trees

Derbyshire Wildlife Trust highlight that the development provides significant opportunities to achieve significant biodiversity benefits and are satisfied that the development should not adversely impact any habitats/species of substantive nature conservation value. A pre-commencement condition is recommended requiring the submission of a landscaping scheme which provides biodiversity benefits. Subject to inclusion of the suggested condition, it is considered that the development would comply with Policy CP19 and the requirements of the NPPF, which seek to achieve net biodiversity gains.

The Tree Officer is satisfied that the non-dig construction techniques identified within the submitted Tree Protection Plan are acceptable and no objections are raised to the minimal tree removal required to facilitate the proposed drainage outfall. Subject to conditions relating to the submission and agreement of a final Arboricultural Method Statement and Tree Protection Plan, no arboricultural concerns are raised. Accordingly, the development is considered to comply with Policy CP16.

7.3 Highway Implications

No highways objections have been raised to the proposed drainage attenuation proposal or its associated access point to the proposed access road, subject to the inclusion of a construction management plan condition. Details of security/safety measures to be formed around the attenuation pond to ensure that public safety is safeguarded, while the remainder of the allocation remains undeveloped can be dealt with through a suitable planning condition. Accordingly the proposal is considered to comply with Policy CP23.

7.4 Conclusion

The principle of the retail store and associated drainage infrastructure have been fully considered within the Officer Report for the planning application reference 20/00741/FUL and, with the associated safeguards in place, it is considered that the retail development would not preclude or prejudice delivery of policy objectives and the development of the wider AC20 allocation.

The proposed drainage scheme proposed as part of this application would offer an opportunity to achieve a sustainable drainage solution for the retail store, its associated access road and car parking, together with a potential drainage solution for future developments within the wider AC20 allocation area. The proposal also provides an opportunity to achieve further biodiversity gain across the site through additional planting and landscaping, which can be controlled through condition.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The development provides the opportunity to introduce a sustainable drainage system to serve the proposed retail store and, potentially, to serve future developments across the wider AC20 allocation site. The development would accord with the intentions of Policy CP2 to minimise flood risk in this regard.

8.3. Conditions:

Time Limit Conditions

1. Standard 3 year time limit condition

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

2. Standard approved plans condition

- Location Plan – Drainage – 4243 PL 005B
- Phase 1 Surface Water Drainage Strategy – HDG-XX-DR-C-0502 S2 Rev P4

Reason: For the avoidance of doubt

Pre-commencement Conditions

3. Condition requiring the submission and implementation of a Construction Management Plan

Reason: In the interests of highway safety and residential amenity

4. Condition requiring the submission and implementation of a landscaping scheme/scheme of biodiversity enhancement

Reason: In the interests of wildlife enhancement and visual amenity

5. Condition requiring the submission and implementation of details of boundary treatment

Reason: In the interests of visual amenity and community safety

6. Drainage condition – no loss of flood plain or interference of surface water conveyance

Reason: In the interests of sustainable drainage

7. Drainage SuDs condition - to include details of future maintenance

Reason: In the interests of sustainable drainage

Committee Report Item No: 4

Application No: 20/00783/FUL

Type: Full Application

-
8. Condition requiring the submission and approval of a final Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect retained trees on and adjacent to the site

9. Condition controlling details of security/safety measures

Reason: In the interests of community safety

Management Conditions

10. Condition restrict the permission to a drainage pond and associated drainage infrastructure only

Reason: For the avoidance of doubt

8.1. Informative Notes:

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.

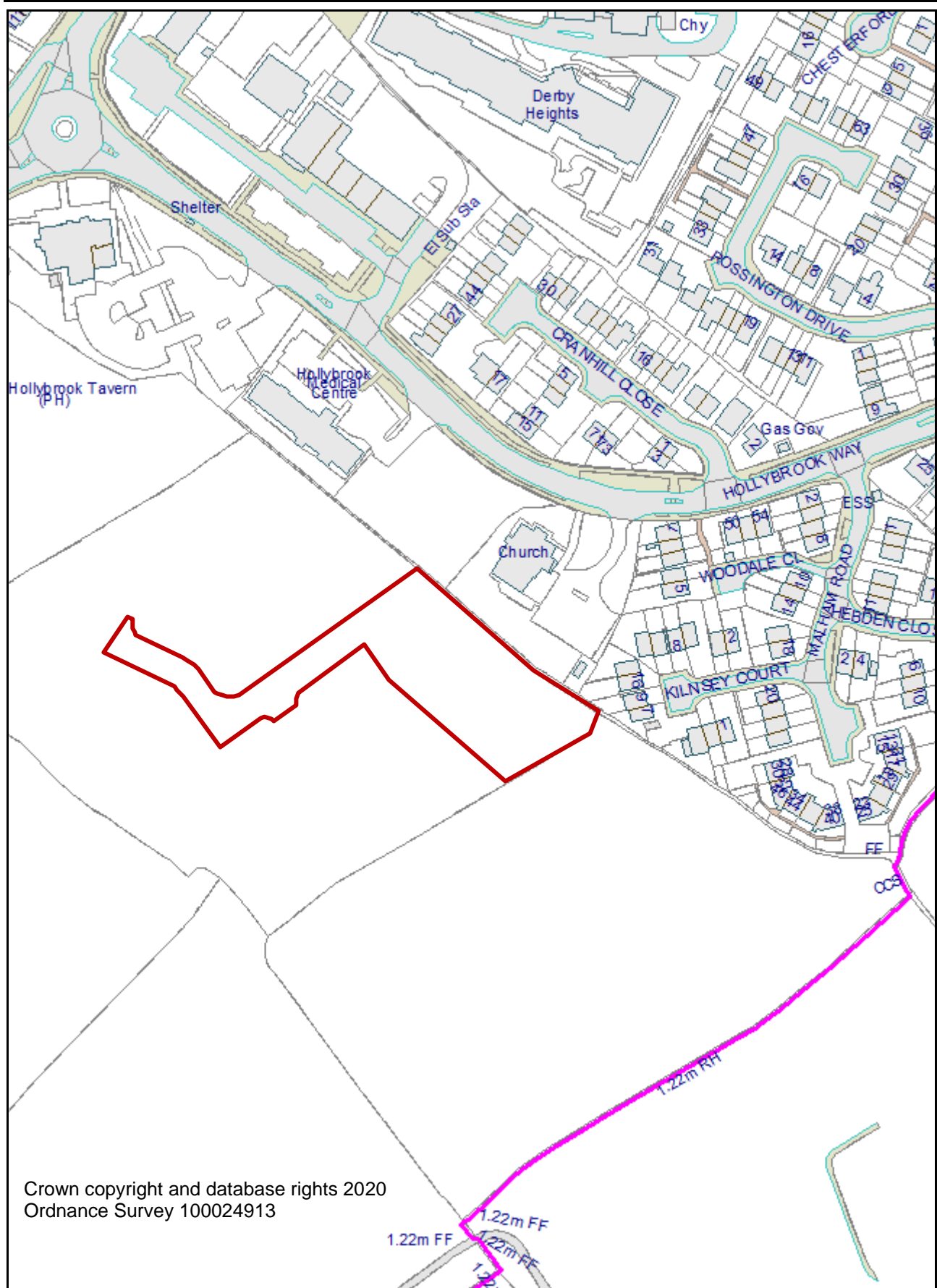
The discharge and surface water overland flow from the Access Road and associated development must not give rise to pollution in the water course, at any stage in the life cycle of the development, including the construction phase.

8.2. S106 requirements where appropriate:

None

8.3. Application timescale:

An extension of time has been agreed on the target determination timeframe until the 30th November 2020 to allow the application to be considered at a planning control committee meeting.



Committee Report Item No: 5

Application No: 20/00861/TPO

Type: Works to trees with a TPO

1. Application Details

1.1. Address: 27 Fairbourne Drive, Mickleover

1.2. Ward: Mickleover

1.3. Proposal: Various works to trees protected by Tree Preservation Order No.172

1.4. Further Details:

Web-link to application:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=20/00861/TPO>

Brief description

The tree works proposed are the pruning of 17 trees and the felling of one tree on land adjacent to 27 Fairbourne Drive.

2. Relevant Planning History:

Application No:	18/01622/TPO	Type:	TPO
Decision:	Refused	Date:	18/12/2018
Description:	Various works to trees protected by Tree Preservation Order No. 172 (removal of 4 Hawthorn Trees and pruning to give 2m clearance to dwelling and landscape works).		

Application No:	06/18/00835	Type:	Variation of Condition
Decision:	Granted Conditionally	Date:	03/08/2018
Description:	Variation of Condition 1 of previously approved permission DER/01/15/00118 to form rooms in the roof space (bedroom, dressing room and store/study) including the installation of rooflights to the front, side and rear elevations and removal of a chimney		

Application No:	01/15/00118	Type:	Reserved Matters
Decision:	Granted Conditionally Planning Control Committee	Date:	16/09/2020
Description:	Erection of dwelling house - approval of Reserved Matters of appearance, landscaping and scale under outline permission code no. DER/03/12/00268		

Application No:	03/12/00268	Type:	Outline Application
Decision:	Granted Conditionally Planning Control Committee	Date:	10/04/2012
Description:	Erection of dwelling house		

Application No:	09/08/01287	Type:	Outline Application
Decision:	Granted Conditionally Planning Control Committee	Date:	12/01/2009
Description:	Residential development (one dwelling house)		

Committee Report Item No: 5

Application No: 20/00861/TPO

**Type: Works to trees
with a TPO**

3. Publicity:

Site Notice displayed on 04.09.2020

Inclusion in the Weekly Planning List

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

4. Representations:

- Two representations have been received from members of the public. The objection letters can be accessed via the web link.
- A joint request from ward Councillors asked that the application be taken before the Planning Control Committee. Cllr. Matthew Holmes confirmed on 6 October that he wished the Planning Control Committee to consider the application.

5. Consultations:

None

6. Relevant Policies:

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

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

CP2 Responding to Climate Change

CP12 Green Infrastructure

CP19 Biodiversity

Saved CDLPR Policies

GD5 Amenity

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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>

Committee Report Item No: 5

Application No: 20/00861/TPO

**Type: Works to trees
with a TPO**

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

7. Officer Opinion:

Key Issues:

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

7.1. Tree works schedule

7.2. The development of 27 Fairbourne Drive

7.3. Condition of trees

7.4. The most visually prominent trees

7.5. Tree works approved to facilitate the development

7.6. Management of the development site

7.7. Hawthorn tree removal

7.8. Tree ownership

7.9. Committee options

7.10. Consequences of refusal

7.11. Conclusions

7.1. Tree works schedule

The original application plan did not accurately plot all the trees that the applicant wished to prune. During discussions on site between the applicant and the Tree Preservation Order (TPO) Officer a more detailed tree works schedule was drawn up and the trees were plotted on a plan by the TPO officer. A report which includes the amended schedule and plan was produced by the TPO Officer to inform the Ward Councillors on what the TPO Officer considered to be reasonable so that they could confirm if the wished the Planning Control Committee to consider the application. The report is attached as Appendix 1.

7.2. The development of 27 Fairbourne Drive

The council has permitted the development of 27 Fairbourne Drive in close proximity to the trees and it is reasonable to expect that some pruning would be required in the future to maintain a suitable juxtaposition between the trees and the built environment. It is reasonable to allow 2-3m clearance between the canopy and the built environment. It is also reasonable to allow canopy clearance above the garden areas to allow reasonable enjoyment of the garden.

7.3. Condition of trees

Trees do not need to be dead or dangerous to justify tree works. Arboriculture can be described as the management of trees in the urban environment and the reasons for pruning are many which include pruning to provide canopy clearance to buildings/structures, maintaining sight lines and providing adequate clearance to the highway to name a few. It is noted that the Ash trees are showing evidence of being infected with Ash Die Back. This does leave infected trees susceptible to secondary infections from other pathogens which will reduce the safe life expectancy of the trees. It is highly likely that the Ash trees will need to be prematurely removed or significantly reduced to provide dead habitat features in the future.

7.4. The most visually prominent trees

The most contentious of the proposed works is the removal of the large branch of T18. The branch was identified for removal within the arboricultural report for the development of the plot to facilitate the build. A few small branches were removed by the developer however it was apparent that the whole branch did not need to be removed to facilitate the build. The branch removals were of poor quality. The applicant has submitted a further statement for the works to tree T18 which can be viewed in the further details web link. In this he mentions the risk that the branch poses but does not quantify the risk. The branch union could not be fully assessed due to the presence of Ivy and undergrowth.

Trees T16 and T18 are the most visually significant. The proposed loss of canopy to pruning is fairly minimal in the context of the whole woodland and does not significantly detract from the public amenity that the woodland provides.

7.5. Tree works approved to facilitate the development of 27 Fairbourne Drive

Several trees were permitted to be removed to facilitate the development. Some facilitation pruning was also necessary during construction. This facilitation pruning was carried to a very poor standard. The branch above the new drive was badly pruned during this time. After the main build was completed the applicant instructed his agents in August 2018 to carry out further pruning to remove the large branch over the drive. This was challenged by residents and reported to the Council.

The agents stopped the works and the branch was left. The applicant was advised that some facilitation pruning had already been carried out the whole branch removal was not justified and that a TPO tree works application would need to be submitted and approved before the whole branch could be removed.

7.6. Management of the development site

The past poor management of the development site and alleged 'land grab' cannot be considered with regards to this current TPO tree works application. It has been recorded that tree protection measures were not adequate during the development of the site. Site visits had taken place to try and address the non-compliance.

The land grab issue as reported by one of the objectors has been passed on to the relevant department.

Committee Report Item No: 5

Application No: 20/00861/TPO

**Type: Works to trees
with a TPO**

7.7. Hawthorn tree removal

A small Hawthorn tree was removed in August 2018 close to the south east corner of the garage. Again this cannot be considered with regards to this current application. The applicant's agent stated that the tree was in very poor condition and had snapped over the garage roof. Unfortunately photographic evidence was not supplied to corroborate this. The applicant has stated that a 5 day exception notice was posted to DCC however the TPO Officer did not receive it.

A replacement tree must be planted within the woodland and we are working with the applicant to secure this. We do have the option to send a tree replacement notice and if that is not complied with we can enter the land plant the replacement tree and recover any reasonable expenses incurred.

7.8. Tree ownership

Applicants do not need to be the owner of the tree to submit an application. Just because an applicant has planning permission to carry out the works it does not necessarily give them the legal right to do so. The TPO legislation means that neighbours wishing to carry out their Common Law right to remove overhanging protected vegetation must have permission from the Local Planning Authority first.

If the applicant wishes to prune beyond the boundary, they must get the tree owner's permission first. When determining applications we do not consider the tree ownership as this is a private matter between the tree owner and the applicant. We do consider whether the tree works are appropriate and we do issue informative notes advising that the applicant must have the tree owner's permission to prune/remove trees beyond their boundary.

7.9. Committee options

The committee could refuse the application in its entirety or permit elements of it. Reasons for refusal must be clear. If the committee are minded to refuse some elements but permit some of the elements then they must be clear on what works are refused and the reasons for refusal.

7.10. Consequences of refusal

If the applied works are refused and the trees damage the property as a direct result of the refusal the council could be liable for damages. As committee members may be aware there is an exception that allows tree works to be carried out to prevent or abate an actionable nuisance. This would allow the applicant to prune a third parties tree if it causing damage to or is imminently likely to cause damage to a structure. A minimum of 1m canopy clearance to abate the nuisance would be reasonable but practically 2-3m canopy clearance would give longer lasting results (which would need to be applied for). The exception is not applicable if the tree is damaging the tree owner's own property.

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**Type: Works to trees
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7.11. Conclusions

Some pruning is reasonable in order to achieve a reasonable juxtaposition between the development and the built environment and to allow reasonable enjoyment of the garden. The TPO Officer has proactively worked with the applicant to produce a clear schedule.

Some of the proposed tree works are to trees that have limited views from the public realm (although they can be viewed from private residences). The works to these trees will have a negligible impact on public amenity.

There is no doubt that the woodland as a whole provides significant public amenity value. The woodland also provides valuable eco services and habitat and foraging opportunities for wildlife. The proposed works would remove a small amount of this public amenity provision however if the works are approved the woodland would continue to provide significant public amenity value.

The applicant did propose that the works were to be carried out annually. In this instance I do not think this to be appropriate and should the works be required again a further application must be made.

Of note the biggest impact on the woodland is the continued progression of 'Ash Die Back'.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant TPO consent with conditions.

8.2. Summary of reasons:

Subject to safeguarding conditions that align with British Standards the proposed schedule of tree works, as confirmed during the life of the application, are acceptable in this case to reasonably accommodate trees juxtaposed to a residential dwelling.

8.3. Conditions:

1. The permitted works shall be in accordance with the schedule and plan produced by the Tree Preservation Order Officer only.

Reason: In the interests of visual amenity and tree health and for the avoidance of doubt 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.

2. **Standard of tree works** - All tree works shall be carried out in accordance with the guidance and recommendations detailed within British Standards 3998:2010 'Tree Work - Recommendations'

Reason: In the interests of visual amenity and tree health and for the avoidance of doubt 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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**Type: Works to trees
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- 3. Time limit** - The work authorised shall be carried out within 2 years of the date of this consent unless the Local Planning Authority has agreed a written variation.

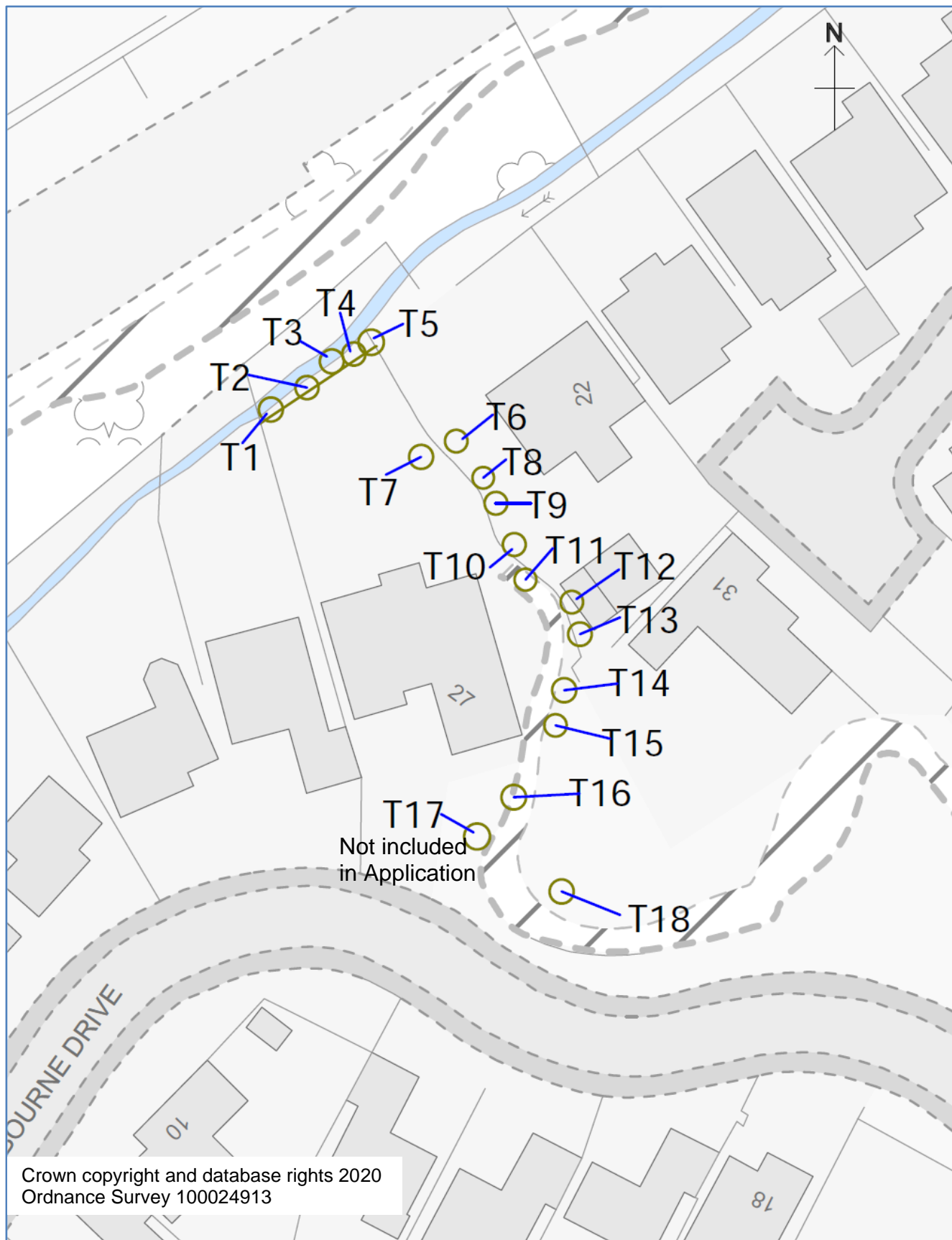
Reason: Beyond that period the health and visual appearance of the tree would need to be reassessed and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Informative Notes:

The applicant is advised that the authorised works does not necessarily give the applicant the legal right to carry out works to a tree that does not belong to them. Permission from the tree owner may be required.

8.5. Application timescale:

The target date for determination was 6 October 2020.



In my opinion it is reasonable to allow some pruning to allow reasonable enjoyment of the dwelling and garden and to allow reasonable clearance to structures that we have permitted to be constructed.

The original plan supplied with the application did not clearly identify all trees that the applicant proposes to be pruned. I have assessed the trees and identified what works I believe would be reasonable to allow. For the avoidance of doubt I have plotted the trees on the plan Drawing No. TPO No. 172. Trees are identified as T1 through to T18.

Tree Works schedule

Tree No. on Plan	Species	Recommended tree works
T1	Hawthorn	<ul style="list-style-type: none"> • Reduce canopy back to fence line
T2	Hawthorn	<ul style="list-style-type: none"> • Remove ivy from upper canopy (permission not required)
T3	Hawthorn	<ul style="list-style-type: none"> • Reduce low branch over garden by 1.5m
T4	Ash	<ul style="list-style-type: none"> • No work required
T5	Ash	<ul style="list-style-type: none"> • Remove deadwood greater than 5cm Ø
T6	Ash	<ul style="list-style-type: none"> • Crown lift to provide 3m canopy clearance over garden
T7	Hawthorn	<ul style="list-style-type: none"> • Crown lift to provide 3m canopy clearance over garden
T8	Hawthorn	<ul style="list-style-type: none"> • Crown lift to provide 3m canopy clearance over garden • Crown reduce canopy over the garden by 1m
T9	Ash	<ul style="list-style-type: none"> • Crown clean • Prune canopy to give 3m canopy clearance to building
T10	Ash	<ul style="list-style-type: none"> • Crown clean • Prune canopy to give 3m canopy clearance to building • Reduce the 2 low branches that have been previously pruned (development facilitation pruning) by 2-3m
T11	Hawthorn	<ul style="list-style-type: none"> • Prune canopy to give 2m canopy clearance to building • Crown lift to provide 2m canopy clearance over garden
T12	Hawthorn	<ul style="list-style-type: none"> • Prune canopy to give 3m canopy clearance to building • Crown lift to provide 2m canopy clearance over garden
T13	Hawthorn	<ul style="list-style-type: none"> • Reduce subsiding branch growing over the garden by 2m
T14	Hawthorn	<ul style="list-style-type: none"> • Prune canopy to give 2m canopy clearance to building
T15	Hawthorn	<ul style="list-style-type: none"> • Prune canopy to give 2m canopy clearance to building
T16	Hawthorn	<ul style="list-style-type: none"> • Prune canopy to give 2m canopy clearance to building
T17	Cherry	<ul style="list-style-type: none"> • Fell
T18	Ash	<ul style="list-style-type: none"> • Remove large branch over drive back to parent stem

Of note all the Ash trees are showing signs of Ash Die Back. Their long term retention has been compromised. Ash Die Back does leave trees susceptible to secondary infections and I do envisage, due to the target area (dwellings and gardens), that the Ash trees will need to be removed within 10 years.

The most contentious of the proposed works is the removal of the large branch of T18. The branch was identified for removal within the arboricultural report for the development of the plot. I believe this was to facilitate the build. A few small branches were removed by the developer however it was

apparent that the whole branch did not need to be removed to facilitate the build. The branch removals were of poor quality. One could argue that the branch could be reduced further and not removed in its entirety however I am of the opinion that there really is not a suitable place to reduce the branch back to and in balance the whole branch removal would not be of significant detriment to public amenity. The applicant has submitted a further statement for the works to tree T18. In this he mentions the risk that the branch poses but does not quantify the risk. The branch union could not be fully assessed due to the presence of ivy and undergrowth.

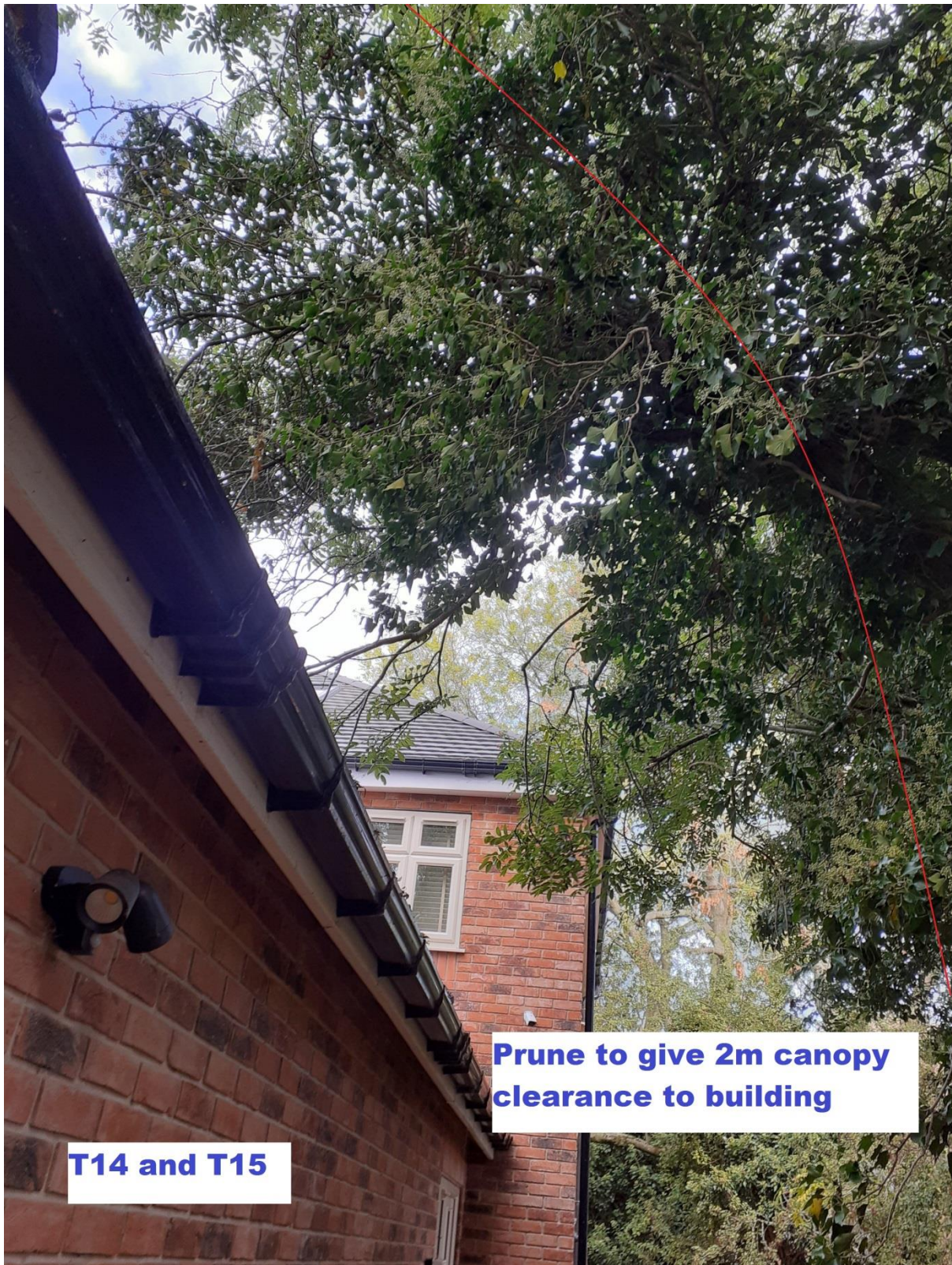
Of all the trees T16 and T18 are the most visually significant. The proposed loss of canopy to pruning is fairly minimal in the context of the whole woodland and does not significantly detract from the public amenity that the woodland provides.

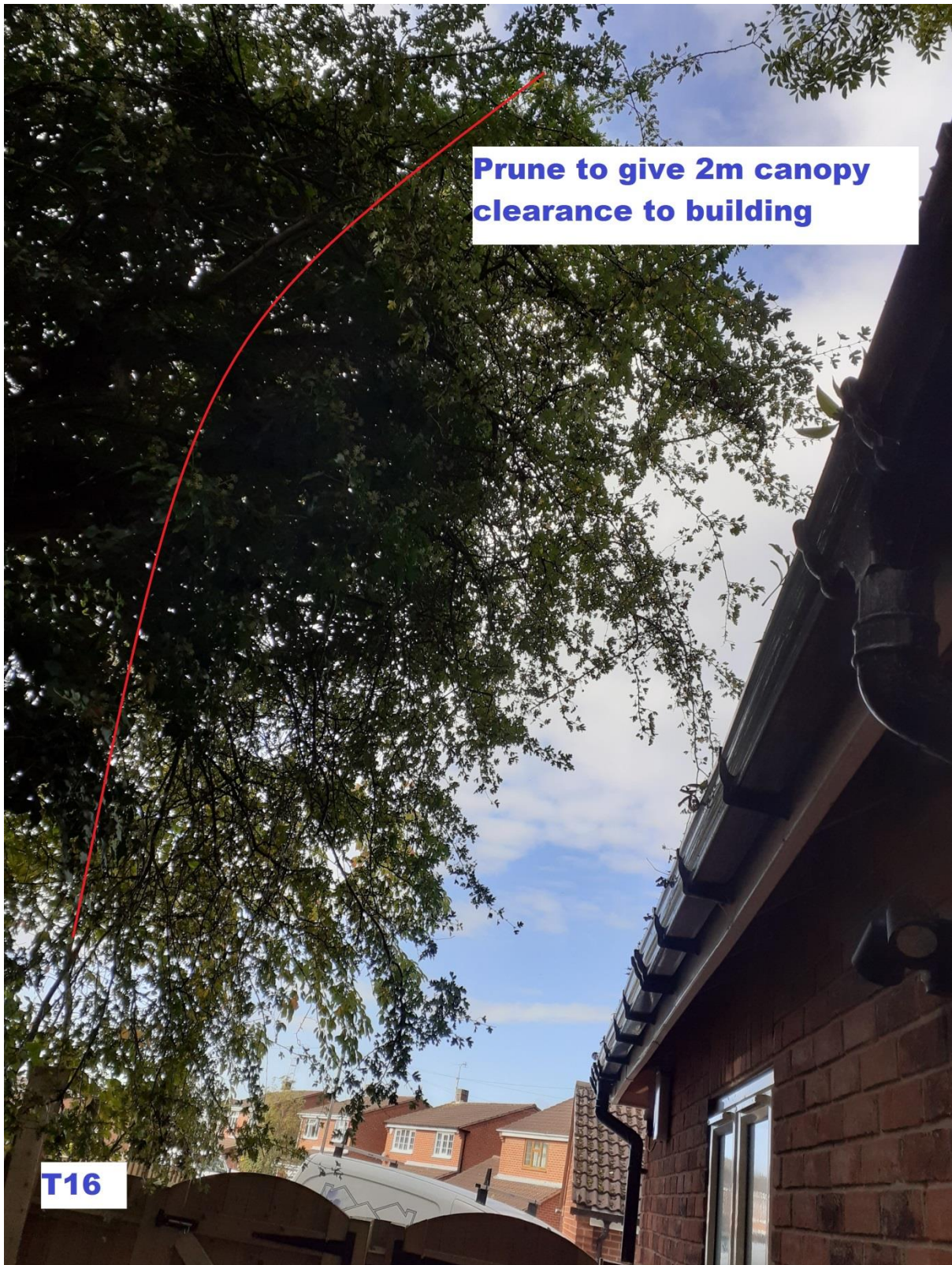
My recommendation would be to restrict the works to the schedule above. The applicant did ask for the works to be carried out annually. In this instance I am of the opinion that this is not acceptable and I would rather the works were re-assessed the next time the applicant wants to carry out the works.

The below photographs were taken on the 25/09/2020. I have annotated approximate pruning locations on key trees on photos 'T6 and T7', 'T 14 and T15', 'T16', 'T17' and 'T18'









**Prune to give 2m canopy
clearance to building**

T16



T17

Fell

T18



Remove whole branch over the drive



Delegated decisions made between Between 01/09/2020 and 30/09/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00435/OUT	Outline Application	2A Arundel Street Derby DE22 3PG	Demolition of offices and warehouse. Residential development.	Approval	14/09/2020
19/01065/RES	Reserved Matters	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 - approval of reserved matters of access pursuant to previously approved planning permission Code No. 02/15/00211	Approval	18/09/2020
19/01387/FUL	Full Application	27A Darley Park Road Derby DE22 1DA	Two storey side and single storey rear extensions to dwelling house, installation of render and cladding and formation of a raised patio area to the rear	Approval	17/09/2020
19/01607/FUL	Full Application	49A Sitwell Street Spondon Derby DE21 7FH	Demolition of garage/workshop and erection of two dwelling houses (Use Class C3)	Approval	11/09/2020
19/01687/FUL	Full Application	1 Midland Road (Former Crown And Cushion Public House) Derby DE1 2SN	Retention of change of use and alterations to Public House to form 5 apartments on first and second floors	Approval	02/09/2020
19/01688/LBA	Listed Building Consent - Alterations	1 Midland Road (Former Crown And Cushion Public House) Derby DE1 2SN	Retention of change of use and alterations to Public House to form 5 apartments on first and second floors	Approval	02/09/2020
19/01728/LBA	Listed Building Consent - Alterations	7 Market Place Derby DE1 3QE	Alterations to include installation of a kitchen with cooking island and ventilation stack, remove and re-locate a fireplace and wooden	Approval	03/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			panelling, installation of a servery and removal of an internal doorway. Installation of stud walls, kitchenettes and blocking up of doors and installation of fire doors at first and second floor level		
19/01795/FUL	Full Application	Site Of 37 Carlton Road Derby DE23 6HB	Demolition of existing dwelling. Erection of three dwelling houses (Use Class C3) and associated ground works.	Approval	08/09/2020
20/00096/FUL	Full Application	23 Short Avenue Derby DE22 2EH	Two storey side extension to dwelling house (garage, workshop and storage)	Approval	30/09/2020
20/00170/FUL	Full Application	Site Of Former 574 - 576 Burton Road Derby DE23 6FL	Erection of a two/three storey 63 bed care home (Use Class C2)	Approval	02/09/2020
20/00299/FUL	Full Application	Land Between Slack Lane, Etwall Street And Junction Uttoxeter Old Road Derby DE1 1GE	Erection of twelve apartments in a four storey building for student accommodation (Sui Generis use)	Refused	18/09/2020
20/00307/FUL	Full Application	378 Kedleston Road Derby DE22 2TF	Two storey side/rear and single storey rear extensions to dwelling house (garage, store, office and dining/kitchen) and roof alterations to include installation of a new window to the side elevation to form rooms in the roof space (bedroom)	Approval	09/09/2020
20/00314/FUL	Full Application	15 Franklyn Drive Derby DE24 0FR	Two storey side and rear and single storey rear extensions to dwelling house (corridor, bedroom, bathroom and enlargement of kitchen/living space and bedroom)	Approval	24/09/2020
20/00336/FUL	Full Application	1B Stockbrook Road Derby	Change of use of first floor from office (Use Class B1) to retail (Use Class A1) including	Approval	17/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3PL	installation of a new door and window at ground floor level		
20/00370/FUL	Full Application	1 Chestnut Avenue Chellaston Derby DE73 6RW	Erection of a two storey outbuilding (garage/workshop with annexe accommodation above)	Refused	27/09/2020
20/00408/FUL	Full Application	409 Duffield Road Derby DE22 2EQ	Two storey and single storey front extensions to dwelling house (porch, garage, kitchen, bedroom and office)	Approval	28/09/2020
20/00439/FUL	Full Application	Units 1, 2 And Land At The Rear Of 6 Arthur Street Derby DE1 3EF	Demolition of 14 garage units. Erection of four dwelling houses (Use Class C3) and alterations and change of use of an existing two storey outbuilding to form four flats (Use Class C3)	Approval	28/09/2020
20/00442/FUL	Full Application	15 Windsor Avenue Derby DE23 3ER	Erection of a six bay cattery building (Sui Generis Use)	Approval	11/09/2020
20/00466/FUL	Full Application	359 Burton Road Derby DE23 6AH	Single storey front extension, alterations to existing front elevation, single storey rear extensions to dwelling house (double garage, utility, living space, sitting area) together with erection of a canopy and external staircase to the rear and alterations to the bay windows and porch to the front elevation	Approval	24/09/2020
20/00468/FUL	Full Application	42 Cornhill Derby DE22 2FS	Single storey side and rear extensions to dwelling house (garage, dining area and utility)	Approval	04/09/2020
20/00480/FUL	Full Application	61 High Street Chellaston Derby DE73 6TB	Retention of change of use from retail (Use Class A1) to mixed use retail and cafe (Use Classes A1 and A3)	Approval	27/09/2020
20/00496/FUL	Full Application	169 Sancroft Road Derby	Two storey rear extension to dwelling house (lounge and two bedrooms)	Approval	17/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00503/FUL	Full Application	DE21 7LD Radbourne Unit Royal Derby Hospital Uttoxeter Road Derby DE22 3WQ	Erection of a single storey plant building with compound	Approval	15/09/2020
20/00542/LBA	Listed Building Consent - Alterations	Ashgate Primary School Ashbourne Road Derby DE22 3FS	Repairs to boundary wall to include the addition of a new pier and foundations	Approval	25/09/2020
20/00571/FUL	Full Application	420 Burton Road Derby DE23 6AJ	Installation of a dormer to the rear elevation	Approval	30/09/2020
20/00572/FUL	Full Application	42 York Road Derby DE21 6HS	Two storey side and single storey front extensions to dwelling house (garage, utility, shower room, bedroom and enlargement of hall) and alterations to the existing single storey rear projection to amend the roof from flat to pitched	Approval	07/09/2020
20/00587/FUL	Full Application	9 Breedon Hill Road Derby DE23 6TH	Change of use from a six bedroom house in multiple occupation (Use Class C4 to a six bedroom, eight occupant house in multiple occupation (Sui Generis use)	Refused	18/09/2020
20/00593/FUL	Full Application	1 Harrier Way Derby DE24 3DQ	Erection of a 1.8m high boundary fence	Approval	07/09/2020
20/00625/FUL	Full Application	72 Enfield Road Derby DE22 4DF	Single storey side/rear extension to dwelling (utility, wet room and enlargement of kitchen and bedroom), alterations to the existing conservatory and formation of a raised patio area	Approval	29/09/2020
20/00637/FUL	Full Application	15 Melbourne Street	Change of use from dwelling house (Use Class	Approval	04/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 2GF	C3) to a seven bedroom house in multiple occupation (Sui Generis Use) including installation of a rear dormer, roof lights to the front elevation and a single storey rear extension		
20/00644/FUL	Full Application	160 Westbourne Park Derby DE22 4HB	Two storey side and single storey front extensions to dwelling house (living space, bedroom and enlargement of lounge)	Approval	24/09/2020
20/00647/FUL	Full Application	487 Stenson Road Derby DE23 1LL	Two storey rear extension to dwelling house (shower room, diner, bedroom and bathroom), installation of a new window to the first floor side elevation and roof alterations to include installation of a rear dormer and a new second floor side elevation window to form rooms in the roof space (two bedrooms and bathroom)	Approval	03/09/2020
20/00652/FUL	Full Application	69 Dove Meadow Derby DE21 7TZ	Extension and alterations to the existing outbuilding to form garage/office space	Approval	18/09/2020
20/00660/FUL	Full Application	3 Fenchurch Walk Derby DE22 4DR	Single storey side extension to dwelling house (bedroom and wetroom)	Approval	11/09/2020
20/00663/FUL	Full Application	21 Lakeside Drive Derby DE23 3US	Erection of an outbuilding for use as a dog grooming salon (Sui Generis Use)	Approval	11/09/2020
20/00664/VAR	Variation of Condition	Site Of Former Fitness Centre Carrington Street Derby DE1 2ND	Erection Of 54 Dwellings (Use Class C3) Together With Associated Parking And Ancillary Works - variation of condition no. 13 of previously approved permission Code No. 19/00699/VAR in relation to affordable housing units	Approval	14/09/2020
20/00676/FUL	Full Application	Derby Clarion Social Club 32 Loudon Street	Change of use from social club to a 13 bedroom house in multiple occupation (Sui	Approval	01/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 8ES	Generis Use) including demolition, external alterations, extensions and boundary works		
20/00678/PNRT	Prior Approval - Telecommunications	Telecommunications Mast On Ladybank Road Derby DE3 0NU (Near Junction With Station Road)	Installation of a replacement 20m high monopole with six antennas, equipment cabinets and ancillary development	Prior Approval Approved	29/09/2020
20/00689/FUL	Full Application	42 West Road Derby DE21 7AB	Single storey side/rear extension to dwelling house (enlargement of sun lounge)	Approval	15/09/2020
20/00694/FUL	Full Application	12 Chester Avenue Derby DE22 2FE	Single storey front extension and two storey and first floor rear extensions to dwelling house (enlargement of garage, living room, kitchen, three bedrooms and balcony) and installation of side facing window	Approval	24/09/2020
20/00700/FUL	Full Application	23 Borrowfield Road Derby DE21 7HD	Two storey side and single storey rear extensions to dwelling house (lobby area, family area, sun room and bedroom)	Approval	17/09/2020
20/00703/FUL	Full Application	336 - 338 Normanton Road Derby DE23 6WF	Change of use from Financial and Professional Services (Use Class A2) to a flexible use - Retail/Financial and Professional Services/Restaurant/Cafe/Hot Food Takeaway (Use Classes A1, A2, A3 & A5) and installation of a new shop front	Approval	04/09/2020
20/00709/FUL	Full Application	35 Valley Road Littleover Derby DE23 6HR	Single storey side and two storey rear (ground floor and basement level) extensions to dwelling house (W.C. and enlargement of kitchen/living space)	Approval	21/09/2020
20/00711/FUL	Full Application	35 Fairway Crescent Derby DE22 2PB	Single storey side and rear extensions to dwelling house (storage, gym, home office and living space)	Application Withdrawn	22/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00714/FUL	Full Application	Coney Grey South Drive Darley Abbey Derby DE1 3ET	Two storey rear and first floor and single storey front extensions to dwelling house together with a raised terrace to rear and boundary gates	Approval	29/09/2020
20/00715/FUL	Full Application	580 Kedleston Road Derby DE22 2NH	Demolition of outbuildings. Single storey rear extension to dwelling house, installation of a dormer to the rear elevation and installation of canopies to the front and side elevations	Approval	03/09/2020
20/00716/FUL	Full Application	23 Morley Road Derby DE21 4QU	Front and side extensions to dwelling house	Approval	04/09/2020
20/00718/TPO	Works to a tree with a TPO	2 Charterhouse Close Derby DE21 2AX	Crown raise to 3m , crown clean and crown thin by 10% of Hornbeam protected by Tree Preservation Order No 477 All work is to improve the relationship between the garden and surrounding areas and the tree. To improve aesthetics, health and longevity of the tree and surrounding flora and fauna.	Approval	08/09/2020
20/00727/FUL	Full Application	94 Laburnum Crescent Derby DE22 2GS	Single storey extension to a dwelling (lounge, billiard room, utility room and enlargement of kitchen/diner)	Approval	04/09/2020
20/00732/FUL	Full Application	Chellaston Community Centre Barley Croft Derby DE73 6TU	Erection of an annexe extension, paved area and access ramps together with curtilage extension and new boundary fencing.	Approval	30/09/2020
20/00735/FUL	Full Application	33 Stenson Road Derby DE23 1JD	Two storey and single storey rear extensions to dwelling house (kitchen/diner, shower room and bedrooms)	Refused	04/09/2020
20/00736/FUL	Full Application	16 Old Lane Derby DE22 1DL	Single storey rear extension to dwelling house (kitchen/diner) and formation of a raised patio area	Approval	08/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00746/FUL	Full Application	165 Birchover Way Derby DE22 2DB	Two storey side and single storey rear extensions to dwelling house (garage, utility, W.C., kitchen and two bedrooms)	Approval	03/09/2020
20/00750/FUL	Full Application	319 Duffield Road Derby DE22 2DF	Erection of an outbuilding (garage)	Approval	22/09/2020
20/00756/FUL	Full Application	39 West Avenue South Derby DE73 5SH	Change of use from dwelling house (Use Class C3) to a special school (Use Class D1) including rear extension, demolition of existing garage and formation of parking area	Application Withdrawn	02/09/2020
20/00760/FUL	Full Application	91 Kedleston Road Derby DE22 1FR	Change of use from dwelling house (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis use) together with a single storey rear extension and installation of a rear dormer	Approval	04/09/2020
20/00761/TPO	Works to a tree with a TPO	4 The Court Derby DE24 0JN	Crown clean of a Corsican Pine tree protected by Tree Preservation Order No. 1967 No.12	Approval	08/09/2020
20/00762/TPO	Works to a tree with a TPO	5 Abbey Lane Derby DE22 1DG	Height reduction of a Fir Tree protected by Tree Preservation Order No. 440	Approval	08/09/2020
20/00764/FUL	Full Application	529 Stenson Road Derby DE23 1LP	Enlargement of a vehicular access	Approval	03/09/2020
20/00765/FUL	Full Application	Orchard Nursery School 129 Derby Road Chellaston Derby DE73 5SB	Change of use from nursery (Use Class D1) to dwelling house (Use Class C3)	Approval	04/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00766/TPO	Works to a tree with a TPO	Priory Heights Court Derby	Cutting back of lateral branches overhanging parking area by 2m of a Yew tree protected by Tree Preservation Order Nos 167 and 391	Refused	08/09/2020
20/00767/FUL	Full Application	16 Repton Avenue Derby DE23 6JN	First floor rear extension to dwelling house (bathroom and enlargement of bedroom)	Approval	03/09/2020
20/00771/CAT	Works to Trees in a Conservation Area	5 Abbey Lane Derby DE22 1DG	Various works to trees within the Darley Abbey Conservation Area	Approval	15/09/2020
20/00774/TPO	Works to a tree with a TPO	21 Hill Cross Drive Derby DE23 3BW	Height reduction by 3m (approx), in line with second crown of a Sycamore tree protected by Tree Preservation Order No 36	Approval	08/09/2020
20/00778/CLP	Lawful Development Certificate -Proposed	142 Westbourne Park Derby DE22 4HB	Single storey rear extension to dwelling house (dining room)	Approval	04/09/2020
20/00779/CAT	Works to Trees in a Conservation Area	8A St Edmunds Close Derby DE22 2DZ	Various works to trees within Allestree Conservation Area	Approval	15/09/2020
20/00781/CAT	Works to Trees in a Conservation Area	115 Duffield Road Derby DE22 1AE	Felling of a Laburnum and two Conifer trees within the Strutts park Conservation Area	Approval	10/09/2020
20/00782/FUL	Full Application	14 Rowley Gardens Derby DE23 1GF	Single storey rear extension to dwelling house (garage and enlargement of kitchen/living/dining space)	Approval	24/09/2020
20/00785/FUL	Full Application	11 Ainsworth Drive Derby DE23 1GJ	Single storey side and rear extensions to dwelling house (hallway, W.C. and kitchen/dining area)	Approval	04/09/2020
20/00790/FUL	Full Application	26 Browning Street Derby	Installation of hardsurfacing to the front garden area	Approval	11/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 8AL			
20/00794/FUL	Full Application	44 Littleover Lane Derby DE23 6JG	Change of use from dwelling house (Use Class C3) to a 12 bedroom house in multiple occupation (Sui Generis Use) together with a single storey rear extension and installation of dormers to the rear elevation	Refused	07/09/2020
20/00795/CLP	Lawful Development Certificate -Proposed	4 Haddon Drive Allestree Derby DE22 2LT	Single storey rear extension to dwelling (kitchen)	Approval	08/09/2020
20/00796/PNR1A	Prior Approval - Shop / Bank to Resi	Shop 9 - 11 Edmund Road Derby DE21 7HH	Change of use from retail (Use Class A1) to residential (Use Class C3)	Approval	15/09/2020
20/00799/FUL	Full Application	37 Bracknell Drive Derby DE24 0BP	Change of use of part of a domestic garage to a dog grooming salon (Sui Generis Use)	Approval	24/09/2020
20/00800/ADV	Advertisement Consent	37 Bracknell Drive Derby DE24 0BP	Display of two non-illuminated fascia signs	Approval	24/09/2020
20/00802/FUL	Full Application	39 Whinbush Avenue Derby DE24 9DQ	Single storey side extension to dwelling house (bedroom and en-suite)	Approval	09/09/2020
20/00803/PNRJ	Prior Approval - Offices to Residential	150 Burton Road Derby DE1 1TN	Change of use from offices (Use Class B1) to 14 residential units (Use Class C3)	Refused	08/09/2020
20/00804/FUL	Full Application	20 Fairfax Road Derby DE23 6RW	First floor and two storey side and two storey and single storey rear extensions to dwelling house (utility, kitchen, enlargement of living room and three bedrooms)	Approval	14/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00805/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX (tree Adjacent To 39 Whittlebury Drive)	Cutting back of branches overhanging 39 Whittlebury Drive to give 3m clearance of the dwelling house of an Oak Tree protected by Tree Preservation Order no. 78	Approval	18/09/2020
20/00806/CAT	Works to Trees in a Conservation Area	Trees At South Street/Vernon Gate Derby	Crown lift to 5m of 26 London Plane trees as and when required within the Friar Gate Conservation Area - to be maintained for a period of ten years	Approval	08/09/2020
20/00810/ADV	Advertisement Consent	Retail Units 1248-1268 London Road Derby DE24 8QP	Display of nine non-illuminated fascia signs	Approval	11/09/2020
20/00812/FUL	Full Application	5 Falmouth Road Derby DE24 0NB	Single storey side extension to dwelling house (bedroom and en-suite)	Approval	11/09/2020
20/00814/FUL	Full Application	8 Vine Close Derby DE23 3BX	Single storey side/rear extension to dwelling house (dining room)	Approval	11/09/2020
20/00816/PNRT	Prior Approval - Telecommunications	Highway Verge Western Road / Girtton Way Mickleover Derby	Installation of a 20m high monopole, equipment cabinets and ancillary development	Approval	30/09/2020
20/00817/PNRT	Prior Approval - Telecommunications	St Philips Parish Church Taddington Road Derby DE21 4JU	Upgrade to the existing telecommunications equipment	Approval	08/09/2020
20/00818/FUL	Full Application	22 Valley Road Littleover Derby DE23 6HQ	Two storey side and single storey rear extensions to dwelling house (garage, shower room, bedroom, bathroom and enlargement of kitchen and dining room)	Approval	11/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00819/FUL	Full Application	81 Mayfield Road Derby DE21 6FX	Two storey side and single storey rear extensions to dwelling house (garage, living space, bedroom and en-suite)	Approval	21/09/2020
20/00820/FUL	Full Application	153, 153B And 153C Brighton Road Derby DE24 8TB	Change of use from launderette (Sui Generis use) and two flats (Use Class C3) to form eight bedsits (Use Class C3) including a front lobby extension	Refused	11/09/2020
20/00824/CAT	Works to Trees in a Conservation Area	45 Calvert Street Derby DE1 2RQ	Felling of a Cherry tree within the Railway Conservation Area	Approval	08/09/2020
20/00827/CLP	Lawful Development Certificate -Proposed	34 Nevinson Avenue Derby DE23 1GT	Hip to gable roof alteration, installation of a rear dormer, front roof lights and a side elevation window to form rooms in the roof space (bathroom and bedrooms)	Approval	15/09/2020
20/00833/FUL	Full Application	848 - 850 Osmaston Road Derby DE24 9AB	Change of use from financial and professional services (Use Class A2) to ground floor retail/coffee shop (Use Classes A1/A3) and two flats at first floor level (Use Class C3) together with installation of new shop front	Approval	15/09/2020
20/00834/ADV	Advertisement Consent	848 - 850 Osmaston Road Derby DE24 9AB	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	15/09/2020
20/00835/TPO	Works to a tree with a TPO	Highway Verge Opposite 11 Farncombe Lane Derby	Crown clean, crown lift to 4-5m. Reduction of selected minor branches to give 2-2.5m clearance of garage roof and reduction by 1.5-2m and reshape over driveway of 11 Farncombe Lane of an Oak tree protected by Tree Preservation Order no. 477	Approval	15/09/2020
20/00836/FUL	Full Application	23 Lakeside Drive Derby DE23 3US	Two storey side and rear, first floor and single storey side extensions to dwelling house (garage, store, utility, bedroom, en-suites, bathroom and enlargement of kitchen and two	Approval	18/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			bedrooms)		
20/00838/VAR	Variation of Condition	471 - 473 Burton Road Derby DE23 6FQ	Change of use of part of building from retail (Use Class A1) to cafe (Use Class A3) including installation of a new shop front and entrance door and re-configuration of front parking area - variation of condition 2 of previously approved planning permission 19/01769/FUL to extend the outdoor seating area and omit 3 parking bays	Approval	29/09/2020
20/00840/TPO	Works to a tree with a TPO	130 Radbourne Street Derby DE22 3BU	Various works to trees protected by Tree Preservation Order No. 331	Approval	17/09/2020
20/00845/FUL	Full Application	87 Pear Tree Road Derby DE23 6QB	Change of use of ground floor from retail (Use Class A1) to cafe/restaurant (Use Class A3)	Approval	23/09/2020
20/00846/TPO	Works to a tree with a TPO	22 Highfields Park Drive Derby DE22 1JU	Felling of a Sycamore tree and crown lift to 4m of a Beech tree protected by Tree Preservation Order No. 45	Approval	21/09/2020
20/00848/TPO	Works to a tree with a TPO	8 Spinneybrook Way Derby DE3 0DQ	Crown reduction by 2m of a Maple tree and crown reduction by 1.5m of a Crab Apple tree protected by Tree Preservation Order no. 221	Approval	30/09/2020
20/00850/FUL	Full Application	94 Sancroft Road Derby DE21 7ET	Single storey side extension to dwelling house (store, w.c. and family room)	Approval	17/09/2020
20/00851/FUL	Full Application	45 Draycott Drive Derby DE3 0QE	Single storey front and side/rear extensions to dwelling house (porch and enlargement of kitchen/dining area)	Approval	15/09/2020
20/00853/FUL	Full Application	25 Amesbury Lane Derby	Single storey rear extension to dwelling house	Approval	17/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 2LX			
20/00854/CAT	Works to Trees in a Conservation Area	Chestnut House 65A Friar Gate Derby DE1 1DJ	Crown lift two trees to 6m on boundary side within the Friar Gate Conservation Area	Approval	10/09/2020
20/00856/CAT	Works to Trees in a Conservation Area	85 Old Chester Road Derby DE1 3SA	Cutting back of branches by 1.2M to give clearance from roof gable and aerial, crown lift over footpath to 3m and removal of sail effect of upper crown by 1-2m of a Silver Birch tree within the Little Chester Conservation Area	Approval	23/09/2020
20/00859/FUL	Full Application	10 Chester Avenue Derby DE22 2FE	First floor extension to dwelling house (office and bathroom)	Approval	24/09/2020
20/00863/FUL	Full Application	468 Uttoxeter New Road Derby DE22 3NA	Change of use from 6 bed House in Multiple Occupation (Use Class C4) to 7 bed House in Multiple Occupation (Sui Generis) and formation of new vehicle access	Approval	18/09/2020
20/00865/FUL	Full Application	41 St Peters Road Derby DE73 6UU	Two storey rear extension to dwelling house (kitchen, dining area, bedroom, en-suite and enlargement of bedroom)	Approval	18/09/2020
20/00870/FUL	Full Application	11 Charleston Road Derby DE21 6UT	Single storey front extension to dwelling house (porch)	Approval	18/09/2020
20/00871/FUL	Full Application	44 Onslow Road Derby DE3 9JH	Two storey side extension to dwelling house (study, utility, bedroom, en-suite and enlargement of bedroom)	Approval	23/09/2020
20/00872/FUL	Full Application	198 Western Road Mickleover Derby DE3 9GU	First floor side and single storey side/rear extensions to dwelling house (bedroom and dining space)	Approval	21/09/2020
20/00873/TPO	Works to a tree with a TPO	7 Fairview Close	Crown lift by 3m and crown reduction in	Approval	30/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 3SF	height by 2.5m and lateral spread by 1.2m of a Turkey Oak tree protected by Tree Preservation Order no. 30		
20/00874/FUL	Full Application	30 Derby Lane Derby DE23 8UA	Retention of change of use from surgery (Use Class D1) to dwelling house (Use Class C3)	Approval	23/09/2020
20/00875/FUL	Full Application	28 Arlington Drive Derby DE24 0AU	First floor side extension to dwelling house (bedroom and shower room)	Approval	29/09/2020
20/00877/FUL	Full Application	Clova House 231 Chellaston Road Derby DE24 9EE	Extension to existing Residentail Care Home (Use Class C2) to create a porch area and level access	Approval	21/09/2020
20/00879/PNRT	Prior Approval - Telecommunications	Park Farm Centre Telecommunications Mast On Rooftop Park Farm Drive Derby DE22 2QQ	Upgrade of the existing telecommunications equipment	Approval	16/09/2020
20/00880/CLP	Lawful Development Certificate -Proposed	23 Portreath Drive Derby DE22 2BJ	Erection of an outbuilding	Refused	23/09/2020
20/00881/FUL	Full Application	127 Stoney Lane Derby DE21 7QF	Two storey rear extension to dwelling house (kitchen/dining area, bedroom and en-suite) and formation of a raised patio area	Approval	25/09/2020
20/00888/ADV	Advertisement Consent	The Old Mitre Site 541 Harvey Road Derby DE24 8JZ	Display of various signage	Approval	30/09/2020
20/00889/FUL	Full Application	9 Parkside Road	First floor side/rear extension to dwelling	Approval	22/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 6QR	house (two bedrooms and en-suite)		
20/00892/PNRH	Prior Approval - Householder	42 Copes Way Derby DE21 4NT	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	14/09/2020
20/00894/FUL	Full Application	9 Camellia Close Derby DE3 0SG	Single storey rear extensions to dwelling house (dining/snug and utility)	Approval	22/09/2020
20/00895/TPO	Works to a tree with a TPO	St Werburghs Church Of England Primary School Church Street Spondon Derby DE21 7LL	Cutting back of lateral branches overhanging footpath by 2 metres of a Sycamore tree (T1) and crown lift to 4m and cutting back of branches to give 2m clearance of the adjacent dwelling of a Sycamore tree (T2) protected by Tree Preservation Order no. 529	Approval	29/09/2020
20/00896/TPO	Works to a tree with a TPO	Fermyn Wood Kings Croft Derby DE22 2FP	Felling of various trees and removal of epicormic growth to 5M of a Lime tree protected by Tree Preservation Order no. 471	Approval	28/09/2020
20/00903/FUL	Full Application	17 Muirfield Drive Derby DE3 9YA	Single storey side/rear extensions to dwelling (family room)	Approval	25/09/2020
20/00904/FUL	Full Application	18 Hardwick Street Derby DE24 8BA	Two storey side extension to dwelling house (two bedrooms) including a dormer window to the rear elevation	Approval	30/09/2020
20/00905/TPO	Works to a tree with a TPO	Land To The West Of Fieldsway Drive Derby DE1 4QN	Felling of an Ash tree protected by Tree Preservation Order no. 149	Approval	29/09/2020
20/00906/FUL	Full Application	20 Shaws Green Derby DE22 3HF	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	25/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00908/FUL	Full Application	1 Evans Avenue Derby DE22 2EL	Erection of a front boundary wall with sliding gate access	Approval	29/09/2020
20/00909/PNRH	Prior Approval - Householder	118 Station Road Mickleover Derby DE3 9FN	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.2m, height to eaves 2.2m) to dwelling house	Prior Approval Not Required	21/09/2020
20/00910/FUL	Full Application	92 West Bank Road Derby DE22 2FZ	Two storey side/rear extension to dwelling house (store and enlargement of bedroom)	Approval	25/09/2020
20/00912/FUL	Full Application	17 Darwin Road Derby DE3 9HT	Two storey side extension to dwelling house (garage/store, W.C., utility, bedroom and en-suite)	Approval	29/09/2020
20/00928/FUL	Full Application	7 Darley Park Road Derby DE22 1DB	Single storey rear extension to dwelling house (dining area)	Approval	27/09/2020
20/00929/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Showcase Cinema Osmaston Park Road Derby	Installation of a 18m high monopole , equipment cabinets and ancillary development	Prior Approval Approved	29/09/2020
20/00930/FUL	Full Application	451 Stenson Road Derby DE23 1LJ	Two storey side extension to dwelling house (garage, utility, two bedrooms, en-suite, bathroom and enlargement of kitchen/dining area)	Approval	27/09/2020
20/00932/FUL	Full Application	12 Skiddaw Drive Derby DE3 9NE	Single storey side and rear extensions to dwelling house and replacement weather boards on the front elevation of the original dwelling house.	Approval	30/09/2020
20/00936/FUL	Full Application	36 Lodge Lane	Two storey front extension to dwelling house	Approval	27/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Spondon Derby DE21 7GE	(lobby, W.C. and enlargement of bedroom)		
20/00944/FUL	Full Application	21 Chatsworth Crescent Derby DE22 2AP	Single storey side and rear extension to form garage, utility, toilet and kitchen.	Approval	30/09/2020
20/00946/NONM	Non-Material Amendment	London Road Community Hospital London Road Derby DE1 2QY	Non-material amendment to previously approved application 20/00018/FUL - Installation of a Florence Nightingale memorial with paved area, stone clad wall and seating area to adjustment to position on site by 1350mm in a south east direction together with straightening the curved legs of the retaining wall and introduction of low stone clad wall to front of the memorial together with additional landscaping.	Approval	17/09/2020
20/00948/FUL	Full Application	93 Borrowfield Road Derby DE21 7HG	Two storey side extension and single storey rear extension	Approval	30/09/2020
20/00960/PNRH	Prior Approval - Householder	2 Ladbroke Gardens Derby DE22 4HD	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.6m, height to eaves 2.5m) to dwelling house	Prior Approval Approved	29/09/2020
20/00974/FUL	Full Application	72 Trowels Lane Derby DE22 3LT	Use of building as 10 bed house in multiple occupation where residents may receive care (Sui Generis)	Approval	30/09/2020
20/00976/FUL	Full Application	8 Derwent Avenue Derby DE22 2DQ	First floor extension over existing garage and single storey rear extension to dwelling house.	Approval	30/09/2020
20/00989/ADV	Advertisement Consent	Site Of Former Northridge House Raynesway Derby	Display of various signage	Approval	29/09/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE24 0DW			
20/00996/FUL	Full Application	20 Webster Street Derby DE1 1PT	Erection of 2 metre gate and formation of vehicular access at rear of dwelling	Finally disposed of	11/09/2020
20/01028/NONM	Non-Material Amendment	3 Cavendish Way Derby DE3 9BJ	Re-roofing to include raising of the ridge height of the existing roof and installation of a dormer to the front elevation - non-material amendment to previously approved planning permission 20/00584/FUL to lower the ridge height of the dormer and amend the fenestration	Approval	17/09/2020
20/01029/CAT	Works to Trees in a Conservation Area	23 North Parade Derby DE1 3AY	Felling of a Lombardy Poplar tree within the Strutts Park Conservation Area	Finally disposed of	09/09/2020
20/01059/PNRH	Prior Approval - Householder	5 Arlington Drive Derby DE24 0AW	Single storey rear extension (projecting beyond the rear wall of the original house by 5.9 m, maximum height 3.7m, height to eaves 2.24m) to dwelling house	Prior Approval Approved	23/09/2020



Delegated decisions made between Between 01/10/2020 and 31/10/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
07/16/00843	Full Application	1 North Parade Derby DE1 3AY	Removal of existing outbuilding and re-building of brick boundary walls	Approval	29/10/2020
07/16/00844	Listed Building Consent - Alterations	1 North Parade Derby DE1 3AY	Removal of existing outbuilding and re-building of brick boundary walls	Approval	29/10/2020
19/01288/LBA	Listed Building Consent - Alterations	41 Friar Gate (Pickford House) Derby DE1 1DA	Internal alterations to include upgrading doors to fire doors, repair of worn stair treads, alterations to an internal window to provide fire resistance and alterations to exit	Approval	20/10/2020
19/01353/FUL	Full Application	2 Repton Avenue Derby DE23 6JN	Retention of single storey rear extension to dwelling house (kitchen/dining area and lounge) and erection of an outbuilding (garden room)	Refused	06/10/2020
19/01512/FUL	Full Application	Land Adjacent To 28 Wisgreaves Road Derby DE24 8RQ	Change of use from C3 to B1 and the erection of a single storey building (store and office)	Approval	15/10/2020
19/01683/OUT	Outline Application	Site Of 53 Arlington Road And Land At The Rear Of 129A Whitaker Road Derby DE23 6NZ	Demolition of dwelling house. Residential development - up to three dwellings (Use Class C3)	Approval	13/10/2020
19/01790/DISC	Compliance/Discharge of Condition	Site Of Moorways Sports Centre Moor Lane Derby DE24 9HY	Erection of a leisure centre (Use Class D2) including a 50M swimming pool, leisure water including water slides, fitness suite, studios and other complementary uses with associated parking, drainage and related infrastructure. Demolition of store - discharge	Discharge of Conditions Complete	07/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			of Condition Nos 4, 8 and 15 of previously approved permission 19/01206		
20/00120/PREAPP	Pre Application Enquiry	Unit 2, 101 Alfreton Road Derby	Change of use from Use Class E (retail) to hot food takeaway (Sui Generis)	Application Withdrawn	01/10/2020
20/00144/FUL	Full Application	67 Derby Lane Derby DE23 8UD	Single storey side extension and change of use of garage to form an additional retail unit (Use Class A1)	Refused	06/10/2020
20/00172/FUL	Full Application	21 Wynton Avenue Derby DE24 8UB	Two storey and single storey rear extensions to dwelling house (dining room, kitchen, utility, store. lobby and two bedrooms)	Approval	05/10/2020
20/00202/FUL	Full Application	10 Ravensdale Road Derby DE22 2SZ	Two storey side and single storey side and rear extensions to dwelling (porch, utility room, hall and enlargement of kitchen/dining room and bathroom) and installation of dormers to the front and rear elevations to form rooms in roof space (two bedrooms and shower room)	Approval	21/10/2020
20/00219/FUL	Full Application	5 Friar Gate Derby DE1 1BU	Change of use from art gallery/bar (Use Class D1) to 18 studio flats for student accommodation (Use Class C3) and part of the ground and first floors into office space (Use Class B1)	Approval subject to Section 106	15/10/2020
20/00220/LBA	Listed Building Consent - Alterations	5 Friar Gate Derby DE1 1BU	Refurbishment in association with the change of use from art gallery/bar (Use Class D1) to 18 studio flats for student accommodation (Use Class C3) and part of the ground and first floors into office space (Use Class B1)	Approval	15/10/2020
20/00264/FUL	Full Application	Site Of Former 7 - 11 Brook Street Derby DE1 3PF	Use of the land as a car park for a temporary period of two years	Approval	30/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00300/LBA	Listed Building Consent - Alterations	Chapel Of St Mary On The Bridge Sowter Road Derby DE1 3AT	Re-roofing works	Approval	15/10/2020
20/00364/FUL	Full Application	9 The Hollow Mickleover Derby DE3 0DG	Erection of an outbuilding (double garage and storage)	Approval	14/10/2020
20/00384/NONM	Non-Material Amendment	12 Davids Close Derby DE73 5SY	Single storey extension to dwelling (three bedrooms, lobby, bathroom, en-suite and conservatory), erection of triple garage and boundary fence - non-material amendment to previously approved planning permission 06/18/00928 to change the location of the garage structure	Approval	01/10/2020
20/00422/VAR	Variation of Condition	Site Of And Land At Kingsway Hospital Kingsway Derby	Residential development (580 dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 And A3), business units and associated infrastructure (roads, footpaths, open space and allotments) Variation of condition 12 of previously approved planning permission Code No. 07/08/01081 regarding the timing of occupation of dwellings in relation to highway works.	Approval	12/10/2020
20/00429/DISC	Compliance/Discharge of Condition	Land At The Side And Rear Of 90 Parkway Derby DE73 5QA	Incorporation of land into residential curtilage - Discharge of condition 3 of previously approved permission 19/00757	Discharge of Conditions Complete	01/10/2020
20/00436/FUL	Full Application	6 Sitwell Street Spondon Derby DE21 7FE	Demolition of garage. Erection of outbuilding (annexe accommodation)	Approval	16/10/2020
20/00518/RES	Reserved Matters	Land At John Street	Residential development (82 dwellings	Approval	14/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 2LU	together with associated external works, rear gardens, shared surface courtyard and 29 parking spaces.) - approval of reserved matters pursuant to outline planning permission Code No. 05/12/00563 in respect of appearance, landscaping, layout and scale. Castleward Regeneration Masterplan (phase 3).		
20/00522/FUL	Full Application	4 Glamis Close Derby DE21 2QJ	First floor side and single storey front and rear extensions to dwelling house (porch, family/dining space, bedroom, bathroom and enlargement of hall and garage) - amendment to previously approved planning permission 19/01536/FUL to infill the front porch area and increase the width of the single storey rear extension	Approval	13/10/2020
20/00525/FUL	Full Application	511 Stenson Road Derby DE23 1LP	Single storey rear extension to dwelling house (lobby and wetroom)	Approval	22/10/2020
20/00537/VAR	Variation of Condition	367A Duffield Road Derby DE22 2DN	Erection of Veterinary Surgery (Use Class D1) - Variation of condition 4 of previously approved planning permission 09/16/01106 to amend the approved opening hours on weekdays to 8am to 7pm	Approval	15/10/2020
20/00550/FUL	Full Application	14 Arlington Road Derby DE23 6NY	Single storey rear extension to dwelling house (garden room/porch) and formation of patio area	Approval	02/10/2020
20/00577/FUL	Full Application	99-100 Friar Gate Derby DE1 1EZ	Retention of change of use from bar (Use Class A4) and bar/restaurant (Use Classes A4 and A3) to four apartments (Use Class C3)	Approval	16/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00578/LBA	Listed Building Consent - Alterations	99 - 100 Friar Gate Derby DE1 1EZ	Retention of alterations in association with the change of use from bar (Use Class A4) and bar/restaurant (Use Classes A4 and A3) to four apartments (Use Class C3)	Approval	16/10/2020
20/00586/FUL	Full Application	51 Oakover Drive Derby DE22 2PR	Installation of a new roof to include raising of the roof height and a rear dormer	Approval	05/10/2020
20/00674/FUL	Full Application	89 Radbourne Street Derby DE22 3HD	Two storey rear extension to dwelling house	Approval	16/10/2020
20/00720/FUL	Full Application	33 High Street Chellaston Derby DE73 6TB	Extensions to dwelling house (car port, w.c., bedroom and bathroom)	Approval	21/10/2020
20/00721/FUL	Full Application	392 Kedleston Road Derby DE22 2TF	Two storey side extension to dwelling house and loft conversion including rear dormer extension (garage, utility, two bedroom with en-suites, study and enlargement of kitchen) - Amendment previously approved permission 19/00215	Approval	02/10/2020
20/00722/FUL	Full Application	509 Nottingham Road Derby DE21 6NA	Change of use from financial & professional services (Use Class A2) to a hot food takeaway (Use Class A5) together with erection of a single storey rear extension and external alterations to include installation of an extraction flue and condensing unit	Approval	14/10/2020
20/00742/FUL	Full Application	15A Church Lane Darley Abbey Derby DE22 1EX	Erection of an outbuilding (home office/garden room)	Approval	06/10/2020
20/00744/VAR	Variation of Condition	Former George Cross 12 Boyer Street Derby	Change of use from public house (use class A4) including a two storey extension to form eight additional apartments (use class C3) -	Approval	23/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3TH	variation of conditions 2 and 8 of previously approved planning permission 19/00416/FUL to amend the materials to be used and to remove the requirement for windows to only open inwards.		
20/00748/VAR	Variation of Condition	Land Off Hudson Way Derby DE24 8HS	Retention of change of use to public car park for temporary period (two years) - variation of condition 1 of previously approved permission code no. DER/01/18/00108 to extend the time period	Approval	09/10/2020
20/00751/FUL	Full Application	56 Carsington Crescent Derby DE22 2QZ	Alterations to land levels to include installation of a wooden structure, fence and ramp	Approval	14/10/2020
20/00753/FUL	Full Application	25 West Avenue South Derby DE73 5SH	Two storey rear and single storey side extensions to dwelling house (W.C., living space and enlargement of two bedrooms)	Approval	21/10/2020
20/00787/FUL	Full Application	Allestree Service Station 339 Duffield Road Derby DE22 2DG	Installation of four electrical vehicle chargers, associated plant within a compound and a electrical substation	Approval	16/10/2020
20/00788/FUL	Full Application	29 Chantry Close Derby DE3 0TG	Two storey side and single storey rear extensions to dwelling house (wet room, utility, two bedrooms and enlargement of kitchen)	Approval	02/10/2020
20/00789/FUL	Full Application	7 Hollowood Avenue Derby DE23 6JD	Two storey and single storey extensions to dwelling house (hall, activity/sensory room, shower room. snug, utility, two bedrooms, en-suite, bathroom and enlargement of kitchen/dining area)	Approval	29/10/2020
20/00791/FUL	Full Application	1 Cummings Street Derby DE23 6WX	Erection of an outbuilding	Approval	06/10/2020
20/00792/FUL	Full Application	2 Cardigan Street	Single storey side extension to dwelling house	Approval	14/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 6DW	(car port)		
20/00798/FUL	Full Application	Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Extensions to hospital to provide additional operating theatre	Approval	21/10/2020
20/00815/FUL	Full Application	132 Brighton Road Derby DE24 8TA	Single storey rear extension to dwelling house (bedroom and en-suite)	Approval	14/10/2020
20/00825/FUL	Full Application	36 Vauxhall Avenue Derby DE22 4DZ	Two storey side extension to dwelling house (bedroom and enlargement of living space)	Approval	21/10/2020
20/00828/FUL	Full Application	34 Nevinson Avenue Derby DE23 1GT	Rear roof extension and installation of a side dormer to form rooms in the roof space (bathroom and two bedrooms)	Approval	09/10/2020
20/00830/FUL	Full Application	Land At The Side Of 2 Hexham Walk Derby DE21 4FQ	Erection of a dwelling house (Use Class C3)	Approval	09/10/2020
20/00832/FUL	Full Application	The County Hotel Sinfin Lane Derby DE24 9GP	Change of use and conversion of first floor to form five apartments (Use Class C3) and erection of an MOT testing station	Approval	21/10/2020
20/00839/FUL	Full Application	127 Smalley Drive Derby DE21 2SQ	Single storey side and rear extension to dwelling house (w.c, bedroom and enlargement of kitchen/dining room)	Approval	01/10/2020
20/00842/FUL	Full Application	55 Windley Crescent Derby DE22 1BY	First floor side and single storey rear extensions to dwelling house (bedroom, en-suite and enlargement of kitchen/dining area and lounge)	Approval	14/10/2020
20/00844/FUL	Full Application	109 Nuns Street Derby	Part demolition of existing building. Single storey rear extension to business premises	Approval	06/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 3LS	(storage area)		
20/00847/FUL	Full Application	358 Burton Road Derby DE23 6AF	Formation of a raised decking area to the rear elevation	Approval	29/10/2020
20/00849/FUL	Full Application	11 Hamlet Court Derby DE73 5AH	Single storey extensions to dwelling house (hall, W.C., living space and enlargement of kitchen)	Approval	30/10/2020
20/00852/LBA	Listed Building Consent - Alterations	Uttoxeter Road Cemetery 129 Uttoxeter New Road Derby DE22 3NA	Re-building of a boundary wall	Approval	28/10/2020
20/00855/FUL	Full Application	18 King Alfred Street Derby DE22 3QJ	Change of use from Offices (Use Class B1) to three residential units (Use Class C3), extensions and alterations to include infilling of the covered way	Approval	02/10/2020
20/00858/FUL	Full Application	10-14 St Helens Street Derby	Demolition of existing buildings and erection of 62 bed student accommodation (sui generis) together with ground floor cafe (Use Class A3)	Application Withdrawn	15/10/2020
20/00864/FUL	Full Application	41 Portreath Drive Derby DE22 2BJ	Proposed two storey side and rear extension to dwelling house (2 bedrooms, bathroom, en-suite and enlargement of lounge)	Approval	13/10/2020
20/00867/DISC	Compliance/Discharge of Condition	2 Pastures Avenue Derby DE23 4BE	Demolition of the existing dwelling house. Erection of a replacement dwelling house (Use Class C3) and retaining wall and associated ground works - Discharge of condition 3 of previously approved permission 19/00732	Discharge of Conditions Complete	22/10/2020
20/00883/FUL	Full Application	24 St Pauls Road Derby DE1 3RS	Single storey rear extension to dwelling house (kitchen/dining area)	Approval	13/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00884/FUL	Full Application	25 St Pauls Road Derby DE1 3RS	Single storey rear extension to dwelling house (kitchen/dining area)	Approval	13/10/2020
20/00900/FUL	Full Application	104 Swarkestone Road Derby DE73 5UD	Two storey and single storey side extension to dwelling house (study/office, shower room, utility and bedroom)	Approval	15/10/2020
20/00902/FUL	Full Application	20 Moorway Lane Derby DE23 2FR	Single storey rear extension to dwelling house (dining room)	Approval	06/10/2020
20/00907/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 15 of planning permission 19/00763/FUL	Discharge of Conditions Complete	22/10/2020
20/00913/DISC	Compliance/Discharge of Condition	21 Vicarage Avenue Derby DE23 6TQ	Demolition of bungalow. Erection of a replacement dwelling house (Use Class C3) - discharge of conditions 3, 4 and 5 of planning permission 19/01341/FUL	Discharge of Conditions Complete	14/10/2020
20/00916/FUL	Full Application	4 Otter Street Derby DE1 3FB	Installation of a dormer to the rear elevation and roof lights to the front elevation	Refused	01/10/2020
20/00919/FUL	Full Application	63 Brackensdale Avenue Derby DE22 4AF	Single storey front and rear extensions to dwelling house (porch and kitchen/living space)	Approval	13/10/2020
20/00920/FUL	Full Application	41 Persian Close Derby DE24 1AS	Alterations to land levels and formation of a parking space	Approval	02/10/2020
20/00926/CLE	Lawful Development Certificate -Existing	Mill House Darley Street	Installation of replacement windows	Approval	02/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE22 1DX			
20/00927/TPO	Works to a tree with a TPO	9 Armscote Close Derby DE21 2QF	Crown reduction by 3m, crown thin by 30% and removal of epicormic growth of an Oak tree protected by Tree Preservation Order no. 31	Approval	06/10/2020
20/00931/FUL	Full Application	27 Masefield Avenue Derby DE23 1GP	Two storey side extension to dwelling house (study, kitchen and two bedrooms)	Approval	16/10/2020
20/00933/FUL	Full Application	44 Arnold Street Derby DE22 3EU	Retention of single storey rear extension to dwelling house	Approval	09/10/2020
20/00934/DISC	Compliance/Discharge of Condition	29 East Street Derby DE1 2AL	Change of use from financial and professional services (Use Class A2) to a restaurant/hot food takeaway (Use Classes A3 and A5) including the formation of a roof terrace - discharge of conditions 3 and 4 of planning permission 19/01379/FUL	Discharge of Conditions Complete	01/10/2020
20/00938/FUL	Full Application	Rolls Royce Plc Raynesway Derby DE21 7BE	Retention of a single storey welfare facility	Approval	05/10/2020
20/00941/TPO	Works to a tree with a TPO	257A Morley Road Derby DE21 4TD	Various works to trees protected by Tree Preservation Order No 75 to be carried out every three years for a ten year period	Approval	09/10/2020
20/00942/PNRT	Prior Approval - Telecommunications	Footpath Coleridge Street Derby (Adjacent Junction With Caxton Street)	Erection of 20m monopole and associated equipment cabinet	Prior Approval Approved	16/10/2020
20/00947/FUL	Full Application	Hardwick Primary School Dover Street	Installation of a sail shade in the play area of the Hardwick Primary school consisting of four	Approval	13/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6QP	steel uprights and a canvas shade cover.		
20/00950/CLP	Lawful Development Certificate -Proposed	70 Boulton Lane Derby DE24 0FE	Erection of outbuilding (garage)	Approval	23/10/2020
20/00952/FUL	Full Application	205 Duffield Road Derby DE22 1JE	Single storey front extension and alterations, two storey side and rear extension to dwelling house to create additional storage areas, en-suite bathroom and porch.	Approval	29/10/2020
20/00954/CLP	Lawful Development Certificate -Proposed	1 Westleigh Avenue Derby DE22 3BY	Single storey side extension (shower room).	Approval	14/10/2020
20/00955/FUL	Full Application	15 Steeple Close Derby DE21 2DE	First floor extension over existing garage to create additional ensuite bedroom.	Approval	05/10/2020
20/00956/FUL	Full Application	39 Murray Road Derby DE3 9LD	Single storey rear extension to dwelling house with flat roof and lantern.	Approval	01/10/2020
20/00957/FUL	Full Application	36 Chevin Road Derby DE1 3EX	Installation of replacement windows on the front elevation	Approval	05/10/2020
20/00959/FUL	Full Application	21 Rabown Avenue Derby DE23 1DD	Single storey side extension to dwelling house (shower room and sitting room)	Approval	05/10/2020
20/00961/FUL	Full Application	5 The Green Allestree Derby DE22 2RH	Single storey front extension to dwelling house (enlarged entrance hall & porch)	Approval	14/10/2020
20/00962/FUL	Full Application	7 Highgrove Drive Derby DE73 5XA	Two storey side and rear extension to dwelling house and first floor extension over attached garage.	Refused	14/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00964/VAR	Variation of Condition	Land At 2 Vine Close Derby DE23 3BX	Variation of condition 1 and removal of condition 3 of previously approved application code No. DER/11/17/01544 (Residential Development (One Dwelling) to alter the approved plans, to include the use of the garage as living space and amendments to the Vine Close boundary treatment.	Approval	05/10/2020
20/00965/TPO	Works to a tree with a TPO	1 Newcrest Close Derby DE23 4YP	Various works to trees. Protected by Tree Preservation Order No. 30	Approval	13/10/2020
20/00966/FUL	Full Application	54 Woodlands Road Derby DE22 2HF	Single storey rear extension to dwelling house	Approval	23/10/2020
20/00967/FUL	Full Application	172 Prince Charles Avenue Derby DE22 4LQ	Formation of vehicular access	Application Withdrawn	20/10/2020
20/00968/FUL	Full Application	8 Rykneld Drive Derby DE23 4AQ	Single storey extension to front elevation to erect a porch.	Approval	01/10/2020
20/00970/FUL	Full Application	110 Belper Road Derby DE1 3EQ	Proposed two storey rear and side extension to form garage, enlarged living area, bedroom at first floor and new lower ground accommodations for living/games/home office area.	Approval	05/10/2020
20/00971/PNRT	Prior Approval - Telecommunications	Land At St Alkmund's Way Derby DE1 1EE	Erection of 15M Monopole, antennas and associated equipment cabinets	Prior Approval Approved	12/10/2020
20/00972/PNRT	Prior Approval -	Highway Verge Adjacent Fire Station	Installation of 17.5m monopole, together with	Prior Approval	19/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Telecommunications	Kingsway Derby DE22 3LY	the installation of ground-based equipment cabinets and ancillary development thereto.	Approved	
20/00973/FUL	Full Application	13 Inglewood Avenue Derby DE3 0RT	Single storey side and rear extension to dwelling house to form enlarged garage and living accommodation.	Approval	13/10/2020
20/00986/FUL	Full Application	34 Royal Hill Road Derby DE21 7AH	Single storey rear extension to dwelling house (family and dining room) and formation of raised patio	Approval	13/10/2020
20/00987/FUL	Full Application	325 Uttoxeter Road Derby DE3 9AH	Two storey and single storey rear extensions to dwelling house (shower room, sitting room, family room, ensuite and and enlargement of bedroom)	Approval	13/10/2020
20/00997/FUL	Full Application	45 Birchwood Avenue Derby DE23 1QA	First floor rear extension and single storey rear extension to dwelling house	Approval	12/10/2020
20/00999/TPO	Works to a tree with a TPO	11 Gascoigne Drive Derby DE21 7GL	Crown lift to Oak Tree. Protected by Tree preservation Order No. PRE74/2	Approval	23/10/2020
20/01000/FUL	Full Application	259 Uttoxeter Road Derby DE3 9AF	Single storey front and rear extensions (art room/library and enlargement of garage)	Approval	12/10/2020
20/01001/FUL	Full Application	Unit 19 Victoria Way Derby DE24 8AN	Change of use from industrial (Use Class B1) to mixed use comprising cafe/restaurant/take away (Use Class A3/A5) on the ground floor with first floor office (Use Class A2) together with installation of additional window on rear elevation.	Approval	12/10/2020
20/01002/DISC	Compliance/Discharge of Condition	Land At 398 Duffield Road Derby	Demolition of outbuildings. Erection of four dwelling houses (Use Class C3) - discharge of	Discharge of Conditions Complete	07/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 1ES	condition no 7 of previously approved permission 19/00682		
20/01005/CLP	Lawful Development Certificate -Proposed	56 White Street Derby DE22 1HA	Installation of a dormer to the side/rear elevation	Approval	20/10/2020
20/01008/CAT	Works to Trees in a Conservation Area	24 Kedleston Road Derby DE22 1GU	Removal of two broken branches, crown reduction by 4-5m of a Mulberry tree within the Strutts Park Conservation Area	Approval	02/10/2020
20/01009/FUL	Full Application	Midland House 1 Nelson Street Derby DE1 2SA	Erection of toilet facilities for a temporary period of 11 months (Sep 2020 to July 2021) to be located within existing car park	Approval	02/10/2020
20/01015/ADV	Advertisement Consent	51 Rowditch Avenue Derby DE22 3LE	Display of a non-illuminated flag sign	Approval	19/10/2020
20/01016/TPO	Works to a tree with a TPO	7A Daylesford Close Derby DE23 3SX	Crown lift by 3m and crown reduction by 2.5m lateral spread and 1.8m from the height of an Oak tree protected by Tree Preservation Order no. 30	Approval	19/10/2020
20/01018/FUL	Full Application	77 Leman Street Derby DE22 3UY	Two storey and first floor side extensions to dwelling house (shower room, bedroom and en-suite)	Approval	29/10/2020
20/01020/FUL	Full Application	165 Cameron Road Derby DE23 8RU	Single storey rear extension to dwelling house (kitchen)	Approval	19/10/2020
20/01021/FUL	Full Application	11 Watten Close Derby DE24 3HL	Single storey front extension to dwelling house (enlargement of wet room)	Approval	18/10/2020
20/01022/FUL	Full Application	277 Deep Dale Lane	Single storey side extension and new pitched	Approval	18/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE24 3HG	roof over porch and garage		
20/01023/FUL	Full Application	Former Baker Engineering Sandown Road Derby DE24 8SR	Change of use from light industrial premises (Use Class B1c) to timber merchants with ancillary external storage and trade counter (Sui Generis Use and Use Class B8)	Approval	21/10/2020
20/01025/FUL	Full Application	1 Portico Road Derby DE23 3NJ	Erection of porch	Approval	18/10/2020
20/01027/FUL	Full Application	25 Bentley Street Derby DE24 8JS	Single storey front extension to dwelling house (lounge and porch)	Refused	18/10/2020
20/01030/CLP	Lawful Development Certificate -Proposed	15 Windsor Avenue Derby DE23 3ER	Installation of a dormer to the rear elevation	Approval	21/10/2020
20/01034/CAT	Works to Trees in a Conservation Area	60 Belper Road Derby DE1 3EN	Pollarding of four Lime trees and felling of a Cherry tree sucker within the Strutts Park Conservation Area	Approval	13/10/2020
20/01035/FUL	Full Application	1 Moy Avenue Derby DE24 3HJ	Two storey and single storey side extensions to dwelling house (sitting room, wet room, bedroom and en-suite) and installation of a mono pitched roof to the front elevation	Approval	18/10/2020
20/01040/PNRT	Prior Approval - Telecommunications	Highway Verge Slack Lane Derby (adjacent To Junction With Cobden Street)	Installation of an 15m high monopole, equipment cabinets and ancillary works	Prior Approval Approved	21/10/2020
20/01041/PNRT	Prior Approval - Telecommunications	Highway Verge Close To Junction With Osmaston Road And Nightingale Road	Installation of an 18m high monopole, equipment cabinets and ancillary development	Prior Approval Approved	19/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01042/PNRT	Prior Approval - Telecommunications	Derby Highway Verge Adjacent To Traffic Island Normanton Lane Derby	Installation of an 18m high monopole, equipment cabinets and ancillary works	Prior Approval Approved	16/10/2020
20/01043/PNRT	Prior Approval - Telecommunications	Highway Verge Close To Junction Of London Road And Barlow Street Derby	Installation of a 20m high monopole, equipment cabinets and ancillary works	Prior Approval Approved	16/10/2020
20/01044/PNRT	Prior Approval - Telecommunications	Highway Verge At The Junction Of Derwent Street And Exeter Street Derby	Installation of a 20m high monopole, equipment cabinets and ancillary development	Approval	23/10/2020
20/01045/FUL	Full Application	15A Friar Gate Derby DE1 1BU	Retention of the installation of an ATM	Refused	19/10/2020
20/01046/ADV	Advertisement Consent	15A Friar Gate Derby DE1 1BU	Display of a non-illuminated ATM sign	Refused	19/10/2020
20/01048/FUL	Full Application	The Old Steam Mill 7 Pelham Street Derby DE22 3UG	Change of Use from dwelling house (Use Class C3) to three flats (Use Class C3)	Approval	19/10/2020
20/01049/PNRT	Prior Approval - Telecommunications	Highway Verge In Front Of 615 Burton Road Derby	Installation of a 20m high monopole, equipment cabinets and ancillary development	Application Withdrawn	20/10/2020
20/01051/CAT	Works to Trees in a	3 Midland Place And Francis	Felling of a Cherry Plum tree, cutting back of	Approval	16/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Conservation Area	Thompson Walk Derby	two branches to give 2m clearance of the dwelling of a Whitebeam tree, crown reduction by 3m of branches overhang the garden of 3 Midland Place and 2m of the remaining canopy of a Cherry tree and crown reduction by 1.8m and crown lift by 2m of a Cherry tree within the Railway Conservation Area		
20/01052/FUL	Full Application	Normanton Village View Nursing Home 101 Village Street Derby DE23 8DF	Erection of an outbuilding (visitor pod)	Approval	28/10/2020
20/01056/FUL	Full Application	7 Palm Close Derby DE23 3SB	Two storey side and first floor rear extensions to dwelling house (utility, store, two bedrooms, en-suite and enlargement of kitchen, two bedrooms and bathroom)	Approval	19/10/2020
20/01060/PNRH	Prior Approval - Householder	459 Utttoxeter New Road Derby DE22 3ND	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	21/10/2020
20/01061/FUL	Full Application	28 Redmires Drive Derby DE73 6XF	Extension to dwelling house (porch)	Approval	19/10/2020
20/01065/FUL	Full Application	43 Highfield Road Littleover Derby DE23 1DH	Two storey rear extension to dwelling house (kitchen/dining area and two bedrooms)	Approval	30/10/2020
20/01067/PNRH	Prior Approval - Householder	23 Arthur Court Derby DE23 8EJ	Single storey rear extension (projecting beyond the rear wall of the original house by 3.52m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	06/10/2020
20/01068/FUL	Full Application	620 Osmaston Road	Change of use of ground floor from shop (Use	Approval	20/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE24 8GQ	Class E), installation of a rear dormer and alterations including installation of new windows to form two additional flats (Use Class C3)		
20/01069/FUL	Full Application	1 Farrier Gardens Derby DE23 3XR	First floor side extension to dwelling house (two bedrooms)	Approval	29/10/2020
20/01071/TPO	Works to a tree with a TPO	14 Grangeover Way Derby DE22 3QD	Crown reduction by 4m of a Sycamore tree protected by Tree Preservation Order no. 242	Approval	30/10/2020
20/01073/PNRH	Prior Approval - Householder	33 Wild Street Derby DE1 1GP	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Approved	21/10/2020
20/01077/PNRH	Prior Approval - Householder	134 Coleridge Street Derby DE23 8AE	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.8m, height to eaves 2.9m) to dwelling house	Prior Approval Not Required	06/10/2020
20/01078/PNRH	Prior Approval - Householder	186 Upper Dale Road Derby DE23 8BQ	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	06/10/2020
20/01079/PNRH	Prior Approval - Householder	188 Upper Dale Road Derby DE23 8BQ	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	12/10/2020
20/01084/PNRH	Prior Approval - Householder	635 London Road Derby DE24 8UQ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	18/10/2020
20/01089/FUL	Full Application	605 Burton Road Derby DE23 6EJ	First floor side extension and two storey rear extensions to dwelling house (dining room, two bedrooms and enlargement of kitchen and	Approval	20/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			bedroom)		
20/01102/CAT	Works to Trees in a Conservation Area	St Werburghs Church Of England Primary School Church Street Spondon Derby DE21 7LL	Various works to trees within the Spondon Conservation Area	Approval	21/10/2020
20/01103/PNRH	Prior Approval - Householder	28 New Zealand Square Derby DE22 3BZ	Single storey rear extension (projecting beyond the rear wall of the original house by 3.20m, maximum height 3.35m, height to eaves 2.35m) to dwelling house	Prior Approval Not Required	18/10/2020
20/01105/PNRH	Prior Approval - Householder	459 Utttoxeter New Road Derby DE22 3ND	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	21/10/2020
20/01107/FUL	Full Application	3 Bramblewick Drive Derby DE23 3YG	Erection of an outbuilding (garage)	Approval	20/10/2020
20/01108/PNRH	Prior Approval - Householder	55 Rossington Drive Derby DE23 3UP	Single storey rear extension (projecting beyond the rear wall of the original house by 4.05m, maximum height 3.60m, height to eaves 2.68m) to dwelling house	Prior Approval Not Required	21/10/2020
20/01113/CAT	Works to Trees in a Conservation Area	Audrey House 17 Vernon Street Derby DE1 1FT	Coppice to ground level a Goat Willow tree within the Friar Gate Conservation Area	Approval	22/10/2020
20/01114/NONM	Non-Material Amendment	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	Approval	01/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			conversion and extension of the 'Pepper pot' buildings into a cafe, exhibition/meeting space, and gym/fitness facilities. Relocation of the listed Queen Victoria statue, together with formation of vehicular access, public open space, landscaping and associated engineering works - Non-material amendment to previously approved planning permission 18/01677 for the addition of second electrical substation between Block E1 and E2		
20/01116/PNRH	Prior Approval - Householder	13 Lloyd Street Derby DE22 3ET	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	21/10/2020
20/01118/LBA	Listed Building Consent - Alterations	35 Corn Market Derby DE1 2DG	Installation of an externally illuminated fascia sign and an externally illuminated projecting sign	Approval	20/10/2020
20/01120/ADV	Advertisement Consent	35 Corn Market Derby DE1 2DG	Display of one externally illuminated projecting sign and one externally illuminated fascia sign	Approval	20/10/2020
20/01121/CAT	Works to Trees in a Conservation Area	24 North Parade Derby DE1 3AY	Crown reduction to previous reduction points of a Lime Tree within the Strutts Park Conservation Area	Approval	29/10/2020
20/01122/FUL	Full Application	6 Austen Avenue Derby DE23 3EY	Retention of outbuilding for use as accommodation for dependent relative	Approval	20/10/2020
20/01132/FUL	Full Application	Former Celanese 1 Holme Lane Derby DE21 7BS	Erection of a office cabin for a temporary period of 18 months	Approval	30/10/2020
20/01135/FUL	Full Application	84 Carlton Road	Erection of an outbuilding (garage and	Approval	22/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6HD	workshop)		
20/01137/PNRH	Prior Approval - Householder	18 Curzon Lane Derby DE24 8QS	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	22/10/2020
20/01138/VAR	Variation of Condition	Rolls Royce Plc Raynesway Derby DE21 7BE	Installation of an argon gas system facility adjacent to the primary components operations factory - Variation of condition 1 of previously approved planning permission 05/18/00645 to amend the approved plans	Approval	22/10/2020
20/01147/FUL	Full Application	9 Chelwood Road Derby DE73 5SJ	Two storey side and single storey rear extensions to dwelling house (shower room, cloakroom, utility, dining space, bedroom, en-suite and enlargement of kitchen)	Approval	22/10/2020
20/01149/DISC	Compliance/Discharge of Condition	Former Friar Gate Goods Yard Great Northern Road Derby DE1 1LT	Erection of a secondary school to include a 3 storey teaching block and separate sports hall building, plus associated infrastructure, landscaping and outdoor sports facilities, and new vehicular entrance from Great Northern Road - Discharge of condition 5 of previously approved permission 19/00631	Discharge of Conditions Complete	19/10/2020
20/01153/VAR	Variation of Condition	2 Rykneld Way Derby DE23 4AS	Demolition of bungalow. Erection of a dwelling house (Use Class C3), garage and a boundary wall with gates - Variation of condition 2 of previously approved planning permission 19/00888/FUL to amend part of the roof design and the fenestration	Approval	22/10/2020
20/01165/PNRH	Prior Approval - Householder	118 Prince Charles Avenue Derby DE22 4FN	Single storey rear extension (projecting beyond the rear wall of the original house by 5.4m, maximum height 3.65m, height to eaves 2.75m) to dwelling house	Prior Approval Not Required	22/10/2020
20/01171/FUL	Full Application	34 Kintyre Drive	Two storey side and rear and single storey	Approval	21/10/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE24 3JZ	rear extensions to dwelling house (garage, wet room, kitchen sun room, bedroom and en-suite)		
20/01216/DISCLB	Compliance/Discharge of Condition LB	St Pauls House 14 Jubilee Business Park Enterprise Way Derby DE21 4BB	Installation of an external brickwork skin - Discharge of condition 3 of previously approved planning permission 20/00511/LBA	Discharge of Conditions Complete	21/10/2020
20/01227/DISC	Compliance/Discharge of Condition	Site Of Former Northridge House Raynesway Derby DE24 0DW	Erection of a retail unit (Use Class A1) with associated access, landscaping and parking - Discharge of condition no 10 of previously approved permission 19/01802	Discharge of Conditions Complete	27/10/2020
20/01277/DISC	Compliance/Discharge of Condition	Site Of 18 - 20 Hatfield Road Derby DE24 0BU	Erection of two bungalows (Use Class C3) discharge of conditions 6, 7, 8 and 9 of planning permission 03/17/00420	Discharge of Conditions Complete	16/10/2020