

## **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	05/07/2021
Other(s)	Ian Woodhead	05/07/2021

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

**Planning Control Committee 15/07/2021**  
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5	44 - 56	20/01663/FUL	Roebuck Court Amy Street Derby	Retention of the reconfiguration of the internal layout to increase the number of flats from 13 to 17 of previously approved application 01/08/00005 (Erection Of 13 Flats and 2 Retail Units and associated car parking, amenity areas and ancillary storage facilities.)	<b>A. To authorise</b> the Director of Planning, Transportation and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.  <b>B. To authorise</b> the Director of Planning, Transportation and Engineering to <b>grant</b> permission upon conclusion of the above Section 106 Agreement.
6	57 - 71	20/00658/FUL	7 Hill Top and Land at Rear of 7-12 Hill Top Derby	Demolition of Outbuildings. Erection of six bungalows (Use Class C3)	<b>To grant</b> planning permission with conditions.
7	72 - 80	21/00367/FUL	25 Girton Way Mickleover	Change of use from dwelling house (Use Class C3) to care home (Use Class C2)	<b>To grant</b> planning permission with conditions.

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

**Application No: 21/00305/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 26 Arthur Street, Derby

**1.2. Ward:** Darley

**1.3. Proposal:**

Single storey side/rear extension to dwelling house (living space), timber replacement door and windows.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00305/FUL>

**Brief description**

Permission is sought for a single-storey side and rear extension to the house. The application has been amended to include the replacement of existing uPVC door and windows with timber, and to redesign the proposed extension's roof.

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

<b>Application No:</b>	11/17/01518	<b>Type:</b>	Full Application – Article 4
<b>Decision:</b>	Refused	<b>Date:</b>	15.01.2018
<b>Description:</b>	Retention of the installation of replacement windows and a door to the front elevation		

### **3. Publicity:**

Neighbour Notification Letters sent to three addresses, Site Notices displayed, Statutory Press Advert published.

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

### **4. Representations:**

Seven comments have been received, including one each from Councillors Stanton and Repton, in objection on the following points:

- The proposed extension will subject adjacent dwellings to effects overshadowing, massing and enclosure;
- It is understood that the extension is to facilitate the conversion of the house to a six-bedroom house in multiple occupation (HMO) which would result in increased noise, activity, waste and parking demand;
- The design of the extension and the front door as revised would harm the character of the host building and the wider conservation area;
- A retrospective application to retain uPVC windows and door was refused in 2018 but not enforced and the windows and door remain;

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

**Application No: 21/00305/FUL**

**Type: Full Application**

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- The setting of the listed terrace to the south of the application site would be harmed;

### **5. Consultations:**

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

No response.

### **6. Relevant Policies:**

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

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

CP1(a) Presumption in Favour of Sustainable Development  
CP3 Placemaking Principles  
CP4 Character and Context  
CP20 Historic Environment  
AC9 Derwent Valley Mills World Heritage Site

#### **Saved CDLPR Policies**

E18 Conservation Areas  
E19 Listed Buildings and Buildings of Local Importance  
GD5 Amenity  
H16 Housing Extensions

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](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. Design and Heritage**

**7.2. Residential Amenity**

**7.3. Other Matters**

**7.1. Design and Heritage**

The Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that the local planning authority pay special attention to the desirability of preserving or enhancing a conservation area's character or appearance, and to have special regard to the desirability of preserving listed buildings or their setting when making decisions. Saved policy E18 Conservation Areas of the City of Derby Local Plan Review requires development proposals to preserve or enhance the special character of the conservation area. Saved policy H16 Housing Extensions states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the streetscene" taking into account design, massing, visual prominence and materials. The principle of good design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places).

The site is within the Strutts Park Conservation Area and Derwent Valley Mills World Heritage Site Buffer Zone (DVMBZ) and arguably in a position to affect the setting of the Grade II listed Kingston Terrace approximately 20 metres to the south. Although, the proposed extension would represent a departure from the building's original design, the amended proposal would be much more complementary to the character of the host building, conservation area and/or other surrounding heritage assets. My opinion is that it would have an acceptable relationship with the original house and its surroundings. Furthermore, the extension would be consistent with the character of the conservation area to which, as a departure from the intended original form, it would bring less than substantial harm, in the terms of the NPPF. However, this harm would be mitigated by the improved design, the extension's lack of visual prominence within the conservation area, its limited scale, and the other amendments made to the proposal. These amendments include the replacement of unauthorised uPVC windows and doors with timber replacements which would benefit the host building and the wider area and would bring a public benefit to the development which must be weighed against any harm. As mentioned in neighbour comments and by the Conservation Officer, the design of the proposed replacement door could be improved. A condition is recommended below requiring agreement of the final design of the replacement door and windows. Overall, my opinion is that the public benefit inherent in the replacement of the unauthorised doors and windows would outweigh the less than substantial harm caused by the proposed rear extension and would on balance preserve or enhance

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the character and appearance of the conservation area, the DVMBZ and the setting of nearby listed buildings. The statutory tests contained in Sections 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 would therefore be met, as would the requirements of saved policies E18, E19 and H16 and adopted policies AC9, CP3, CP4 and CP20, and the overarching guidance contained in section 12 of the NPPF.

## **7.2. Residential Amenity**

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the provisions of saved policy H16 Housing Extensions which also requires the creation of a "satisfactory living environment" which in turn is supported by the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 127).

The proposed extension would be visible from surrounding residential plots and so would have some impact on residential amenity, the adjacent plot to the south in particular, would be subject to increased effects of massing, overshadowing and enclosure. This impact could not be convincingly described as constituting unacceptable harm, in my opinion, for the reason that the proposed structure would be limited to a single storey of limited maximum height (2.8 metres) and would be slightly offset from the nearest boundary. The revised roof form has also reduced the massing and overshadowing effects to the neighbouring plot by reducing the eaves height to 2.1 metres. The nearest rear-facing window at the neighbouring dwelling is also somewhat offset from the boundary and the effects identified would not be acute enough to justify refusal, in my opinion. The neighbouring plot also has a side-facing window that would be affected, but carries less weight than a rear-facing window because the light and outlook it receives is "borrowed" from adjacent private land, in this case the application site. The proposed extension would be sufficiently distant from other neighbouring plots to substantially limit any negative amenity effects. It is my opinion that the implications of the proposed works for neighbouring residential plots would remain within reasonable limits, and that a satisfactory living environment would be maintained for occupants of the application site and neighbouring plots. Overall, it is my opinion that the implications of the proposal for residential amenity would be acceptable and in compliance with saved policies GD5 and H16 of the City of Derby Local Plan Review and paragraph 127 of the National Planning Policy Framework.

## **7.3. Other Matters**

Considerations relating to the impacts of the suggested conversion of the building to a six-occupant HMO (although this is not shown in the application documents) cannot be considered here for the reason that no such conversion is apparent from the submitted information and it is not the subject of this application. Such a conversion would in any case be likely to meet the description of *permitted development* and be outside the control of the Local Planning Authority. Issues regarding the building's level of occupancy, waste arrangements and parking demand therefore fall outside the scope of the application which relates to the proposed extension and replacement door and windows only. Party Wall arrangements are a private consideration, under the

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Party Wall Act and it would not be appropriate for the Local Planning Authority to offer an opinion or otherwise intervene.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

Although the proposed extension would result in less than substantial harm to the host building, conservation area and other heritage assets, the proposal has been amended to significantly reduce this harm. What harm would remain would be substantially outweighed by the replacement of unauthorised uPVC windows and door with timber which would provide a significant benefit to the building and its context. Limited harm to residential amenity from the proposed extension has been identified but it would not rise to the level of “unacceptable harm” which is the policy test contained in development plan policy.

**8.3. Conditions:**

**1.** Standard time limit condition

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

**2.** Standard plans condition

**Reason:** For the avoidance of doubt

**3.** Details of door & window design, colour & finish

**Reason:** In the interests of visual amenity and the character of the building and conservation area

**4.** Time limit for replacement windows and doors

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

**8.4. Application timescale:**

The determination period ended on 3.6.2021. An extension of time until 23.7.21 has been requested.



**Application No: 21/00305/FUL**

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

**Application No: 21/00154/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 46 Quarn Drive, Derby

**1.2. Ward:** Allestree

**1.3. Proposal:**

Retention of change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00154/FUL>

**Brief description**

Permission is sought to retain the use of what was previously the house's integral garage as a hairdressing salon between the hours of 10am and 8am Monday to Friday and 9am and 5pm on Saturdays with no opening proposed on Sundays and Bank Holidays.

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

<b>Application No:</b>	08/00/00962	<b>Type:</b>	Not recorded
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	23.10.2000
<b>Description:</b>	Extensions to dwelling house (bathroom, bedroom and kitchen)		

### **3. Publicity:**

Neighbour Notification Letters to five addresses and Site Notice displayed.

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

### **4. Representations:**

109 responses to publicity have been received. 50 in objection and 60 in support with 1 neutral comment.

The following points have been raised in objection to the proposal:

- The change of use from domestic garage to hair salon has increased activity on and around the application site, resulting in harm to the character of the street and to the residential amenity of neighbouring dwellings and the wider area through increased noise, disturbance, vehicle movements and parking pressure;
- Allowing this use in this location would set an unwelcome precedent which may encourage similar conversions;
- The parking facilities available on the site are limited, resulting in customers' cars overhanging the footpath and parking on the street with negative consequences for highway safety & access for disabled people;

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

**Application No: 21/00154/FUL**

**Type: Full Application**

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- The application's statement that the majority of clients walk to the salon is disputed;
  - The use has already commenced without planning permission;
  - To allow a commercial use outside of commercial centres would harm their viability, units in nearby centres are currently vacant;
  - The business overlooks nearby dwellings, causing loss of privacy exacerbated by the relatively narrow width of the street;
  - A tree and other vegetation has been removed to facilitate the conversion of the garage, CCTV installed, and the parking area at the front of the house has been enlarged, all of which have harmed the character and appearance of the site and the wider streetscene;
  - The sequential test document is limited in scope;
  - The description of development initially included "beauty salon" in addition to hairdressing;
  - Chemicals used by the business require storage and disposal and create smells;
  - There are omissions & inaccuracies on the application form;
  - There is a restrictive covenant on the land that prohibits "obnoxious, noisy or offensive trade or business".

The following points have been made in support of the application:

- The business has one member of staff and one customer at any one time, the only mechanical source of noise is a hairdryer. Reports of disturbance and parking issues are exaggerated;
- The pandemic has particularly affected small businesses, these businesses should be supported;
- The location of the business allows for a more private and quiet service for customers than a traditional salon;
- The changing nature of shopping and working habits, exacerbated by the pandemic, has changed the role of centres and residential areas and flexibility should be encouraged;
- The conversion of the garage is discreet and sympathetic to its surroundings;
- Any increase in traffic would be small in comparison to the increase in delivery vehicles visiting the street.

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**5. Consultations:**

**5.1. Highways Development Control:**

The application form states that there are no changes to the public highway and no change to parking arrangements as a result of this application.

Recommendation:

There are no significant implications to the public highway, therefore the Highway Authority has no objections to this application.

**5.2. Environmental Services (Health – Pollution):**

I have reviewed the application information and I have no comments to make.

**6. Relevant Policies:**

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

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

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

**Saved CDLPR Policies**

- GD5 Amenity
- T10 Access for Disabled People

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1. Principle of Development**

**7.2. Character and Residential Amenity**

**7.3. Highways Matters**

**7.4. Other Matters**

**7.1. Principle of Development**

The presence of a town centre use outside of a defined centre requires a sequential approach to site selection, and it should be demonstrated that the requirements of adopted policy CP13 have been met and along with paragraph 86 of the National Planning Policy Framework (NPPF). This has been done to the satisfaction of the Council's Spatial Planning team and is considered to be satisfactory provided that any permission, that may be granted, should be restricted to a hairdresser as there has been no justification given for another use in Use Class E. Two comparable and recent appeal decisions are available to view in the online case file. Of these, one was dismissed (although a subsequent application for the same development was approved by planning committee), the other was allowed with restrictive conditions on opening hours and the extent of the use, it should be noted that these cases are not within Derby City. These provide an illustration of the approach recently taken by the Planning Inspectorate on development of this type and although the two inspectors reach opposite conclusions, in both cases the assessment centred around the impact of the use on character, residential amenity and traffic generation. A discussion of each of these follows.

**7.2. Character and Residential Amenity**

Adopted policy CP4 Character and Context seeks to ensure a good relationship between development and the local area. Saved policy GD5 Amenity prohibits *"unacceptable harm to the amenity of nearby areas"* from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. This policy position is supported by the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 127).

The hairdressing business occupies a single room that was formerly an integral garage and is run by the applicant who works alone. The available evidence suggests that the equipment used is not particularly noisy, although it is possible if windows or doors are open, some noise will be heard in neighbouring gardens and houses. Some customers may walk to and from the premises, but it is reasonable to assume that many come and go by car. The use is likely to generate more activity in and around the site than could usually be expected for a residential dwelling in my opinion. Although, the level of activity is limited by the size of the site (a single room) and the nature of the operation (a single hairdresser serving a single customer at any one time). To determine whether

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the use is compatible with development plan policy, the test is whether the level of activity created by the business can reasonably be described as constituting “*unacceptable harm*” as specified by policy GD5. My opinion is that the limiting factors inherent in the business operation mean that it could not, and that the use is appropriate for the site and its context. Members may wish to consider imposing a condition on any permission to restrict the opening hours of the business in order to limit its impact on residential amenity. Conditions are recommended below to restrict the use to the area it currently occupies, to restrict the use to a single-person hairdressing operation and to prevent any change of use within the same use class. Some overlooking of the residential plots opposite is possible from the site, through the door which is glazed and the two small windows that flank it. The amount of overlooking is comparable to that which would be possible through any habitable room window at a distance in excess of 18 metres across the street and does not constitute a reason for refusal in itself, in my opinion. However, it may be possible to argue that a condition restricting visibility into and out of the site (e.g. through the use of obscure glazing) could be considered reasonable in the interests of residential amenity.

Overall, in my opinion, the use generates more activity and traffic generation to what would be expected from a residential dwelling and that this affects the character of the area and residential amenity but would not warrant refusal of planning permission. Members should consider whether or not these aforementioned impacts rise to the level of “*unacceptable harm*” which is the policy test contained in saved policy GD5, or whether the use is compatible with its context or can be made to be so through the use of planning conditions.

### **7.3. Highways Matters**

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. The site has capacity for 3 cars and there are no parking restrictions on the street. The Highways Officer consulted makes no objection to the development in principle and it is my opinion that sufficient parking for the residential and business elements of the site is available and that the highway network is capable of accommodating the traffic and parking levels generated by the development.

### **7.4. Other Matters**

We initially misdescribed the development and the application as initially publicised included a reference to a “beauty salon” which was incorrect. The use of chemicals by the business is not a planning issue in itself unless any odours or emissions resulting from their storage, use or disposal could be said to affect residential amenity. From the available evidence I do not believe this has occurred to any significant degree. The restrictive covenant mentioned in comments operates separately from planning law and policy. Applications for planning permission must be assessed in relation to development plan policies and any other material considerations.

Concerns have been raised that allowing the proposed use in this case would set a precedent which would allow similar development to follow. Each application for planning permission is assessed on its own merits and any similar proposals if they did arise would have to go through the same process as the application currently under consideration. Although the coronavirus pandemic has had far-reaching implications

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for the way in which people go about their lives, these implications are not yet reflected in planning policy in a way that is relevant to this proposal which is assessed with regard to the development plan policies and other material considerations.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The use of the site as a hairdressing salon is likely to result in more activity and traffic than would be attributable to an average residential dwelling and is likely to affect the residential amenity of neighbouring residents and the character of the area. However, it would be difficult to reasonably argue that this effect would rise to the level of “unacceptable harm” as required by policy GD5 and my opinion is that the site and its wider context are capable of accommodating the development and the level of activity associated with it.

**8.3. Conditions:**

1. Standard plans condition

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

2. Restriction on opening hours

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

3. Restriction of use to existing area

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

4. Retention of parking area

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

5. Details of waste management to be provided

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

6. Restriction of use to single operative hairdressers.

**Reason:** To avoid intensification of the use and to prevent a change of use within class E in an out-of-centre location.

**8.4. Application timescale:**

The determination period ended on 3.6.2021. An extension of time until 22.7.2021 has been requested.





## **Committee Report Item No: 3**

**Application No: 21/00501/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** Garage Court, Paterson Avenue, Chaddesden

**1.2. Ward:** Chaddesden

**1.3. Proposal:**

Erection of 6 apartments (Use Class C3) in a two-storey block and associated ground works

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00501/FUL>

**Brief description**

The site is currently occupied by a group of garages of various types and conditions, served off Paterson Avenue in Chaddesden. The land, which is relatively flat, is elevated slightly from Paterson Avenue frontage. It has a large gravelled surface in the centre and is located to the rear of residential properties on Paterson Avenue, Parkside Road and Sanderson Road. There is a single carriageway, hard surfaced access road to the land from the south. The site lies within a residential area, which is a former Council estate, comprising two storey semi- detached and terraced housing.

Full permission is sought for erection of a two-storey block with 6 apartments. The garages are all to be demolished. The development would provide affordable housing units for single people, to be managed by Derby Homes. The development would have the appearance of terraced housing and each apartment would have its own front entrance and access to private amenity space. The building would be of traditional construction, with buff brick and render façade and tiled hipped roofline. Front porches would project with a sloping roofline from the front elevation. The proposed front elevation of the building would enjoy a south-west facing aspect.

Access to the apartments would be from Paterson Avenue and the existing road is to be widened to 3.7m. A turning head is proposed to be formed within the site, which is to serve a small parking area with 7 car parking spaces. Cycle storage would be provided below the staircases of each entrance with secure access and bin storage enclosure proposed within the car park.

The application is supported by various technical documents, including a bat survey and ecological appraisal, drainage statement, tree survey and site investigation reports (Phase 1 and 2).

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

None of relevance.

### **3. Publicity:**

Neighbour Notification Letter – 9 letters

Site Notice

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

**4. Representations:**

Four objections to the proposal have been received including one from Cllr Smale. The main issues raised are summarised as follows:

- Block of flats would be out of place in this residential area
- The development would result in noise and traffic to this quiet area
- Traffic on the access will cause disturbance to local residents
- Insufficient parking for visitors
- Building would be out of character with the local area
- Loss of privacy for local residents
- Inappropriate type of development in this residential area.

**5. Consultations:**

**5.1. Highways Development Control:**

The Highway Authority has No Objections to the proposals, subject to conditions.

**Observations:**

The following observations are primarily based upon information shown on submitted application drawing 03.2 Rev B, and the supporting Design & Access Statement. In general, the Highway Authority would have concerns about the principle of removing off-highway parking; however it appears that many of the dwellings in the area have a measure of off-road parking; and the landlord for the garages could legitimately decide to close or demolish them without requiring any kind of consent. The site location plan appears to show garages/hardstanding for 20 vehicles. Taking a baseline of trips of 2 vehicular trips per day associated with the garages; 20 garages could theoretically result in 40 trips per day. Assuming that a flat will generate 4-6 trips per day would result in 24 to 36 trips, which actually means that in theory there could be a reduction in trips. The access is sub-standard in width to act as a shared access; however it already has established use in respect of the current permitted use of the site; I note that the applicant is proposing to widen the access to 3.7m (is currently 3.04m wide). This will also entail alterations to highway drainage as there is an existing gully which will likely need to be moved. This is still unsuitable for two vehicles to pass; but as previously stated there is a likely net decrease in the level of vehicular use in respect of the proposals. Care with respect to the detailing of the highway footway width at the point of widening will need to be taken; however this would be part of the overall process for technical approval of the highway works. There is an existing Derby City Council Lamp Column (LC12256) which will require removal as part of the proposals. The site is shown surfaced in a bituminous material; as the site falls to the highway, there is a danger that the existing highway drainage could become overwhelmed. It will therefore be necessary for the applicant/developer to put measures into place to

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prevent surface water washing out of the site onto the highway. This can be dealt with by appropriate condition.

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

Condition: No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) in accordance with the approved plan. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development. The vehicle parking and turning areas shall not thereafter be used for any purpose other than the turning and parking of vehicles.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Condition: No part of the development hereby permitted shall be brought into use until the access driveway, parking and turning areas are constructed with provision to prevent the discharge of surface water from the driveway, parking and turning areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Condition: The development hereby permitted shall not be brought into use until the highway access has been improved, as shown for indicative purposes on application plan 03.2 Rev B

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

### **Further comments to amended site plan (5 July):**

Looking at this drawing; I think my observations can still stand; and my suggested conditions and informatives are also general enough that everything is covered; with the exception of the condition which should be revised to:

The development hereby permitted shall not be brought into use until the highway access has been improved, as shown for indicative purposes on application plan "03.2 Rev C".

The suggested notes to applicant direct them to the correct in-box to sort out an appropriate access arrangement.

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

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

Although the site is not highlighted through mapping as potentially contaminated, I note the submission of a land contamination assessment in support of the application. This

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is deemed sensible in the circumstances given the sensitive end-use (residential dwellings) and the former use of the site as garages.

The following report has subsequently been reviewed as part of this consultation response:

- Phase I and II Ground Investigation, M-EC, Ref: 24559/12-18/6462, Dated: December 2018.

Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than within a land contamination context.

In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

#### Phase I and II Investigation

The investigation provides both desk-top information and intrusive sampling results. The investigation relates to a slightly different scheme for two dwellings, as opposed to the current application proposals for 6 apartments. The residential end-use scenario for risk assessment used in the report is however still relevant. The intrusive sampling took place on site while the former garages were still in place on site, restricting sample locations to a degree. Although fairly limited, the sampling strategy appears reasonable given the size of the site.

The investigation revealed the presence of asbestos fibres within the garages on site and therefore there is a risk of asbestos contamination being created during demolition of those buildings. Elevated lead and beryllium concentrations were also noted within made ground at one sample location (WS02). Ground gas analysis also revealed a need for low level gas protection measures within the new buildings proposed on site (CS2/NHBC Amber 1). Given the absence of a suitable growing medium, the report suggests that all soft landscaped areas/gardens will be capped with imported clean topsoil/subsoil.

A remediation Strategy is also proposed in the report.

#### Conclusions and Recommendations

The proposals in the report are deemed appropriate, with the only exception of the report not considering possible further asbestos contamination on site caused during the demolition of the garage buildings, which have been shown to be constructed from asbestos cement materials. I would however accept the proposals in the report with respect to soil and gas remediation and the suggested production of a Remediation Strategy is agreed.

I would therefore recommend the attachment of the following conditions to the consent, should it be granted:

- i) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks exist on site, a Remediation Strategy will be required in order to detail the measures needed to mitigate the identified risks. The Remediation

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Strategy shall be submitted for written approval by the Local Planning Authority prior to commencement of the development.

ii) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full and that all significant risks to users of the development and controlled waters have been removed. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

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

The tree survey is dated 23rd November 2017 and would usually be considered out of date. However, for the purposes of assessing the application it is acceptable.

I note that the survey had not included the tree group located to the west of garage site entrance within the garden of 9 Paterson Avenue. This group does overhang the site and they would need to be pruned to allow access into the site for construction traffic. The RPA of this group has more than likely been modified by the existing built environment and I doubt the widening of the access would significantly impact on the root environment.

It would have been useful if the tree constraints were shown on the proposed site plan. Presently the conifer hedge G8 to the west of the site will not significantly impact upon light levels to the proposed development as there are no windows proposed on the west elevation closest to the hedge. However, there is a chance that if the hedge is not managed the hedge height could affect light to the south windows (shown as a bedroom window) of the west most apartments with the ground floor being affected more. The protrusion of first floor stair well also compound this. Of course, potential residents may not be fussed by light levels or the hedge owner may reduce the height of the trees but there is the potential for creating a high hedge complaint.

The proposed development would result in the loss of one tree (cat C Willow) within the site. The tree has not accrued that special amenity value to justify inclusion within a TPO and its removal to facilitate the development would be acceptable.

I have no objection subject to the supply and approval of a AMS which must include:

- Facilitation pruning for the group of trees within the garden of 9 Paterson Ave.
- Contingency for the treatment of roots of the above if roots are encountered during the widening of the access into the site.
- Supply and agreement of a TPP.
- Removal of garage south east of T1
- Landscaping methodology within RPA's.

A landscape scheme must also be conditioned. I would like to see a net gain in canopy cover. Tree planting could also be considered on the grass verge either side of the entrance to the site (avoiding service runs)

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**5.4. Highways - Land Drainage:**

The site is located within flood zone 1 according to the Environment Agency Flood Maps and the Council's SFRA. Therefore, I would regard the development as sequentially appropriate in terms of flood risk. The development would lend itself to the inclusion of SuDS drainage techniques to manage both water quality and conveyance, features such as filter strips and permeable paving would help manage peak flow discharge rates and improve water quality, without introducing the need for frequent maintenance. Whilst rain gardens, potentially with a high-level overflow could also add amenity and biodiversity value. It may be possible to incorporate infiltration within the drainage strategy, which could also help condition the local soil. As such an infiltration test should be undertaken to establish if its use would allow a reduced reliance on storage for attenuation. Notwithstanding that, even a low level of infiltration is likely to benefit and support local biodiversity and as such, should be incorporated where practicable. Permeable paving has also been shown to provide a number of benefits in terms of air quality and safety. Mapping indicates that the road and site entrance may be subject to surface water flooding during a 1:30 year event, the development must not exacerbate this. It is anticipated that the design will seek to show that surface water runoff is managed on site for events up to and including the 1:100 + CC event and that exceedance flows are directed away from adjacent properties.

For the above reasons, I would therefore recommend the following condition is placed on any consent to secure the required drainage standard:

- 1) No development shall take place until a surface water drainage scheme, including engineering drawings and computations has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development. 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 drained area of the site to the equivalent greenfield rate of QBar for that area.
  - Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
  - Details of the arrangements for foul drainage.
  - Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

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

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**5.5. Derbyshire County Council Archaeologist:**

No comments received.

**5.6. Derbyshire Wildlife Trust:**

Thank you for consulting the Derbyshire Wildlife Trust with regards to the above planning application. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which Derby City Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

The application is accompanied by the following ecology reports;

- Ecological Impact Assessment prepared by Peak Ecology dated 15/12/2020
- Preliminary Bat Roost Assessment and Further Bat Survey prepared by Peak Ecology dated 19/07/2019

We advise that sufficient information has been provided in respect of bats to enable the Local Planning Authority to determine the application in the knowledge that no impact on roosting bats is anticipated.

Overall, we are satisfied that the proposed development will not impact upon any habitats or species of substantive nature conservation value.

The development does provide opportunities to achieve a net gain for biodiversity in line with the objectives of the National Planning Policy Framework and policy CP19 of the Derby City Local Plan through the incorporation of integrated bat and bird boxes within the new building, as recommended in section 4.3 of the Ecological Impact Assessment. We therefore recommend the following planning condition;

*"Prior to any construction above foundations level, a scheme of ecological enhancement based upon the recommendations in section 4.3 of the Ecological Impact Assessment prepared by Peak Ecology dated 15/12/2020 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new building for roosting bats and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development and retained as such thereafter."*

**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

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CP4	Character and Context
CP6	Housing Delivery
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development – General Criteria

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

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

#### **7.2. Design and Layout**

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

#### **7.4. Highways implications**

#### **7.5. Environmental Impacts**

#### **7.6. Conclusion**

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

The site of the proposed development is not allocated for any use in the adopted Local Plan and has a number of lock-up garages, with an access road from Paterson Avenue. Some garages have clearly been previously demolished, and others appear to be vacant. It is considered to be a brownfield site, which is located in a residential area of Chaddesden and surrounded on all sides by dwelling houses.



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The re-use of the site for residential development would be acceptable in principle and is in line with the intentions of Policy CP6 of the DCLP – Part 1, which seeks to encourage housing delivery in appropriate locations.

The proposal is also a social housing scheme, which would provide 6 one bedroom apartments for single people to address an identified need for housing in this part of the city.

## **7.2. Design and Layout**

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

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

The proposal would involve removal of the remaining garages on the site and erection of a two-storey block of apartments. The building would have the appearance of a terraced row of houses, with a shallow hipped roofline, front porch features and facing buff brick and render on the exterior and large window openings on the front elevation. Each of the 6 apartments would have a private front door to face onto the car parking area and amenity green space to the rear of the building. Secure cycle storage under the stairwells of the building would also be provided.

The built form and design of the apartment building, does not attempt to match in with the style of housing in the local area, which is generally red brick and simple in form, although it does take reference from the existing housing, with a use of a hipped roofline and traditional materials.

Whilst the proposed apartment block is on a backland site, surrounded by neighbouring houses, it does front onto the access road from Paterson Avenue and therefore relates positively to the street frontage. There would be glimpsed views of the development from Paterson Avenue framed by the existing dwellings at Nos. 7-9 and 11-15.

Overall, the development is considered to be well designed and would contribute to character and appearance of the existing residential area, significantly more than the existing garage court. It would integrate successfully into the established residential context in both density and design.

The proposal would therefore fulfil the design principles set out in Policies CP3 and CP4 and saved Policy H13 of the adopted Local Plan and the over-arching guidance in the NPPF which requires good design in new development.

## **7.3. Residential amenity**

Saved Policies H13 and GD5 both require development to safeguard amenity of both existing and future residents. The location of the site, to the rear of existing residential

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properties, means that the design and form of the development must ensure a high quality living environment is provided for the occupants and safeguard the amenities of neighbouring residents, who live around the site.

The site abuts the rear gardens of dwelling houses on Parkside Road, Sanderson Road and Paterson Avenue. They have gardens which are roughly 10-15 metres in length and most have substantial boundary treatment with the garage court site, through fencing, trees, and hedges, which give considerable screening for the existing residents. Houses at 9 and 11 Paterson Avenue have side facing elevations which face the site, with no principal windows.

The siting and layout of the two-storey apartment building is positioned to minimise overlooking and massing impacts on neighbouring dwellings. It is orientated such that all principal windows are on the front and rear of the building, facing north-east and south-west. This would ensure that there is no direct overlooking of the adjacent houses and their gardens. The apartment units on the eastern end of the block would have rear and side facing windows to kitchens and lounge which are close to the shared boundary with 16 and 18 Sanderson Road at a distance of 5 - 6m, however with obscure glazing and appropriate landscaping along the boundary, the privacy of those neighbouring residents would be safeguarded. This can be secured through suitable planning conditions. Overall, there would be adequate distance from the principal elevations to the north-eastern and south-western boundaries of the site, to minimise loss of privacy to those properties and to protect residential amenity. The proposals also include 1.8m high fencing along the boundaries with the neighbouring houses and with existing and new planting along those boundaries, there would be sufficient screening in my view for the existing residents, who live adjacent to the site.

Some concerns have been raised in third party objections about disturbance from noise and traffic resulting from the development. The development is small in scale, with 6 apartments, all one bedroom units and is targeted at single people, so the level of noise arising from the site is likely to be low. There are 7 proposed parking spaces on the site, and this will generate no more traffic than the existing garages.

Some third party objections have raised concerns about the type of residential use being proposed, which are one bed apartments. The type of tenure and accommodation being provided is not a matter, which can be considered as part of the planning process. However, this is a small development of 6 apartments, for single households, which would fulfil a housing need for this type of scheme in this area.

The impacts of the proposal on the amenities of nearby residents are likely to be very limited overall and should remove any anti-social activity, associated with the existing use. The amenity requirements of saved Policies GD5 and H13 would therefore be satisfactorily met by the current proposal.

#### **7.4. Highway Implications**

The proposed residential development of 6 apartments would be served by an existing access road from Paterson Avenue. The access is to be widened to 3.7 metres, which would improve movement for vehicles, but it would still not be a full 2 lane carriageway. The Highways Officer raises no objections to the proposed access arrangement, on the grounds that traffic flows would still be low and a reduction on the existing garage

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use. The traffic impacts of the development are therefore considered to be acceptable in this context.

The apartments would have a small car park for residents and secure cycle storage in the building. There would be a bin enclosure sited in the parking area and tracking details have been supplied to demonstrate appropriate turning space for refuse vehicles. There are existing pedestrian footways to the site which would provide access to the development. The proposed parking provision and cycle storage is also considered acceptable for this development, which is in the residential area of Chaddesden served by public transport and cycle routes. It is an accessible and sustainable location, close to local amenities and Chaddesden Park.

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

## **7.5. Environmental Impacts**

### **Ecology and Trees**

The garage court site is largely gravel surfaced with a number of single garage buildings. The main vegetation are trees, hedges, and grass around the perimeter of the site.

An ecological assessment and bat survey have been submitted to assess the biodiversity value of the site. The bat survey looked at the potential for bat activity in the garage buildings on the site. The overall site is considered to have low ecological significance and no evidence of roosting bats were found in any of the buildings. Derbyshire Wildlife Trust accept the recommendations and findings of both reports and agree that the development would not impact on any habitats or species of substantive nature conservation value. They recommend that biodiversity net gain is provided as part of the development and there are opportunities through the landscaping scheme to achieve this. Biodiversity enhancement measures can be secured through a suitable condition and this would ensure that the requirements of Policy CP19 for Biodiversity are satisfactorily met.

There are some groups of small trees and conifers around the edge of the site and on adjoining properties and some of these are boundary hedges on the west side of the site. A tree survey report has been submitted with the application, which considered that the trees are not a constraint to the development. One Willow tree in the north west corner is identified for removal although it has low amenity value, so there are no objections raised to its removal by the Tree Officer. The Tree Officer has no substantive concerns with the proposals subject to an Arboricultural Method Statement for works to trees and protection measures, being secured by a suitable planning condition. There is a landscaping scheme proposed for the amenity space around the apartments, which would compensate for the loss of the tree and provide net gain of vegetation within the site. This would meet the intentions of Policy CP16 to promote green infrastructure in new developments.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 and is therefore at a low risk of flooding. A drainage statement has been submitted with the application, although I note that the Land Drainage Officer considers that a drainage scheme, with SuDs feature should be

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provided to safeguard the development from increased flood risk and a condition is recommended to secure a SuDs strategy for the site. Subject to an acceptable drainage scheme being implemented, the flood risk requirements of Policy CP2 would satisfactorily be met by this proposal.

**Site contamination**

Ground investigation reports have been submitted in support of the application, and deal with any potential site contamination issues on the site. The land was found to be contaminated, both below ground and some of the existing garages, so a remediation strategy is recommended to address the contamination. The Environmental Health Officer is satisfied with the findings in the reports and recommends planning conditions to secure a remediation scheme for the site. This will ensure minimum risk to future occupiers of the development.

**7.6. Conclusion**

The proposed residential development would provide social housing in this area of the city to meet an identified need for single person units. This small scheme would deliver new housing contributing to the city's housing supply. It would also meet the requirements of the relevant Local Plan policies and over-arching guidance in the NPPF by a providing high quality design and living environment, with no adverse impacts on trees, ecology, flood risk and site contamination and no adverse implications for the local highway network.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed residential development would provide social housing to address a specific housing need in this part of the city and delivers a high quality design and living environment which is in keeping with the character of the area and preserves residential amenity, protects trees and would not have adverse impacts on flood risk, ecology and on the local highway network, subject to compliance with the planning conditions.

**8.3. Conditions:**

1. Three year time limit condition.

**Reason:** To accord with legislation.

2. Accordance with approved plans.

**Reason:** For the avoidance of doubt

3. Remediation strategy where significant contamination risks exist on site.

**Reason:** To safeguard public health and local amenity.

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4. Measures in agreed remediation strategy to be implemented in full. Validation report to be produced.  
**Reason:** To safeguard public health and local amenity.
  5. Arboricultural method statement and tree protection plan to be agreed and implemented in full.  
**Reason:** To protect retained trees and vegetation during and after construction.
  6. Sustainable drainage strategy for site to be agreed and implemented.  
**Reason:** To minimise flood risk and provide a suitable drainage solution.
  7. External materials for development to be agreed and implemented.  
**Reason:** To protect the character and appearance of the local area.
  8. Boundary treatment for development to be agreed and implemented.  
**Reason:** To protect the character and appearance of the local area.
  9. Scheme of biodiversity enhancement measures to include bird and bat boxes to be agreed and implemented.  
**Reason:** To enhance habitat and nature conservation value of the site and wider area.
  10. Scheme of hard and soft landscaping to include native tree and shrub planting to be agreed and implemented.  
**Reason:** To enhance habitat value and visual amenities of the local area.
  11. Parking areas and drives to be surfaced in hard bound material and form a shared surface, with surfacing materials to be agreed and then maintained for life of development.  
**Reason:** To minimise deleterious material being deposited on the highway.
  12. Access, parking and turning areas shall be constructed to prevent discharge of surface water onto the public highway and maintained for life of the development.  
**Reason:** To prevent a danger to highway users.
  13. The improvements to access road, including provision of dropped kerb crossing at junction of Paterson Avenue, to be undertaken before apartments are brought into use.  
**Reason:** In interests of highway safety.
  14. The development shall not be brought into use until cycle parking storage, including incidental cycle parking has been implemented and made available for use.

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**Reason:** To promote sustainable travel.

15. Obscure glazing required for side windows to lounge rooms on east end elevation of the building and retained for life of the development.

**Reason:** To safeguard residential amenity of nearby dwellings.

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

#### **Highway Notes:**

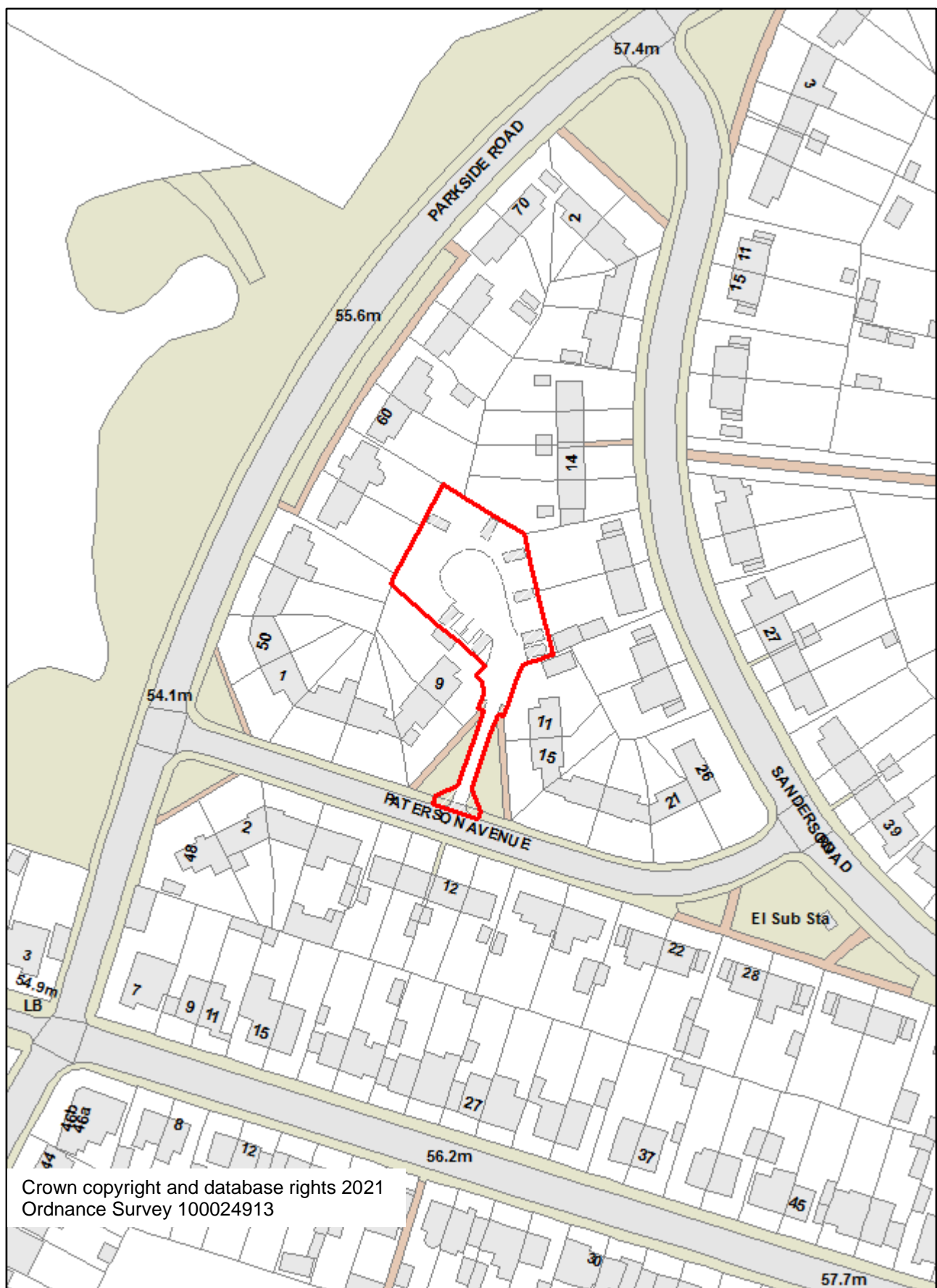
In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under the provisions of the Act. Please contact: [HighwaysDevelopmentControl@derby.gov.uk](mailto:HighwaysDevelopmentControl@derby.gov.uk)

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 consent granted will result in the construction of new buildings which need numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary means of access on each plot.

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

The target date for decision has been extended until 12 July and a further extension of time will be requested to cover the committee meeting.



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

**Application No: 21/00646/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** Croft House, 51 Ashbourne Road

**1.2. Ward:** Mackworth

**1.3. Proposal:**

Change of use from business centre (Use Class E) to school (Use Class F1)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00646/FUL>

#### **Site and Surroundings**

No. 51 Ashbourne Road (Croft House) is a large, detached former dwelling which dates from the late Victorian or early Edwardian period. The property is located on southern side of Ashbourne Road close to its junction with Slater Avenue. It lies within the Friar Gate Conservation Area and opposite a number of statutory listed buildings.

The building is currently in use as a small-scale business centre, although a number of the units are empty. There is an existing vehicle access into the site from Ashbourne Road which serves small parking/turning area to the rear of the property. The application site also includes a larger car parking area to the rear of No. 51 accessed off Slater Avenue.

Whilst the direct neighbours are all residential properties there are a number of commercial properties in the wider area. These include a nursery, a public house, a gym and several offices. This part of Ashbourne Road falls within the Air Quality Management Area, designated due to notable air pollutant emissions associated with vehicular traffic along the busy Ashbourne Road

#### **The Proposal**

Full Planning permission is sought to change the use of the property from a business centre (Use Class E) into a school (Use Class F1).

The application is accompanied by supporting information which advises that the school would accommodate a maximum of 16 children (see updated statement) and young people aged 11 to 19 who face barriers to their learning. Barriers may include: autism; communication difficulties; associated challenging behaviours; or other sensory based learning difficulties. In total a maximum of 14 full time equivalent staff would be employed at the school. Proposed school opening times are 8:30am and 3:30pm with core hours of 9am to 3pm (Monday to Friday).

This proposal involves using the existing car park accessed from Slater Avenue for staff and visitor parking. A turning circle and drop off area for taxis and visitors would also be retained from Ashbourne Road for occasional use. The supporting information states that there would be no parent drop off or pick up, and all pupils would arrive by staggered taxi times from 8:30 to 9:30am, leaving between 2:30 and 3:30pm Monday to Friday in school term only. All pupils are supervised with a high ratio of staff to pupils with no parents or other visitors permitted to the school during lesson time (other than by appointment).



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No physical changes are proposed to the exterior of the building itself, but a secure outdoor play area would be created for students to the rear of the property. The submitted statement explains that this area would be used to provide swings, comfortable seating, a small astro turfed area and a play area for games such as shooting basketballs, or a sensory area etc. A secure cycle parking area is also shown on the revised block plan.

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

Most recent planning history

<b>Application No:</b>	05/07/00965	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted	<b>Date:</b>	16/07/2007
<b>Description:</b>	Change Of Use From Offices To Residential Home (Use Class C2)		

<b>Application No:</b>	01/06/00035	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	03/03/2006
<b>Description:</b>	Change Of Use Of Part Of First Floor For Residential Accommodation For Temporary Period (Until March 2007)		

<b>Application No:</b>	05/05/00720	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	29/06/2005
<b>Description:</b>	Change Of Use From Offices To Holistic Centre Comprising Of Cafe, Retail Unit, Office And Treatment Rooms		

### **3. Publicity:**

Neighbour Notification Letter -24

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:**

19 objections have been received in response to the consultations carried out. The material planning issues raised are summarised below:

- There isn't sufficient parking for staff and/or visitors
- Impact on local residents – increased on street parking
- Concerns about security
- Amenity concerns for students – noise, air quality, proximity to the road

The neighbour objection letters also raise a wider number of non-planning issues, such as fire and safety concerns, the adequacy of indoor/outdoor spaces and

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facilities, objections to how the facility is funded and who it is run by, concerns about staff to child ratios etc. Such matters fall outside of the planning remit and separate legislation (for example, OFSTED, building regulations) would need to ensure the wider needs of the students at the site can be met in terms of their educational needs, together with fire safety and health and safety matters.

## **5. Consultations:**

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

Croft House is located at the edge of the city centre with good transport links to surrounding suburbs.

This application is for the change of use from office (Class E) to a school (Class F1). The site has two car parks at the rear that can be accessed from Ashbourne Road and Slater Avenue, there are currently 7 parking spaces within the site. This proposal involves using the existing car park accessed from Slater Avenue for staff and visitor parking and creating a turning circle and drop off area for taxis and visitors. There will be 4 additional parking spaces which can be accessed from Ashbourne Road.

It is understood that the maximum number of staff on site at any time will be 14 and at full capacity, the maximum number of students will be 16.

Current parking standards for use class D1 (schools) states 1 space should be provided per 2 staff members; therefore 7 spaces should be provided; the drawing (Titled Block Plan Croft House-Maximum parking pdf) shows 12 staff parking spaces will be provided within the carpark accessed from Slater Avenue, with 3 additional taxi drop off/parent parking spaces therefore this is acceptable.

#### **Recommendation:**

Should planning permission be granted, I would recommend the following:

Condition 1: No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

Condition 2: No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

Condition 3: No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for

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monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel

A further condition is also recommended by the Highways Officer:

Gate at Slater Avenue entrance shall open inwards only.

**5.2. Conservation Officer:**

There are no proposed material changes to the building so I do not intend to comment upon it.

**5.3. Environmental Services (Health – Pollution):**

Initial EHO comments dated 1<sup>st</sup> June 2021

Noise

1. The application seeks to introduce a school into an area of the city which suffers from relatively high levels of road traffic noise relating to the adjacent Ashbourne Road.
2. Conversely, the application will also introduce a new source of noise into this predominantly residential area, primarily relating to noise from children during outdoor play and school drop-off/pick-up times.

Impact on Learning Spaces

3. With respect to the impacts of existing traffic noise potentially affecting the educational spaces, it is advised that a noise assessment is undertaken in order to ensure that the building is able to provide a suitably peaceful learning environment in accordance with BB93 guidelines.
4. It is anticipated that a suitable learning environment is achievable through mitigation however and therefore, **this is a matter which can be adequately dealt with through the use of a suitably-worded planning condition.**
5. **The condition should ensure that a noise assessment is undertaken and that all of the noise mitigation measures needed to ensure a suitable learning environment are implemented in full prior to first occupation of the school.**

Impact on Nearby Dwellings

6. The main concern with respect to noise impacts arising from the development relates to noise from the outdoor play area proposed to the rear of the building.
7. Based on experience of similar situations elsewhere in the city, it is my opinion that noise from children playing outdoors in such proximity to neighbouring dwellings (especially the dwelling immediately to the east at 37 Ashbourne Road), is a likely cause of complaint.
8. Whilst management is able to assist to some degree, effective noise mitigation is unlikely to be achievable in practice, since significant reduction of noise from children playing is not generally practical or feasible to implement.

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9. Completing a noise assessment in respect of noise from children playing is also likely to be largely unhelpful, due to the highly subjective nature of this type of noise, with objective noise assessment tending to fail to appropriately recognise the true impacts on amenity.
  10. **Subsequently, I can confirm that it is the judgement of the Environmental Protection Team that noise from children playing outdoors in connection with the proposed scheme, has the potential to significantly impact upon the amenity of neighbouring residential dwellings.**
  11. **If noise were the only matter worthy of consideration under the application, then refusal of planning permission may be justified, however given the balance of other factors inherent within the determination of this application, not least the notable benefits created by providing a muchneeded educational establishment for children with special educational needs, it may be the LPA's view that matters of noise amenity impacts do not carry such weight in this case.**
  12. **Consequently, should planning permission be granted, I would advise that appropriate noise barriers (minimum 2m height) are erected along the boundaries of the outdoor play area where practical and feasible to help mitigate noise as far as possible.**

Air Quality

13. The site is within one of Derby City Council's Air Quality Management Areas (AQMA), designated due to notable air pollutant emissions associated with vehicular traffic along the busy Ashbourne Road. Consequently, occupiers of the development are at risk of exposure to annual average concentrations of nitrogen dioxide (NO<sub>2</sub>) in excess of National Objectives/Regulations.
14. Although NO<sub>2</sub> concentrations reduce quite rapidly as one moves away from the road, I note that the closest façade of the building is around 5 metres from the kerb of Ashbourne Road, which is sufficiently close such that concentrations would still be high.
15. Recent research, especially in relation to fine particulate matter (PM<sub>2.5</sub>) suggests that harmful effects can occur at concentrations well below the National Objective levels and of particular note is that children are considered especially vulnerable.
16. I would therefore recommend that the school building is designed with a ventilation system which minimises the risk of air from the roadside to enter the building, in the form of a mechanical ventilation system which draws air from a point to the rear of the building and which includes particulate filtration.
17. **I would strongly recommend the attachment of a planning condition, should consent be granted, requiring that the above-mentioned ventilation system is installed into the building before the development is occupied.**
18. **If such a ventilation system is not deemed practical or feasible to implement, then I would strongly object to the granting of planning permission on air quality grounds.**

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### Updated EHO Comments dated 23<sup>rd</sup> June 2021

1. Further to my comments of 1<sup>st</sup> June 2021 in relation to this application, I note the receipt of further supporting information which has been produced in response to some of the concerns raised, namely:
  - *Jasmine Hall Floor Plans*; and
  - *Response to Public Objections and Recommendations – Smoothstone Care and Education, Dated: 22/06/2021*
2. I have reviewed the supplementary information and can offer the following comments.

### Noise

3. You will be aware of my earlier comments, which recommended in summary:
  - A condition for the assessment of learning space noise under BB93 standards;
  - Concerns regarding amenity impacts on neighbouring dwellings associated with outdoor play;
  - A condition to require a noise barrier (fencing) between the outdoor play area and the adjacent boundary.
4. With respect to internal noise levels potentially impacting upon teaching spaces, I note the proposal to ensure all teaching rooms are situated away from the Ashbourne Road façade. This should assist in terms of internal road noise, however an assessment under BB93 is still recommended, which I note is confirmed in the documentation as being progressed in any case.
5. Whilst concerns still remain regarding noise from outdoor play, it is noted that the school is relatively small (only 16 children occupancy) and the outdoor play area will only be used by a maximum of 4 children at any one time.
6. Provided that the proposed rule of maximum numbers of children playing outdoors is managed closely, then this is considered to be a notable proposal to mitigate concerns regarding noise from outdoor play.
7. I would describe a situation with a maximum of 4 children playing outdoors to be much more in line with a domestic/residential setting, as oppose to an educational establishment and therefore I would consider **the risks of significant harm to the amenity of neighbouring dwellings to be low on this basis.**
8. **Nonetheless, I note the proposal within the report to install the recommended boundary fencing which is reassuring and would still be appropriate to secure through condition.**

### Air Quality

13. In terms of air quality concerns, you will recall my earlier comments recommended the following:

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- Recommendation for a condition requiring that a ventilation system is installed into the building before the development is occupied;
  - An objection to the application on air quality grounds if the ventilation system is not deemed practical or feasible to implement.
14. The document discusses potential risks in terms of annual exposure. Whilst I do not disagree with the principle of the arguments made regarding the annual exposure of children to local air pollution within a school setting, current DEFRA guidance on air quality specifically includes schools (alongside residential dwellings, care homes and residential homes) as a relevant point of exposure when considering annual average air quality objectives. Consequently, the application proposals are relevant within this context.
15. I do note however the plans suggesting that none of the rooms adjoining the front façade onto Ashbourne Road are intended for use as teaching spaces/classrooms. I further note the intention to '*explore the option of installing an appropriate ventilation system*'.
16. In the instance that no rooms facing onto Ashbourne Road are used as teaching spaces, then this is likely to go some way to mitigate air quality concerns, since the relevant exposure point would be set back sufficiently from the road.
17. **Consequently, it may be more appropriate to word the previously mentioned condition such that an *air quality mitigation strategy* is required through condition. This would then provide some flexibility in terms of how the applicant chooses to design the mitigation into the development, be that through an appropriate ventilation system or through other means, such as the building design, designated use of the rooms or through an appropriate air quality assessment.**

**5.4. Police Liaison Officer:**

There are no objections to the change of use as proposed.

**5.5 Education:**

No response received

**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

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CP10	Employment Locations
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

GD5	Amenity
E18	Conservation Areas
T10	Access for Disabled People

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](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 Use**

#### **7.2. Highway Issues**

#### **7.3. Impact on Neighbours**

#### **7.4. Other Environmental Issues**

#### **7.5. Heritage Issues**

#### **7.6. Other issues**

#### **7.7. Conclusion**

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

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1. However, the existing building is within an employment use therefore the requirements of Local Plan Policy CP10 (Employment Locations) need to be considered.

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Policy CP10 allows for the redevelopment of employment buildings for alternative uses (which the proposal can be considered as) where it can be demonstrated that: the alternative use would benefit the economy of the city or other strategic objectives of the Plan, existing land or buildings no longer meet modern requirements and that they have been adequately marketed for employment use for a reasonable period of time, the employment land supply would not be unduly affected in terms of quantity or quality, and surrounding uses would not be adversely affected.

In relation to the first point, the proposal would go towards meeting the aims contained in the Spatial Objectives to develop education facilities to help ensure everyone has equal life opportunities (Objective 2). Whilst no evidence of marketing of the building has been provided, the business centre is less than 50% occupied, indicating that there is a relatively limited market for this type of office in the area, and that the current occupants would be offered offices elsewhere. The stated proposed employment of 14 full time employees would, potentially, be comparable to what might be expected in the offices at full occupancy and so a level of employment would be maintained, albeit not use within use class E.

The proposed use should also be assessed against Policy CP21 (Community Facilities). Policy CP21 requires that new community facilities will: be located where there is a choice of travel options, ideally such facilities should be located within existing centres and exploit opportunities for the co-location of facilities where opportunities arise; be designed to be in keeping with the general scale, character and levels of activity in the surrounding area and to provide satisfactory levels of amenity for users and those in surrounding areas; be delivered in a timely manner to meet the needs of new development, make a positive contribution towards safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation.

The site is in a location served by public transport and would be in keeping with the general scale, character and levels of activity of the surrounding area, as the property is located along a main route into the City and within close proximity to a number of commercial uses. Overall, there would appear to be a limited need for the type of office available in the area, the proposal would retain an employment use within the building. As a result, there are no overriding objections to the proposed use in this location.

The main concern appears to be the provision of a satisfactory level of amenity for the users of the facility and further consideration of the impact on existing neighbours, which are discussed in more detail below.

## **7.2. Highway Issues**

The application property is located at the edge of the city centre with good transport links to surrounding suburbs. As the school has no particular catchment a central location is considered to be most appropriate to ensure there are opportunities to use public transport, where appropriate. The site has two car parks at the rear which can be accessed from Ashbourne Road and Slater Avenue, there are currently approx. 7 parking spaces within the site. The



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proposal would use the existing car park accessed from Slater Avenue for staff and visitor parking (8 permanent spaces with 3 drop off spaces) and creating a turning circle and drop off area for taxis and visitors. There would be 3 additional parking/drop off spaces which can be accessed from Ashbourne Road, for occasional use.

The applicant has confirmed that the maximum number of staff would be 14, and at full capacity the maximum number of students would be 16. Current parking standards for use class D1 (schools) states that 1 space should be provided per 2 staff members; therefore 7 spaces should be provided; the latest block plan drawing shows 8 staff parking spaces would be provided within the car park accessed from Slater Avenue, with 3 additional taxi drop off/parent parking spaces, therefore this is acceptable.

Overall, there are no objections raised by the Highways Officer in terms of the proposed parking and turning arrangements and it is considered that the development would reasonably comply with the requirements of Local Plan Policy CP23. Precise details and provision of cycle parking can be controlled through condition, together with the provision of a travel plan to encourage the use of more sustainable means of transport to and from the site.

### **7.3. Impact on Neighbours**

The nearest residential properties are located at No. 37 Ashbourne Road, 18 Slater Avenue and Vicarage Place. No objections have been received from direct neighbours.

Initial concerns were raised by the Environment Health Officer (EHO) due to the potential noise impacts arising from the development, in particular, noise from the proposed outdoor play area which would sit adjacent to the garden area of No. 37 Ashbourne Road. To try and address these concerns further supporting information has been provided by the applicant which highlights that the school is relatively small (only 16 children max occupancy) and the outdoor play area would be managed so only be used by a maximum of 4 children at any one time.

Provided the proposed rule of maximum numbers of children playing outdoors is managed closely, the EHO feels this would largely mitigate concerns regarding noise from outdoor play. The likelihood of any significant harm to the amenity of neighbours is now considered to be low. A condition is recommended to ensure the upgrading of boundary fencing (2m high noise barrier) between the site and sensitive neighbours to help mitigate noise as far as possible. A condition is also recommended which would control use of the outdoor area in line with the submitted applicant's statement (i.e. a maximum of 4 children at a time).

On balance, given the small scale of the school and the limited number of pupils proposed, together with the suggested conditions, it is considered that the proposal is unlikely to result in significant harm to the amenity of existing neighbours and would therefore comply with saved policy GD5 of the CDLPR.

**7.4. Other Environmental Issues**

The other potential issues relate to the impact on the amenity of future occupiers of the building in respect of noise and air quality.

Noise - The applicant has confirmed that all teaching rooms are to be situated towards the rear of the building and away from the Ashbourne Road façade (see updated floor plans) which would assist in terms of minimising internal road noise. Subject to a condition controlling the submission of a Noise Assessment under BB93, no objections have been raised by the EHO in respect of noise/amenity issues within the building.

Air Quality - Again, as no rooms facing onto Ashbourne Road are to be used as teaching spaces it is unlikely that children would be exposed to high levels of air pollutants when occupying the building. Subject to the submission of an Air Quality Mitigation Strategy no objections have been raised by the EHO in this respect.

Overall, I have no reason to believe that future occupiers of the building would be put at undue risk in terms of exposure to pollutants and/or noise. It is also considered that reasonable levels of amenity could be achieved within the building for future occupiers, subject to the suggested conditions.

**7.5. Heritage Issues**

No external changes are proposed to the existing building and details of any new boundary treatment and/or gates can be controlled through condition, together with any ancillary structure within the proposed play area, which would be well screened from public views. I am also satisfied that there would be no harm caused to nearby heritage assets as a result of the proposed change of use. Accordingly, it is considered that the development would comply with the requirements of saved policy E18 of the CDLPR and Local Plan Policy CP20. I have also had regard to the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990 and heritage tests contained in the NPPF. It is however recommended that permitted development rights for school extensions and boundary treatment are removed, to allow the Local Planning Authority to fully assess the visual impact of any future proposals on the character of the surrounding Friar Gate.

**7.6. Other issues**

The inclusion of a condition restricting the use of the building to a school only rather than any wider uses within Class F (which includes places of worship, libraries etc.) is recommended. This would enable the Local Planning Authority to maintain control over any future changes to the proposed use, and fully assess any impact on amenity and parking issues in the area.

It is understood that there is an existing ramped approach into the building which would comply with saved policy T10 of the adopted CDLPR.

**7.7. Conclusion**

The principle of development is acceptable in this location. No external alterations to the building are proposed and there would be no harm to the character and appearance of the surrounding Conservation Area. The relationship with nearby residential properties has been fully assessed and, on balance, given the limited scale of the development it is considered that no undue harm to neighbour amenity would be caused. No objections have been raised on the grounds of highway safety, parking or wider amenity/environmental issues, subject to conditions. Overall, it is considered that the development would reasonably comply with the relevant policies in the adopted Local Plan and the advice contained within the NPPF. It is therefore recommended that the application be granted permission, subject to the suggested conditions.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The principle of the proposed use of the site as a school is acceptable in this location. No external alterations to the building are proposed and there would be no harm to the character and appearance of the Conservation Area. The relationship with nearby residential properties has been fully assessed and, on balance, given the limited scale of the development it is considered that no undue harm to neighbour amenity would be caused. No objections have been raised on the grounds of highway safety, parking or wider amenity/environmental issues, subject to conditions. Overall, it is considered that the development would reasonably comply with the relevant policies in the adopted Local Plan and the advice contained within the NPPF.

**8.3. Conditions:**

1. Standard 3 year time limit

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

2. Standard approved plans condition

**Reason:** For the avoidance of doubt

**Pre-Occupation Conditions**

3. Condition controlling the submission and approval of details of an acoustic fence/barrier. Any agreed details to be implement in full pre-occupation

**Reason:** To preserve the amenity of neighbours

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4. Condition controlling the submission and approval of an Air Quality Mitigation Strategy. Any agreed mitigation measures to be implement in full pre-occupation

**Reason:** To ensure a high-quality environment is provided within the building and ensure future occupiers are not put at risk from pollutants associated with the nearby AQMA

5. Condition the submission and approval of a Noise Assessment. Any agreed mitigation measures to be implement in full pre-occupation

**Reason:** To ensure acceptable levels of amenity can be achieved within the building for future occupiers.

6. Condition controlling the implementation of the approved parking/turning areas pre-occupation. The parking turning area shall be maintained for the life of the development.

**Reason:** To ensure sufficient off-street parking is provided to serve the development and in the interests of highway safety.

7. Condition controlling the approval and implementation of cycle parking. To be retained for the life of the development

**Reason:** To promote sustainable travel.

8. Travel Plan condition

**Reason:** To promote sustainable travel.

### **Management Conditions**

9. Condition restricting the use of the property as a school (Use Class F - maximum pupil numbers 16 and limiting any change to wider uses within Class F.

**Reason:** To enable the local planning authority to maintain control over the proposed use, to safeguard the amenities neighbouring residents and on the grounds of highway safety/parking.

10. Condition removing permitted development rights for schools (schedule 2, Part 7, Class M (extensions) and schedule 2, Part 2, Class A (gates, fences and walls).

**Reason:** To enable the local planning authority to fully assess the visual impact of such development and to preserve the character and appearance of the Friar Gate Conservation Area.

11. Condition controlling details of any new or replacement fencing and/ or gates, together with any ancillary structure within the proposed outdoor play area.

**Reason:** To preserve the character and appearance of the Friar Gate Conservation Area.

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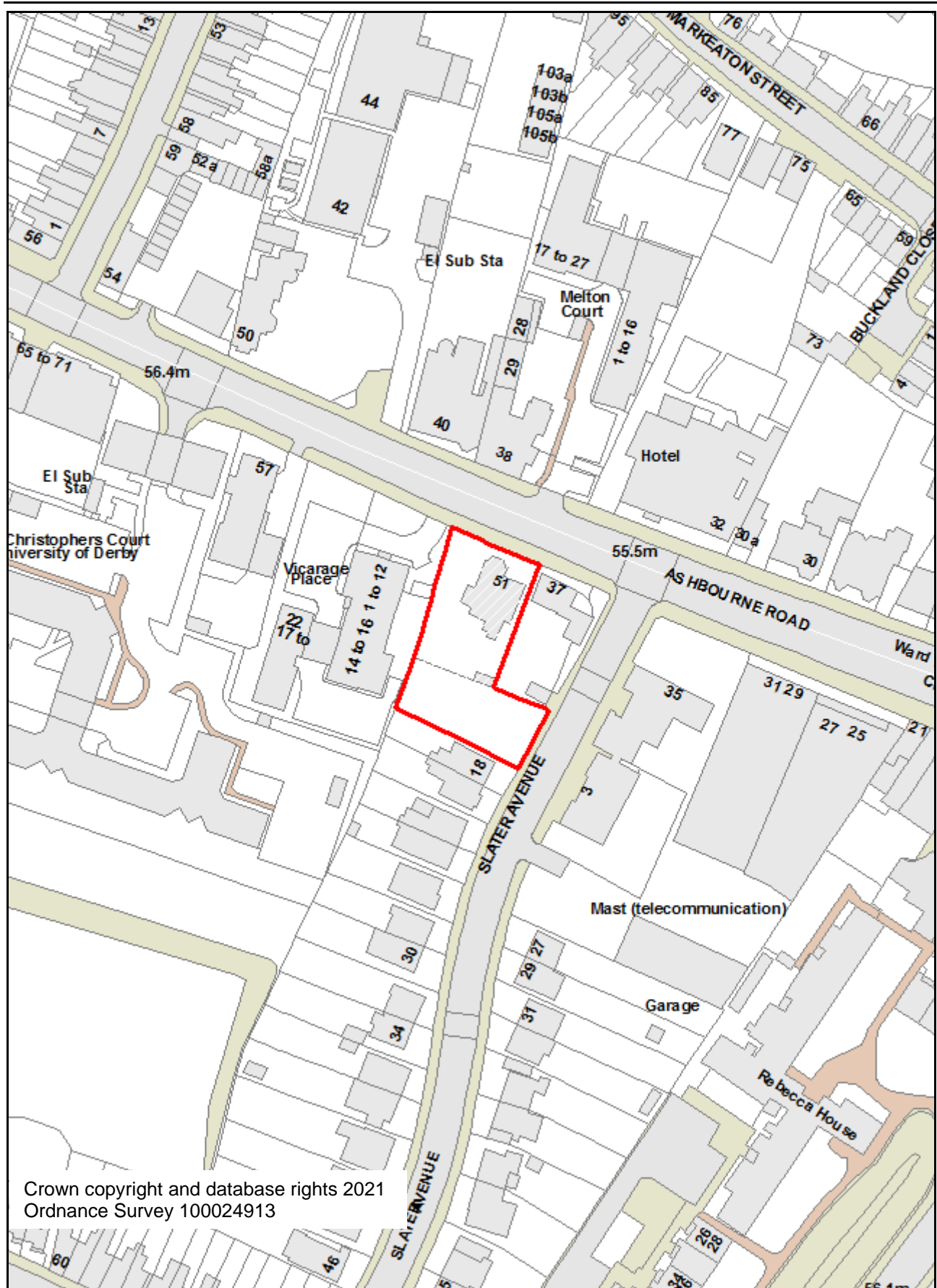
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**8.4. Informative Notes:**

The applicant is advised that any signage at the property may require advertisement consent.

**8.5. Application timescale:**

An extension of time has been agreed on the application until the 23<sup>rd</sup> July to allow the application to be considered by the Planning Control Committee.



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

**Application No: 20/01663/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** Roebuck Court, Amy Street, Derby

**1.2. Ward:** Abbey

**1.3. Proposal:**

Reconfiguration of the internal layout to increase the number of flats from 13 to 17 of previously approved application 01/08/00005 (Erection Of 13 Flats and 2 Retail Units and associated car parking, amenity areas and ancillary storage facilities) (Retrospective application)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01663/ful>

**Brief description**

This application seeks retention of the reconfiguration of the internal layout to increase the number of flats from 13 to 17 previously approved under code no. 01/18/00005 (erection of 13 Flats and 2 Retail Units and associated car parking, amenity areas and ancillary storage facilities).

The application site is the former Roebuck Public House which is bounded by Stockbrook Road, Amy Street and Arundel Street. The site is abutted to the west by two storey terraced housing. With the exception of the additional units the development is constructed in accordance with the previously approved plans which consists of a part two and part three storey building - two storey adjacent to the existing housing on Stockbrook Road and Arundel Street. The building is of a traditional predominantly pitched roof design, and is mainly faced in red brickwork, buff brick detailing and grey roof tiles. An archway on the Arundel Road frontage gives access to a central courtyard. There is a large retail unit on the ground floor instead of the two proposed on the original plans.

As approved on the ground floor are two parking spaces on the Stockbrook Road frontage, entrance areas to the first and second floors, indoor cycle storage, and a bin/recycling area. On the first and second floor it is proposed to construct 13 flats (no lift access). Within the central courtyard area a further 11 parking spaces would be provided, together with an amenity area with seats and appropriate planting.

The application now seeks to retain 17 flats instead of the original 13 across the first and second floor. No other amendments have been made to the layout of the site and no other amendments are being considered as part of this application.

The residential units are located on the first and second floor of Roebuck Court. The accommodation comprises 17 residential units - 13 flats and 4 studios. Each studio comprises separate bathroom and an open plan room for cooking, living and sleeping. Each flat comprises a separate bathroom, bedroom and kitchen/living room all with windows allowing natural ventilation and daylight. Some residential units have internal bathrooms that do not benefit from windows, these are flats 3, 4, 8, 9, 15 and 77. The units are linked by communal corridors and accessed by two staircases.

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It is important to note that the numbering of the flats is a little peculiar and each residential unit only has access to one stairwell. There is no communal link to all units.

The redevelopment of the site for residential and retail purposes was considered during the determination of the original planning application 01/08/00005. Following consideration by Members of the Planning Control Committee it was determined that *"... and the proposal involves the redevelopment of a previously developed site for residential and retail purposes, within a defined Neighbourhood Centre. It is considered that the proposal would provide an acceptable living environment without detracting from the amenities of nearby residents nor the overall character of the surrounding area."* and was granted planning permission (subject to a Section 106 Agreement). Therefore, the determination of this application is only considering the increase of units from 13 to 17.

The agent has confirmed the internal floor areas of each unit and these are as follows;

Apartment	Overall floor area	Open Plan Kitchen/Living	Bedroom	Bathroom
		*Where only one measurement is provided these are open plan units*		
Flat 3	46.3m2	24.9m2	8.5m2	4m2
Flat 4	42m2	20.9m2	10.6m2	3.6m2
Flat 5	48m2	20.4m2	11.7m2	4.1m2
Flat 8	46.3m2	24.9m2	8.6m2	4m2
Flat 9	42m2	20.9m2	10.7m2	3.5m2
Flat 10	48m2	20.4m2	11.7m2	4.1m2
Flat 15	45.5m2	20.9m2	9.6m2	4.4m2
Flat 72	27.6m2	21.4m2		3.2m2
Flat 73	35.6m2	14.5m2	8.5m2	4.3m2
Flat 74	35.5m2	23.5m2		2.67m2
Flat 77	45.5m2	20.9m2	9.6m2	4.5m2
Studio 1	30m2	23.2m2		2.8m2
Studio 2	25.5m2	26.4m		2.9m2
Studio 6	26.3m2	18.2m2		5.9m2
Studio 7	24m2	17.5m2		5.9m2
Flat 16	28.8m2	13.6m2	8.5m2	3.2m2
Flat 17	40m2	14.9m2	8.6m2	3.8m2

\*The dimensions stated within the above table have been provided by the agent for the application\*



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

**Application No: 20/01663/FUL**

**Type: Full Application**

Colleagues in Housing Standards have produced guidance for such development within the '*Council's Design Guidelines for New Built Self-Contained Flats and Converted Building Self-Contained Flats Guidance*'. This guidance is currently unadopted and does not give specific floor areas/details for a studio flat which is assumed to be an open plan kitchen/living/sleeping room with a separate bath/shower room.

However, looking at the standard for a '1 person flatlet with separate kitchen' the overall min. floor area is **19.5m<sup>2</sup>**, therefore the dimensions as specified above all exceed that minimum floor area. The comments of Housing colleagues are detailed at section 5.3 of this report along with the further information in relation to acceptable flat/room sizes.

The application also requires a Deed of Variation to the original Section 106 Agreement. Further details of the Section 106 are located within Section 11.2 of this report.

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

<b>Application No:</b>	01/08/00005	<b>Type:</b>	Full Planning
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	02/04/2008
<b>Description:</b>	Erection Of 13 Flats And 2 Retail Units and Associated Car Parking, Amenity Areas and Ancillary Storage Facilities		

### **3. Publicity:**

Neighbour Notification Letter sent 5 households surrounding the application site.

Site Notice

Statutory Press Advert

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

### **4. Representations:**

The application has not attracted any third-party letters of representations.

### **5. Consultations:**

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

Viewing the revised floorplans; it does not appear that there are any changes which would have a further material impact upon the adjacent highway network.

Therefore, there are no further changes to my observations of 14/01/2021:

*"These observations are primarily based upon information provided on the submitted Design & Access Statement.*

*In highways terms; access to the development is gained from Arundel Street, via an existing dropped crossing.*

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*From the application form, it appears that the changes have been in place since 2012; this being the case; there is no discernible impact upon the local highway network as a result of the proposals.*

*However a site visit has highlighted that the parking area serving the site appears to be un-useable due to excavations carried out within the site boundary; due to the amount of general rubbish and material in situ, it appears that this might have been the case for some time. As the development is likely to be occupied; it is also likely therefore that any residents with cars are being forced to park on street, and not in the parking areas provided by the application.*

*The inability of occupants to utilise the off-street parking may be something which the Local Planning Authority may wish to consider with respect to Enforcement action.*

*The Highway Authority considers it unlikely that the proposals will have a significant impact on the highway.*

**Recommendation:** *The Highway Authority has No Objections to the proposals."*

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

No comments from Environmental Heath.

### **5.3. Housing Standards (HIMO):**

#### **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;

The 1st floor plans do not indicate any layouts for the Studio Flats 1 & 2, or for Flats 72,73 & 74; therefore, I am unable to comment on the suitability of the layout within these flats. It should be noted that for studio flats the kitchen areas should be sited away from the entrance/exit to the flat, with the sleeping/living areas sited adjacent to the entrance/exit to enable a safer escape route in case of fire.

The 2nd floor plans do not indicate any layouts for the Studio Flats 6, 7, 16 & 17; therefore, I am unable to comment on the suitability of the layout within these flats. It should be noted that for studio flats the kitchen areas should be sited away from the entrance/exit to the flat, with the sleeping/living areas sited adjacent to the entrance/exit to enable a safer escape route in case of fire.

The floor plans do not indicate room sizes within any of the flats or the provision for kitchen and bathroom amenities within Studio Flats 1, 2, 6, 7, 16 & 17 and Flats 72, 73 & 74; therefore, I am unable to comment on these issues. Proper provision should be made for adequate amenities within all these flats, as well as the appropriate minimum space standards for all rooms within all the flats.

Provision should also be made for appropriate fire precautions and an automatic fire detection system throughout the building, as well as an appropriate protected means of escape in case of fire.

You are advised to ensure that any building work is carried out in accordance with current Building Regulations. Substantial alterations in residential accommodation

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

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which is not carried out to the current standards may later be subject to enforcement under the Housing Act 2004, depending on the circumstances.

### Additional Comments on Revised Plans

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 in addition to those made on 25/01/2021: -

The layout for the Studio Flats 2 & 7 indicates that the kitchen is sited adjacent to the only entrance/exit to the flat. This is not ideal and for studio flats the kitchen areas should be sited away from the entrance/exit to the flat, with the sleeping/living areas sited adjacent to the entrance exit to enable a safer escape route in case of fire. In addition, there is no protected lobby/hallway at the flat entrance as shown in the majority of the other flats, which may affect travel distances, means of escape from the flat and protection to the main communal escape route.

The layout for the Studio Flats 6, 72 & 74 indicates that the kitchen is sited adjacent to the entrance/exit to the combined living/sleeping room in the flat. This is not ideal and for studio flats the kitchen areas should be sited away from the entrance/exit to the flat, with the sleeping/living areas sited adjacent to the entrance/exit to enable a safer escape route in case of fire. The layout plan for Flat 17 does not show any windows to the bedroom. Natural lighting and ventilation should be provided to all habitable rooms.

Provision should also be made for appropriate fire precautions and an automatic fire detection system throughout the building, as well as an appropriate protected means of escape in case of fire.

You are advised to ensure that any building work is carried out in accordance with current Building Regulations. Building work which is not carried out to the current standards may later be subject to enforcement under the Housing Act 2004, depending on the circumstances.

### Additional Information

- The sizes of the flats/studios would appear to be adequate from the information provided and adequate kitchen/bathroom facilities are to be provided, so I don't have any further comment to make;
- the space standards do not have any specific details for a 'studio flat' - which I assume to be an open plan kitchen/living/sleeping room with a separate bath/shower room. However, looking at the standard for a '1 person flatlet with separate kitchen' the overall min. floor area is only 19.5m<sup>2</sup> and the lowest figure given by the Architect is 24m<sup>2</sup> for Studio 7. So, in principle the sizes are acceptable in my opinion;
- the table below, which is taken from the Council's Design Guidelines for New Built Self-Contained Flats and Converted Building Self-Contained Flats Guidance, should be used as a guide:

<b>Description of flat</b>	<b>Floor areas</b>
<b>One person, four roomed flat:</b>	
Bedroom	7.5m <sup>2</sup>
Living room	11.5m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>
Total habitable floor area	<b>24.5m<sup>2</sup></b>
<b>One person, flatlet with separate kitchen</b>	
Bed/living room	14m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>
Total habitable floor area	<b>19.5m<sup>2</sup></b>
<b>One person flatlet with separate bedroom</b>	
Bedroom	7.5m <sup>2</sup>
Kitchen/living room	14.5m <sup>2</sup>
Total habitable floor area	<b>21.5m<sup>2</sup></b>

**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
- CP3 Placemaking Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP7 Affordable and Specialist Housing
- CP12 Centres
- CP23 Delivering a Sustainable Transport Network
- MH1 Making It Happen

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### Saved CDLPR Policies

GD5      Amenity

H13      Residential Development – General Criteria

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

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

#### **7.2. Design and Street Scene**

#### **7.3. Residential Amenity**

#### **7.4. Highways Matters**

#### **7.5. Conclusion**

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

Approval was given in April 2008 for the construction of 13 flats and two retail units but rather than following the approved plans, the applicant constructed an additional four flats. This is retrospective application seeking to retain the increased number of residential units from the number of flats from 13 to 17.

The basic principle of development in this location has been accepted through the approval of the original application in 2008. Indeed, the basic principle of providing residential properties above retail units is still supported in the current Local Plan. However, the increase in the number of flats brings a number of issues which need to be considered; namely the impact on the Amenity of the residents of both the building and the surrounding area, the increase in the number of residents and the potential impact on parking and the need to renegotiate any planning obligations.

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Policy GD5 seeks to ensure that new development should not seriously detract from the amenity of nearby land, property or the occupants of these. This Policy provides seven criteria which each application should be judged against. Mirroring GD5, Policy CP3 seeks to ensure that development provides good standards of privacy, safety and security to create a pleasant, safe and secure environment. Some of the criteria listed in GD5 such as loss of privacy, overbearing and loss of sunlight and daylight would have been satisfied during the original application process. Therefore, it is the amenity of the residents which should be considered, and this is where the requirements of Policy CP3 comes to the fore. In determining this application, the decision maker needs to be satisfied that the residents of the flats have good standards of privacy and that they are living in a safe and secure environment.

It is also important to note that the developer will be required to adhere to other separate regulatory standards such as the Building Regulations and Housing Standards.

Parking provision should also be an important consideration; Policy GD5 seeks to ensure that traffic generation, access and car parking is considered as part of the application process while Policy CP23 aims to ensure that appropriate levels of parking for cars, motor cycles and bicycles is provided. I note that the original application intended to provide 13 parking spaces to serve the development but given that there are now four additional flats, it is safe to assume that some of the residents will have to park on-street. The Local Plan sets out, in Appendix C, the amount of parking spaces for cars and bicycles and whilst the policy encourages a lower level of parking, further consideration needs to be given to the impact the additional four flats will have on parking in the area.

In 2008, developer contributions were secured based on the development providing 13 flats and two retail units. However, given that the development has provided more flats, there is a need to determine if additional contributions are required. For example, Policy CP7 states that a contribution towards affordable housing is required on developments of 15 dwellings and over. The Section 106 is detailed later in this report.

#### **Conclusion**

The basic principle of providing residential accommodation in one of the City's defined retail centres is consistent with policy and the principle of development has been established by the granting of permission for an earlier application. However, permission was given for the creation of 13 flats and the subsequent addition of a further four flats does raise some policy issues over the quality of the living environment, whether adequate parking provision is provided and whether further developer contributions are required.

### **7.2. Design and Street Scene**

The application does not seek to make or retain any alterations to the external appearance of the building. Therefore, there are no impacts on the character and setting of the street scene. In addition, there are no concerns with regards to design changes.

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**7.3. Residential Amenity**

During the life of the planning application, additional clarification has been sought in respect of the internal layout of the development along with the floor area of the studios and flats. The internal layout has been considered by colleagues in Housing Standards who raise no objections to the layout but have raised some observations with regards to flats/ studios 2, 6, 7, 17, 72 and 74. The agent, has confirmed that they have met Building Regulations during construction and are not seeking to make any further amendments to the scheme and are therefore not seeking to alter those flats/studios.

The full comments of colleagues in Housing Standards are set out above in Section 5 of this report. In summary, the concerns raised relate to the internal layout of the flats. The kitchen of flats 2 and 7 is adjacent to the only exit which could impede access/egress in an emergency situation such as a fire. Similarly, Flats 6, 72 and 72 have kitchens adjacent to the entrance door and the living/sleeping accommodation which is not ideal. Flat 17 does not show any windows in the bedroom however there are two windows serving this room/flat. Therefore, it is assumed that they are referring to the bathroom rather than the bedroom.

Housing Colleagues have confirmed that the flats meet the space standards whilst it is accepted the flats are small, it is understood that these are occupied by existing residents and they have no further comments to make other than those provided in Section 5.3 of this report. Each flat does have at least one window serving the habitable space and therefore in my opinion, a refusal would be difficult to sustain on living environment and amenity grounds, particularly as no objections have been received from colleagues in Housing.

The application has not attracted any letters of objection from the neighbouring properties therefore I can only assume that the neighbouring properties raise no objection to the additional flats.

In my opinion, the previous layout was more acceptable and there is a concern that the additional flats have been squashed in however as the flats meet standards, I do not feel a refusal can be sustained, in this instance.

I note the comments from Housing Colleagues in respect of fire exits however these are a Building Regulations issue and the internal layouts of each flat can be altered/amended without the need for planning permission.

**Building Regulations**

As indicated above, a number of the issues raised by colleagues in Housing Standards are matters related to Building Regulations. I have spoken to officers at the Derbyshire Building Control Partnership (DBCP) and they have informed me that they have an application to regularise the works undertaken in respect of the additional flats - the application was submitted to them 28<sup>th</sup> May 2021. I have made them aware of the consultation response from Housing Colleagues and they will be considering all matters in relation to fire safety, access etc. and consulting with the Fire Service. I have also shared with them the copies of plans we have as part of this planning application to assist their consideration of the works carried out. At the time of drafting this report, DBCP officers are trying to arrange access to visit the property/flats to assess the works that have been carried out.

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Should Building Regulations be unhappy with any element of the work they can force the applicant to rectify this work and/or condemn the building to ensure it is not inhabited until it is safe.

In addition to the above, the applicant has provided a letter from Derbyshire Fire & Rescue Service who visited the property 20<sup>th</sup> May 2021. The letter states...

*"I am pleased to advise you that a reasonable standard of fire safety was evident in the areas that I saw when I visited your premises on 20 May 2021.*

*You should note that my visit was enough for me to decide that the premises is not a high risk. You have an on-going duty periodically to review your fire risk assessment and fire safety measures to avoid high risks."*

A copy of the letter can be viewed online.

### **7.4. Highways Matters**

The application has not attracted an objection from colleagues in Highways Development Control. There are concerns with regards to the accessibility of the under-croft parking however this matter can be dealt with through compliance with the recommended conditions.

### **7.5. Conclusion**

The application seeks to retain an increase in residential flats from 13 to 17 at Roebuck Court, of a previously approved scheme. The application site is located in a sustainable location, close to amenities, open space and is within walking distance to a number of bus stops that will provide access into the City Centre. Furthermore, this is an established residential location and therefore residential is considered to be acceptable in this location.

The application is subject to a Section 106, details of the Heads of Terms are provided in Section 11.2 of this report.

In light of the above there are no in principle objections to the increase of residential units. Whilst there are concerns in relation to the internal space it is not felt that the application could be refused on these grounds.

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

### **8.1. Recommendation:**

- A. To authorise** the Director of Planning, Transportation and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.
- B. To authorise** the Director of Planning, Transportation and Engineering to **grant permission** upon conclusion of the above Section 106 Agreement.



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**8.2. Summary of reasons:**

The additional flats/studios are considered to be acceptable and will not detract from the residential amenity of the previously approved units or the nearby residents. There are not considered to be any significant impacts on the public highway subject to the previously approved car parking being accessible and open for use.

**8.3. Conditions:**

1. Approved Plans

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

2. Within one month of the hereby approved, the area allocated for vehicle parking, circulation and manoeuvring and secured under DER/01/08/00005 shall be made available for that use, shall only be used for the said purpose and not for any other purposes, it shall remain free from obstruction and retained for car parking in perpetuity.

**Reason:** To ensure the provision and availability of satisfactory off-street parking and servicing/loading/ unloading facilities for the development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**8.4. Informative Notes:**

No Informative Notes

**8.5. S106 requirements where appropriate:**

The applicants have agreed to enter into a Section 106 agreement to cover the contributions that arise from the additional four units that have been constructed. These are towards:

- Amenity green space
- Sustainable transport

The applicants have discharged their obligations relating to the S106 for the original application. Further public realm contributions are not being requested as through the Planning Obligations Supplementary Planning Document (2018), they are no longer a standard requirement for residential developments.

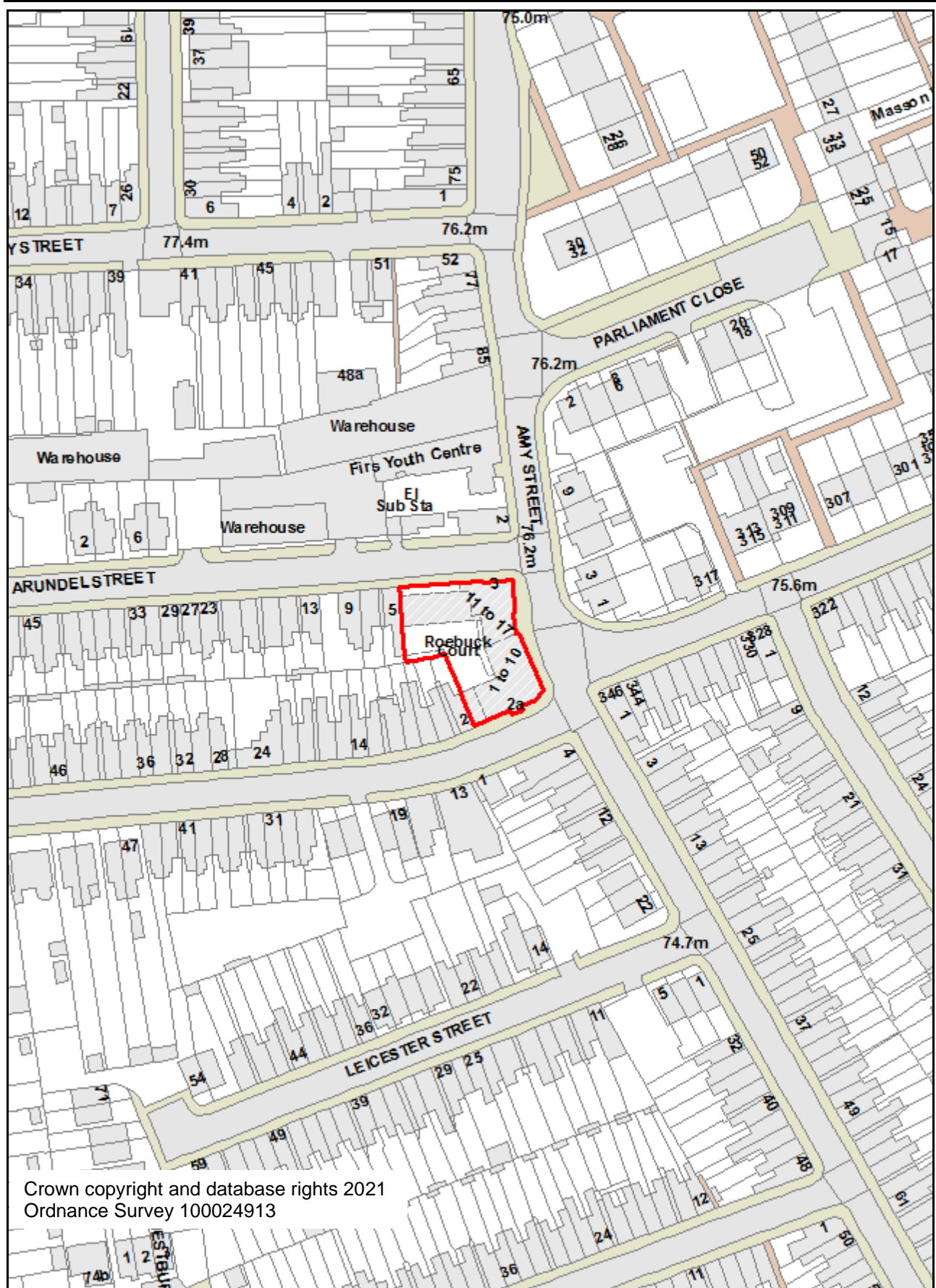
In addition to this, the applicants have also agreed to make a financial contribution towards the provision of off-site affordable housing. The contribution is to cover all 17 units. This is required because the number of units that were granted by the original permission did not meet the threshold for providing affordable housing however the additional units take the development above this. Due to the types of units involved, housing colleagues have confirmed that they would have requested a financial contribution rather than on-site affordable housing even if the contribution had been negotiated at the time the original application was determined.

As this is a retrospective application, payment of the contributions are required on completion of the agreement.

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**8.6. Application timescale:**

The application is subject to an Extension of Time until 30<sup>th</sup> July 2021. This has been agreed by the agent/applicant.



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**1. Application Details**

**1.1. Address:** 7 Hill Top and Land at the rear of 7-12 Hill Top, Derby

**1.2. Ward:** Oakwood

**1.3. Proposal:**

Demolition of Outbuildings and the erection of six bungalows (use class C3), together with the formation of an access road.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00658/FUL>

**Brief description**

The application site is located on the extreme north eastern boundary of the city, Breadsall Hill Top, bordering Erewash administrative boundary to the north of the site. Beyond the northern boundary is land designated within Erewash BC Greenbelt.

The application site is approximately 0.43hectares in size and is currently used as land in association with the residential use of No.7 Hill Top. There is an Oak tree and Silver Birch positioned to the north east corner of the site which are covered by a Tree Preservation Order. The site is generally undulating, uneven and with small ridges and depressions in the ground. Small shrubs are dotted around the interior of the site, but otherwise the interior is mainly mown grass land.

The northern boundary consists of native hedgerow some 1.5m – 2m in height across the entire north western boundary. The north eastern boundary is vegetation, low fence and the Oak and Silver Birch trees. The south eastern boundary comprises a close board fencing upon a dwarf wall, 2metres in height with residential properties fronting Hill Top. The south west boundary contains a 2m height panelled fence with an adjacent garden. The topography of the site is such that it rises in a south west to north east direction.

**Proposal**

The proposed six bungalows, would be arranged in a linear orientation, facing South East / North West. The dwellings rise in the direction from south west to north east with a 3m ground level difference between plot 1 and plot 6. Each bungalow measures 10m width by 11.5m depth by 5.1m height. The submitted floor plan drawing shows a layout with 3 bedrooms and 3 en-suite bathrooms, combined with a kitchen/lounge/diner. Each plot is shown with a detached single garage measuring 4m by 6.5m. The proposed vehicular and pedestrian access would be sited immediately between No. 6 and No.7 Hill Top which curves round the rear boundaries of 7-12 Hill Top.

**Committee Report Item No: 6****Application No: 20/00658/FUL****Type: Full Application****2. Relevant Planning History:**

<b>Application No:</b>	06/11/00707	<b>Type:</b>	Outline with some matters reserved
<b>Decision:</b>	Refused	<b>Date:</b>	07/09/2011
<b>Description:</b>	Demolition Of Outbuildings, Erection Of 8 Dwelling Houses And Formation Of Vehicular Access		

**3. Publicity:**

Neighbour Notification Letters sent to 5 nearby residents

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:**

A total of 23 objections have been received

- Damaging and unacceptable effect on wildlife.
- A new access road at this location will create a crossroads with the existing access road opposite, immediately after a blind corner on a 40mph busy A road (A608).
- There are already vehicle collisions at this location, involving vehicles waiting to turn into the Hilltop access road.
- The addition of a new access road on the other side of the highway will create substantial hazards as vehicles will have stop in the road to wait to turn right, immediately after the 40mph blind corner.
- This location of the A608 is used by many crossing pedestrians accessing the bus stops next to the proposed access road. The majority of these pedestrians are school children and elderly people
- The unnecessary loss of further green space
- Loss of views
- lots of green space has already been lost around this area due to the 2 new housing estates.
- destroying more green space would be inappropriate as the housing needs for the area have now been met and 6 more houses are unnecessary
- It would mean further intrusion into the countryside when hundreds of new houses have recently been built in the area. The reason the previous application was turned down and this circumstance has not changed
- Derby City Council has already permitted several hundred homes to be built less than a few hundred metres from this site and on another site just up the road.

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This build will have a negative impact on the green belt and the surrounding farmland

- this proposal, by virtue of its scale, form and layout, will significantly intrude in to the open countryside adjacent to Green Belt land
- fundamentally the nature of the site in question and the surrounding area has not changed and there are no overriding factors which would make it appropriate to overturn the previous decision.
- Effect of light pollution
- Do we really need more housing in such a close proximity?
- As the council's supply of housing for 5 years has already been met, further development which expands into greenbelt/green wedge space should be deemed as unacceptable, as it does not meet the 'very special circumstances'
- Lack of privacy for Hilltop residents with 2-way overlooking to new bungalows.
- According to Severn Trent the sewage pipes are already overloaded. The manhole cover at No 8 has been forced open with the sewage overflow running down the garden onto the proposed building site.
- concern about fire engines and emergency vehicles, especially if these dwellings are designed for older people.
- Displaced parking along the access road and Hilltop as a result of the development
- Mature garden hedge will have to be destroyed to make way for the access road
- Dangers of vehicle manoeuvrability accessing and egressing the site
- Oak trees have been cut down in haste before preservation orders could be applied
- The city has reached its quota for new builds

## **5. Consultations:**

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

Further comments to revised site plan (29 June):

No Objection to the proposals, subject to conditions.

Following the Highway Authority observations of 18/08/2020, the Local Planning Authority has provided a revised drawing "A102 Rev A" which responds to some of the points raised.

As previously stated, in highway terms, the proposals for access are deemed to be acceptable with respect to the Planning Inspectors comments that "*the proposed access would provide adequate visibility at a relatively straight section of road.... As a relatively small development, additional traffic on a road such as Hilltop would not be significant.*" in relation to application 06/11/00707 (which was refused by the Local planning Authority and subsequently dismissed appeal) (appeal APP/C1055/A/12/2170966).

## **Committee Report Item No: 6**

**Application No: 20/00658/FUL**

**Type: Full Application**

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The Highway Authority also reiterates that the layout provided will not be suitable for adoption (and subsequent maintenance at the public expense) by the Highway Authority and will therefore be a private drive.

The Highway Authority had requested vehicle tracking information to demonstrate that the site was capable of being accessed by a refuse vehicle; or alternatively space be made available at the site entrance for the storage of bins on collection days.

The applicant has chosen to provide a refuse collection point rather than tracking for a refuse vehicle. In highways terms this is acceptable; as there will be no requirement for refuse vehicles to enter the site; although this may prove to be an issue for the long term occupiers of the dwellings due to the distance that refuse containers will have to be taken for collection.

This will not preclude the developer from making private arrangements for refuse collection with smaller vehicles than those which the council uses.

The proposals show "gated access control" to the site. This will not be acceptable. Should any visitors to the site fail to gain access they would be most likely to reverse back out into the highway (especially if such vehicles were larger delivery vehicles). Such a manoeuvre would increase the likelihood of collisions and be detrimental to highway safety. This can however be dealt with by appropriate condition to remove gates from within the private drive.

The drawing also shows a "Section 184 Area"; given that some of this is outside the highway boundary, it is likely that a Section 184 Agreement (Highways Act 1980) may be inappropriate; however this falls outside of the planning process and would be an issue for the developer to resolve separately with the Highway Authority.

The local Planning Authority is reminded of the requirements of Para 110e of the National Planning Framework Policy which states that developments should "*be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*" The LPA may therefore wish to require that the developer make provision for the charging of an appropriate number of vehicles associated with the proposed development.

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

Condition 1: No development shall commence unless or until a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries and parking for construction personnel and operatives. Construction works shall thereafter be carried out in accordance with the approved plan.

Reason: In the interest of highway safety.

Condition 2: No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material; and shall be constructed in accordance with the details shown on the approved plan. The

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turning area within the site shall not be used for any purpose other than the turning of vehicles.

Reason: In the interest of highway safety

Condition 3: No part of the development hereby permitted shall be brought into use until the access driveway has been 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. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Condition 4: No gates shall be erected within the private driveway serving the development

Reason: In the interest of highway safety.

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

Further comments to revised site plan (29 June):

The amended RPA is acceptable. Standard tree protection condition is required which must be installed before construction including preparatory works.

The removal of the dead Birch tree is also acceptable. The replacement Birch tree must be replaced in accordance with the TPO dead/dangerous exception and not part of this application. This will ensure that the replacement tree will be continued to be protected by the TPO. Full details of the replacement tree must be supplied.

I note that grass cuttings were stacked underneath the tree which may have contributed to its decline. I believe grass cuttings are also being piled along the hedge. Such green wastes accumulation is not good horticultural practice. I suggest a landscape management plan is conditioned to address this.

**5.3. Derbyshire County Council Archaeologist:**

The site in question is in an area of high archaeological potential. It lies on the edge of a Derbyshire Historic Environment Record area for the former site of the deserted medieval village at Breadsall Hilltop (HER 32830). Whilst much of this area was developed for housing during the early 1980s it is recorded that during this process archaeological remains including house platforms, sunken lanes, and wall footings were observed. In addition to this pottery, and other artefacts, of both medieval and Roman date was recovered by Derby Museum staff.

More recently archaeological field evaluation and excavations in advance of the development of land immediately to the west of the proposed development site has revealed well preserved archaeological finds and features reflecting settlement and activity in the Neolithic, Iron Age and Romano British periods. The location of the proposed development would suggest a high potential that archaeological finds and features may survive here.



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Taking this in to account I would recommend that the site be the subject of field evaluation in advance of a planning decision being made. This should be by means of geophysical survey (if ground conditions are suitable) and trial trenching of any anomalies identified by these means. 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. This requirement is in line with advice in NPPF para 189 which requires developers to assess and understand the impact on the significance of heritage assets of their proposals.

**5.4. Derbyshire Wildlife Trust:**

A Phase 1 Preliminary Ecological Appraisal prepared by Dr Stefan Bodnar dated July 2020 is submitted with the application. The appraisal is based on a site visit undertaken on 1st July 2020 which identified the site to comprise an area of close mown amenity grassland forming the private domestic garden of an existing property. Mature trees and hedges are present on the site. The buildings that are proposed for removal were assessed for their suitability to support roosting bats and were subsequently assessed as having negligible bat roost potential. Given the descriptions of the buildings we would advise that this is likely to be an accurate assessment and no further surveys are considered necessary. It is understood that the mature Oak tree is to be retained within the scheme. With the exception of the mature tree and hedges, which are understood to be retained, the site is generally of low ecological value. As such, we advise that the proposed development is unlikely to have an adverse impact upon any habitats or species of substantive nature conservation value. We support the recommendations for the incorporation of measures to enable the proposal to deliver a net gain for biodiversity in line with national and local planning policies. We therefore recommend the following planning condition;

“Prior to any construction above foundations level, a scheme of biodiversity enhancement based upon the recommendations in section 4.4 of the Phase 1 Preliminary Ecological Appraisal prepared by Dr Stefan Bodnar dated July 2020 shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.”

It is important that the retained trees and hedges are protected from damage during works in accordance with a scheme to be agreed as a planning condition.

**5.5. Land Drainage:**

The development is located in an area of low risk from all sources, according to the Council's SFRA and the EA's flood maps for surface water. The development is therefore appropriate from a flood risk point of view. However, the proposed new buildings may add to impermeable area and could increase surface water flood risk if drainage isn't considered properly and measures put in place to control the surface water runoff. I would therefore recommend that drainage of the buildings is achieved through infiltration (draining to the ground on a permeable surface), rain gardens, water butts, or by any other sustainable means that the site allows. It may be necessary to include an attenuation pond or structure to manage the discharge with the rate of infiltration achievable.

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**Type: Full Application**

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The proposed pumped system is not favourable to the Councils Core Policy CP2. As such, we recommend the following condition be attached to planning permission:

- 1) 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, including the results of percolation results in accordance with BRE 365
  - Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
  - 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 and a securely funded maintenance arrangement for the life of the development.
- 2) No development shall take place until a foul 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:-
  - Foul drainage plans, including detailed drawings and cross sections of any tanks or other associated structures.
  - Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

Reasons for the above conditions: 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.

### **5.6. Erewash Borough Council:**

No comments received

## **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.

### **Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development – general criteria

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

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

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

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

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

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

#### **7.2. Design and Layout**

#### **7.3. Amenity**

#### **7.4. Highways**

#### **7.5. Other matters**

#### **7.6. Conclusion**

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

A common thread running through the Local Plan is the promotion of sustainable development; ensuring that Derby remains a compact city whilst delivering homes in suitable locations and protecting the environment. Whilst the provision of new houses to meet the City's housing need is generally encouraged, the requirements of other

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**Type: Full Application**

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policies in the Local Plan need to be considered. For information, the latest Authority Monitoring Report identifies a robust supply of deliverable housing sites to provide 5.45 years.

The applicant states that, due to an aging population, there is a high demand for bungalows in the City and notes that the provision of this type of dwelling is supported by the NPPF. Whilst this is accepted, this is one brief statement and the applicant has provided little evidence to support their assertions. However, Policy CP7, paragraph 5.7.16 backs up the applicant's statement and encourages developers to meet the needs of an aging population.

Previously under planning application reference DER/06/11/00707 permission was refused for a more intensive form of development comprising eight, two storey buildings across the site. The current submission introduces six bungalows across the site, with a proposed access road formed off HillTop, by demolition of outbuildings on No.7.

The applicants Design and Access Statement states that this will have a reduced impact on both the neighbouring properties and the countryside. The Statement goes further by highlighting that a precedent has been set through the Council approving the development for 230 dwellings at Breadsall Hilltop which has extended the urban area closer to the countryside; both factors are considered by the applicant to reinforce its case for residential development on this site.

The history behind the development at Breadsall Hilltop is well documented but in summary, it was the Council's intention to allocate the site through the Council's Part 1 Local Plan but insufficient evidence was provided by the site's promoter to justify its inclusion. A subsequent application was submitted and negotiations between the Council and the developer have resulted in a development which, although pushing the urban boundary, does minimise the impact on the wider countryside. This application does place six dwellings immediately adjacent to the Green Belt and open countryside but with a reduced height and number of buildings, plus retention of the existing hedge boundaries.

In determining this application, the impact of the development upon adjacent Green Belt and open countryside is materially relevant. Whilst it would be difficult to argue that there would not be some visual impact, it is asserted that this impact is lessened by other housing development in the vicinity of the application site (former Windmill Garage site and the Breadsall Hilltop site) together with the sites' geographic position and reduced form of development. From an east to west direction, along the A608, only the upper part of the roofs to the six plots are likely to be possible to glimpse from long and medium range views. Part of the skyline (from an east to west direction) backdrop is a combination of both the Breadsall Hilltop dwellings and the overall tree line in the distance, which would still prevail with the proposed development in place. Conversely, part of the view toward the adjoining field (beyond the northern boundary) would be obscured by the development.

However, any concerns about the impacts on the wider countryside need to be balanced against the relatively limited size of the site and its topography. If the site is not particularly visually prominent, then the limited size of the site may mean that it would not be considered a 'prominent intrusion'. The topography of the site is such that

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it rises in a west to east direction rising approximately 3-4metres from plot 1 to plot 6. Consequently, the development will increase in height from one end to the other and be visible from certain vantage points along Hill Top. Notwithstanding this, the proposal would still constitute residential intensification, however the bungalow scale of development and number of dwellings promoted would not visually encroach upon the adjacent open Green Belt unduly and the delineation of the built environment and open countryside would be maintained. The Council's Local Plan highlights that there is a need for new dwellings which are more suitable for older people who wish to downsize, emphasising the need for bungalows subject to all other material considerations. Given the proximity of a larger development to the west of the application site, it may be considered that the potential adverse impact on the countryside has now lessened.

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

However, in May 2019 AVBC withdrew its emerging local plan from examination. It has also published updated 5 year supply calculations, the most recent of which (based at 1 April 2020) claims a 5.15 year supply based on the government's new 'standard method' which takes no account of the unmet need in Derby which it had agreed to meet by 2028. Derby City Council has made representations to AVBC that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley. Amber Valley have confirmed that they have, on a consistent basis, reflected the previously agreed position in respect of the contribution towards Derby City's unmet housing needs, in preparing reports on planning applications for housing development, whether determined by the Borough Council's Planning Board, through delegation or in representing the Borough Council at appeal.

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

## **7.2. Design and Layout**

The proposed housing layout is such that the dwellings are relatively central within their plots and arranged in a linear alignment, with principle elevations being south east facing and rear garden areas being adjacent to the northern boundary hedge. The development would be physically separated from Hill Top, situated behind houses No.7 – 12 and would be more of an isolated form of development which does not form part

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of the Hill Top streetscape. Nevertheless, a consistent pattern of development with 4metre spacing between each building, would be arranged in a reasonable fashion. The design follows a simple architectural form of dual gable front projecting features with alternating pitched and hipped roofs at 5metres to ridge height.

There are differing housing styles prevalent in the immediate area surrounding the site. The first style is that of early 20<sup>th</sup> century housing consisting of blocks of 1 or 2 dwellings in detached or semi-detached form, 2 storeys in height with hipped or pitched roofs and simple brick detailing. The second style is that which is relatively simple in its elevational treatment with further materials introduced such as vertical tiling and render. Moreover, the new build houses upon Windmill Place add an additional house type to the locality, whereas the proposed development introduces a change to the character of the area, by virtue of the bungalow scale of development. Nevertheless, the application site would be relatively hidden from Hill Top itself and so it should not erode the character and appearance of the immediate surrounding locality. Therefore, in design terms the proposal is considered acceptable in this location, against relevant Local Plan policies.

### **7.3. Amenity**

The layout and design of the proposed accommodation would form a reasonable living environment for the occupants and would not unreasonably affect the amenities and privacy of residents surrounding the site. The normal distance requirements between habitable room windows, which apply in suburban type housing developments, would feasibly be achieved here. In the context of an edge of suburb location such as this, distances of 35metres could be achieved from the front principle windows of plots 1-6 to the rear elevations of No 7 – No.12 Hill Top. Some intervisibility may occur as the plots rise in a north easterly direction, however the built relationship given the 35metre distances would not be unreasonable. Therefore I am satisfied that the living conditions of existing residents in the vicinity of the site would not be unreasonably or significantly harmed by the proposal. The provisions of Policy GD5 would therefore be satisfactorily met.

### **7.4. Highways**

The development site is situated off the A608 which has a public transport route and is in close proximity to the Great Northern Greenway, a strategic cycle and footpath route to the north of the site. Both of which provide accessible transport routes into the city. The proposed access road would be sited immediately north of Hill Top and be orientated in south west / north east direction. The proposed visibility splays onto Hill Top meets with the Highways Officer's requirements. The layout of the road means that it would not be suitable for adoption and would remain private. It has not been demonstrated that the road is suitable for refuse vehicles to access and service appropriately and the applicant has therefore introduced a bin collection point which is just set back from the access, which means large refuse vehicles would not need to enter or exit the application site.

It is generally recognised that Hill Top carries high levels of peak hour traffic and is subject to a 40mph speed limit. A number of neighbours have raised concerns over the amount of traffic that would be generated and how this may affect highway safety,

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traffic congestion and parking congestion nearby. Our Highways Officer has raised no objections to this proposal on these grounds. It is considered that the potential traffic generation arising from this development – 6 dwellings - would not add substantively to increased levels of vehicular traffic along Hill Top and accordingly the traffic impact would be very limited.

The level of parking provision proposed, 2 vehicle spaces per dwelling, is in fact higher than is recommended and as such the development would not be likely to result in parking along the main A608 highway or the access road itself. The proposed new layout for the new development allows for normal access for vehicles accessing the dwellings. Each dwelling is provided with an integral dedicated garage alongside an extensive driveway. Indeed the numbers of cars likely to be using the site are not considered to result in any significant detriment to highway safety nor highway congestion.

#### **7.5. Other matters**

##### **Trees and wildlife**

Two large TPO trees exist towards the eastern boundary of site. An Oak tree and Silver Birch. An updated tree survey was undertaken of the site during the application, showing an amended root protection area of the Oak. No development has been proposed within the root protection area for the protected Oak tree and on that basis the Council's Tree Officer does not foresee difficulties with placing the development in proximity of this tree. Plot 6 may be overshadowed at certain times of the year by the tree, yet with a distance of 3 metres from the side of the bungalow to the nearest branches, it is unlikely to lead to post development pressure upon the tree.

The Tree Officer confirms, that the removal of the dead Birch tree is also acceptable. The replacement Birch tree must be replaced in accordance with the TPO dead/dangerous exception and does not form part of this application. This will ensure that the replacement tree will continue to be protected by the TPO. Full details of the replacement tree must be supplied and any protection measures can be conditioned.

Policy CP19 seeks to protect, enhance and restore the city's natural environment. Certainly the retention of the existing semi-mature native hawthorn hedgerow which forms the northern boundary, is welcomed and is shown to be incorporated into the overall scheme. A planning condition can be attached for its retention and protection during construction. Likewise the eastern boundary hedge (mixed beech and hawthorn) would also be retained. Derbyshire Wildlife Trust recommend that further enhancement measures are incorporated into the scheme to provide Biodiversity Net Gain. To recap, a recent amendment to the NPPF requires development to provide Biodiversity Net Gain. I note that the implementation of the proposal will retain the tree covered by a preservation order and the hedgerow running along the northern and eastern boundary, both of which are welcomed. I note that the Ecology Report concludes that the site is of low value but small-scale measures such as providing bird or bat boxes, Swift bricks or additional areas of planting will help to comply with intentions of the NPPF and Policy CP19.

##### **Archaeology**

The County Archaeologist comments that the location of the proposed development would suggest a high potential that archaeological finds and features may survive here.

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Taking this into account, a field geophysical survey and written scheme of evaluation must be carried out. This requirement is in line with advice in NPPF para 189 which requires developers to assess and understand the impact on the significance of heritage assets of their proposals. This can be controlled through a suitably worded planning condition.

**Drainage**

The development is located in an area of low risk from flooding, according to the Council's Strategic Flood Risk Assessment and the Environment Agency flood maps for surface water. Subject to the introduction of Sustainable Urban Drainage features the development should be carried out in a manner that satisfies the requirements of Policy CP2 and the recommendations of the Council's Land Drainage team.

**7.6. Conclusion**

Within the National Planning Policy Framework paragraph 144 states. "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Elsewhere as stated in paragraph 134, sub section (a) "to check the unrestricted sprawl of large built-up areas" and sub section (c) "to assist in safeguarding the countryside from encroachment". Whilst the application site is immediately adjacent to Green Belt land and the application site makes some contribution to the openness beyond, the area's character has altered by the introduction of large scale major housing development extending northwards beyond the line of houses fronting Hill Top – namely Windmill Place (Nine two storey dwellings 60metres from the application site) and Redrow Breadsall Hilltop (up to 230 dwellings 100metres away at its eastern boundary). Thus, some 'urbanising effect' has already occurred on this northern edge of the city, entirely separate of this planning application.

In the planning balance and consideration of the effects of the proposed development upon the countryside, it is asserted that the reduction of the scale and density of development means it's visual presence would be substantially lessened, together with the retention of the mature hedgerow and TPO English Oak tree, helping to maintain some visual connection to the open countryside beyond. The proposed scheme would not urbanise the locality, nor would it detrimentally alter the character and appearance of the local area.

The new homes would also contribute to meeting the housing requirement in the city and it is important that all suitable and sustainable locations for housing are permitted, in line with the NPPF and the Council's Core Strategy. In this case and on balance the benefits of the residential development would appear to outweigh any potential adverse impacts on the adjacent Green Belt and open countryside.



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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed residential development would be an acceptable and sustainable form of development in this edge of city location, which would contribute towards the city's housing need, form a low density and high quality development, with no unreasonable harm to residential amenity and retain hedgerow and tree features to minimise adverse impact on the openness of the wider countryside and adjacent Green Belt. There would be no harm in terms of highway safety, biodiversity and trees or on flood risk and overall the scheme would comply with relevant Local Plan Policies and the National Planning Policy Framework.

**8.3. Conditions:**

1. Standard condition time limit

**Reason:** For the avoidance of doubt

2. Standard condition list of approved plan drawings

**Reason:** For the avoidance of doubt

3. Scheme of sustainable drainage measures to be agreed

**Reason:** To minimise flood risk

4. Scheme of biodiversity enhancement measures to be agreed

**Reason:** For ecological reasons

5. Construction management plan to be agreed

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

6. Access road to be hard surfaced and drained to prevent discharge onto the highway.

**Reason:** In interests of highway safety

7. No gates upon the access road development

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

8. Tree and hedge protection measures to be agreed

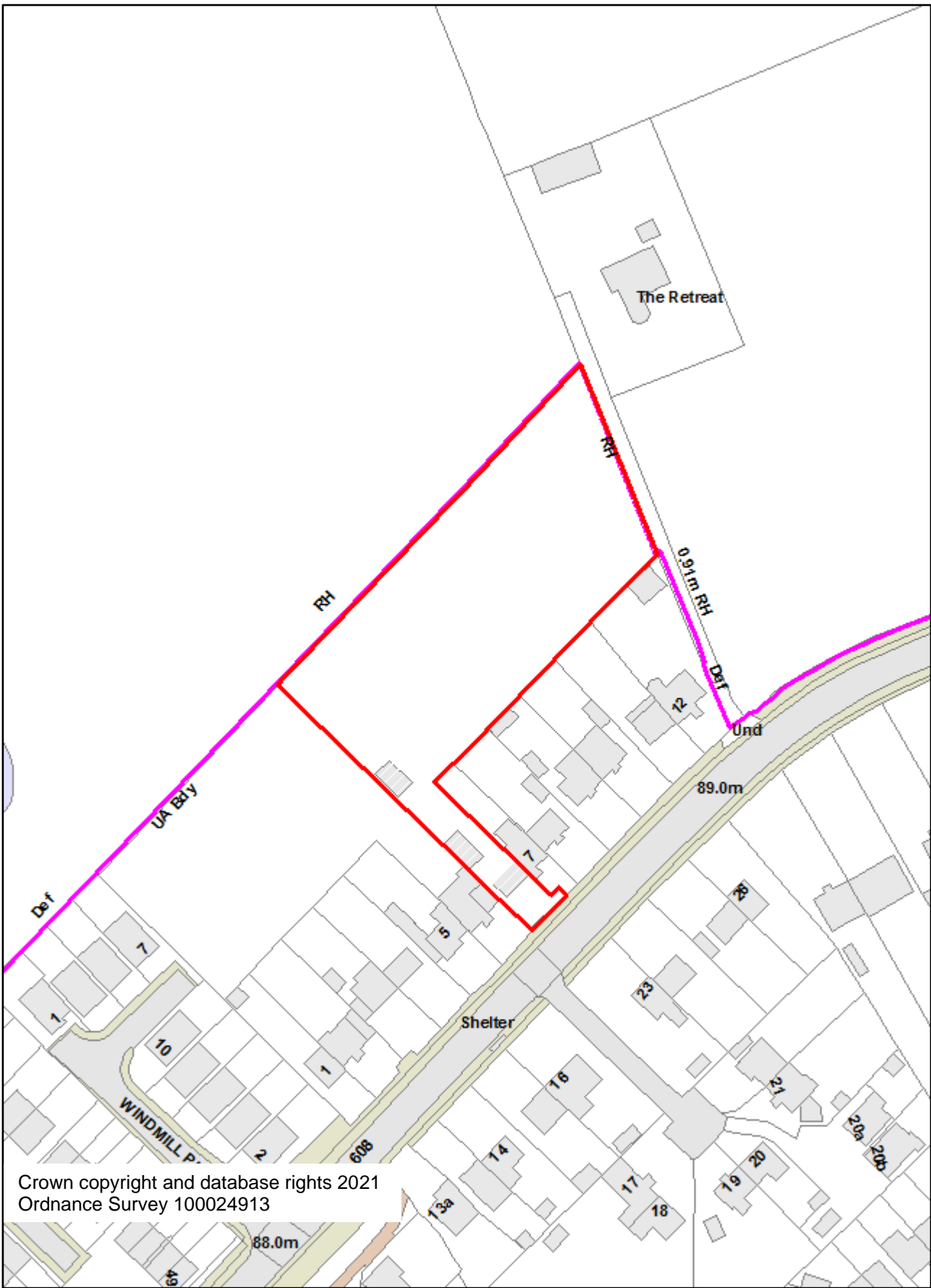
**Reason:** To protect trees and vegetation during construction

9. Details of replacement tree (removal of Silver Birch)

**Reason:** In the interests of the retention of the tree/hedges

**8.4. Application timescale:**

An extension of time is in place.



**1. Application Details**

**1.1. Address:** 25 Girton Way, Mickleover

**1.2. Ward:** Mickleover

**1.3. Proposal:**

Change of use from dwelling house (Use Class C3) to care home (Use Class C2)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00367/FUL>

**The Site and Surroundings**

The application relates to No. 25 Girton Way, a modern three-storey semi-detached townhouse. The property is situated on a relatively new housing estate which occupies the site of the former University Campus in Mickleover. The house has 4-bedrooms and a private enclosed rear garden. The property is also served by two off-street parking spaces located in a rear courtyard. Parking is accessed via an undercroft entrance to the side of the main house.

The surrounding development is comprised of a mixture of detached semi-detached and terrace housing. The development in the area is relatively high density and the properties are generally served by small off-street parking areas and garage blocks. The site is well served by public transport with good access to nearby bus routes which extend along Western Road and Uttoxeter Road.

**The proposal**

This application seeks permission to change of use of the existing dwelling at No. 25 Girton Way into a residential care home (Use Class C2).

The application is accompanied by a supporting Statement (VO.2) which explains that the property would be used as a small residential care home for up to two children (aged between 11 to 18 years). The property would be used as their permanent residency, replicating a family home environment as much as possible.

Two care workers would be required at the home at any given time during the day, including overnight, and staff would work on 24-hour shifts, ensuring 24/7 care at all times. The shift pattern would see a changeover at around 10am to avoid busy times of the day.

In addition to the staff changeover, the types of activity within the care home would be that of a normal family home:

- School Run before and after school
- Afterschool activities
- Food shopping once a week
- Staff will undertake preparation of meals, however the children will be encouraged to partake
- Staff will promote a therapeutic family environment where the children will eat their meals and socialise together
- Weekend activities and outings as per any normal family

**2. Relevant Planning History:**

No of relevance.

**3. Publicity:**

Neighbour Notification Letter - 2

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 12 objections, including a petition, have been received following the consultations undertaken on the application. The material planning issues raised in the objection letters are summarised below.

- Increased traffic and parking issues – particularly during shift changes
- Highway safety concerns
- There are already existing problems with parking, and the proposal will make it worse
- The parking spaces at the site aren't large enough
- Increased noise and disruption/carers coming and going
- Concerns about crime and anti-social behaviour
- Loss of the existing dwelling
- The proposal is incompatible with the residential area

A letter has also been received on behalf of the Mickleover Ward Councillors which raises concerns about breach of restrictive covenants at the property, potential nuisance issues, parking issues, and the nature of referrals to the proposed care home.

**5. Consultations:**

**5.1. Highways Development Control:**

In highway terms, the re-consultation received appears to be in respect of a revised car parking layout, which still shows two off-street parking spaces as part of the development; albeit that they are shown in a different location.

The following observations are primarily based upon information shown on submitted drawing '21-09.02' and contained within the Design & Access Statement.

Girton Way is 'Public Highway' and has no waiting restrictions adjacent to the site. At the time of the Case Officer visit there was a high incidence of vehicular parking adjacent to the site, with some vehicles being parked part-on, part-off the footways.

According to the application form and submitted drawing there are two residential car parking spaces to the rear.

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I do note that no cycle parking is shown to serve the proposed use; such parking should be provided to further encourage staff to visit the premises by sustainable means rather than by the use of cars.

The Design & access Statement details that the total number of residents will be housed in the premises; with 24-hour care being provided by (at any time) two members of staff (with an acknowledged shift change-over time).

However, in highway terms, the levels of occupancy are not considered dissimilar to those which could legitimately be accommodated by the current residential use of the dwelling.

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.'

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

Whilst the scheme would potentially increase demand for parking spaces, it is the view of the Highway Authority that it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

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

Condition 1: No part of the development hereby permitted shall be brought into use until the parking area is provided in accordance with the approved plan (221-09.02'. The parking area shall not be used for any purpose other than parking of vehicles

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

Condition 2: 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.

The Highway Authority also suggests that the consent shall remain personal to the applicant.

## **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.

## **Committee Report Item No: 7**

**Application No: 21/00367/FUL**

**Type: Full Application**

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General Criteria
E24	Community Safety

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

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

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

## **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. Impact on Residential Amenity**

#### **7.3. Community Safety Issues**

#### **7.4. Highways Issues**

#### **7.5. Visual Impact**

#### **7.6. Other Issues**

#### **7.7. Conclusion**

**7.1. The Principle of the Development**

Essentially, the proposal consists of a change of use to an alternative form of residential accommodation within an existing residential area. The site of the proposal isn't allocated for any particular use in the Local Plan – Part 1 and in land use policy terms there are no 'in principle' concerns with the proposed change of use. There are no specific policies which restrict the overall number of care homes that can or should be provided within the City at a certain time, and separate legislation would ensure that the wider needs of the occupants can be met (for example, OFSTED). The application site is in a sustainable location so that future occupiers would have good access to services and public transport links in the area.

Overall, the principle of development is considered to be acceptable subject to all other more detailed planning matters being addressed, as considered below.

**7.2. Impact on Residential Amenity**

Saved policy GD5 of the CDLPR (Amenity) states that planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. New development should not seriously detract from the amenity of nearby land, property, or the occupants of these. The point at which new development will unacceptably affect nearby areas will depend on the nature of the activity proposed and the nature of the surrounding area.

Numerous objections have been received by neighbouring properties raising concerns relating to general noise and disturbance impacts including from comings and goings to and from the property. However, the proposed number of bedrooms at the property would remain unaltered and within the submitted statement it has confirmed that no more than two children would be permanent residents of the property at any given time, supported by two staff members.

This level of occupation is not considered to be any more intensive than the likely occupation of the existing four bedroomed dwelling and is unlikely to result in a significantly detrimental impact on the neighbouring properties amenities. Within the submitted Statement (VO.2) details of staff shift patterns have also been provided which indicate when staff would be arriving and leaving the property. The staff would work on 24-hour shifts, with a changeover at 10/10.30am to avoid busy times of the day. Section 3.4 of the Statement details a staggered arrival arrangement to ensure that two members of staff do not arrive at the same time, to minimise any parking disruption. Given the low staff numbers, the suggested timeframes and staggered arrivals, the staff handovers are not considered to result in any significantly detrimental noise and disturbance impacts on neighbouring properties amenities. In addition to the staff changeover the activity within the care home would be that of a normal family home with school runs, food shopping, weekend and after school activities etc. The inclusion of a condition restricting the use of the property to a children's residential care home (Use Class C2) for occupation by two children,

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with staffing arrangement and shift patterns as specified within the supporting statement (VO.2) is recommended to preserve the amenity of neighbours .

On balance, it is considered that the general noise and disturbance impacts would not be above and beyond what could be achieved at a residential dwelling and the proposal is not considered to result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission. Subject to the suggested condition, it is considered that the proposal would comply with saved policy GD5 of the CDLPR.

### **7.3. Community Safety Issues**

Concerns have also been raised within a number of the neighbour objection letters which relate to anti-social/criminal behaviour. Whilst crime and the fear of crime are material planning considerations, I have no reason to believe the use of the building as a small-scale care home would exacerbate such issues in the area. The supporting Statement does state that the home would seek referrals of children and young people who may have experienced, amongst other things, a history of abuse; disruption with birth families, and difficulties attending/achieving at school. However, individuals that fit any of the aforementioned criteria could reside in any typical residential dwelling and it is therefore considered that the proposal is not likely to result in any additional anti-social/criminal behaviour than what could be generated by the existing residential dwelling. The children's care home is proposed to have two members of staff at the property at any given time and, again, separate legislation would ensure that the wider needs of the occupants are/can be met and ensure the care facility is a suitable location for individual placements. In this instance, there are considered to be no substantive reasons to refuse the application due to its impact on community safety issues.

### **7.4. Highways Issues**

The Highway Officer considers that in highway terms, the levels of occupancy associated with the proposed care home are not considered dissimilar to those which could legitimately be accommodated by the current residential use of the dwelling. 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.'* However, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. Whilst the scheme would potentially increase demand for parking spaces and the fact that there is high incidence of vehicular parking adjacent to the site, with some vehicles being parked part-on, part-off the footways, is acknowledged. It is the view of the Highway Authority that it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety. Conditions are recommended to ensure adequate cycle parking is provided at the site and to ensure that two off-street car parking spaces are provided in perpetuity for use by the care home. However, in this instance the inclusion of a personal permission isn't deemed to



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be necessary. Subject to conditions, the proposal is considered to comply with policy CP23 of the Local Plan – Part 1 (Core Strategy).

### **7.5. Visual Impact**

As a result of the proposed change of use, no external alterations are proposed.

### **7.6. Other Issues**

The presence of restrictive covenants on the property are not a material planning consideration. The applicant would need to deal with any legal matters separately.

The suitability of schools in the area is not something for the Local Planning Authority to assess in connection with the proposal.

### **7.7. Conclusion**

The principle of development is acceptable. No external alterations are proposed as a result of the development. The proposal is considered to be acceptable in terms of highway safety. On balance, the proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice contained within the NPPF. It is therefore recommended that the application be granted permission, subject to the suggested conditions.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The principle of development is acceptable. No external alterations are proposed as a result of the development. The proposal is considered to be acceptable in terms of highway safety. On balance, the proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice contained within the NPPF.

### **8.3. Conditions:**

1. Standard 3 year time limit

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

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2. Standard approved plans condition  
Amended Drawing No. 221-09.02 (Amended red line showing correct location of off-street car parking spaces owned by the applicant).

**Reason:** For the avoidance of doubt

### **Management Conditions**

3. Condition restricting the use of the property as a children's residential care home (Use Class C2) for occupation by two children, with staffing arrangement and shift patterns as specified within the supporting statement (VO.2)

**Reason:** To enable the local planning authority to maintain control over the proposed use, to safeguard the amenities of the surrounding area

4. Condition controlling the provision of cycle parking at the site

**Reason:** To promote sustainable modes of transport

5. Condition controlling the provision of two off-street parking spaces at the site

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

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

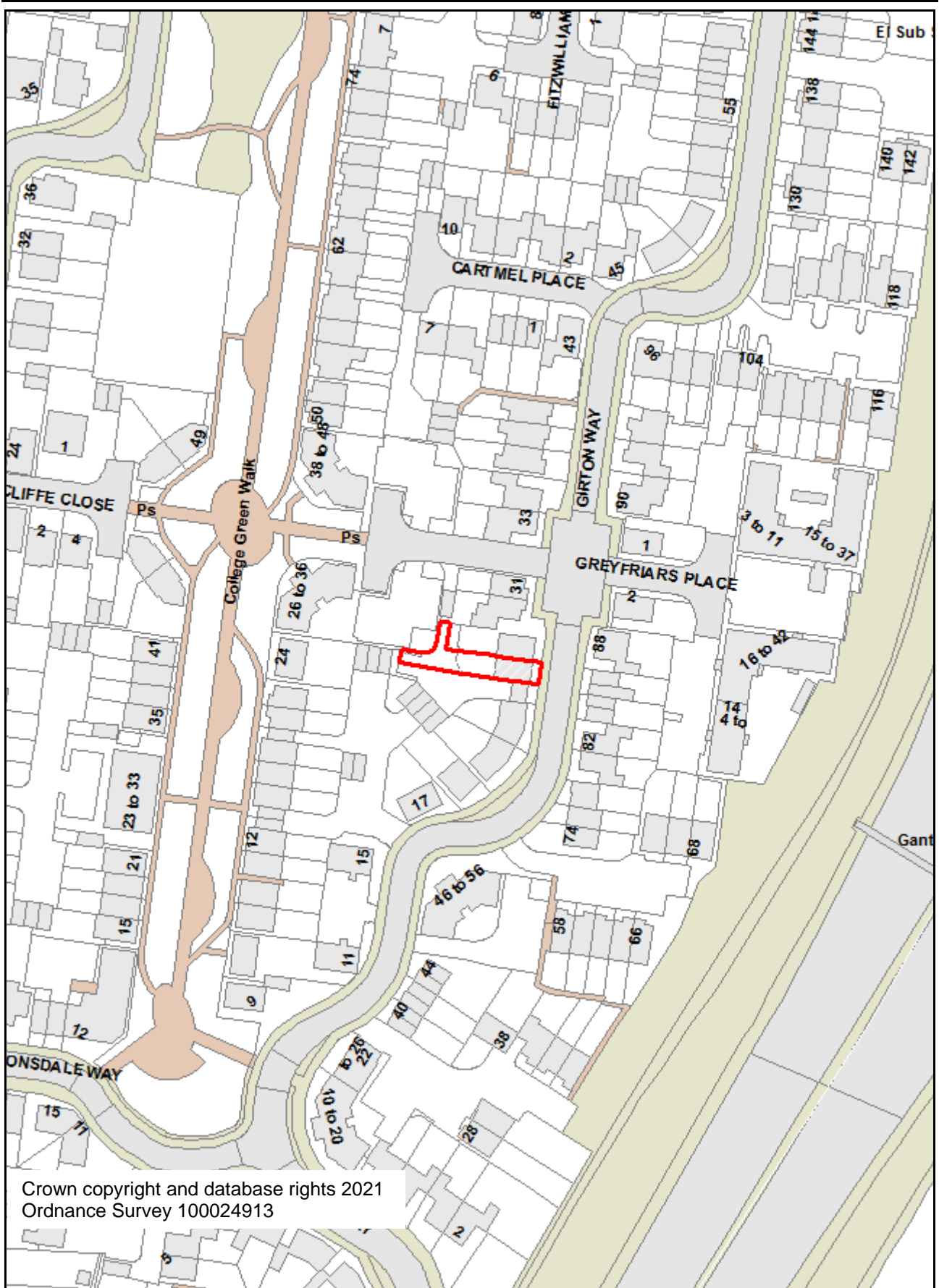
None

### **8.5. S106 requirements where appropriate:**

None

### **8.6. Application timescale:**

An extension of time has been agreed on the application until 23 July 2021 to allow the application to be considered by the Planning Control Committee.





Derby City Council

## Delegated decisions made between between 01/05/2021 and 31/05/2021



Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
04/18/00638	Compliance/Discharge of Condition	Land At The Rear And Site Of 126 Drewry Lane Derby	Demolition Of Outbuildings. Alterations And Extensions To The Existing Property And Erection Of Apartment Block To House 14 Apartments (Use Class C3) - Discharge Of Condition Nos 4, 6, 8, 12, 13, 15 And 17 Of Previously Approved Permission DER/04/16/00412	Discharge of Conditions Complete	18/05/2021
06/18/00932	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby	Demolition Of Existing Extension. Alterations And Extensions To Museum (Entrance Hall, Cafe, Kitchen, Toilets, Retail Area And Plant Room) Together With Internal Refurbishment And Repairs - Discharge Of Part Of Condition No 10 Of Previously Approved Permission DER/06/17/00809	Discharge of Conditions Complete	21/05/2021
09/18/01345	Full Application	130 Kedleston Road Derby	Formation Of A Vehicular Access	Refused	05/05/2021
18/01791/FUL	Full Application	Land At 203 Osmaston Park Road Derby DE24 8BT (access Off Elton Road)	Erection of a two storey building with two retail units (use class E) at ground floor level and two flats (use class C3) at first floor level	Approval	14/05/2021
20/00051/DISC	Compliance/Discharge of Condition	Assembly Rooms Market Place Derby DE1 3AH	Refurbishment works comprising of front extensions at ground floor level to the Market Place elevation and the change of use of the existing Tourist Information Centre to create new retail (Use Class A1) and restaurant (Use Class A3), together with other external alterations including cladding to the exterior of the multi-storey car park and new plant to the car park roof - Discharge of conditions 4, 5 & 11 of previously approved application code No. 19/00898/FUL	Application Withdrawn	20/05/2021

		Sacheverel Street Derby DE1 2JR	extensions to Mosque, alterations to the car park and change of use and alterations to garage to form storage area		
20/00939/FUL	Full Application	Land On South West Side Of Barlow Street Derby	Construction of 11 apartments providing temporary accommodation for homeless families, together with one office for support staff and associated car parking and gardens.	Approval	26/05/2021
20/01140/FUL	Full Application	102 Walbrook Road Derby DE23 8RY	Change of use from dwelling house (Use Class C3) to a six bedroom, seven person house in multiple occupation (Sui Generis Use) including installation of a dormer to the rear elevation	Approval	07/05/2021
20/01179/FUL	Full Application	24 Humbleton Drive Derby DE22 4AT	Two storey and single storey extensions to increase the size of the existing hot food takeaway and form three flats at first and second floor level (Use Class C3) including installation of a dormer to the rear elevation	Approval	14/05/2021
20/01246/FUL	Full Application	3 Springfield Derby DE23 6EZ	Two storey side and single storey front and rear extensions to dwelling house (garage, wet room, bedroom, en-suite, porch and kitchen)	Approval	27/05/2021
20/01255/FUL	Full Application	Asda Sinfon Superstore Sinfon District Centre Arleston Lane Derby DE24 3DS	Erection of a 'drive-thru' coffee shop (Use Class E) and a 'drive-thru' restaurant (Use Class E/Sui Generis) together with car parking, circulation roads and associated works.	Approval	07/05/2021
20/01267/FUL	Full Application	16 Birches Road Derby DE22 2HY	First floor extension and rear two storey extension to dwelling house (three bedrooms and bathroom)	Approval	18/05/2021
20/01272/FUL	Full Application	64 - 66 Elton Road Derby DE24 8EF	Single storey rear extension to shop (store) and erection of a canopy at first floor level	Approval	24/05/2021
20/01306/FUL	Full Application	Land At The Rear Of 20 Coniston Crescent Derby DE21 4DS	Erection of a dwelling (Use Class C3)	Refused	21/05/2021

20/01318/PNRT	Prior Approval - Telecommunications	Public Footpath Adjacent The Robin PH Corner Of Chestnut Avenue / Devonshire Drive Derby DE3 9HD	Installation of 17.5m monopole, together with the installation of ground-based equipment cabinets and ancillary development	Refused	28/05/2021
20/01340/FUL	Full Application	4 Grove Court Edward Street Derby DE1 3BR	Change of Use from C3 Dwelling house to Class E Yoga Studio & Therapy Centre & C3 Dwellinghouse	Approval	13/05/2021
20/01346/OUT	Outline Application	Land To The Rear Of 19 Moor End Derby DE21 7ED	Erection of dwelling house	Approval	25/05/2021
20/01383/FUL	Full Application	38 Riddings Derby DE22 2GB	Single storey side and rear extensions to dwelling house (entrance lobby, W.C. and living/kitchen space)	Approval	24/05/2021
20/01422/FUL	Full Application	Valley Wholesale Carpets Ltd Block B Wincanton Close Derby DE24 8NJ	Side extension to commercial building (storage and carpet cutting area)	Approval	21/05/2021
20/01431/PNRT	Prior Approval - Telecommunications	Land Outside Coleman Health Centre Coleman Street Derby DE24 8NH	Erection of a 20m high monopole, together with the installation of ground-based equipment cabinets and ancillary development	Approval	21/05/2021
20/01473/FUL	Full Application	5 Lawnlea Close Derby DE23 1XQ	Two storey and first floor side extensions to dwelling house (bedroom and two en-suites)	Approval	28/05/2021
20/01487/FUL	Full Application	76 Belper Road Derby DE1 3EN	Demolition of existing garage. Erection of single storey outbuilding (artist studio) and installation of replacement windows and doors to the main dwelling and alterations to the existing boundary wall.	Approval	07/05/2021
20/01502/FUL	Full Application	12 Kingsway Park Close Derby	Erection of a leisure facility (Use Class E) including swimming pool, fitness suites, dance	Approval	13/05/2021

		DE22 3FP	studios and complementary uses with associated parking		
20/01521/FUL	Local Council Own Development Reg 3	Sunnydale Park Blagreaves Lane Derby	Flood alleviation works and habitat creation	Approval	12/05/2021
20/01524/DISC	Compliance/Discharge of Condition	Land At The Rear And Site Of 126 Drewry Lane Derby DE22 3QU	Demolition Of Outbuildings. Alterations And Extensions To The Existing Property And Erection Of Apartment Block To House 14 Apartments (Use Class C3) - Discharge of conditions 5, 6, 11 and 17 of previously approved application code No. 04/16/00412	Discharge of Conditions Complete	21/05/2021
20/01528/VAR	Variation of Condition	Land Adjacent To 1A Field Lane Alvaston Derby DE24 0GP	Erection of a dwelling house (Use Class C3) - Variation of condition 2 of previously approved planning permission 01/18/00042 to amend the position of the dwelling house	Approval	19/05/2021
20/01530/FUL	Full Application	2 Bristol Drive Derby DE3 9BT	Single storey rear extension to dwelling house	Approval	20/05/2021
20/01552/VAR	Variation of Condition	Unit 1 Meteor Centre Mansfield Road Derby DE21 4SY	Use of land for erection of buildings for light industrial/offices/retail/warehousing - Variation of condition 11 of previously approved planning permission 07/13/00817 to allow the sale of a wider range of goods	Approval	21/05/2021
20/01553/OUT	Outline Application	Land Adjacent To Mount Pleasant Lime Lane Derby DE21 4RF	Erection of a dwelling (Use Class C3)	Approval	14/05/2021
20/01579/LBA	Listed Building Consent - Alterations	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Minor amendments to previously approved application 06/17/00809 Demolition of existing extension. alterations and extensions To Museum (Entrance Hall, Cafe, Kitchen, Toilets, Retail Area and Plant Room) together with Internal Refurbishment and Repairs	Approval	24/05/2021
20/01595/FUL	Full Application	133A Chaddesden Lane Derby	Two storey side extension to dwelling house (garage, utility room, bedroom, bathroom and	Approval	24/05/2021

		DE21 6LL	store)		
20/01628/FUL	Full Application	240 Normanton Road Derby DE23 6WA	Two storey rear extension to form a cafe at ground floor level (Use Class E) and a four bedroom house in multiple occupation (Use Class C4) at first floor first level together with the installation of decking	Approval	21/05/2021
20/01646/OUT	Outline Application	Former Celanese Site 1 Holme Lane Derby DE21 7BS	Outline planning application, with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal	Approval	21/05/2021
20/01653/FUL	Full Application	167 Pastures Hill Derby DE23 4AZ	Two storey front extension to dwelling house (lounge, office, wet room, lobby, bedroom and en-suite)	Approval	18/05/2021
20/01672/LBA	Listed Building Consent - Alterations	22 - 23 Sadler Gate Derby DE1 3NL	Internal and external alterations to form two new residential units to the upper floors and sub-division of the ground floor	Approval	12/05/2021
21/00036/TPO	Works to a tree with a TPO	2 Spindletree Drive Derby DE21 2DG	Removal of epicormic growth, crown lift to 6m over conservatory and cutting back of branches overhanging the dwelling house and neighbouring properties of an Oak tree protected by Tree Preservation Order no. 247	Approval	11/05/2021
21/00056/FUL	Full Application	Mount Pleasant Lime Lane Derby DE21 4RF	Single storey rear extension to dwelling (enlargement of kitchen) and roof alterations and extension to form rooms in the roof space (two bedrooms and en-suite)	Approval	12/05/2021
21/00068/FUL	Full Application	2 Highgrove Drive Derby DE73 5XA	Erection of an outbuilding (garage)	Refused	06/05/2021
21/00096/FUL	Full Application	Workshop And Premises At 58 Station Road	Demolition of garage. Erection of a dwelling house and outbuilding (Use Class C3)	Approval	14/05/2021



		Mickleover Derby DE3 9GJ			
21/00117/VAR	Variation of Condition	Bramble House Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping - Variation of condition 2 of previously approved planning permission Code No. 20/00072/FUL to amend the internal layout and external appearance of the care home	Approval	04/05/2021
21/00141/TPO	Works to a tree with a TPO	Emmanuel School 43 Kedleston Road Derby DE22 1FP	Crown lift to 2.5m and crown reduction to give 2m clearance of the adjacent buildings of a Yew tree protected by Tree Preservation Order no. 84. Pollarding of four Lime trees protected by Tree Preservation Order no. 137 all works to be carried out at four year intervals over a ten year period. Cutting back of side shoots of the four Lime trees to be carried out as and when required over a ten year period	Approval	11/05/2021
21/00145/DISC	Compliance/Discharge of Condition	93 Stepping Lane Derby DE1 1GL	Proposed single storey rear extension, loft dormer and change of use to 7 bedroom HMO - Discharge of conditions 5 and 6 of planning permission 20/01341/FUL	Discharge of Conditions Complete	24/05/2021
21/00146/FUL	Full Application	Asda Sinfon Superstore Sinfon District Centre Arleston Lane Derby DE24 3DS	Erection of a canopy for click and collect and alterations to the car park layout	Approval	05/05/2021
21/00175/VAR	Variation of Condition	Derby Clarion Social Club 32 Loudon Street Derby DE23 8ES	Change of use from social club to a 13 bedroom house in multiple occupation (Sui Generis Use) including demolition, external alterations, extensions and boundary works - Variation of conditions 2 and 5 of previously approved planning permission 20/00676/FUL to amend the approved floor plans and	Approval	05/05/2021

			increase the number of occupants to a maximum of 15		
21/00186/CAT	Works to Trees in a Conservation Area	Markeaton Garden Centre Markeaton Lane Derby DE22 4NH	Felling of one Robinia and one Yew tree within the Markeaton Conservation Area	Approval	04/05/2021
21/00187/FUL	Full Application	203 Portland Street Derby DE23 8WP	Two storey rear and single storey front and side extensions to dwelling house (porch, bathroom, kitchen/dining area and bedroom)	Approval	28/05/2021
21/00194/FUL	Full Application	530 Duffield Road Derby DE22 2DL	Erection of outbuilding (double garage)	Approval	13/05/2021
21/00202/TPO	Works to a tree with a TPO	22 Harvest Way Derby DE21 2XB	Crown reduction by 1.5-2m using reduction via thinning techniques and removal of a decaying limb at 3m (approx) on the South West side of an Oak tree protected by Tree Preservation Order no's. 31 and 247	Approval	13/05/2021
21/00212/TPO	Works to a tree with a TPO	Chester Court Langley Road Derby DE21 7RQ	Crown reduction by 3-4m of an Oak tree protected by Tree Preservation Order no. 556	Approval	13/05/2021
21/00221/FUL	Full Application	20 Chequers Road Derby DE21 6EL	Change of use from cattle market to car sales (Sui Generis) and installation of a smart repair unit	Approval	18/05/2021
21/00223/TPO	Works to a tree with a TPO	Georgian House Hotel 32 - 36 Ashbourne Road Derby DE22 3AD	Reduction of a Willow tree by 3m in height and 1m in spread protected by Tree Preservation Order no. 539	Approval	26/05/2021
21/00224/TPO	Works to a tree with a TPO	Headlines By Julie Abbey Lane Derby DE22 1DG	Reduction of a Horse Chestnut tree by 3m in height and branch length by 1m protected by Tree Preservation Order no. 385	Approval	26/05/2021
21/00230/DISC	Compliance/Discharge of Condition	Land At The Side And Rear Of 35 Keats Avenue	Erection of a dwelling house (Use Class C3) - Discharge of conditions 5 & 6 of previously	Discharge of Conditions Complete	21/05/2021

		Derby DE23 4EE	approved application code No. 19/01449/FUL		
21/00246/DISC	Compliance/Discharge of Condition	Middleton House 27 St Marys Gate Derby DE1 3JR	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping - Discharge of condition no 14 of previously approved permission 03/18/00314	Discharge of Conditions Complete	17/05/2021
21/00247/FUL	Full Application	43 - 45 Stafford Street Derby DE1 1JL	Change of use to Hostel (Sui Generis)	Approval	17/05/2021
21/00249/CAT	Works to Trees in a Conservation Area	35 Kedleston Road Derby DE22 1FL	Felling of a Conifer and height reduction by 5-6m and cutting back of branches overhanging Cottages by 2-3m of five Conifers within the Strutts Park Conservation Area	Approval	04/05/2021
21/00253/FUL	Full Application	The Obis Building Riverside Road Derby DE24 8HY	Alterations to elevations to include new windows, double doors, external ramp and stairs	Approval	28/05/2021
21/00266/FUL	Full Application	75 Brackens Lane Derby DE24 0AQ	First floor and single storey rear extensions to dwelling house (enlargement of lounge/dining room and bathroom) with roof terrace	Approval	21/05/2021
21/00271/FUL	Full Application	14 West Bank Avenue Derby DE22 1AP	Two storey side and single storey rear extension to dwelling house (Utility, garage, kitchen/dining room, w.c. and 2 bedrooms)	Approval	19/05/2021
21/00273/FUL	Full Application	12 Cromarty Close Derby DE24 9NB	Change of use of part of unit from laundrette (Sui Generis) to a hot food takeaway (Sui Generis) including installation of an extraction system	Refused	14/05/2021
21/00275/CAT	Works to Trees in a Conservation Area	Vicarage Place 55 Ashbourne Road Derby	Cutting back of branches to give 2m clearance of building of two Ash trees within the Friar Gate Conservation Area	Approval	12/05/2021

DE22 3TU

21/00278/FUL	Full Application	71 Ferrers Way Derby DE22 2BB	Single storey front extension to dwelling (porch)	Approval	05/05/2021
21/00282/FUL	Full Application	8 Weirfield Road Derby DE22 1DH	Two storey side and single storey rear extensions to dwelling house (utility, bathroom, garage, living area, two bedrooms and en-suite) together with formation of a first floor balcony and raised decking area to the rear elevation	Approval	09/05/2021
21/00311/TPO	Works to a tree with a TPO	138 Whitaker Road Derby DE23 6AP	Reduction of lateral branches overhanging the highway by 2m of two Cedar Trees protected by Tree Preservation Order no. 278	Approval	26/05/2021
21/00315/TPO	Works to a tree with a TPO	16 Lucerne Road Derby DE21 2XF	Crown raise on the south side to 4m from ground level removing up to 2m from lower branches, prune the crown on the south side to reduce branch extension by up to 1m. Crown clean to remove significant dead wood and 5% of epicormic regrowth of an Ash tree protected by Tree Preservation Order no. 247	Approval	26/05/2021
21/00321/VAR	Variation of Condition	Land At Rykneld Road Derby DE23 4AN	Erection of a retail unit (Use Class A1) with new access and car parking - Variation of condition 25 of previously approved planning permission Code No. 20/00741/FUL to amend the approved opening hours to include Sundays	Approval	27/05/2021
21/00325/FUL	Full Application	104 Willowcroft Road Derby DE21 7FL	Two storey side/rear extension to dwelling house (living area, utility, shower room, bedroom and bathroom)	Approval	13/05/2021
21/00327/FUL	Full Application	Offices 17 North Parade Derby DE1 3AY	Incorporation of office into dwelling to include change of use of part of building from office to residential (Use Class C3)	Approval	11/05/2021
21/00335/LBA	Listed Building Consent - Alterations	Darley Abbey Mills Haslams Lane Derby	Removal of existing railings and installation of replacement railings	Approval	21/05/2021

		DE22 1DZ			
21/00339/FUL	Full Application	14 Haydn Road Derby DE21 4HR	Single storey rear extension to dwelling house (living space and boot room)	Approval	14/05/2021
21/00342/CAT	Works to Trees in a Conservation Area	Tree In Front Of 1-7 Roman Road Derby DE1 3RX	Crown lift to give 2.3m clearance from ground level of a tree within the Little Chester Conservation Area	Approval	17/05/2021
21/00352/FUL	Full Application	64 Belper Road Derby DE1 3EN	Installation of replacement windows and restoration of mullions	Approval	05/05/2021
21/00355/NONM	Non-Material Amendment	23 - 25 Park Farm Centre Park Farm Drive Derby DE22 2QN	Change of use of first floor from office (Use Class B1a) to two residential units (Use Class C3) with associated external alterations - Non-material amendment to previously approved permission 19/01120/FUL to include installation of electric intake cupboard, obscure glazing and rendering of rear elevation	Approval	13/05/2021
21/00356/FUL	Full Application	Land Rear Of 52 Chatsworth Street Derby (Between 57 And 67 Livingstone Road) DE23 6PS	Erection of two dwelling houses (Use Class C3)	Approval	28/05/2021
21/00360/FUL	Full Application	1 Bramblewick Drive Derby DE23 3YG	Two storey front and single storey side/rear extensions to dwelling house (porch, family room, study, W.C. and enlargement of lounge, kitchen/dining area and bedroom)	Application Withdrawn	04/05/2021
21/00364/FUL	Full Application	5 Connaught Road Derby DE22 3LU	Change of use of part of the existing outbuildings together with a first floor extension to form a psychotherapy/counselling clinic with a flat above (Use Class C3)	Approval	06/05/2021
21/00366/FUL	Full Application	132 Portland Street Derby DE23 8QB	Change of use from office/storage to retail (Use Class E) including installation of a new shop front	Approval	09/05/2021
21/00368/CLP	Lawful Development Certificate -Proposed	88 Lindon Drive Derby	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Refused	06/05/2021

DE24 0LN

21/00369/FUL	Full Application	40 Stanley Road Alvaston Derby DE24 0AA	Change of use from dwelling (Use Class C3) to residential care home (Use Class C2) including a single storey side/rear extension	Approval	19/05/2021
21/00370/TPO	Works to a tree with a TPO	3 Lindford Close Derby DE21 4TA	Reduction of side branches by 2m of two Oak trees protected by Tree Preservation Order no. 11	Approval	26/05/2021
21/00374/FUL	Full Application	Car Park At Derby Golf Centre Borrowash Road Derby DE21 7PH	Continued use of a temporary building and storage lock-up	Approval	05/05/2021
21/00377/CAT	Works to Trees in a Conservation Area	4A Siddals Lane Derby DE22 2DY	Felling of a Leylandii within the Allestree Conservation Area	Approval	18/05/2021
21/00379/CAT	Works to Trees in a Conservation Area	Ivy House 1 The Green Mickleover Derby DE3 0DE	Crown reduction by 2.5m in height, 2m lateral spread and crown lift to give 2.5m clearance from ground level of a Beech tree, cutting back of branches to give 2m clearance of the building of a Beech tree and reduction by 2.5m in height and 2m from the roadside of a Laurel hedge within the Mickleover Conservation Area	Approval	26/05/2021
21/00387/TPO	Works to a tree with a TPO	4 Limegate Mews Derby DE23 6FJ	Pollarding of a Lime tree protected by Tree Preservation Order no. 336	Approval	12/05/2021
21/00389/FUL	Full Application	294 Burton Road Derby DE23 6AD	Change of use from hotel (Use Class C1) to a supported living house in multiple occupation (Sui Generis Use)	Approval	04/05/2021
21/00390/FUL	Full Application	4 Kelmoor Road Derby DE24 0PJ	Alterations to roof from flat roof to pitched roof	Approval	05/05/2021
21/00392/FUL	Full Application	115 Duffield Road Derby DE22 1AE	Single storey extension to outbuilding (studio, gym & W.C.)	Approval	21/05/2021

21/00397/CAT	Works to Trees in a Conservation Area	Duesbury House 5 Mickleover Manor Derby DE3 0SH	Height reduction by 2.5m of a Silver Birch tree within the Mickleover Conservation Area	Approval	26/05/2021
21/00402/TPO	Works to a tree with a TPO	4 Limegate Mews Derby DE23 6FJ	Crown reduction of three Lime trees by 1.5m, crown reduction of one Cedar tree by 0.5m and cutting back of the lower branches by 1m over the access path to number 4 and 5 Limegate Mews of trees protected by Tree Preservation Order no. 336	Approval	12/05/2021
21/00405/FUL	Full Application	20 Oakover Drive Derby DE22 2PP	First floor side extension to dwelling house (bedroom and enlargement of bedroom)	Approval	07/05/2021
21/00413/FUL	Full Application	118 Swarkestone Road Derby DE73 5UD	Two storey rear and single storey side and rear extensions to dwelling house (kitchen/diner, cloak room, shower room and two bedrooms)	Refused	05/05/2021
21/00414/CAT	Works to Trees in a Conservation Area	Orchard House 20 Kings Croft Derby DE22 2FN	Felling of a Lawson Cypress tree within the Allestree Conservation Area	Approval	26/05/2021
21/00415/CAT	Works to Trees in a Conservation Area	25 Old Chester Road Derby DE1 3SA	Various works to trees within the Little Chester Conservation Area	Approval	26/05/2021
21/00424/CLP	Lawful Development Certificate -Proposed	12 Hardhurst Road Derby DE24 0LF	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	06/05/2021
21/00428/FUL	Full Application	306 Uttoxeter Road Derby DE3 9AG	Single storey front side and rear extensions to dwelling house (porch, car port, utility, living room, bathroom, bedroom and conservatory) and formation of a raised patio area	Approval	11/05/2021
21/00429/FUL	Full Application	88 Nottingham Road Derby DE21 6AQ	Erection of first floor extension and change of use of first floor to HIMO for six residents. (Use Class C4.) (retention of unauthorised use)	Refused	07/05/2021

21/00433/FUL	Full Application	Premier, 15 Victoria Street Derby DE1 1ES	Retention of the installation of an ATM	Approval	04/05/2021
21/00434/ADV	Advertisement Consent	Premier, 15 Victoria Street Derby DE1 1ES	Retention of 1 internally illuminated logo panel sign and 1 no internally illuminated surround sign	Approval	04/05/2021
21/00437/FUL	Full Application	64 Chapel Lane Spondon Derby DE21 7JW	Two storey side extension (2 bedrooms, w.c. and shower room) together with installation of roof window and enlargement of driveway	Approval	06/05/2021
21/00444/FUL	Full Application	Woodbine Lodge 399 Sinfin Lane Derby DE24 9HW	Single storey rear extension to dwelling house (office, gym/sauna and swimming pool)	Approval	19/05/2021
21/00447/FUL	Full Application	2 Hedingham Way Derby DE3 0NX	Erection of car port	Approval	06/05/2021
21/00448/FUL	Full Application	33 Stenson Road Derby DE23 1JD	Extensions and alterations to dwelling house (kitchen/diner, shower room and 3 bedrooms) and formation of ramped access and porch	Approval	28/05/2021
21/00449/FUL	Full Application	31 Stenson Road Derby DE23 1JD	Extensions to dwelling house (Kitchen/diner, 3 bedrooms and enlargement of guest room)	Approval	28/05/2021
21/00451/FUL	Full Application	Vale Tiles 23B Moor End Derby DE21 7ED	Single storey rear extension to dwelling house (kitchen) and alterations to bay window and front and rear porch	Approval	21/05/2021
21/00454/TPO	Works to a tree with a TPO	6 Elvaston Lane Derby DE24 0PX	Crown reduction of 3M and crown lifting to 5M of oak tree protected by Tree Preservation Order No 522. Oak T1	Approval	24/05/2021
21/00456/FUL	Full Application	241 Uttoxeter New Road Derby DE22 3LJ	Erection of 1 x 1 bedroom flat and 1 x 2 bedroom flat.	Approval	21/05/2021
21/00457/FUL	Full Application	39 Birchwood Avenue	Extensions to dwelling house (hall, wet room,	Approval	28/05/2021



		Derby DE23 1QA	sitting area/kitchen, laundry room, bedroom and bathroom)		
21/00459/FUL	Full Application	Community Centre Field Lane Alvaston Derby DE24 0GW	Erection of plinth and statue	Approval	27/05/2021
21/00461/FUL	Full Application	44 Amber Road Derby DE22 2QA	Erection of porch (W.C. and enlargement of hall)	Approval	06/05/2021
21/00462/FUL	Full Application	194 Uttoxeter Old Road Derby DE1 1NF	Change of use from dwelling house (Use Class C3) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis) including a single storey rear extension and installation of a dormer to the rear elevation	Approval	13/05/2021
21/00464/CLP	Lawful Development Certificate -Proposed	46 Crabtree Close Derby DE22 2SW	Construction of single storey side extension	Approval	13/05/2021
21/00465/FUL	Full Application	16 Slaidburn Close Derby DE3 9SY	Single storey side and rear extensions to dwelling house (kitchen/diner, gym and shower room)	Approval	19/05/2021
21/00466/DISCLB	Compliance/Discharge of Condition LB	4A Ashbourne Road Derby DE22 3AA	Alterations and re-building of outbuilding to form a dwelling (Use Class C3) - Discharge of condition 3 of previously approved permission 20/01110/LBA	Discharge of Conditions Complete	17/05/2021
21/00467/DISC	Compliance/Discharge of Condition	4A Ashbourne Road Derby DE22 3AA	Alterations and re-building of outbuilding to form a dwelling (Use Class C3) - Discharge of condition 3 of previously approved permission 20/01109/FUL	Discharge of Conditions Complete	17/05/2021
21/00468/FUL	Full Application	7 Evans Avenue Derby DE22 2EL	Single storey rear extension to dwelling house (enlargement of kitchen)	Approval	06/05/2021
21/00469/FUL	Full Application	33 Woodlands Avenue Derby	First floor rear extension to dwelling house (enlargement of bedroom)	Approval	06/05/2021

		DE24 9FP			
21/00473/FUL	Full Application	22 Greenway Drive Derby DE23 4YN	Single storey front extension to dwelling house (bathroom and enlargement of porch)	Approval	06/05/2021
21/00476/FUL	Full Application	7 Rough Heanor Road Derby DE3 9AZ	Single storey rear extension to dwelling house (family lounge)	Approval	06/05/2021
21/00479/FUL	Full Application	The Bakehouse Abbey Yard Derby DE22 1DS	Change of use from Beauty Parlour (Sui Generis use) to Ice Cream production together with ancillary sales, (Use Class E)	Approval	07/05/2021
21/00481/FUL	Full Application	33 Uttoxeter Road Derby DE3 9GF	Single storey side extension to dwelling house (enlargement of kitchen)	Approval	13/05/2021
21/00484/FUL	Full Application	4 Stonechat Close Derby DE3 9XQ	Single storey side/rear extension to dwelling house (kitchen) to connect to the existing outbuilding	Approval	27/05/2021
21/00486/FUL	Full Application	9 Rosyth Crescent Derby DE73 5WY	Single storey rear extension to dwelling house (extension to kitchen and ground floor bedroom)	Approval	18/05/2021
21/00487/FUL	Full Application	4 Marquis Gardens Derby DE73 5WD	Single storey rear extension to dwelling house (enlargement of kitchen/family room)	Approval	18/05/2021
21/00490/CAT	Works to Trees in a Conservation Area	Celtic House Friary Street Derby DE1 1AU	Various works to trees within the Friar Gate Conservation Area	Raise No Objection	07/05/2021
21/00495/FUL	Full Application	34 Vicarage Road Mickleover Derby DE3 0EB	Two storey side and single storey front extensions to dwelling house and landscaping of the garden	Approval	09/05/2021
21/00498/CLP	Lawful Development Certificate -Proposed	9 Nelson Close Derby DE3 9LX	Single storey rear extension to dwelling house (dining area)	Approval	21/05/2021

21/00499/FUL	Full Application	20 Ypres Road Derby DE22 2LZ	Single storey side extension to dwelling house (W.C. and utility) and alterations to existing hipped roof to form a sloped roof to the front elevation	Approval	24/05/2021
21/00502/FUL	Full Application	Castlefields Church Traffic Street Derby DE1 2NL	Demolition of existing building. Erection of a replacement church building	Approval	20/05/2021
21/00503/FUL	Full Application	11 Carlisle Avenue Derby DE23 3ET	Two storey side extension to dwelling house	Approval	20/05/2021
21/00506/FUL	Full Application	69 Haydn Road Derby DE21 4HS	Retention of the erection of an outbuilding and 2.6m high boundary fence. Installation of decking	Approval	21/05/2021
21/00507/FUL	Full Application	62 Elms Avenue Derby DE23 6FD	Single storey side and rear extensions to dwelling house (utility, toilet, garage, dining and family space)	Approval	20/05/2021
21/00508/FUL	Full Application	111 Chain Lane Derby DE23 4EA	Two storey and single storey rear extensions to dwelling house and formation of a raised patio area	Approval	21/05/2021
21/00510/CAT	Works to Trees in a Conservation Area	85 Old Chester Road Derby DE1 3SA	Felling of a Silver Birch tree within the Little Chester Conservation Area	Raise Objection	06/05/2021
21/00511/FUL	Full Application	7 Roehampton Drive Derby DE22 4EE	Single storey side/rear extension to dwelling house (family room)	Approval	18/05/2021
21/00514/FUL	Full Application	26 Beechwood Park Drive Derby DE22 1BF	Demolition of sun room. Single storey rear extension to dwelling house (day space)	Approval	20/05/2021
21/00516/FUL	Full Application	359 Uttoxeter Road Derby DE3 9AH	Single storey front and rear extensions to dwelling house (porch and kitchen/diner)	Approval	20/05/2021
21/00528/CAT	Works to Trees in a Conservation Area	8B The Green Mickleover	Felling of a Conifer tree and cutting back branches of a Plum tree to the boundary with	Approval	26/05/2021

		Derby DE3 0DE	the Mickleover Conservation Area		
21/00531/CLP	Lawful Development Certificate -Proposed	32 Hoylake Drive Derby DE3 0QA	Single storey rear extension to dwelling house	Approval	21/05/2021
21/00533/FUL	Full Application	464 Duffield Road Derby DE22 2DH	Alterations to car port to form garage including installation of a new roof	Approval	21/05/2021
21/00535/FUL	Full Application	7 Hathern Close Derby DE23 1NE	Single storey side extension to dwelling house (study, exercise room and enlargement of kitchen)	Approval	24/05/2021
21/00536/FUL	Full Application	123 Haven Baulk Lane Derby DE23 4AF	Single storey front extension to dwelling house (porch)	Approval	24/05/2021
21/00538/FUL	Full Application	606A Burton Road Derby DE23 6DH	Front and rear extensions to dwelling house	Approval	24/05/2021
21/00540/FUL	Full Application	6 Greenside Court Derby DE3 0RG	Two storey rear extension to dwelling house (kitchen/dining space, bedroom and en-suite)	Approval	25/05/2021
21/00542/FUL	Full Application	21 Field Lane Alvaston Derby DE24 0GP	Single storey rear extension to dwelling house	Approval	26/05/2021
21/00546/DISC	Compliance/Discharge of Condition	Fireplace Workshop Ltd Wyvern Way Derby DE21 6PS	Demolition of existing retail unit. Erection of a retail unit (Use Class A1), landscaping, revised parking and access and associated works - Discharge of condition 8 of planning permission 19/01582/FUL	Discharge of Conditions Complete	27/05/2021
21/00549/CLP	Lawful Development Certificate -Proposed	217 Morley Road Derby DE21 4TB	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Refused	28/05/2021
21/00556/CLP	Lawful Development Certificate -Proposed	12 Marchington Close Derby	Single storey rear extension to dwelling house	Refused	28/05/2021

DE22 2XE

21/00558/FUL	Full Application	The HSG Oval 144 Locko Road Derby DE21 7AR	Erection of a pavilion	Approval	25/05/2021
21/00559/DISC	Compliance/Discharge of Condition	Land At Severn Trent Works And Land North East Of New A6 Road And Raynesway Derby DE24	Erection Of Units For Business Use (Use Class B1) General Industrial (Use Class B2), Storage And Distribution (Use Class B8), Employment Uses And 2 Car Showrooms, Associated Infrastructure, Bridge, Formation Of Access, Parking And Landscaping - Extension Of Time Of Previously Approved Outline Application Code No. DER/10/05/01719/PRI - Discharge of condition 5 of planning permission 10/14/01377	Discharge of Conditions Complete	28/05/2021
21/00560/FUL	Full Application	Derby Moor Academy Moorway Lane Derby DE23 2FS	Erection of canopies	Approval	24/05/2021
21/00562/FUL	Full Application	14- 18 And 22 Drayton Avenue Derby DE22 4JU	Installation of two access ramps	Approval	26/05/2021
21/00563/CLP	Lawful Development Certificate -Proposed	21 Sadler Gate Derby DE1 3NL	Conversion of the upper floors to two flats (Use Class C3)	Approval	28/05/2021
21/00564/CLP	Lawful Development Certificate -Proposed	22 - 23 Sadler Gate Derby DE1 3NL	Conversion of the upper floors to two flats (Use Class C3)	Approval	28/05/2021
21/00565/FUL	Full Application	Land At The Rear Of 37 Brackensdale Avenue Derby DE22 4AF (access Off Greenwich Drive South)	Erection of two flats (Use Class C3) and associated ground works	Refused	27/05/2021
21/00567/NONM	Non-Material Amendment	33 Church Lane Darley Abbey Derby	Single storey rear and first floor side extensions to dwelling house (sun/playroom, bedroom and en-suite) - Non-material	Approval	13/05/2021

		DE22 1EX	amendment to previously approved planning permission 04/14/00572 to alter the forward projection of the side extension		
21/00573/VAR	Variation of Condition	The County Hotel Sinfin Lane Derby DE24 9GP	Demolition of public house. Erection of MOT testing station, car repair workshop (Use Class B2) and use of land as hand car wash (Sui Generis) - Variation of conditions 2, 8, 9 and 10 of planning permission Code No. 19/01164/FUL	Approval	27/05/2021
21/00576/FUL	Full Application	11 Rose Hill Street Derby DE23 8GB	Installation of a dormer to the front elevation	Approval	28/05/2021
21/00577/FUL	Full Application	46 Melton Avenue Derby DE23 1FZ	Two storey side and first floor rear extensions to dwelling house (store, bathroom, bedroom and store/bedroom)	Approval	26/05/2021
21/00578/FUL	Full Application	69 Blenheim Drive Derby DE22 2LF	Single storey side and rear extensions to dwelling house (kitchen, home office and garage)	Approval	28/05/2021
21/00579/ADV	Advertisement Consent	Unit 3 Babington Court Gower Street Derby DE1 1RH	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	28/05/2021
21/00580/ADV	Advertisement Consent	Road Traffic Island (Peak Drive) And Highway Verge Adjacent To 314 Osmaston Park Road Derby	Display of one non-illuminated single sided display board and one non-illuminated double sided display board	Approval	28/05/2021
21/00581/PNRH	Prior Approval - Householder	4 Cheshire Street Derby DE24 9AH	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	07/05/2021
21/00603/NONM	Non-Material Amendment	Land At Rykneld Road Derby DE23 4AN (South Of The Hollybrook PH)	Erection of a retail unit (Use Class A1) with new access and car parking - Non material amendment to previously approved planning permission 20/00741/FUL - changes to the	Approval	07/05/2021

			external appearance of the building		
21/00618/PNRH	Prior Approval - Householder	206 St Thomas Road Derby DE23 8SY	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	24/05/2021
21/00620/NONM	Non-Material Amendment	Plot L Fernhook Avenue Derby DE21 7HW	Erection of a warehousing unit and ancillary office accommodation, vehicle maintenance unit, gatehouse, servicing and parking areas and landscaping (Plot L) - Variation of conditions 1 and 5 of previously approved permission code no. 04/18/00587 - Non-material amendment to permission 20/00535/VAR to amend the approved plans	Approval	13/05/2021
21/00643/FUL	Full Application	Units 1-2 Leacroft Court Leacroft Road Derby DE23 8HT	Change of use to nursery (Use Class F1) including installation of new windows and door to the front elevation	Application Withdrawn	27/05/2021
21/00662/NONM	Non-Material Amendment	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) - Non-material amendment to planning permission 20/00753/FUL to increase the size of the rear bi fold doors from 2.5m to 4.0m	Approval	13/05/2021
21/00664/PNRH	Prior Approval - Householder	963 London Road Derby DE24 8PX	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	28/05/2021
21/00665/PNRH	Prior Approval - Householder	58 Peet Street Derby DE22 3RF	Single storey rear extension (projecting beyond the rear wall of the original house by 4.27m, maximum height 3.6m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	28/05/2021
21/00681/PNRH	Prior Approval - Householder	63 Meadow Lane Chaddesden Derby DE21 6PT	Single storey rear extension (projecting beyond the rear wall of the original house by 7m, maximum height 3m, height to eaves 2.3m) to dwelling house	Refused	28/05/2021

21/00690/PNRH	Prior Approval - Householder	36 Blagreaves Avenue Derby DE23 2NS	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	28/05/2021
21/00706/PNRH	Prior Approval - Householder	35 Glastonbury Road Derby DE24 0YA	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 4m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	28/05/2021
21/00750/DISC	Compliance/Discharge of Condition	Land At The Rear And Site Of 126 Drewry Lane Derby DE22 3QU	Demolition Of Outbuildings. Alterations And Extensions To The Existing Property And Erection Of Apartment Block To House 14 Apartments (Use Class C3) - Discharge of conditions 9, 10, 11, 16 & 17 of previously approved application code No. 04/16/00412	Discharge of Conditions Complete	21/05/2021
21/00814/DISC	Compliance/Discharge of Condition	620 Osmaston Road Derby DE24 8GQ	Demolition of storage unit. Erection of four flats (Use Class C3) - discharge of condition No 3 of previously approved permission 19/01451/FUL	Discharge of Conditions Complete	28/05/2021
21/00824/DISC	Compliance/Discharge of Condition	10 Normanton Road Derby DE1 2GW	Change of use from a job centre to a 'hub building' for various support services (sui generis use) with ancillary cafe and activity space - Discharge of conditions 4 and 5 of previously approved permission 18/01820/FUL	Discharge of Conditions Complete	18/05/2021





## Delegated decisions made between Between 01/06/2021 and 30/06/2021



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00991/LBA	Listed Building Consent - Alterations	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Installation of a structure beneath the third floor in the Italian Mill to act as wind brace for the new Civic Hall construction (retrospective application)	Approval	07/06/2021
20/00684/FUL	Full Application	Surface Car Park Liversage Street/ John Street Derby DE1 2LD	Erection of 94 dwellings (Use Class C3) and associated works	Approval	28/06/2021
20/01058/FUL	Full Application	Hippo Park Jubilee Road Derby DE24 9FD	Siting of two storage containers	Approval	25/06/2021
20/01111/FUL	Full Application	1 Mullion Place Derby DE24 0NP	Erection of a 1.8M high boundary fence	Refused	14/06/2021
20/01247/FUL	Full Application	Vacant Land Uttoxeter New Road/Talbot Street Derby (Access Off Uttoxeter New Road)	Erection of Foodstore (Use Class E) with access, car parking, landscaping and associated works	Approval subject to Section 106	15/06/2021
20/01284/FUL	Full Application	41 Overdale Road Derby DE23 6AU	Two storey rear extension to dwelling house at ground and basement level (lounge, kitchen/diner, raised patio area and basement room)	Approval	22/06/2021
20/01290/FUL	Full Application	Land At The Rear Of 21 Derby Lane Derby DE23 8UB	Erection of two flats (Use Class C3)	Refused	09/06/2021
20/01313/FUL	Full Application	Hell Brook And Brookdale Drive, Sedgemoor Way And Bowbank Close Derby	Retention of three footbridges linking pedestrian routes	Approval	17/06/2021

20/01393/DISC	Compliance/Discharge of Condition	71 Wardwick Derby DE1 1HJ	Change of use on the first and second floors to four flats (Use Class C3) including bricking up of two windows to the side elevation and installation of replacement windows - Discharge of condition Nos 5, 6 and 8 of previously approved permission 19/00868	Discharge of Conditions Complete	24/06/2021
20/01463/FUL	Full Application	102 Ashbourne Road Derby DE22 3AG	Retention of change of use from dwelling house (Use Class C3) to student accommodation (Sui Generis Use) including installation of dormers to the front and rear elevations	Approval	18/06/2021
20/01474/FUL	Full Application	Land Between Slack Lane And Etwall Street And Junction Uttoxeter Old Road Derby DE1 1GE	Erection of nine apartments (44 rooms) in a three storey building for use as student accommodation (Sui Generis Use)	Approval subject to Section 106	14/06/2021
20/01488/FUL	Full Application	90 Northumberland Street Derby DE23 6UA	First floor rear extension to dwelling house (bedroom and en-suite)	Approval	23/06/2021
20/01518/FUL	Full Application	45 Grange Avenue Derby DE23 8DH	Two storey side and rear and single storey rear extensions to dwelling house (garage, wet room, kitchen, dining room, three bedrooms and shower room)	Approval	11/06/2021
20/01584/DISC	Compliance/Discharge of Condition	141 Shardlow Road Derby DE24 0JT	Single Storey Rear Extension To Dwelling House (Dining Room, Covered Area And Lounge) - Discharge of condition 3 of previously approved permission 10/17/01379	Discharge of Conditions Complete	21/06/2021
20/01590/DISC	Compliance/Discharge of Condition	Land West Side Of Ascot Drive (behind 619 - 697 Osmaston Road And Adjacent To Ascot Drive Fire Station) Derby	Extension of existing Fire Station to form a new Police Station including formation of car parking and associated landscaping - Discharge of conditions 7, 9, 11 and 16 of previously approved planning permission 19/00049/FUL	Discharge of Conditions Complete	23/06/2021
20/01616/FUL	Full Application	39 Arlington Road Derby DE23 6NZ	Extensions to dwelling house (kitchen, utility room, garage, 2 bedrooms, en-suite and enlargement of kitchen)	Approval	03/06/2021

20/01632/FUL	Full Application	67 Marlborough Road Derby DE24 8DS	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, kitchen/diner, utility room, shower room guest room, three bedrooms and bathroom)	Refused	18/06/2021
20/01633/FUL	Full Application	183C Duffield Road Derby DE22 1JB	Enlargement of outbuilding to form annexe accommodation and installation of decking	Approval	11/06/2021
21/00003/FUL	Full Application	35 Enfield Road Derby DE22 4DG	Two storey side extension to dwelling house (kitchen, bedroom and en-suite)	Approval	11/06/2021
21/00065/FUL	Full Application	Westleigh Alfreton Road Derby DE21 4AF	Single storey side/rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	22/06/2021
21/00091/FUL	Full Application	147 Station Road Mickleover Derby DE3 9FL	Erection of outbuilding (annexe accommodation)	Approval	10/06/2021
21/00115/FUL	Full Application	10 - 12 Victoria Street Derby DE1 1EQ	Extension and sub-division of the third floor together with insertion of mezzanine level to form five apartments (Use Class C3)	Approval	10/06/2021
21/00118/FUL	Full Application	6 Charterstone Lane Derby DE22 2FF	Erection of outbuilding (garden room)	Approval	15/06/2021
21/00148/RES	Reserved Matters	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project - Approval of reserved matters of scale, layout, appearance and landscaping in respect of Phase 1 - Erection of three commercial units within B2/B8 use class, to include associated loading, servicing and	Approval	30/06/2021

			parking areas, landscaping and infrastructure under outline permission Code no. 19/00491/OUT		
21/00156/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) - amendment to previously approved planning permission 20/00647/FUL to include a rear extension	Approval	25/06/2021
21/00176/FUL	Full Application	162 Portland Street Derby DE23 8PJ	Two storey side extension to dwelling house (lounge, two bedrooms with en-suites)	Approval	01/06/2021
21/00281/FUL	Local Council Own Development Reg 3	Ravensdale Infant School Devonshire Drive Derby DE3 9HE	Erection of a replacement infant and nursery school building with alterations to the car parking and landscaping	Approval	11/06/2021
21/00319/FUL	Full Application	411 Duffield Road Derby DE22 2EQ	Single storey side and rear extensions to dwelling house	Approval	15/06/2021
21/00328/FUL	Full Application	6 South Avenue Littleover Derby DE23 6BA	Two storey and single storey side extensions to dwelling house (garage, storage area and bedroom)	Approval	25/06/2021
21/00336/FUL	Full Application	19 Crabtree Close Derby DE22 2SW	Single storey side/rear extension to dwelling (utility) and installation of a new pitched roof to the existing conservatory	Approval	07/06/2021
21/00346/FUL	Full Application	19 Cardigan Street Derby DE21 6DW	Single storey side extension to dwelling house (bedroom and enlargement of hall and bathroom)	Approval	01/06/2021
21/00371/TPO	Works to a tree with a TPO	420 Burton Road Derby DE23 6AJ	Felling of a Beech tree protected by Tree Preservation Order no. 279	Approval	30/06/2021

21/00372/TPO	Works to a tree with a TPO	Croft House 5 Siddals Lane Derby DE22 2DY	Removal of branches and epicormic growth, crown thinning by 10% and crown reduction by up to 1.2m of branches overhanging 3 and 4 Lime Croft of six Lime trees protected by Tree Preservation Order No. 107	Approval	24/06/2021
21/00381/VAR	Variation of Condition	33 Park Road Spondon Derby DE21 7LN	Part removal of front boundary wall. Erection of a detached garage, installation of a new roof to an existing front extension and formation of hardstanding - Variation of condition 2 of previously approved planning permission Code No. 07/17/00959 to amend the position and size of the garage	Approval	15/06/2021
21/00385/TPO	Works to a tree with a TPO	19 St Katherines Court Bass Street Derby DE22 3AY	Reduction in height by 2m of a group of Conifer trees protected by Tree Preservation Order no. 133	Approval	11/06/2021
21/00388/FUL	Full Application	4 Holborn Drive Derby DE22 4DW	Single storey rear extension to dwelling house	Approval	02/06/2021
21/00398/DISC	Compliance/Discharge of Condition	Land Adjacent To 154 Burton Road 152 Burton Road Derby DE1 1TQ	Erection of 4 apartments at first and second floor and extension to neighbouring retail unit at ground floor level - Discharge of conditions 3 and 4 of planning permission 20/01219/FUL	Discharge of Conditions Complete	21/06/2021
21/00435/FUL	Full Application	47 Chilson Drive Derby DE3 0PG	Two storey side extension to dwelling house (w.c and enlargement of entrance hall and bedroom)	Approval	11/06/2021
21/00442/CLP	Lawful Development Certificate -Proposed	16 Mostyn Avenue Derby DE23 6HW	Erection of garage	Approval	24/06/2021
21/00452/FUL	Full Application	76 College Green Walk Derby DE3 9DW	Erection of three-storey side extension	Approval	23/06/2021
21/00455/FUL	Full Application	Units 17-22 Riverside Park East Service Road Derby	Erection of industrial unit (warehouse storage and offices)	Approval	09/06/2021

DE21 7RW

21/00477/FUL	Full Application	18 Chicory Close Derby DE3 0FL	Retention of steel container in rear garden	Refused	02/06/2021
21/00478/FUL	Full Application	2 Mill Lane Derby DE3 9FQ	Erection of boundary wall	Approval	07/06/2021
21/00512/FUL	Full Application	6 Holt Avenue Derby DE24 0LS	Erection of log cabin outbuilding (workshop/gym)	Approval	16/06/2021
21/00518/FUL	Full Application	Land At Chequers Road Derby	Formation of a vehicular access road	Approval	16/06/2021
21/00522/FUL	Full Application	49 Willowside Green Derby DE21 7SP	First floor side and single storey front and rear extensions to dwelling house (porch, day area, study and snug)	Approval	21/06/2021
21/00527/FUL	Full Application	35 Evans Avenue Derby DE22 2EP	Two-storey side extension to dwelling house	Approval	18/06/2021
21/00534/FUL	Full Application	50 Grosvenor Street Derby DE24 8AU	Change of use from dwelling house to two flats (Use Class C3) including erection of a two storey extension	Refused	09/06/2021
21/00543/FUL	Full Application	2 Margaret Street Derby DE1 3FE	The installation of replacement roof tiles (retrospective application)	Refused	03/06/2021
21/00544/FUL	Full Application	6 Vincent Avenue Derby DE21 7HB	Single storey rear extension to dwelling house (living space)	Approval	07/06/2021
21/00547/FUL	Full Application	3 Bramblewick Drive Derby DE23 3YG	Extension to dwelling house including alterations to front elevation to provide additional living accommodation	Approval	22/06/2021
21/00551/FUL	Full Application	9 Thorndike Avenue Derby	Two storey side/rear extension to dwelling house (garage, utility, two bedrooms and en-	Approval	18/06/2021

		DE24 8NA	suite)		
21/00553/FUL	Full Application	16 Pastures Avenue Derby DE23 4BE	Change of use from dwelling house (Use Class C3) to supported living accommodation for up to five individuals (Sui Generis) with associated internal and external alterations, landscaping and servicing. Part Retrospective.	Approval	04/06/2021
21/00568/FUL	Full Application	72 Bracknell Drive Derby DE24 0BS	Two storey side and single storey rear extensions to dwelling house (garage, kitchen/family area, utility, w.c and two bedrooms)	Approval	07/06/2021
21/00570/PNRH	Prior Approval - Householder	130 Brighton Road Derby DE24 8TA	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	15/06/2021
21/00574/CLP	Lawful Development Certificate -Proposed	35 Devonshire Avenue Derby DE22 2AU	Erection of a garden room	Approval	10/06/2021
21/00575/FUL	Full Application	200 Greenwich Drive South Derby DE22 4FW	Single storey side extension to dwelling house (bedroom/lounge and en-suite)	Approval	21/06/2021
21/00582/FUL	Full Application	8 Maree Close Derby DE24 9LL	Single storey rear extension to dwelling (kitchen/living/dining area and bedrooms)	Approval	07/06/2021
21/00583/FUL	Full Application	7 Hollowood Avenue Derby DE23 6JD	Two storey and single storey extensions to dwelling house (porch, hall, activity/sensory room, shower room. snug, utility, two bedrooms, en-suite, bathroom and enlargement of kitchen/dining area)	Approval	09/06/2021
21/00584/FUL	Full Application	46 Nevinson Avenue Derby DE23 1GT	Single storey side and rear extensions to dwelling (lounge, en-suite and kitchen/dining area)	Approval	01/06/2021
21/00587/OUT	Outline Application	28A Cavendish Way Derby DE3 9BJ	Residential development - one dwelling (Use Class C3)	Refused	02/06/2021

21/00588/FUL	Full Application	24 Hayes Avenue Derby DE23 6JU	Two storey and single storey rear extensions to dwelling house (kitchen, living space and bedroom) and installation of a new window to the first floor side elevation	Approval	01/06/2021
21/00589/FUL	Full Application	161 Shardlow Road Derby DE24 0JT	Single storey side extension to dwelling house (boot room)	Approval	08/06/2021
21/00590/FUL	Full Application	3 Victoria Close Derby DE3 9JQ	Two storey side extension to dwelling house (lounge, bedroom and en-suite)	Approval	01/06/2021
21/00591/FUL	Full Application	15 Stockwell Drive Derby DE22 4NW	Erection of a boundary fence	Approval	08/06/2021
21/00592/FUL	Full Application	21 West Bank Avenue Derby DE22 1AQ	Single storey rear extension to dwelling house (sun lounge, living space, utility and shower room)	Approval	01/06/2021
21/00595/CLP	Lawful Development Certificate -Proposed	10 Appledown Way Derby DE23 3YU	Single storey side/rear extension to dwelling house	Refused	21/06/2021
21/00599/FUL	Full Application	2 Staunton Avenue Derby DE23 1JW	Single storey side extension to dwelling house (bedroom and shower room)	Approval	01/06/2021
21/00600/FUL	Full Application	92 Balfour Road Derby DE23 8UN	Single storey side extension to dwelling house (shower room)	Approval	02/06/2021
21/00604/FUL	Full Application	102 Village Street Derby DE23 8DF	Two storey extension to dwelling house (lift and bathroom)	Approval	02/06/2021
21/00605/FUL	Full Application	25 Constable Drive Derby DE23 6EQ	Single storey rear extension to dwelling house (sitting area and kitchen)	Approval	02/06/2021
21/00606/FUL	Full Application	49 Sinfin Moor Lane Derby DE73 5SQ	Two storey rear extension to dwelling house (living space and enlargement of bedroom)	Approval	02/06/2021



21/00608/FUL	Full Application	101 Ashbourne Road Derby DE22 3FW	Installation of new shop front, two condenser units in a security cage and extract grilles	Approval	02/06/2021
21/00609/ADV	Advertisement Consent	101 Ashbourne Road Derby DE22 3FW	Display of various signage	Approval	02/06/2021
21/00611/FUL	Full Application	51 Dale Road Spondon Derby DE21 7DG	Two storey side/rear extension to dwelling house (utility, study, dining area, bedroom and bathroom). Erection of an outbuilding (garage) and enlargement of vehicular access	Approval	02/06/2021
21/00613/FUL	Full Application	10 Iron Gate Derby DE1 3FJ	Change of use from offices (Use Class E) to school (Use Class F)	Approval	10/06/2021
21/00614/CLP	Lawful Development Certificate -Proposed	24 Hollies Road Derby DE22 2HW	Roof alterations to include installation of dormers to the side and rear elevations to form rooms in the roof space	Approval	03/06/2021
21/00615/FUL	Full Application	45 Nevinson Avenue Derby DE23 1GU	Two storey side and single storey rear extensions to dwelling house (shower room, walkway, lounge, bedroom and enlargement of kitchen and bedroom)	Approval	02/06/2021
21/00616/FUL	Full Application	18 Irving Place Derby DE24 8PJ	Single storey side extension to dwelling house (bedroom, en-suite and storage)	Approval	07/06/2021
21/00617/FUL	Full Application	421 Uttoxeter New Road Derby DE22 3HY	Retention of change of use of outbuilding to ancillary accommodation in association with house in multiple occupation (Use Class C4)	Approval	10/06/2021
21/00623/CLP	Lawful Development Certificate -Proposed	15 Hungerhill Close Derby DE21 4UD	Single storey rear extension to dwelling house	Approval	07/06/2021
21/00628/FUL	Full Application	7 Barden Drive Derby DE22 2AL	Single storey side and rear extensions to dwelling house with rooms in the roof space, formation of an external raised patio area and raising of roof height	Approval	03/06/2021
21/00629/FUL	Full Application	5 Gaskell Avenue	Two storey side and single storey extensions	Approval	03/06/2021

		Derby DE23 1GL	to dwelling house (utility, storage, hobby room and kitchen/dining area)		
21/00630/CLP	Lawful Development Certificate -Proposed	261 Morley Road Derby DE21 4TD	Installation of dormers to the side and rear elevations	Approval	22/06/2021
21/00632/FUL	Full Application	14 Liskeard Drive Derby DE22 2GW	Single storey rear extension to dwelling house (garden room) and installation of decking	Approval	02/06/2021
21/00634/LBA	Listed Building Consent - Alterations	10 Iron Gate Derby DE1 3FJ	Alterations in association with change of use to school	Approval	10/06/2021
21/00636/FUL	Full Application	113 Station Road Mickleover Derby DE3 9FP	Formation of a vehicular access	Approval	07/06/2021
21/00638/TPO	Works to a tree with a TPO	St Josephs Church Burton Road Derby DE1 1TJ	Felling of three Sycamore trees and two Ash trees, reduction in height of an Ash tree and deadwood of a Sycamore tree protected by Tree Preservation Order No 146	Approval	18/06/2021
21/00639/FUL	Full Application	6 Stourport Drive Derby DE73 6PX	Erection of 2m high boundary fence	Approval	07/06/2021
21/00641/FUL	Full Application	10 Langford Road Derby DE3 0PD	Two storey side extension to dwelling house (kitchen, front room and two bedrooms) and installation of a new bay window to the front elevation	Approval	07/06/2021
21/00642/ADV	Advertisement Consent	Derbion Traffic Street Derby DE1 2PG	Display of various signage	Approval	01/06/2021
21/00644/FUL	Full Application	2 Oak Drive Littleover Derby DE23 6NT	Single storey front, side and rear extensions to dwelling house (porch and annexe accommodation)	Approval	25/06/2021

21/00647/FUL	Full Application	29 Instow Drive Derby DE23 1LS	Two storey and single storey rear extensions to dwelling house (dining area, bedroom and enlargement of kitchen) and installation of a new first floor window to the side elevation	Approval	09/06/2021
21/00650/FUL	Full Application	148 Pear Tree Crescent Derby DE23 8RR	Single storey side and rear extensions to dwelling (two bedrooms, bathroom and kitchen/dining area)	Approval	07/06/2021
21/00651/FUL	Full Application	10 Rangemore Close Derby DE3 9JU	Single storey side and rear extensions to dwelling house (spare room and kitchen/dining area)	Approval	07/06/2021
21/00652/FUL	Full Application	424 Osmaston Road Derby DE24 8AH	Change of use from a dwelling house (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis) including a single storey rear extension and installation of a dormer	Approval	18/06/2021
21/00653/FUL	Full Application	41 Portreath Drive Derby DE22 2BJ	Two storey side and rear extensions to dwelling house (four bedrooms, two bathrooms and enlargement of living room and kitchen)	Approval	07/06/2021
21/00655/CLP	Lawful Development Certificate -Proposed	78 Hillsway Littleover Derby DE23 3DX	Erection of an outbuilding	Approval	16/06/2021
21/00656/FUL	Full Application	24 Coronation Avenue Derby DE24 0LQ	Single storey side and rear extensions to dwelling house (utility and living/dining space)	Approval	07/06/2021
21/00660/LBA	Listed Building Consent - Alterations	Market Hall Albert Street Derby DE1 2DB	Alterations to include new smoke louvre design to lantern and associated building services works, new ladder access up to gantry walkway at lantern, new edge protection to flat roof, replacement valley gutter walkway grilles and interior redecoration works	Approval	10/06/2021
21/00666/FUL	Full Application	284 Duffield Road Derby DE22 1EP	Two storey side and single storey front extensions to dwelling house (study, bedroom, en-suite and enlargement of living room)	Approval	30/06/2021

			including formation of a balcony to the front elevation		
21/00668/FUL	Full Application	Site Of Patterdale Old Hall Avenue Littleover Derby DE23 6EN	Erection of a double garage in association with plot 2	Approval	17/06/2021
21/00675/LBA	Listed Building Consent - Alterations	10 Wardwick Derby DE1 1HA	Alterations to include filling of first and second voids, installation of new staircases, window repairs, door openings to enclosures, installation of timber skirtings, suspended ceiling, plaster works and installation of services including an air conditioning unit and repainting of part of front elevation to match existing wall colour	Approval	11/06/2021
21/00676/FUL	Full Application	30 Stone Hill Road Derby DE23 6TJ	Change of use from two flats (Use Class C3) to a three bedroom (six occupant) house in multiple occupation (Use Class C4)	Approval	16/06/2021
21/00677/FUL	Full Application	7A Cummings Street Derby DE23 6WX	Extension and alterations to storage building to form a dwelling house (Use Class C3)	Approval	16/06/2021
21/00678/FUL	Full Application	14 Magellan Way Derby DE24 1AD	Erection of boundary fence (retrospective application)	Refused	17/06/2021
21/00682/FUL	Full Application	7 Western Road Mickleover Derby DE3 9GN	Erection of a dwelling house (Use Class C3) detached garages and associated ground works	Approval	15/06/2021
21/00684/FUL	Full Application	8 Brecon Close Derby DE21 7JD	Single storey rear extension to dwelling (dining room) and installation of a new roof light to the side elevation	Approval	15/06/2021
21/00685/FUL	Full Application	23 Breedon Hill Road Derby DE23 6TH	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	15/06/2021

21/00687/FUL	Full Application	25 Vicarage Road Mickleover Derby DE3 0EA	Single storey side/rear extension to dwelling house (store, living space, shower room and enlargement of kitchen/living space)	Approval	15/06/2021
21/00688/FUL	Full Application	20 Alder Close Derby DE21 2BS	Single storey front and rear extensions to dwelling house (porch and enlargement of kitchen/dining area)	Approval	07/06/2021
21/00689/FUL	Full Application	10 Chadwick Avenue Derby DE24 9DG	Single storey rear extension to dwelling house (enlargement of kitchen and dining area)	Approval	15/06/2021
21/00691/FUL	Full Application	70 West Avenue North Derby DE73 5SG	Two storey side and single storey rear extensions to dwelling house (study, W.C., utility, dining area, bedroom and bathroom)	Approval	15/06/2021
21/00692/FUL	Full Application	1 Rushdale Avenue Derby DE23 1HY	Installation of front/side boundary wall and gates (retrospective application)	Approval	23/06/2021
21/00694/FUL	Full Application	130 Normanton Lane Derby DE23 6LF	Single storey front, two storey side and single storey rear extensions to dwelling house (enlargement of kitchen and two bedrooms)	Approval	28/06/2021
21/00697/FUL	Full Application	Derby Jet Service Station Stores Road Derby DE21 4BD	Increase in height of the forecourt canopy	Approval	15/06/2021
21/00700/FUL	Full Application	9 Burlington Way Derby DE3 9BB	Single storey side and rear extensions to dwelling house	Approval	14/06/2021
21/00703/VAR	Variation of Condition	620 Osmaston Road Derby DE24 8GQ	Demolition of storage unit. Erection of four flats (Use Class C3) - Variation of condition 2 of planning permissions 19/01451/FUL and 20/01068/FUL to amend the approved plans	Approval	16/06/2021
21/00704/FUL	Full Application	29 Richmond Avenue Derby DE23 1DL	Single storey side and rear extensions to dwelling (garage, sitting room, kitchen/dining area, utility, study and bathroom)	Approval	15/06/2021
21/00705/FUL	Full Application	145 Morley Road	Installation of replacement roof to the existing	Approval	22/06/2021

		Derby DE21 4QY	outbuilding		
21/00710/ADV	Advertisement Consent	Land Adjacent Entrance To Florence Drive London Road Derby	Display of two hoardings and three flag signs	Approval	18/06/2021
21/00711/CLP	Lawful Development Certificate -Proposed	46 Highfield Road Derby DE22 1GZ	Installation of roof lights to the side and rear elevations to form rooms in the roof space	Approval	17/06/2021
21/00715/VAR	Variation of Condition	Market Hall Albert Street Derby DE1 2DB	Roof repair works to include a new patent glazing system to the ridge, new ventilation louvres and re-fixing of existing finials. New liquid roof finish to replace existing. Removal of the existing roof access ladder and installation of new ridge and gutter safety walkways and access ladders. Installation of new internal stairs at first floor with new dormer to access roof - Variation of condition 2 of previously approved planning permission 19/01783/FUL to amend the smoke vent louvres and walkway access ladder	Approval	23/06/2021
21/00717/DISC	Compliance/Discharge of Condition	Jacobean House 33 - 35 Wardwick Derby DE1 1HA	Change of use of upper floors from cafe/restaurant to large-scale house in multiple occupation (Sui-Generis Use) and associated alterations - Discharge of condtion 3 of planning permission 19/00646/FUL	Discharge of Conditions Complete	11/06/2021
21/00720/FUL	Full Application	3A Parkway Derby DE73 5QA	Conversion of garage to living space (retrospective application)	Approval	22/06/2021
21/00721/FUL	Full Application	20 Dresden Close Derby DE3 0RD	Two storey and single storey rear extensions to dwelling house	Approval	09/06/2021
21/00724/PNRH	Prior Approval - Householder	31 West Bank Road Derby DE22 2FY	Single storey rear extension (projecting beyond the rear wall of the original house by 4.3m, maximum height 3m, height to eaves 2.3m) to dwelling house	Prior Approval Not Required	01/06/2021

21/00729/DISC	Compliance/Discharge of Condition	Site Of Former 574 - 576 Burton Road Derby DE23 6FL	Erection of a two/three storey 63 bed care home (Use Class C2) - Discharge of condition 9 of planning permission 20/00170/FUL	Discharge of Conditions Complete	21/06/2021
21/00731/FUL	Full Application	71 Chilson Drive Derby DE3 0PG	Single storey front and side extensions to dwelling house (porch and garage)	Approval	22/06/2021
21/00734/FUL	Full Application	50 Sadler Gate Derby DE1 3NQ	Change of use from retail (Use Class E) to a hot food takeaway (Sui Generis)	Refused	24/06/2021
21/00736/FUL	Full Application	Bryher 5 South Brae Close Derby DE23 1WD	Enlargement of outbuilding	Approval	09/06/2021
21/00737/OUT	Outline Application	Land At The Rear Of 230 Lambourn Drive Derby DE22 2UR (access Off Home Farm Drive)	Residential development - one dwelling (Use Class C3)	Refused	23/06/2021
21/00738/FUL	Full Application	65 Sutton Avenue Derby DE73 6RJ	Two storey rear and single storey side/rear extensions to dwelling house (bedroom and enlargement of kitchen/dining/family space and bedroom)	Approval	23/06/2021
21/00739/PNRH	Prior Approval - Householder	18 Rona Close Derby DE24 9LE	Single storey rear extension (projecting beyond the rear wall of the original house by 3.15m, maximum height 3m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	01/06/2021
21/00740/PNRH	Prior Approval - Householder	26 Field Rise Derby DE23 1DE	Single storey rear extension (projecting beyond the rear wall of the original house by 8m, maximum height 4m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	24/06/2021
21/00743/FUL	Full Application	10 Princes Drive Derby DE23 6DW	Single storey side extension to dwelling house and alterations to the existing conservatory to form a sun room	Approval	09/06/2021
21/00744/CLE	Lawful Development	Room 405	Use of the premises as an office (Use Class E)	Approval	24/06/2021

	Certificate -Existing	The Old Courthouse 18 - 22 St Peters Churchyard Derby DE1 1NN			
21/00745/LBA	Listed Building Consent - Alterations	185 - 187 Village Street Derby DE23 8DE	Installation of a stainless steel plate to repair a cracked ceiling beam in the upstairs east bedroom	Approval	24/06/2021
21/00752/FUL	Full Application	90 Kelmoor Road Derby DE24 0PN	Single storey rear extension to dwelling house (dining area) and erection of outbuilding (summer house/shed)	Approval	24/06/2021
21/00759/PNRJ	Prior Approval - Offices to Residential	2 St James Court Friar Gate Derby DE1 1BT	Change of use from offices (Use Class B1) to twelve apartments (Use Class C3)	Approval	24/06/2021
21/00761/FUL	Full Application	32 Overdale Road Derby DE23 6AT	Erection of an additional storey to bungalow to form a dwelling house and installation of render	Approval	28/06/2021
21/00762/PNRPV	Prior Approval - PV on Non-Domestic	T C Harrison Stadium View Derby DE24 8JH	Installation of 535 roof mounted solar panels	Prior Approval Approved	24/06/2021
21/00768/FUL	Full Application	274 Duffield Road Derby DE22 1EP	Single storey rear extension to dwelling house (dining area) and erection of outbuilding (garage)	Approval	25/06/2021
21/00771/FUL	Full Application	169 Pastures Hill Derby DE23 4AZ	Raising of the roof height and extensions to the existing outbuilding (garage and garden room with storage/workshop over)	Approval	24/06/2021
21/00772/FUL	Full Application	24 Chain Lane Derby DE3 9AJ	Single storey side extension to dwelling house (utility and enlargement of kitchen)	Approval	09/06/2021
21/00776/FUL	Full Application	15 Rykneld Road Derby DE23 4BG	Erection of a boundary fence	Approval	28/06/2021
21/00780/FUL	Full Application	50 Victory Road	Two storey and single storey extensions to	Approval	28/06/2021



		Derby DE24 8ER	dwelling house with loft conversion		
21/00784/FUL	Full Application	2 Ploughfield Close Derby DE23 2UT	Two storey rear extension to dwelling house (bedroom, en-suite and enlargement of kitchen)	Approval	25/06/2021
21/00808/NONM	Non-Material Amendment	79 West Avenue North Derby DE73 5SG	Two-storey side and rear extensions (kitchen/living space, two en-suites, bedroom and balcony), additional side windows and single-storey side extension (garden store) to dwelling house - Non-Material amendment to previously approved application 19/00036/FUL to include the addition of single glazed external door to access shared first floor balcony from Bedroom 3	Approval	03/06/2021
21/00810/PNRH	Prior Approval - Householder	7 Caroline Close Derby DE24 0QX	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 2.9m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	08/06/2021
21/00813/DISC	Compliance/Discharge of Condition	36 Corn Market Derby DE1 2DG	Change of Use and alterations to the first, second and third floors to form four apartments (Use Class C3) - Discharge of condition No 4 of previously approved permission 11/17/01514/FUL	Discharge of Conditions Complete	30/06/2021
21/00841/NONM	Non-Material Amendment	Middleton House 27 St Marys Gate Derby DE1 3JR	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping - Non-material amendment to planning permission 03/18/00313 to amend the internal layouts of units 19 and 20	Approval	22/06/2021
21/00843/PNRH	Prior Approval - Householder	86 Wilmington Avenue Derby DE24 0JE	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.1m, height to eaves 2.25m) to dwelling house	Prior Approval Not Required	15/06/2021
21/00886/NONM	Non-Material Amendment	49A Uttoxeter Old Road	Change of use from hire shop (Sui Generis	Approval	02/06/2021

		Derby DE1 1GE	use) to builders merchant with trade counter (Sui Generis use) - Non-material amendment to planning permission 21/00400/FUL to amend the aggregate bay locations		
21/00911/DEM	Demolition - Prior Notification	67 - 71 Macklin Street Derby DE1 1LF	Demolition of former hotel building. terraced area and boundary wall	Approval	21/06/2021
21/00925/DISC	Compliance/Discharge of Condition	136 Swarkestone Road Derby DE73 5UD	Two storey side and rear extensions to dwelling house (garage, lounge, kitchen/sitting/dining area, three bedrooms and en-suites), single storey front extension with rooms in the roof space (garage, bedroom and en-suite) and formation of a raised patio area to the rear elevation - Discharge of conditions 3, 4 and 5 of planning permission 21/00031/FUL	Discharge of Conditions Complete	21/06/2021
21/00930/DISC	Compliance/Discharge of Condition	10 Manor Road Chellaston Derby DE73 6RB	Two Storey Side And Rear And Single Storey Rear Extensions To Dwelling House (Garage, Bathroom, Playroom, Utility Room, Kitchen/Diner, Two Bedrooms, Two En-Suites, Wardrobe And Bathroom) With Rooms In The Roof Space (Gym, Bathroom And Storage) And Installation Of A Replacement Bay Window To The Front Elevation - Discharge of condition 3 of planning permission 05/17/00656	Discharge of Conditions Complete	09/06/2021
21/00950/DISC	Compliance/Discharge of Condition	Site Of 37 Carlton Road Derby DE23 6HB	Demolition of existing dwelling. Erection of three dwelling houses (Use Class C3) and associated ground works. - Discharge of condition 3 of planning permission 19/01795/FUL	Discharge of Conditions Complete	10/06/2021
21/00984/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 conditions 3 and 10 of planning permission 19/00763/FUL	Discharge of Conditions Complete	21/06/2021

21/01006/FUL	Full Application	349 Baker Street Derby DE24 8SJ	Single storey rear extension to dwelling house (wet room) with access ramp	Application Withdrawn	10/06/2021
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