

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	08/02/2022
Other(s)	Ian Woodhead	08/02/2022

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

Planning Control Committee 17/02/2022
Items to be Considered Index

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 12	21/01997/FUL	Land Between 42 And 46 Middleton Avenue Derby	Erection of a dwelling (Use Class C3), part retrospective application	To grant planning permission with conditions.
2	13 - 23	21/00193/FUL	947 London Road Derby	Change of use from dwelling house to 2 x 1 bed flats and 1 x 5 person House in Multiple Occupation	To grant planning permission with conditions.
3	24 - 40	21/00819/FUL	Former Pizza Hut 3 Wyvernside Derby	Full planning for the change of use from Class E (previously Class A3) to a Sui Generis Use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works. Relocation of the bin store and minor alterations to car parking and servicing arrangements and associated changes to landscaping. Demolition and alterations to the building and elevations including recladding.	To refuse planning permission.

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

1. Application Details

1.1. Address: Land between 42 and 46 Middleton Avenue, Littleover

1.2. Ward: Littleover

1.3. Proposal:

Erection of a dwelling (Use Class C3) - part retrospective application.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/01997/FUL>

The Site and Surroundings

The application site is situated on the eastern side of Middleton Avenue within the suburb of Littleover. The land in question formed part of the rear garden area of No. 42 Middleton Avenue. It is now within the ownership of the adjacent occupier at No. 46 Middleton Avenue.

Land levels across the site are fairly consistent. The northern, southern and eastern and site boundaries are defined by fencing, and there are several existing trees near the site boundaries. A large Eucalyptus tree, protected by a Tree Preservation Order (TPO No. 492) situated on the northern site boundary, has previously been felled.

The surrounding area is residential in character with the nearby development generally comprised of 1930's/40's housing stock, of varying architectural styles. There are examples of both detached and semi-detached dwellings within the immediate area.

Nearby properties are typically two storeys in height and gardens are well vegetated. The site abuts the rear gardens of properties on Heath Avenue to the east, and Middleton Drive to the south. Directly to the west is a retained 20m length of garden area serving No. 42 Middleton Avenue. To the north of the site there is a more recent infill development comprised of three detached houses set to the rear of No. 48 Middleton Avenue. The properties are arranged around a small central courtyard and accessed by means of a shared driveway from Middleton Avenue.

The Proposal

This part-retrospective application seeks to remedy works already carried out as part of a previous approval (ref: 19/01070) on the site for a similar bungalow. Construction work has started on that approval. However, the layout and design have changed. Work has now stopped on site and this application seeks permission for the as-built construction.

This part-retrospective application seeks full planning permission for the erection a single dwelling in a backland position to the rear of No. 42 Middleton Avenue. Vehicle access into the site would be obtained via the existing driveway serving Nos. 44, 46 and 46A Middleton Avenue.

The layout reflects the as-built position and shows a detached 2-bedroomed dwelling with a rectangular footprint, measuring approx.13m by 9.8m, situated in an almost central position within the plot. The footprint of the property would be set approx. 5m from the eastern site boundary and approx. 8m from the western site boundary.

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

The property would be single storey in height and would have a traditional dual gabled roof, measuring approx. 3m to the eaves and approx. 6m to the ridge. Materials of construction are brick, tile and render.

To facilitate the approved development the applicant removed the protected Eucalyptus tree located along the northern site boundary. This was undertaken as part of the previous permission (ref: 19/01070), which was subject to a section 106 Agreement, which required the payment of a Tree Compensation contribution.

Changes from the approved scheme include different window and door openings, particularly larger windows and the provision of 2 patio doors on the west elevation. The current proposal also includes a landscaping scheme, which comprises new hedgerows along three boundaries, biodiversity enhancements and additional tree planting.

2. Relevant Planning History:

Application No:	19/01070/FUL	Type:	Full Application
Decision:	Granted Conditionally subject to Section 106 Agreement	Date:	09/12/2020
Description:	Erection of a dwelling (Use Class C3) and felling of a Eucalyptus tree protected by Tree Preservation Order no. 492		

Application No:	08/09/00975	Type:	Full Application
Decision:	Refused	Date:	09/10/2009
Description:	Erection of two dwelling houses (amendment to previously approved planning application DER/08/06/01325)		

Application No:	09/07/01685	Type:	Works to tree with a TPO
Decision:	Refused	Date:	10/10/2007
Description:	Felling of eucalyptus tree protected by Tree Preservation Order 2007 no.492		

Application No:	08/06/01325	Type:	Full Application
Decision:	Granted Conditionally	Date:	27/10/2006
Description:	Demolition of dwelling and erection of four dwelling houses		

The current application was deferred by Planning Control Committee at the meeting on 20 January, to seek clarification over matters raised at the meeting. These included land levels, roof design and boundary treatment. Concerns were also raised regarding the site and building dimensions. These points are addressed in Part 7.6. of this report.

3. Publicity:

- 9 Neighbour Notification Letters

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

4. Representations:

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

17 representations have been received, objecting to the application on the following general grounds:

- Bungalow not being constructed in accordance with approved plans.
- Bungalow is too large and too close to adjoining dwellings.
- Construction work, particularly regarding the roof construction, has contravened Building Regulations.
- Construction works have been facilitated by a rise in ground levels.
- Windows are much larger than approved and are intrusive.
- New fencing is too high, particularly the fencing on the boundary with no.42.

5. Consultations:

5.1. Natural Environment (Tree Officer):

Planning application 19/01070/FUL for the erection of a dwelling (Use Class C3) and felling of a Eucalyptus tree protected by Tree Preservation Order no. 492 was approved on 09/12/2020. My comment for the application was recorded as 'The site has one TPO'd Eucalyptus growing adjacent to 46 Middleton Ave. This tree is in rather poor condition; significant deadwood/dieback and the fungal pathogen Ganoderma spp growing at the base. The tree survey submitted with the application has given it a 'U' retention category. Whilst the tree is in poor condition I am of the opinion that the tree is a 'C' retention category tree. Works to the tree could be carried out to make the tree safe and prolong its retention however this would greatly reduce its public amenity and create an unreasonable management regime. The development proposes the removal of the tree and given its poor condition I have no objection to its removal. The applicant had said that they would fund a replacement tree to be planted off site within the public realm which would provide greater amenity than a replacement tree within the development plot. Initially some of the supporting arboricultural documents were of poor quality however after some correspondence an adequate Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (including Tree Protection Plan) was supplied. The AIA shows that all trees within the development site are to be removed and whilst this is a loss of green infrastructure the trees on site have not accrued sufficient amenity value to justify inclusion within a TPO and as such I have no objection subject to conditions being applied for the protection of trees as identified on drawing TPP-01 and compliance with the Arboricultural Method Statement (AMS) version 4.

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

The provision of a landscape Plan (including the funding of a tree to be planted in the public realm must also be conditioned.'

I had no objection to the proposed development. The TPO'd tree has now been removed.

The current application's Landscaping Boundaries and Biodiversity Scheme plan is similar to the approved and discharged Landscape plan. I note that planting specifications, tree pit design and plant maintenance are not included within the landscape plan.

Conclusion

I have no objection in principle however plant specifications, tree pit design and plant maintenance must be provided and agreed prior to determination or conditioned for discharge.

5.2. Planning Implementation:

The previous permission (ref: 19/01070/FUL), was subject to a section 106 Agreement, which required the payment of a Tree Compensation contribution.

The payment for the supply and planting of 2 replacement trees on Manor Road was paid on 29 January 2021. The Section 106 agreement required the payment to be made before the applicant could fell the eucalyptus tree covered by the TPO. As this been paid, their obligation has been discharged. The Council has 5 years from the receipt of the payment to spend the funds on the replanting.

6. Relevant Policies:

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

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General Criteria
E17	Landscaping Schemes

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

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

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

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

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

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

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

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17-year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,189 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5-year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.9 years of dwellings against the annual 1,189 requirement.

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

Paragraph 11d of the NPPF requires that where there is no 5-year supply this means granting planning permission unless –

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

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

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5-year supply is material. A housing land supply of 3.9 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of Development

7.2. Green Infrastructure / Biodiversity

7.3. Impact on the Character of the Area

7.4. Impact on neighbours

7.5. Other issues

7.6. Committee deferral concerns

7.1. The Principle of the Development

The proposal comprises the construction of an additional dwelling within an existing residential area. It would maximise the efficient use of land within the urban area and provide additional housing making a small contribution towards the City's housing supply. As set out above, the "tilted balance" approach will now have to be considered given that the DCLP1 reached its 5th Birthday following the last meeting and the Council can no longer demonstrate a 5-year supply of housing. The Council's housing needs have increased significantly and as such, the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5-year supply is material. There is now a significant shortfall in housing land supply and very significant weight must be applied in favour of applications that can contribute to

increasing this supply. The “tilted balance” approach must also consider whether there is any harm identified that significantly and demonstrably outweighs the benefits of the additional housing unit. Approval for a bungalow has previously been granted. Subject to consideration of the weighing-up of the “tilted balance” issues and of the detailed issues, as discussed below, the proposal is considered to be in accordance with Core Strategy Policy CP6 and saved Local Plan Policy H13.

7.2. Green Infrastructure / Biodiversity

A large Eucalyptus tree, protected by a Tree Preservation Order (TPO No. 492) situated on the northern site boundary, has previously been felled. The previous permission (ref: 19/01070), was subject to a section 106 Agreement, which required the payment of a Tree Compensation contribution. The payment for the supply and planting of 2 replacement trees has been made and the obligation has been discharged. Although there are a number of trees around the site boundaries none have accrued sufficient amenity value to warrant formal protection. Subject to the provision of appropriate replacement planting, as part of the submitted landscaping scheme, and the implementation of biodiversity enhancement measures it is considered that the development would reasonably comply with Core Strategy Policies CP16 and CP19. A condition is recommended, to deal with plant specifications, tree pit design and plant maintenance.

7.3. Impact on the Character of the Area

The introduction of the neighbouring infill development to the north of the site comprising of Nos. 44, 46 and 46a Middleton Avenue has established a new urban grain within the immediate vicinity of the application site. There are also other examples of houses situated in a backland context directly to the south of the site which are accessed off Middleton Drive.

In view of this, it was considered that the previous 2019 proposal would be difficult to resist, purely on its backland siting and as the new dwelling would effectively square-off the existing courtyard of properties. It was considered that in principle, the proposal would not be an unreasonable addition to the existing layout.

Notwithstanding the objections raised concerning the size of the bungalow and its proximity to other houses, it was considered that the building’s footprint and plot size would not be dissimilar to the existing properties in the area and, given the varied mix of architectural styles, the proposal would not appear out of character with the surrounding built development.

Due to its position and single storey height, the development was considered to have a limited impact on wider public view and the general character and appearance of the streetscene along Middleton Avenue would be preserved.

The as-built layout and appearance are generally similar to that previously approved. Therefore, due to the backland setting and minimal impact on the street scene, it is not considered that the current scheme would be out of keeping with the character and appearance of the surrounding area; and there would be no conflict with Core Strategy Policies CP3 and CP4 and saved Local Plan Policy H13 in this regard.

7.4. Impact on Neighbours

17 representations have been received, objecting to the application. However, to give a better understanding of the level of objection; of the 8 dwellings which immediately about the site, only 4 residents have objected. Many objectors are not directly affected by the proposal, one living 150m away on the opposite side of the road.

Concerns are particularly raised regarding the construction work, mainly regarding the roof construction. This would be a matter for the Building Regulations and should not be considered as a material planning consideration.

The main planning concerns raised by the residents appear to be that the bungalow is not being constructed in accordance with approved plans. This is acknowledged, and the purpose of the current application is to seek to remedy the unauthorised position. If this application is refused, then the Council could resort to enforcement action.

Taking into account the current plot position, the limited height of the development and the distances to neighbouring houses, it is considered that the proposal would not cause any over-riding loss of amenity for neighbours through massing/overbearing impact, or loss of light.

In terms of the design of the bungalow, it is accepted that the windows are larger than that previously approved (including the addition of a second patio door on the front elevation). However, the larger window design is not considered to be visually unacceptable. The general positions of the windows and doors have not changed, such that the impact on any neighbours is unlikely to be any worse as a result of the current proposal.

The provision of boundary treatment and landscaping along the site boundaries is shown on the submitted plans. These details have already been approved as part of a Condition discharge application for the previous proposal. The implementation of the submitted scheme can be controlled through a suitably worded condition to prevent any overlooking issues and provide suitable private amenity space for future occupiers.

Although the development would introduce a new building into this backland context given the residential nature of the use proposed it is unlikely to result in a significant increase in noise and disturbance over and above the current situation. The proposal would utilise the existing vehicle access serving Nos. 44, 46 and 46a Middleton Avenue and although there would be a modest increase in vehicular traffic, it would not be excessive. For these reasons it is considered that the development would not have an overriding unacceptable impact on neighbour amenity and would therefore comply with saved Policies H13 and GD5 of the adopted CDLPR.

7.5. Other Issues

No changes are proposed to the site access and there is sufficient space within the site for parking/turning associated with the development. Subject to conditions, no objections have been raised by the Highways Officer and accordingly it is considered that the development would comply with DCLP1 Policy CP23. It is considered that a satisfactory living environment could be provided for occupiers of the new development, albeit with a fairly small rear private amenity space. However, to allow for the retention of sufficient garden area and preserve the amenity of neighbours it is recommended that permitted development rights for the property are removed for any

future extensions, roof alterations and outbuildings. This is to accord with CDLPR Policies H13 and GD5.

7.6 Committee Deferral

This application was deferred at the last meeting on 20 January, to seek clarification over matters raised at the meeting. Concerns were also raised regarding the site and building dimensions. The three following issues were raised at the meeting:

- Land levels
- Roof design
- Boundary treatment

The land levels are shown, as spot heights on the submitted plans. These show the finished floor level of the bungalow as being approx. 0.25m above the surrounding ground levels. The surrounding ground levels are shown to be of a comparable level to that of the surrounding gardens. Dimensions have been checked on site. It is not considered that, subject to appropriate boundary treatment, the finished levels are so significantly different to cause any additional harm to neighbours.

The previous approval (ref: 19/01070/FUL) was for a bungalow with an end-gable roof design. Given that this design has already been approved, then a very strong precedent has been established and any potential negotiations to have a hipped roof design would be unreasonable.

The proposed boundary treatment perhaps needs some clarification. It was suggested at the last meeting that the fence heights need to be reduced. Currently, there is a section of trellis to the rear of no. 42, which is 2.4m high and is not shown on the submitted plans. This matter has been raised with the applicant's agent, who advised that "the submitted landscape and boundary plan will accurately depict the finished build and there is no need to include the 2m+ high trellis in this application". There are no other proposed boundary fences which exceed the permitted height of 2m. Any permission can be conditioned to ensure that the boundary treatment accurately follows the approved plans.

In all circumstances, it is considered that all outstanding issues have been addressed and that Committee should be in a position to grant permission. The "tilted balance" policy context is also now engaged which weighs heavily in favour of approving the application. This policy context, and importance thereof, was explained and discussed at the training session which was hosted on 12 January and included the presentation of Hugh Richards – Barrister at No.5 Chambers.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

There is now a significant shortfall in the City's housing land supply and very significant weight must be applied in favour of applications that can contribute to increasing this supply. There are no in-principle objections to this proposal. Given the presence of existing backland properties, the siting of the proposed dwelling would not be out of character with this part of the street-scene. It is considered that neighbours would not experience over-riding adverse amenity impacts, in massing or overlooking terms. The proposal is considered to be acceptable in terms of highway safety issues. Furthermore, when invoking the "tilted balance" approach, it is considered that there is no harm identified that significantly and demonstrably outweighs the benefits of the additional housing unit. For these reasons it is considered that the development would comply with relevant local and national planning policies and it is recommended that planning permission is granted, subject to the conditions suggested below.

8.3. Conditions:

General/Time Limit Conditions

1. Approved plans condition.

Pre-commencement Conditions

2. Condition requiring implementation of submitted external materials of construction.
3. Condition requiring tree protection measures to be implemented prior to any further work.

Pre-occupation Conditions

4. A Condition requiring the prior approval of plant specifications, tree pit design and plant maintenance; and requiring the implementation of the approved landscaping and boundary treatment scheme.
5. Condition requiring the implementation of the submitted boundary treatment.
6. Condition controlling parking turning area and surfacing materials.
7. Condition controlling measures to prevent the discharge of water onto the public highway.
8. Condition controlling provision of a bin storage area.
9. Condition requiring the implementation of a biodiversity enhancement scheme for the site.

Management Conditions

10. Condition removing permitted development rights for extensions or enlargement (including additions to the roof) and outbuildings.

Committee Report Item No: 1

Application No: 21/01997/FUL

Type: Full Application

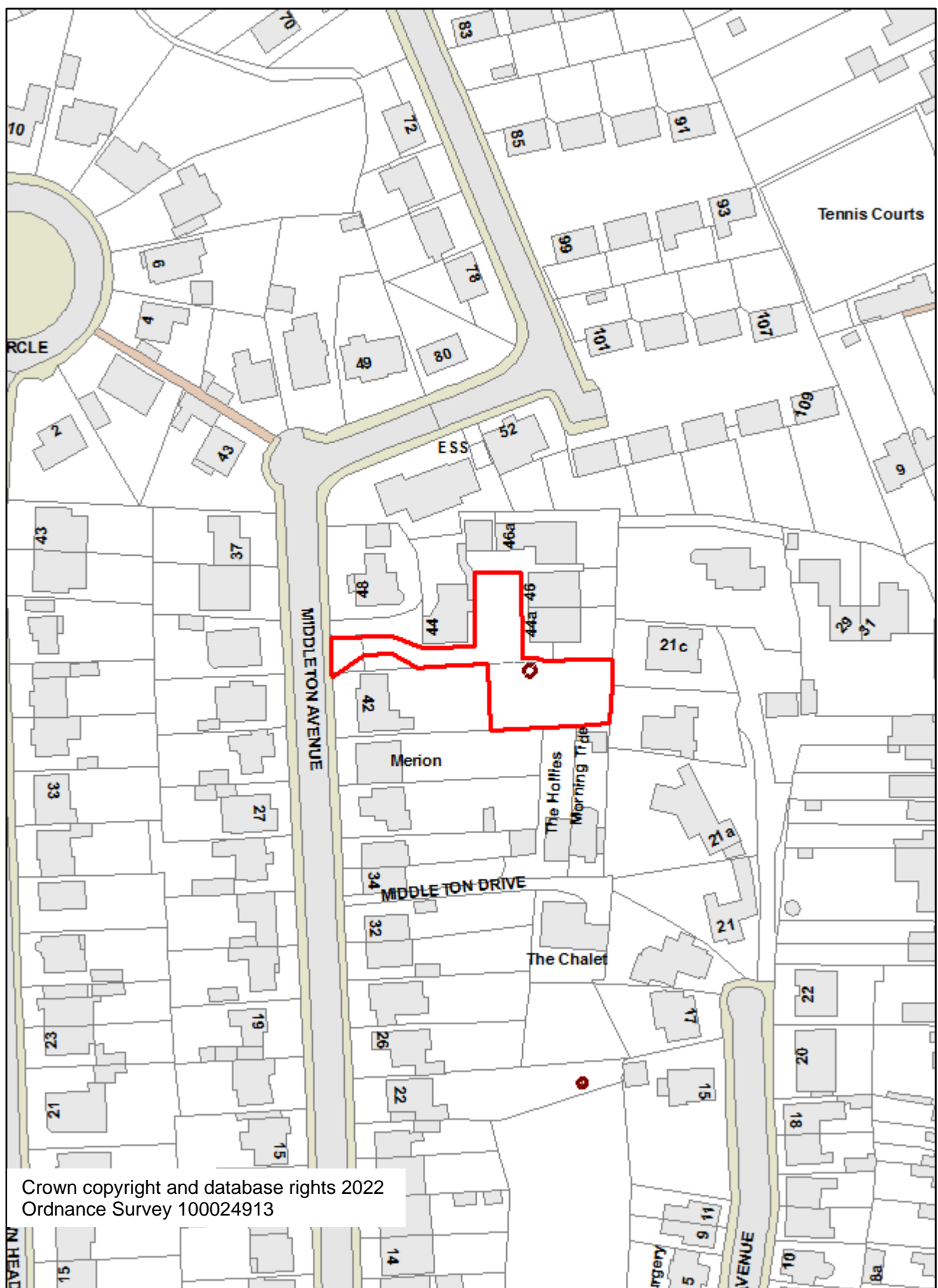
-
11. Condition controlling finished floor levels for the development and the retention of the approved details.

8.4. Informative Notes:

1. The consent granted will result in the construction of new buildings which will 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 with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.

8.5. Application timescale:

An extension of time has been agreed on the application until 22 February 2022.



Committee Report Item No: 2

Application No: 21/00193/FUL

Type: Full Application

1. Application Details

1.1. Address: 947 London Road, Derby, DE24 8PW

1.2. Ward: Alvaston

1.3. Proposal:

Change of use of dwelling house to 2 x 1 bed flats and 1 x5 person HMO.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00193/FUL>

Brief description

Planning permission is sought for the change of use from dwelling house to 2 x 1 bed flats and 1 x 5 person House in Multiple Occupation. The application property is a semi-detached residential dwelling adjoined to no.949 London Road. It is noted that the proposal has had previous approval for two storey and single storey extensions, (RS/215/03 - Rev C and RS/215/04 Rev C on the previously approved application Ref: 12/15/01558).

An industrial unit/recycling centre is situated behind the application property and this is screened by both fenced and vegetation boundary treatments at the rear. There is an existing outbuilding situated at the rear of the garden currently being used for storage and as an office. The outbuilding is not used as accommodation and will be conditioned as such to prevent the space being used as anything other than storage in the future.

The surrounding locality comprises of mostly residential dwellings of similar age, mostly terraced and semi-detached properties. Land levels are relatively consistent throughout the site and the application property is situated within flood zone 1, an area with a low probability of flooding. No other site constraints are felt relevant.

The intensity of the application has been reduced from a **3 x 1 bed flat** and 1 x 5 person HMO to a **2 x 1 bed flat** and 1 x 5 person HMO to accommodate acceptable space standard requirements. Amended plans have been provided.

2. Relevant Planning History:

Application No:	12/15/01558	Type:	Full Application
Decision:	Granted Conditionally	Date:	23/12/2015
Description:	Two storey and single storey front, side and rear extensions to dwelling house (study, dining room, utility, kitchen/family room, bathroom, shower room and two bedrooms)		

3. Publicity:

2 Neighbour Notification Letters

Site Notice

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

4. Representations:

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

One representation has been received from Cllr Graves (Senior) and the concerns raised are outlined below:

- There are too many HMO's within the local neighbourhood
- Parking provision is inadequate
- Over-intensity of use

5. Consultations:

5.1. Highways Development Control:

The following observations are primarily made on the basis of information shown on submitted application drawing 'RS.215/03' and the Design & Access Statement.

As existing, the site has hardstanding to the front capable of being parked by up to 4 vehicles (as shown on the application drawing).

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

This shows that for a 1 room non-owner occupied flat, that the average car ownership is 0.3 vehicles. As such, for an 8-bedroom property this would equate to 2-3 vehicles; the number of which can be accommodated within the site curtilage.

As six room HMOs are considered permitted development. Therefore, there is also an additional argument that the only impact that can be considered material is that of the additional rooms above the permitted limit.

Para 109 of the National Planning Framework Policy states that:

'109. 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, in theory those could be accommodated within the curtilage; and 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.

Committee Report Item No: 2

Application No: 21/00193/FUL

Type: Full Application

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 the parking areas are provided in accordance with the approved plan (RS/215/03). The parking areas 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:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing 'RS/215/03' has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

5.2. Highways Land Drainage:

I have not been able to locate the drainage strategy relating to condition 3 of the application DER/12/15/01558 - 947 London Road, Derby, DE24 8PW.

The drainage details are required to discharge the conditions imposed on that application and to advance this application.

Notwithstanding that, we will need to see and approve the arrangements for surface water and foul drainage if this application is to proceed. These details will be required prior to any works on the property and certainly prior to any occupation of the development in relation to its change of use.

However, before we would consider the application further, we would need to be satisfied that there is not an unnecessary risk of internal flooding, particularly from the foul drainage system, should the external ground be swamped, or a blockage occur.

It is possible that the drainage arrangements will require some adaptation of the existing foul drainage, to prevent risk to the ground floor accommodation, should the public sewers become swamped.

As such we would object to the development in its current form at this time.

5.3. Resources and Housing (HIMO):

Waiting on final comments. Initial comments are provided within Section 8.4 of this report.

6. Relevant Policies:

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

Committee Report Item No: 2

Application No: 21/00193/FUL

Type: Full Application

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
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

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

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

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

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

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

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,189 dwellings a year and this is

significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.9 years of dwellings against the annual 1,189 requirement.

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

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

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

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.9 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of Development

7.2. High Quality Living Environment

7.3. Design/Visual Appearance

7.4. Impact on Residential Amenity

7.5. Highways/Parking

7.6. Land Drainage

7.7. Impact on the Character of the Surrounding Area

7.8. Conclusions

7.1. The Principle of Development

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

The application site is not allocated for any particular use in the Core Strategy. However, Policy CP6 states that the Council will continue to encourage the re-use of under-utilised or vacant properties for residential uses. Saved Local Plan Policy H14 states that the Council will support the re-use of underused buildings, throughout the City, for residential purposes including proposals for intensifying existing residential uses.

The proposal comprises the conversion of the residential dwelling to create a 5 bed HIMO with 2x 1 bed flats. The proposal will marginally increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. As set out in the policy comments regarding the "tilted balance", the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. There is currently a significant housing land supply shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

7.2. High Quality Living Environment

The proposal shows all bedrooms with an en-suite and the separate kitchen/living area would provide satisfactory communal facilities.

There is a large rear garden giving an adequate amount of outside amenity space. They have full windows and achieve the required minimum size standard. The outlook from all windows is felt to be acceptable and there is a good amount of access to natural light, typical of residential properties within this location. The rear garden at the will be conditioned to ensure it continues to be open space and not all hard standing. It is considered that the proposed conversion will provide an appropriate standard of living accommodation

7.3. Design/Visual Appearance

There are no proposed external alterations and such the external appearance of the property will not be altered.

7.4. Impact on Residential Amenity

The proposed intensification of use, from a residential dwelling or a lawful 6-person HMO, to a 5 person HMO with 2 x 1 bed flats, is the critical consideration. The site is located within a dense urban area but local residents have not raised any concerns regarding the impact of the existing lawful HMO. No neighbour objections have been received to this application. The critical consideration is whether the two additional occupants would worsen the impact on neighbour's amenities. It is considered that any nuisance caused by two additional occupiers would not be so proportionately harmful as to warrant a refusal on the grounds of the impact on residential amenity.

7.5. Highways/Parking

The Highways Authority have raised no objections, subject to the imposition of conditions. Guidance and analysis set out within, ' Residential Car Parking Research', determined that average car ownership for an 8 bedroom property equates to around 2-3 vehicles. It is considered the site can comfortably accommodate this level of parking provision on the hardstanding/drive to the front. Whilst the Highways Authority have acknowledged that the scheme could increase the demand for parking spaces, three spaces can be accommodated within the curtilage and therefore, it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

7.6 Land Drainage

Land Drainage have objected to the proposal. However, given that the proposed change of use does not considerably increase the sensitivity of the site and that the previous use could have accommodated a similar residential intensity without the requirement for planning permission, it is felt unreasonable to refuse the application on this basis. Given the increase in occupancy I consider that the foul and surface water drainage scheme can be reasonably dealt with by condition.

7.7 Impact on the Character of the Surrounding Area

Regarding the intensification of use of the property and the impact of a large HMO on the character of the surrounding area, there are already several HMOs in the vicinity, such that a mixture of uses is already evident.

Planning Control Committee have refused several similar applications for proposed large HMOs, contrary to the officer recommendation.

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

However, this refusal was allowed on appeal, with the Inspector stating that, “the loss of a family dwelling house ... would alter the character of the area, [but] in this particular circumstance the change of use would not represent substantial change to the character... it is unclear what elements of neighbouring amenity would be affected by the intensification of use ... Whilst I agree that the scheme would potentially increase demand for parking spaces, I do not feel that the scheme would lead to ‘unacceptable impacts’ to highway safety”.

In this instance, it is considered that there is no significant evidence to justify a refusal on the grounds of a detrimental impact on the wider character of the area, caused by two additional occupiers and that any subsequent appeal is likely to be successful.

7.8 Conclusions

The proposed increase to a 2 bed flat and 5 bed HMO would marginally increase the variety and amount of housing delivery, hence the proposal is considered to be acceptable in principle. The proposal meets all the Council’s housing standards, regarding room sizes. A satisfactory quality of living accommodation is proposed. The proposed two additional occupiers would not cause such an overriding adverse impact on residential amenity or the character of the area to warrant a refusal. Consequently, the proposal is considered to be in accordance with Core Strategy Policies CP1, CP4, CP6 and CP23; and with saved Local Plan Policies GD5, H13 and H14.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal has been considered against Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and has secured appropriate and proportionate improvements to the scheme which relate to the ground floor (Flat 1).

The proposed increase to 2 x 1 bed flat and 5 bed HMO would marginally increase the variety and amount of housing delivery, hence the proposal is considered to be acceptable in principle. The proposal meets all the Council's housing standards,

Committee Report Item No: 2

Application No: 21/00193/FUL

Type: Full Application

regarding room sizes. A satisfactory quality of living accommodation is proposed. The proposed two additional occupiers would not cause such an overriding adverse impact on residential amenity or the character of the area to warrant a refusal

8.3. Conditions:

Standard Conditions:

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

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

2. The development shall conform in all aspects with the plans and details shown in the application as listed below

Reason: For the avoidance of doubt

Plan Type	Plan Ref – Rev:	Date Received:
Site Location and Block Plan	RS/215/03 – Rev C	12.01.2022
Amended Proposed Plans and Elevations	RS/215/04 – Rev D	02.02.2022

Pre-Commencement Conditions:

3. Condition requiring the implementation of parking provision for three vehicles as per submitted plan (RS/215/03 – Rev C)

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

4. Condition requiring the cycle parking to be brought into use as per submitted plan (RS/215/03)

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

Pre-Occupation Conditions:

5. Condition requiring the submission of a landscaping plan to be submitted and implemented.

Reason: To ensure that adequate amenity space is available for occupiers, to preserve the neighbouring residential amenity value, to protect the residential character of the application property 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

Management Conditions

6. Condition requiring the outbuilding at the rear to be used only for the purposes of storage/office and to not to be used as living accommodation

Reason: For the avoidance of doubt.

8.4. Informative Notes:

The Council's Housing Standards Team advises as follows:

Under the HHSRS this department must consider the fire safety of dwellings. A development such as the one proposed is high risk for the hazard of 'fire'. This is due to it having cooking facilities in the majority of units and being occupied by a number of separate households. The guidance most often referred to in assessments of this hazard is that issued by LACORS in 2008 (a copy can be obtained from this department if required).

Other hazards under the HHSRS are also more likely to be present in small self-contained units such as 'damp and mould', 'flames, hot surfaces etc', 'food safety' and 'electrical'.

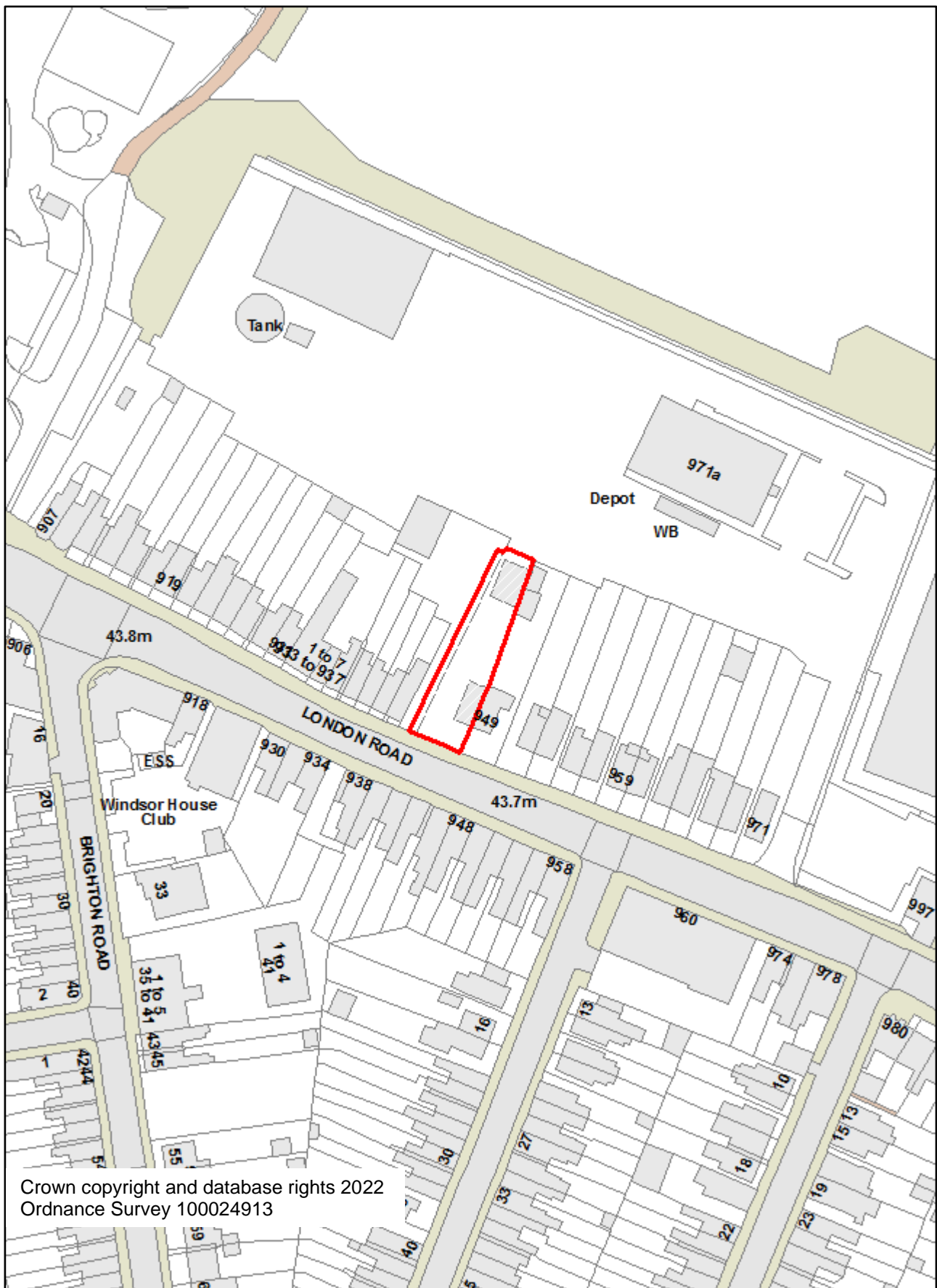
The property may be classed as a HMO under Section 254 of the Housing Act 2004 and will require a licence from this Authority for occupation by five or more persons. It will need to meet the guidelines set out by this Authority for HMOs in the City which can be obtained from this department. In order to obtain a licence it will also need to be adequately managed and free of significant hazards under the HHSRS (including fire and crowding and space as detailed above).

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

This department can be contacted with any queries on fire safety, HHSRS or HMO licensing

8.5. Extension of Time:

25th February 2022



Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

1. Application Details

1.1. Address: Former Pizza Hut, 3 Wyvernside, Derby

1.2. Ward: Chaddesden

1.3. Proposal:

Full planning for the change of use from Class E (previously Class A3) to a Sui Generis Use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works. Relocation of the bin store and minor alterations to car parking and servicing arrangements and associated changes to landscaping. Demolition and alterations to the building and elevations including recladding.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/21/00819/FUL>

Brief description

The site is a plot of some 0.27 hectares immediately to the north of the roundabout that forms the junction of Derwent Parade, Wyvern Way, Wyvernside and the A52 off-slip road. The site is within an established commercial area with comparable land uses nearby (KFC is immediately to the east and Burger King on the opposite side of Wyvernside to the south-west). A detached commercial building and a small storage building stand towards the site's southern boundary with the remainder accommodating soft landscaping, vegetation and hardstanding for vehicle parking and manoeuvring. Vehicle access is at the site's north-eastern corner with dedicated pedestrian access to the main building from Wyvernside to the west. Previously occupied by Pizza Hut, the site is currently vacant and appears to have been so for at least 18 months.

The site is in Flood Zone 3 and is associated with an entry on the Derbyshire Historic Environment Record relating to Chaddesden Sidings.

Permission is sought for a change of use from the site's existing Class E use (previously A3 Restaurant with an ancillary takeaway component) to a broader Sui Generis use to encompass the operational model of the intended occupant, 'Tim Hortons', providers of "premium coffee, freshly baked goods, delicious sandwiches & wraps, and other food products" (timhortons.co.uk/our-history) or, as described in the application documents, a restaurant chain with a coffee and bakehouse offer. The Tim Hortons model has the potential to include a greater proportion of takeaway sales than the extant use of the site would allow, and it is this aspect that would take the proposed use outside of the description of Class E of the 2020 amendment to the Use Classes Order into Sui Generis use.

Also proposed is the provision of a drive-through lane, which would also necessitate minor alterations to the site's main building, parking layout and landscaping, and the relocation of bin storage and service facilities. Elevational changes to the building to conform with Tim Hortons' corporate style are also proposed. Proposed advertising signage and an electrical substation have been approved under separate applications. See the Relevant Planning History below, and the application documents for details of

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

the changes proposed under this application, and the related applications on the same site.

2. Relevant Planning History:

Application No:	21/01397/FUL	Type:	Full Application
Decision:	Approved	Date:	04/01/2022
Description:	Installation of an electrical substation with enclosure		
Application No:	21/00820/ADV	Type:	Advertisement Consent
Decision:	Approved	Date:	09/07/2021
Description:	Display of 6 internally illuminated fascia signs, 1 internally illuminated "totem" sign, 7 information signs" (4 illuminated and 3 non-illuminated) and 1 non-illuminated height restrictor sign.		
Application No:	06/01/00720	Type:	Full Application
Decision:	Granted Conditionally	Date:	24/08/2001
Description:	Erection of restaurant (use class a3) and construction of access road		

3. Publicity:

1 Neighbour Notification Letter

Site Notice

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

4. Representations:

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

Two comments have been received. One praising the quality of Tim Hortons coffee and welcoming the proposal, and one raising concerns around the proposed use classification and the level of detail in transport information provided.

5. Consultations:

5.1. Highways Development Control:

No comments received.

5.2. Transport Planning:

5.2.1 Introduction

The change of use element of this application seeks a material change in land use, which would be facilitated by the proposed operational development including the proposed drive thru lane. In general terms this change is from a restaurant where the sale of food and drink for consumption was (mostly) on the premises, to a Sui Generis use to allow for the sale of hot and cold food and drink to be consumed off the premises. It is important to note that the site could currently operate as a restaurant without the need for planning consent, and that this could include some *ancillary* takeaway sales. For example, click and collect, third party delivery, or walk in custom. As such, the main issue in transport terms is the net change caused by the intensification of the land use, and the increased attraction of takeaway sales.

However, there are known problems at the Wyvernside/A52 Slip/Wyvern Way/Derwent Parade Junction. The recently approved M&S (19/01582/FUL), which is currently under construction, was initially refused (application 12/17/01643) because of concerns over intensification and the operational pressure that Costco already puts on the Wyvernside Arm of the junction. The initial M&S application included a Nando's restaurant and a coffee shop drive-thru.

5.2.2 Local Planning Policy

Derby City Local Plan Part 1 – the local plan has no specific policy on the former Wyvern Pizza Hut site in terms of highway related matters. General policies on transport support delivering a sustainable transport network.

The Council will support proposals that:

1. promote greater travel choice and equality of opportunity for all through the delivery and promotion of high quality and accessible walking, cycling and public transport networks, while maintaining appropriate access for car users and the movement of goods;
2. include initiatives to manage down traffic impacts, promote sustainable transport and the development of accessible sites;
3. contribute to better safety, security and health for all by improving road and rail safety, improving security on transport networks and promoting active travel;
4. contribute to tackling climate change by developing low-carbon travel and lifestyle choices, including the provision of infrastructure to support the use of low carbon vehicles, active travel and reducing the need to travel through the provision of improved IT infrastructure.
5. support growth and economic competitiveness by delivering reliable and efficient transport networks that will enhance connectivity to, from and within the City.
6. ensure that investment in transport contributes to the enhancement of the urban and natural environment.

5.2.3 National Planning Policy Framework (NPPF) 2021

The 2010 coalition government introduced the NPPF and set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State would use NPPF to consider the suitability of the above proposal should the application go to appeal.

Paragraph 110 of the NPPF says: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

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

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

Paragraph 111 of the NPPF says: *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.*

Paragraph 113 of the NPPF says: *All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

Considering the above criteria I make the following comments:

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

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

It could be argued that by design this development is providing for the motorist and the drive thru element promotes private car use by allowing customers to purchase goods without the need to leave their car. However, the applicant will argue that the motorist is already on the network and that the drive thru would not influence their decision to visit the site. This argument remains to be seen.

The site can be accessed by pedestrians via the Derwent Parade bridge and the newly constructed Wyvern footbridge over the A52. Further, the A52 scheme provides signal crossing facilities on all of its major arms, linking the Wyvernside retail area to the wider Wyvern Way retail area and beyond to the Derby Triangle employment site.

There is cycling provision along Wyvern Way, Chequers Road, Derwent parade and along the river in the form of the National Cycle Network route 6. There is a shared 3 metre cycle/footway that passes the site linking Chequers Road to the Wyvern Retail Area. The main cycle/pedestrian link into the development site joins this shared cycle/footway and the proposals prioritise the movement of pedestrians and cyclists by

providing a 'zebra' style crossing point. The development is required to provide 3 cycle spaces based on the standards in Appendix C of the DCLP1. The development is proposing 6 spaces located at the entrance to the building. It is recommended that a planning condition is included to make provision for covered cycle spaces.

The site is accessible by bus, but it is a single infrequent service. The closest stop is on Derwent Parade which is served by the Arriva park and ride service. There are bus services with more frequent service that operate along Nottingham Road in Chaddesden and through Pride Park along the A6 both within a 1 mile/ 20minute walk.

Considering the location of the development in an out-of-town retail park, the existing sustainable and public transport infrastructure is adequate and there is nothing more that the development can provide to improve access by non-car modes to its site.

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

The site is located on the access road east of Chequers Road, which also provides access to the existing KFC fast food drive-thru and the new M&S retail store. This area forms part of the wider Wyvernside retail area and is accessed from the highway network via the Derwent Parade/ Wyvern Way/ A52 signalised roundabout. The Wyvernside arm of this junction provides a single point of access for the Wyvernside retail area. Although Chequers Road continues on a parallel route to the A52 towards Pentagon Island, there is a one-way bus gate that controls traffic from using the road as a rat run.

Figure 1 of this report shows the access arrangements to the site and the car park layout, including the position of the proposed drive thru lane.

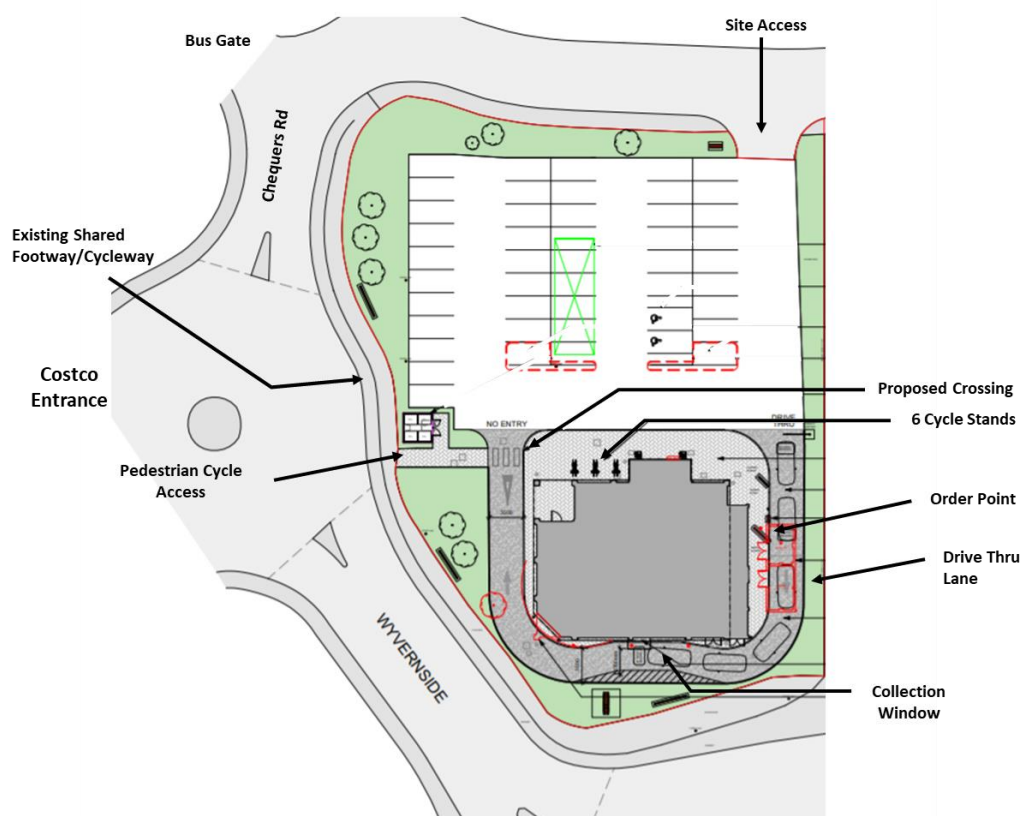


Figure 1: General Layout and Access Arrangements

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

Over the past 5 years, there were only 4 reported accidents at the Derwent Parade/ Wyvern Way/ A52 signalised roundabout. All of which are categorised as slight in severity. There were no reported incidents with cycle, pedestrian, or child involvement.

It is also considered that the construction of the A52 Wyvern Transport Improvement Scheme has provided safer pedestrian access to the site for all users. As a result, the Highway Authority does not consider there to be an existing accident problem that the development could impact upon or make worse.

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

See below.

5.2.4 Transport Assessment

Traffic Generation - Assessment of the trip generation of the site has been conducted using the TRICS survey database. This tool allows the estimation of trip generation by gross floor area based on survey results of specific land uses. As the database relies on historic surveys, it can be limited in its ability to provide estimates for new and emerging land uses. Drive-thru coffee shop is one of these types of developments.

Table 1 below shows the estimated trip generation of the existing use, the trip generation estimated by the applicant and Derby City Council recommended trip rates for the coffee drive-thru use.

Land use	AM Peak (0800-0900)			Midday Peak (1200-1300)			PM peak			Saturday Peak (1200-1300)		
	In	out	2 way	In	out	2 way	In	out	2 way	In	out	2 way
Previous Pizza Hut	0	0	0	24	9	33	11	3	14	6	1	7
Coffee Drive Thru (Applicant)	31	29	60	26	24	50	13	15	28	28	33	61
Coffee Drive Thru (DCC)	86	80	166	58	58	116	71	72	143	85	78	163
Net change (Applicant)	31	29	60	2	15	17	2	12	14	22	32	54
Net Change (DCC)	86	80	166	34	49	83	60	69	129	79	77	156

Table 1: Previous and Proposed Traffic Generation

Table 1 indicates that the proposed development will increase traffic flows by around 160 two-way vehicles during the AM Weekday commuter peak and Saturday peak periods. During the Weekday lunch time peak flows will increase by around 83 two-way vehicles and 129 two-way vehicles during the Weekday PM commuter peak.

However, in planning terms the former Pizza Hut building could open as a coffee shop/restaurant providing the sale of food and drink is consumed mostly on the premises. As such, the main issue in transport terms is the net change caused by the change in land use and the increased attraction related to takeaway sales, including any effect resulting from the installation of the drive thru.

In order to try and understand this, the normal standard tools for calculating trips can't be used. Instead, information from on-line surveys undertaken at McDonald's

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

restaurants was used to try and determine the potential customer activity split. This is presented in **Table 2** below.

Customer Activity	Friday	Saturday	Average
Drive in, use restaurant, drive out	29	32	30
Drive in, use restaurant, eat in vehicle drive out	4	9	6
Drive in, drive thru, drive out	56	46	51
Drive in, drive thru, park to eat meal, drive out	8	11	9
Other	4	4	4

Table 2: Customer Activity surveyed at McDonald's Restaurants at Fenton, Tunstall & Wyboston

Table 2 suggests that most takeaways are linked to the drive thru and that takeaways account for around 51% of customers. The remaining 49% are customers who use the restaurant, sit in their car to eat, walk in or don't use the restaurant at all. However, this is not the whole story and any restaurant without a drive thru will have a certain level of ancillary takeaway sales. Placing a value of this is difficult, although, it seems from on-line sources that that click and collect accounts for around 5% of sales. As such, and in order to provide some value of the residual impact of the takeaway sales, it is estimated to be around 46%.

The residual impact of the development is therefore estimated to be around 76 and 71 two-way vehicles in the AM Weekday commuter peak and Saturday peak periods. During the Weekday lunch time peak the residual impact is around 38 two-way vehicles and 59 two-way vehicles during the Weekday PM commuter peak. The applicant has argued that the drive thru would not influence the customer's decision to visit the food outlet. However, this argument remains to be seen and the trade press clearly describes the growth in drive-thrus linked to the battle for customers between the fast-food companies.

Trip Types - Trips to land uses like drive-thrus and retail are mostly derived from existing trips on the highway network. It is the redistribution of existing highway traffic on the localised network that has the potential to impact the operation of the local highway network. In this case traffic bypassing the site through the Derwent Parade/A52 Slip/Wyvern Junction or diverting off the A52 to pick-up a coffee or fast food.

The debate surrounding trip types is a complicated one, and most research is historical and based on supermarkets or large mixed retail and leisure parks. The applicant through the TA has put forward a case that many of the vehicle trips will either bypass the site from Costco or the new M&S supermarket, or transfer from the KFC and Burger King outlets. DCC has disputed these assumptions because Costco and M&S both have cafés serving coffee and hot and cold food, and customers are more likely to use the instore facilities. Further, it is unlikely that customers to KFC and Burger King will transfer to the Tim Hortons because the food offer is totally different. But let's be clear here, the attractiveness of this site for Tim Hortons is that it sits in a prominent position on the A52, which is part of the national Major Road Network and carries some 50,000 vehicles per day. Further, Derwent Parade and Pride Park is one of two routes into the City Centre from the A52 that carries some 20,000 vehicles per day. It is this customer base that underpins business case for a Tim Horton's Drive-thru. As such, DCC anticipate that the trip types are more likely to be as follows:

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

- 10% new trips – modelled as new to the network
- 45% by-pass – considered to already be travelling through the Derwent Parade/ Wyvern Way/ A52 signalised roundabout and is redistributed to visit the proposed the site
- 45% Divert – considered to divert from the A52 and is modelled as new traffic to the Derwent Parade/ Wyvern Way/ A52 signalised roundabout.

Impact on the Derwent Parade/ Wyvern Way/ A52 signalised roundabout

There are known problems at the Wyvernside/A52 Slip/Wyvern Way/Derwent Parade Junction. Indeed, in allowing the approved M&S application (19/01582/FUL), which is currently under construction, DCC Highways highlighted these concerns to Planning Committee. Indeed, before the construction of the A52 Wyvern scheme queuing was observed during retail peaks into and out of Wyvernside. There was a particular concern during the weekday lunch time peaks with the queuing out of Wyvernside being the bigger problem.

Queuing out of Wyvernside and Operation of the New Signalised Junction

Queuing out of the Wyvernside retail area has not been a problem since the construction of the A52 Wyvern Scheme, which included the construction of a new Derwent Parade/ Wyvern Way/ A52 signalised roundabout. The A52 Wyvern Scheme opened in June 2020. In part, constructing two lanes on the Wyvernside Arm has improved stacking capacity, and the signal staging allows vehicles to exit Wyvernside relatively freely, which is not signalised and a priority give-way.

DCC modelled the impact of the Tim Horton's development proposal based on the trip rates and trip type discussed above. Further, the development was tested using pre-Covid traffic flows from surveys undertaken in March 2018, with the committed development flows of the proposed employment. The results of the traffic signal model LINSIG are summarised in **Table 3** below, which shows the Weekday Lunch Time Interpeak. The Lunch Time Interpeak is perhaps the worst case scenario in terms of background traffic flows.

Weekday Interpeak 12:00-13:00						
	A. 2018 base traffic + committed development		B. 2018 base traffic + committed development + development		Change	
	MMQ	Deg of Saturation	MMQ	Deg of Saturation	MMQ	Deg of Saturation
Wyvernside	8.0	72.3%	8.8	75.4%	+0.8	+3.1
Wyvern Way from A52	10	86.9%	9	83.8%	-1	-3.1
Wyvern Way	9.4	81.4%	10.5	86.4%	+1.1	+5.2
Derwent Parade	15.7	85.8%	14.7	84.9%	-1	0.9
Practical Reserve Capacity	3.6%		4.1%		+0.5%	
Total Traffic Delays pcu Hours	44.0		45.3		+1.3	

Table 3: Summary of the Mean Max Queues (MMQ) and Junction Saturation

The modelling shows that the development does not have a significant impact on the operation of the signal Junction, increasing the queues on the Wyvernside arm by only around 0.8. Further, the junction still operates within capacity.

Queuing into Wyvernside

DCC Highways still has concerns over the capacity of the Wyvernside retail area and queues into the site. Whilst the LINSIG modelling can evaluate operational capacity and queuing of traffic into the junction, it can't effectively model the exit capacity of arms.

During the final stages of the second Covid pandemic lockdown and assessment of this application, which was submitted in May 2021, no queuing problems were observed into the Wyvernside. However, in early November 2021 Highways Officers began to observe queues into the Wyvernside retail area again, during the weekday lunch time period and Weekends.

The issue with the queues from Wyvernside is the potential that they have to block the circulatory carriageway and block the movement of traffic from Derwent Parade, Wyvern Way and the A52 Off Slip from entering the roundabout. This causes drivers to become frustrated, particularly if the traffic doesn't clear by the time their signal turns green. As such, they push forward into the circulatory or start changing lanes in order to avoid the obstruction. **Figure 2** visually tries to represent the problem.



Figure 2: Conflict Traffic Movements as a Result of Queuing into the Wyvernside Retail Area

It is not clear why queues only started to appear again in November 2021, what the frequency and duration of these queues are, or whether they are seasonal. DCC Highways Officers have since observed queuing out of the Wyvernside retail area on numerous occasions, and **Appendix A** shows examples of this. It must be highlighted, queuing into Wyvernside doesn't always block the circulatory carriageway, however, they have often just cleared before the next traffic signal turns green.

The applicant has contested that the problem doesn't exist, based on a video survey that they undertook in September 2021, which showed no queuing. Further, that DCC only has anecdotal evidence to support its claims.

The issue for Highway Authority is that queues have been observed into the Wyvernside retail area and that traffic conditions, as a result of the pandemic, have not fully returned to 'normal'. As such, what will traffic conditions be like once the UK fully emerges from the pandemic? Secondly, how will the new M&S store impact on the Wyvernside when it opens in June 2022 and adds 130 arrival trips to the Wyvern Retail area?

The proposed development will increase traffic flows over the previous Pizza Hut operation by around 160 two-way vehicles during the AM Weekday commuter peak and Saturday peak periods. During the Weekday lunch time peak flows will increase by around 83 two-way vehicles and 129 two-way vehicles during the Weekday PM commuter peak.

However, whilst potentially in planning terms the residual impact of this development might not be large, around 38 to 76 two-way trips across the peaks based on the increase of takeaway sales, with only one point of access into the Wyvernside it would be irresponsible to allow unnecessary intensification within the Wyvernside retail area. Particularly when the initial M&S planning application was refused on the basis of including a coffee shop drive thru. Further, as Tim Hortons will be providing a new offer to Derby, there is always the chance that the outlet will overtrade and that the predicted trip generation presented in this report is not representative.

Conclusion – On the basis of existing problems and uncertainties over the future operation of the network at this stage, the Highway Authority objects to the proposals on the basis of safety, where existing queues from the Wyvernside impact on the operation of the /A52 Slip/Wyvern Way/Derwent Parade Junction, and that no scheme appears to be available to mitigate further intensification of development.

5.3. Land Drainage:

It is suggested that sustainable drainage techniques such as permeable paving for the drive through lane are investigated. Positive drainage to existing sewer infrastructure is only acceptable where sustainable drainage techniques at source for the disposal of surface water are not suitable, and then only when restricted to greenfield runoff rates. The introduction of the substation within Flood Zone 3 will occupy flood storage volume. This should be mitigated by providing compensatory flood storage elsewhere on site by lowering existing ground levels. This ground lowering could be accommodated within the proposed drive through lane.

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

The Drainage Strategy / Flood Risk Assessment submitted with this application does not show sufficient detail or provide engineering drawings of the various development and drainage proposals to provide a fair review at this stage.

However, I have no objection to the development in principle and for this reason, I would recommend the following condition is placed on any consent to secure the required drainage standards:

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 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 (New development).
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved (see advice above).
- Details of the arrangements for foul drainage.
- Appropriate ability to maintain the system in a safe and practical manner and details of 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 Strategy 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.

5.4. Derbyshire County Council Archaeologist:

No comments received.

6. Relevant Policies:

The Local Plan, consisting of the policies of the Derby City Local Plan Part 1 - Core Strategy (DCLP1) and the saved policies of the City of Derby Local Plan Review 2006 (CDLPR), covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision

Committee Report Item No: 3

Application No: 21/00819/FUL

Type: Full Application

making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

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
CP9	Delivering a Sustainable Economy
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

E21	Archaeology
GD5	Amenity
T10	Access for Disabled People

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

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

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

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.

Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision

making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Transport and Access

7.3. Amenity

7.4. Water

7.5. Biodiversity

7.6. Archaeology

7.7. Summary

7.1. Principle of Development

The site is currently vacant and there would be significant benefit in bringing it back into use. There are no in-principle policy reasons to resist a food outlet in this location and the site currently benefits from an extant permission relating to its previous use as a restaurant with an ancillary takeaway element or, in the current use class terminology use class E(b), where food and drink is sold for consumption mostly on the premises. Although the site is currently vacant, this use is not considered to have been abandoned and represents a reasonable fall-back position (i.e. a use of the site that could be implemented without planning permission).

The proposed use differs from the extant use in that approval is sought for a potential increase in takeaway sales to match or exceed the sale of the food and drink for consumption on the premises. Although it is not inevitable that the level of takeaway sales would reach this level, that is what is being applied for here and it is this potential for the intensification of the site's use that is to be considered in conjunction with the proposed operational development relating to physical changes to the site and its buildings.

7.2. Transport and Access

The proposed increased takeaway provision and the provision of a drive-through lane has the potential to intensify the use of the site significantly beyond its extant permission. As detailed above, traffic queuing on parts of the network around the site has been observed (see also **Appendix A**) and the influence of the nearby Marks & Spencer's development (at the former Fireplace Workshop site, around 100 metres to

the east, see application 19/01582/FUL) that is due to open later in the year is likely to exacerbate this situation.

Given the potential for significant intensification of the use of the application site and associated increase in traffic, combined with the potential for increased traffic generally as pandemic restrictions are lifted and increased traffic in this specific area following the opening of Marks & Spencer's, officer opinion is that the proposed development is likely to contribute to an unacceptable impact on highway safety and that this contribution cannot be acceptably mitigated. The proposal would therefore conflict with DCLP1 Policy CP23 and paragraph 110 of the NPPF.

The main building has a level access route to its main entrance from the car park and from the pedestrian access at the site's western boundary to allow for disabled access. If minded to approve the application, members may wish to consider conditioning changes to the site's northern access to facilitate pedestrian movement across the junction to reflect recent changes in best practice in line with the National Design Guide and the NPPF (paragraph 110[c]) and provision for covered cycle spaces.

7.3. Amenity

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

The proposed works would be visible from the public realm. Those with the most substantial implications for visual amenity would be the provision of the drive-through lane and the proposed changes to the main building on the site. These are considered to be in keeping with the commercial character of the site and its surroundings and sufficiently sympathetic to the site's context to avoid any significant adverse effect on the application site or the streetscene. My overall opinion is that the implications of the proposed works for visual amenity are acceptable, and the proposal would comply with adopted Policies CP3 and CP4 of the DCLP1 and section 12 of the NPPF.

7.4. Water

The site is in Flood Zone 3 and is considered to be in an area at risk of flooding. As detailed above, the proposed development would reduce the amount of permeable ground on the site and so would have implications for flood risk. If members are minded to approve the application, a pre-commencement condition is recommended requiring the agreement of a drainage scheme as detailed in the consultation response from the Land Drainage Officer above.

Subject to this condition, the implications of the proposal are considered to be acceptable with regard to land drainage and flood risk.

7.5. Biodiversity

Adopted DCLP1 Policy CP19 (Biodiversity) sets out the Council's intention to achieve a net gain for biodiversity over the development plan period (up to 2028) and to ensure that development will protect, enhance and restore the biodiversity and geodiversity of

land and buildings. This intention is supported by paragraph 174 of the NPPF which states that planning policies and decisions should minimise impacts on, and provide net gains for, biodiversity.

The proposed drive-through lane would result in the removal of a young tree and the loss of some vegetation and soil, thereby reducing the site's capacity for biodiversity. Should members be minded to approve the application, a condition is recommended regarding the submission and implementation of a biodiversity enhancement scheme to compensate for this loss and to provide for biodiversity net gain.

7.6. Archaeology

The site is associated with the historic area of Chaddesden Sidings as defined on the Derbyshire Historic Environment Record. The site has been excavated in the past in the development of the wider commercial estate and no deep excavation is likely to be required to facilitate the proposed development.

No objection is raised by the County Archaeologist, and it is concluded that the proposed development would present no significant implications for the site's archaeology.

7.7. Summary

The site's most recent occupant was a restaurant business with an element of takeaway sales that by definition of its use class was limited to less than half of total sales. A similar use of the site would be welcomed in principle and is considered to be acceptable with specific regard to amenity, flood risk, biodiversity and the site's archaeology.

However, the provision of a drive-through lane on the site, the proposed use class, and the business model of the intended occupant suggests that the proposed use has the potential to result in a significant intensification of activity and traffic on and around the site. The highway network adjacent to the site is considered to be subject to congestion problems following recent observations of queuing around the site, a situation that is likely to be compounded by the lifting of restrictions following the Covid19 pandemic and the commencement of trading by Marks & Spencer's on a nearby site, later this year.

Although, in my opinion and judgment, this application is finely balanced, Highways officers are of the opinion that the proposed development is likely to contribute to an unacceptable impact on highway safety that cannot be acceptably mitigated. Therefore, given that there are real concerns about public safety on an important and busy part of the local highway network, a recommendation to refuse permission on highway safety ground is provided.

If any further information or highways analysis is provided following publication of this report our Highways officer will be at the meeting to advise members accordingly.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

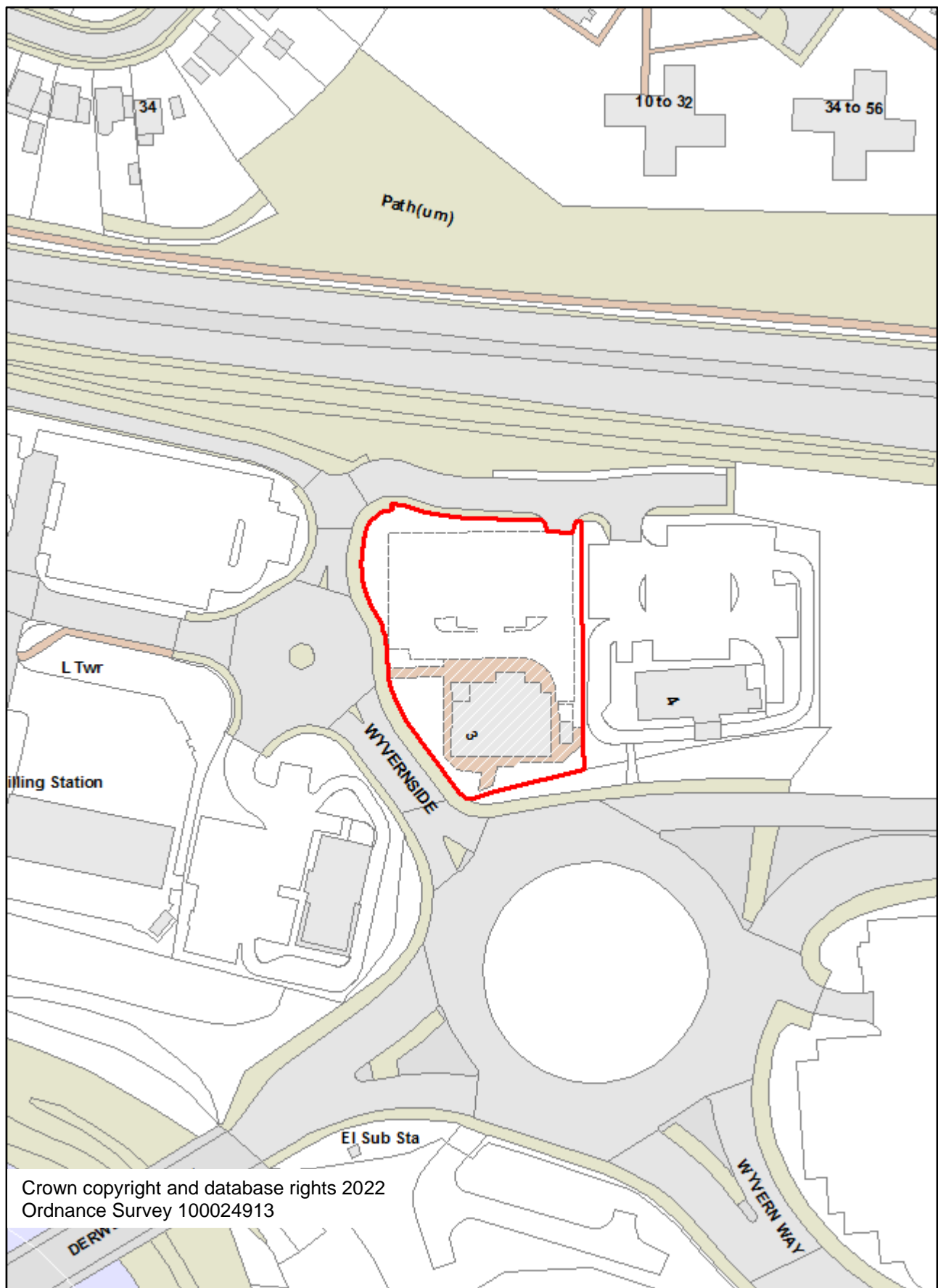
To refuse planning permission

8.2. Reason for refusal:

1. The proposed development is likely to result in an intensification of the site's use. The Local Highway Authority has observed congestion around the site and is of the opinion that the intensification of the use of the application site is likely to contribute to an unacceptable impact on congestion and highway safety that cannot be acceptably mitigated. The proposed development would, therefore, conflict with local and national planning policy, with specific reference to Policy CP23 of the Derby City Local Plan: Part 1 – Core Strategy and the guidance in paragraphs 110(d) and 111 of the National Planning Policy Framework.

8.3. Application timescale:

The original target date of 7 July 2021 has passed, the determination period has been extended to 18 February 2022



Sunday 14 November 2021



Saturday 27 November 2021, 12:30 (Black Friday Weekend)



Sunday 5 December 2021, 12:30



Tuesday 14 December 2021, 12:30



Sunday 19 December 2021, 12:30



Sunday 2 January 2022, 12:42



Saturday 15 January 2022, 13:30



Sunday 23 January 2022, 13:00



Saturday 5 February 2022, 13:00



Sunday 6 February 2022, 13:00





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



Application No:	Application Type	Location	Proposal	Decision	Decision Date
18/01689/DISC	Compliance/Discharge of Condition	Land To Rear Of 30 Glenwood Road Derby DE73 6UB	Residential development (one dwelling house) associated off-street parking, rear patio area, boundary treatment and footway extension - approval of reserved matters of appearance, landscaping and scale under outline permission code no. DER/02/15/00234 - Discharge of conditions 2, 3, 4, 5, & 6 of previously approved planning application code No. DER/04/16/00443	Discharge of Conditions Complete	06/01/2022
18/01692/DISC	Compliance/Discharge of Condition	Land Rear Of 34 Glenwood Road Derby DE73 6UB	Residential development (one dwelling house) - approval of reserved matters of appearance, landscaping and scale under outline permission code no. DER/02/15/00236 - Discharge of conditions 2, 3, 4, 5 & 6 of previously approved application No. DER/04/16/00445	Discharge of Conditions Complete	06/01/2022
19/00211/DISC	Compliance/Discharge of Condition	Public Open Space Land, Rawdon Street Derby	Change Of Use Of Public Open Space To Car Park (Sui Generis Use) - Discharge of condition Nos 6 and 8 of previously approved permission DER/11/16/01371	Discharge of Conditions Complete	12/01/2022
19/00388/DISC	Compliance/Discharge of Condition	Land Corner Of Uttoxeter Road And Limes Avenue Mickleover Derby	Demolition Of The Existing Commercial Units. Erection Of Eight Commercial Units (Use Classes A1, A2, A3, A4, D1 And Beauty Treatment Salon) - Discharge of conditions 4, 9 & 10 of previously approved application No. DER/03/18/00477	Discharge of Conditions Complete	04/01/2022
20/00091/DISC	Compliance/Discharge of Condition	Land At The Rear Of Fermyn Wood Kings Croft Derby DE22 2FP	Substitution of house types to all plots - Discharge of conditions 3, 4, 6 and 7 of previously approved permission 19/00498	Discharge of Conditions Complete	05/01/2022
20/01093/FUL	Full Application	40 Brighton Road Derby	Demolition of outbuildings. Erection of two flats (Use Class C3).	Application Withdrawn	31/01/2022

DE24 8SY

20/01433/FUL	Full Application	2 Repton Avenue Derby DE23 6JN	Retention of a single storey rear extension to dwelling house (kitchen/dining area and lounge)	Application Withdrawn	11/01/2022
20/01477/FUL	Full Application	1 New Mount Close Derby DE23 2NP	Single storey side extension to dwelling house (kitchen and dining room)	Approval	27/01/2022
20/01639/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 7 of previously approved planning application code No. 20/00170/FUL	Discharge of Conditions Complete	13/01/2022
21/00057/DISC	Compliance/Discharge of Condition	The Silk Mill Industrial Museum 32 Full Street Derby DE1 3AF	Demolition Of Existing Extension. Extensions To Museum (Entrance Hall, Cafe, Kitchen, Toilets, Retail Area And Plant Room) - Discharge of condition 11 of planning permission 06/17/00808/FUL	Discharge of Conditions Complete	11/01/2022
21/00075/DISC	Compliance/Discharge of Condition	Former Peet Street Garages Peet Street Derby	Erection of nine dwellings (Use Class C3) with associated vehicular access and associated ground works - Discharge of conditions 3, 4, 5, 6, 7, 8, 10, 12,13 and 14 of planning permission 20/00841/FUL	Discharge of Conditions Complete	31/01/2022
21/00208/LBA	Listed Building Consent - Alterations	41 St Marys Gate Derby DE1 3JX	Repair and replacement of windows to the side and rear elevation	Approval	07/01/2022
21/00309/FUL	Full Application	16 Rosyth Crescent Derby DE73 5WY	Single storey rear extension to dwelling house	Approval	18/01/2022
21/00341/FUL	Full Application	Kentucky Fried Chicken Foresters Park Centre Osmaston Park Road Derby	Erection of a coffee shop with drive-thru facility (Use Class E) with alterations to the existing parking layout and proposed additional parking	Approval	13/01/2022
21/00554/FUL	Full Application	17 Victoria Street Derby DE1 1ES	Extensions and internal alterations to the rear of the existing bar and residential flat above	Approval	26/01/2022

21/00751/FUL	Full Application	157 Matlock Road Derby DE21 4QB	Two storey side and single storey front extensions to dwelling house (porch, garage, kitchen, study, bedroom and en-suite)	Approval	25/01/2022
21/00850/PNRJ	Prior Approval - Offices to Residential	First And Second Floor Offices Queens Hall 125 London Road Derby DE1 2QQ	Change of use from offices (Use Class B1) to four flats (Use Class C3)	Prior Approval Approved	26/01/2022
21/00938/DISC	Compliance/Discharge of Condition	23 Arthur Street Derby DE1 3EF	Installation of replacement windows and sills to the front elevation - Discharge of condition No 3 of previously approved permission 19/01590/FUL	Discharge of Conditions Complete	13/01/2022
21/01080/FUL	Full Application	Land At 235 Village Street Derby DE23 8DD	Change of use of land to car sales for a temporary 3 year period	Approval	25/01/2022
21/01099/ADV	Advertisement Consent	Derby Cathedral Queen Street Derby	Installation of printed fabric images to the lower ground floor windows	Application Withdrawn	28/01/2022
21/01170/FUL	Full Application	52 Glenwood Road Derby DE73 6US	Erection of an outbuilding (garage)	Approval	31/01/2022
21/01182/FUL	Full Application	17 And 17A North Parade Derby DE1 3AY	Change of use from dwelling house to one six bedroom house in multiple occupation and one five bedroom house in multiple occupation (Use Class C4) and external alterations to include installation of replacement windows and doors and erection of rear stair enclosure.	Approval	28/01/2022
21/01215/FUL	Full Application	15 Haskeys Close Derby DE22 2TD	First floor extension to dwelling house (bedroom, en-suite and enlargement of bedroom)	Approval	31/01/2022
21/01232/DISC	Compliance/Discharge of Condition	Land To The Rear Of Tesco On The East Side Of Stenson Road Derby	Erection Of 14 Dwelling Houses (Use Class C3)) Discharge of condition 13 of previously approved permission 06/17/00798	Discharge of Conditions Complete	05/01/2022

DE23 1HG

21/01332/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To 151 - 153 Derby Road Chellaston Derby	Installation of an 18 metre high monopole supporting six antennas, two transmission dishes, four equipment cabinets and ancillary development thereto	Prior Approval Approved	07/01/2022
21/01427/FUL	Full Application	The Bungalow Slack Lane Darley Abbey Derby DE22 1JA	Extensions to dwelling house at front, rear and side comprising addition of garage, gym, office and living accommodation at ground floor, four bedrooms and three bathrooms at first floor. Demolition of existing garage and erection of new boundary treatments to front and side. Levelling of and new hard surfacing to front driveway.	Approval	14/01/2022
21/01439/FUL	Full Application	92 The Circle Derby DE24 9HR	Two storey side extension to dwelling house.	Approval	26/01/2022
21/01514/DISC	Compliance/Discharge of Condition	Land South Of Watten Close And East Of Deep Dale Lane Derby DE24 3HG	Residential development of up to 50 dwellings including infrastructure and associated works - approval of reserved matters pursuant to outline planning permission Code No. 02/15/00211 in respect of appearance, landscaping, layout and scale - Discharge of condition 2 of planning permission 21/00039/RES	Discharge of Conditions Complete	25/01/2022
21/01553/FUL	Full Application	18 Fairway Crescent Derby DE22 2NY	Two storey side and rear and single storey rear extensions to dwelling house (store,W.C.,utility, bedroom, en-suite and enlargement of kitchen/dining area and bathroom)	Approval	13/01/2022
21/01645/FUL	Full Application	Promex Haydock Park Road Derby DE24 8HW	Erection of a warehouse building	Approval	21/01/2022
21/01646/FUL	Full Application	3 Porters Lane	Single storey front extension to dwelling	Approval	12/01/2022

		Derby DE21 4FZ	(porch and bathroom)		
21/01663/FUL	Full Application	59 Gilbert Street Derby DE24 0LE	Raising of the roof height, installation of two dormer windows to the front elevation and two new windows to the first floor side elevations to form rooms in the roof space (two bedrooms and en-suite) together with a single storey side extension (living room)	Approval	12/01/2022
21/01672/FUL	Full Application	374 Boulton Lane Derby DE24 9DJ	Single storey side extension to dwelling (enlargement of bathroom)	Approval	31/01/2022
21/01686/FUL	Full Application	8 Greenwood Avenue Derby DE21 4HY	Single storey front extensions to dwelling house (garage, office, porch and bay window)	Approval	18/01/2022
21/01693/FUL	Full Application	78 Harrison Street Derby DE22 3UU	Change of use from a dwelling house (use class C3) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis use) together with erection of a single storey side/rear extension and alterations to the front elevation	Refused	24/01/2022
21/01702/VAR	Variation of Condition	Dunkirk Tavern 98 King Alfred Street Derby DE22 3QJ	Change of use from a public house (Use Class A4) to two flats in multiple occupation for student accomodation (Sui Generis Use), and three self-contained flats (Use Class C3) including installation of dormer windows, a first floor extension and installation of new windows - Variation of condition 2 of previously approved planning permission code no. 20/01461/ VAR to amend the first floor layout, convert the second floor from two self-contained flats to one flat in multiple occuation and include four new roof lights	Approval	27/01/2022
21/01708/FUL	Full Application	Car Park Morrisons Supermarket Wheatcroft Way Derby DE21 4RY	Erection of car servicing and repair and MOT testing pods (Use Class B2 and Sui Generis)	Approval	24/01/2022

21/01709/ADV	Advertisement Consent	Car Park Morrisons Supermarket Wheatcroft Way Derby DE21 4RY	Display of various signage	Approval	24/01/2022
21/01750/FUL	Full Application	Litchurch Plaza Litchurch Lane Derby DE24 8AA	Erection of two commercial units (Use Class E (g)) and associated ground works	Approval	07/01/2022
21/01764/VAR	Variation of Condition	Site Of And Land At Kingsway Hospital Kingsway Derby DE22 3LZ	Residential Development (580 Dwellings), Erection of Offices (Use Class B1), Retail Units (Use Classes A1, A2 and A3), Business Units and associated Infrastructure (Roads, Footpaths, Open Space and Allotments) - Variation of condition 12 of planning permission 11/17/01469 to state no more than 436 dwellings shall be occupied (which includes the 100 dwellings permitted under planning permission DER/10/12/01240 granted on 20 June 2013) until works have commenced on either; (a) the Approved Grand Canyon Works; or (b) the A38 Derby Junctions Works	Approval	24/01/2022
21/01776/FUL	Full Application	56 Milton Street Derby DE22 3PA	Erection of three terraced dwelling houses (Use Class C3)	Approval	24/01/2022
21/01782/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 first floor extension to form an additional storey and a single storey rear extension	Application Withdrawn	10/01/2022
21/01813/FUL	Full Application	Land At The Rear Of 4 Poplar Avenue Derby DE21 7FJ	Demolition of existing dwelling. Erection of a replacement dwelling (Use Class C3)	Approval	07/01/2022
21/01814/FUL	Full Application	36 Stockbrook Road Derby DE22 3PJ	Change of use from a small house in multiple occupation (Use Class C4) to a house in multiple occupation for up to seven occupants	Approval	26/01/2022

			(Sui Generis Use)		
21/01820/FUL	Full Application	12 Cromarty Close Derby DE24 9NB	Change of use of part of unit from laundrette (Sui Generis use) to a hot food takeaway (Sui Generis use) including installation of an extraction system	Approval	10/01/2022
21/01822/FUL	Full Application	129 Station Road Mickleover Derby DE3 9FN	Alter garden room flat roof to pitched roof	Approval	11/01/2022
21/01824/DISC	Compliance/Discharge of Condition	1 Western Road Mickleover Derby DE3 9GN	Installation to two dormer windows and raising of the roof height. Erection of a boundary wall and outbuilding (retrospective application) - Discharge of condition 2 of previously approved permission 21/01212/FUL	Discharge of Conditions Complete	07/01/2022
21/01831/TPO	Works to a tree with a TPO	16 South Drive Mickleover Derby DE3 9AN	Various works including a 10 year management plan for the removal of epicormic growth from the Lime trees to trees protected by Tree Preservation Order no. 357	Approval	20/01/2022
21/01844/FUL	Full Application	26 Woodthorne Avenue Derby DE24 9FL	First floor and rear extensions to bungalow to form a dwelling house	Approval	13/01/2022
21/01856/FUL	Full Application	8 Nettleton Close Derby DE23 3UW	First floor rear extension to dwelling house (enlargement of bedroom)	Approval	24/01/2022
21/01864/FUL	Local Council Own Development Reg 3	Market Hall Albert Street Derby DE1 2DB	Demolition of stair tower. Installation of new internal staircase and associated works	Approval	07/01/2022
21/01865/LBA	Listed Building Consent - Alterations	Market Hall Albert Street Derby DE1 2DB	Demolition of stair tower. Installation of new internal staircase and associated works	Approval	07/01/2022
21/01869/FUL	Full Application	34 Gilbert Street Derby DE24 0LD	Single storey rear extension to dwelling (bedroom, dining area and utility)	Approval	07/01/2022

21/01873/CLP	Lawful Development Certificate -Proposed	79 Hillsway Littleover Derby DE23 3DX	Change of use from dwelling house (Use Class C3) to a children's care home (Use Class C3b) - providing care for a maximum of two children	Approval	21/01/2022
21/01874/FUL	Full Application	462 Duffield Road Derby DE22 2DH	Two storey rear and single storey front, side and rear extensions to dwelling house to provide enlarged ground floor living accommodation and additional bedroom. Erection of car port to front of property.	Approval	11/01/2022
21/01878/FUL	Full Application	42 Church Lane Darley Abbey Derby DE22 1EY	Two storey side/rear and single storey rear extensions to dwelling house (utility, w.c, kitchen/dining/family space, bedroom, en-suite and bathroom)	Approval	07/01/2022
21/01879/FUL	Full Application	160 Prince Charles Avenue Derby DE22 4LQ	Two storey and single storey rear extensions to dwelling house (kitchen/dining/family space, bedroom and en-suite)	Approval	07/01/2022
21/01883/FUL	Local Council Own Development Reg 3	Alvaston Infant And Nursery School Elvaston Lane Derby DE24 0PU	Erection of a library pod	Approval	13/01/2022
21/01888/FUL	Full Application	Land Adj 1 Burns Close Derby DE23 3EW	Erection of dwelling house with associated ground works, boundary treatment and parking spaces	Approval	07/01/2022
21/01889/FUL	Full Application	26 Attlebridge Close Derby DE21 4SP	Two Storey side and single storey rear extension to dwelling house (living area, ensuite, bedroom, bathroom and office)	Approval	14/01/2022
21/01897/DISC	Compliance/Discharge of Condition	Lidl Supermarket Foresters Park Centre Sinfin Lane Derby DE23 8AG	Change of use of bingo hall (Sui Generis) to retail (Use Class E) and associated external alterations, construction of external plant compound, reconfiguration of car park and site access and associated landscaping - Discharge of condition no 6 of previously approved permission 21/00182	Discharge of Conditions Complete	04/01/2022
21/01901/FUL	Full Application	74 - 90 Pear Tree Road Derby DE23 6QA	Demolition of canopies. Installation of new shopfront and alterations to site access and parking layout together with erection of bike	Approval	24/01/2022

			store. Change of use from existing part Use Class B2 and part Sui Generis to Use Class E		
21/01903/TPO	Works to a tree with a TPO	Middleton House 20 Park Lane Littleover Derby DE23 6FX	Various works to trees. Protected by Tree Preservation Order No.127	Approval	12/01/2022
21/01904/FUL	Full Application	86 St Andrews View Derby DE21 4ET	First floor rear extension to dwelling house (bedroom)	Approval	05/01/2022
21/01905/FUL	Full Application	4 Woodgate Drive Derby DE73 6UX	Erection of two metre boundary fence.	Approval	20/01/2022
21/01906/DISC	Compliance/Discharge of Condition	Site Of 41 Farley Road Derby DE23 6BW	Demolition of existing bungalow. Erection of two dwelling houses (Use Class C3) - Discharge of condition no 4 of previously approved permission 04/18/00595	Discharge of Conditions Complete	11/01/2022
21/01915/FUL	Full Application	193 Chellaston Road Derby DE24 9EB	Extensions to dwelling house (study, utility room, kitchen/dining room and 2 bedrooms)	Approval	19/01/2022
21/01922/FUL	Full Application	Chellaston Infant School School Lane Derby DE73 6TA	Demolition of two temporary classrooms. Erection of teaching block.	Approval	14/01/2022
21/01930/FUL	Full Application	510 Duffield Road Derby DE22 2DL	Single storey side/rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	26/01/2022
21/01934/FUL	Full Application	2 Babbacombe Close Derby DE24 0QU	Change of use from Use Class C3 (dwelling houses) to Use Class C2 (Residential Institutions) to use property as a children's home for up to 4 children	Application Withdrawn	17/01/2022
21/01937/CLP	Lawful Development Certificate -Proposed	35 Spindletree Drive Derby	Convert the existing detached garage to a home office	Approval	07/01/2022

DE21 2DG

21/01940/TPO	Works to a tree with a TPO	Old Vicarage School 11 Church Lane Darley Abbey Derby DE22 1EW	Various works to trees protected by Tree Preservation Order no. 178	Approval	10/01/2022
21/01941/FUL	Full Application	19 Lens Road Derby DE22 2NB	Single storey front extension to dwelling house (porch) and installation of render to the front elevation	Approval	05/01/2022
21/01945/FUL	Full Application	Orbis Building Riverside Road Derby DE24 8HY	Retrospective application - Installation of flues	Approval	06/01/2022
21/01950/FUL	Full Application	49 Winster Road Derby DE21 4JY	Single storey rear extension to dwelling house (family room, W.C. and storage)	Approval	28/01/2022
21/01952/FUL	Full Application	125 Whitaker Road Derby DE23 6AQ	Single storey rear extension to dwelling house (day room, utility and enlargement of lounge) and alterations to raised patio area	Approval	06/01/2022
21/01953/FUL	Full Application	16 Northwood Avenue Derby DE21 6JJ	Two storey rear and first floor extensions to dwelling (lounge, bedroom, bathroom and enlargement of kitchen/dining area)	Approval	10/01/2022
21/01955/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application, with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 12 of planning permission Code No. 20/01646/OUT to enable the phasing of the development to be taken into account in the hydraulic modelling exercise required to determine finished floor levels - Discharge of conditions 15 and 29 of	Discharge of Conditions Complete	14/01/2022

			planning permission 21/01033/VAR		
21/01957/FUL	Full Application	9 Laburnum Grove Derby DE22 4AX	Two storey side and rear extensions to dwelling house (garage, W.C., utility, kitchen/diner, two bedrooms, bathroom and enlargement of bedroom)	Approval	28/01/2022
21/01958/DISC	Compliance/Discharge of Condition	Sturgess Fields Markeaton Street Derby DE22 3AW	Erection of new and replacement bridges - Discharge of condition 3 of planning permission 20/01334/FUI	Discharge of Conditions Complete	14/01/2022
21/01964/TPO	Works to a tree with a TPO	Trees Adjacent To 15 Hill Cross Drive Derby DE23 3BW	Re-pollarding of 15 Lime trees protected by Tree Preservation Order no. 36	Approval	10/01/2022
21/01968/FUL	Full Application	McDonalds Kingsway Derby DE22 4AA	Installation of four electric vehicle charging stations	Approval	07/01/2022
21/01970/TPO	Works to a tree with a TPO	83 Belper Road Derby DE1 3ER	Crown reduction by 3m and crown lift by 2m of a Beech tree protected by Tree Preservation Order no. 370	Approval	12/01/2022
21/01971/FUL	Full Application	32 West Drive Derby DE3 0EX	Single storey side and rear extensions to dwelling house (office, family room and enlargement of kitchen)	Approval	07/01/2022
21/01974/FUL	Full Application	47 Bonsall Avenue Derby DE23 6JX	Two storey side and rear extensions to dwelling house (lounge, kitchen/dining room, two bedrooms and W.C.)	Approval	10/01/2022
21/01976/ADV	Advertisement Consent	Development Site Wyvern Way Derby DE21 6PS	Display of four internally illuminated fascia signs	Approval	11/01/2022
21/01978/FUL	Full Application	4 Garth Crescent Derby DE24 0GX	Single storey front and side extensions to dwelling (living space, W.C. and enlargement of hall and bedroom) including installation of cladding and render	Approval	26/01/2022

21/01980/DISC	Compliance/Discharge of Condition	Land Adjacent To The Old Hall Burton Road Derby DE23 6EH	Erection of 14 dwellings with access, parking, layout, landscaping and associated ground works - Discharge of conditions 5, 14 and 15 of planning permission 21/00064/FUL	Discharge of Conditions Complete	04/01/2022
21/01981/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	12/01/2022
21/01982/FUL	Full Application	Flat 4 Overfields House The Green Mickleover Derby DE3 0BU	Installation of replacement windows and doors in one flat.	Approval	21/01/2022
21/01983/CLP	Lawful Development Certificate -Proposed	8 Osiers Close Derby DE22 2TB	Single storey rear extension to dwelling house	Refused	10/01/2022
21/01985/FUL	Full Application	198 Rykneld Road Derby DE23 4AN	Two storey front and first and second floor rear extensions to dwelling house (bathroom, bedroom, playroom and enlargement of hall and bedroom) and installation of timber cladding and first-floor rear-facing balcony	Approval	12/01/2022
21/01986/FUL	Full Application	4 Hargreaves Close Derby DE23 3YH	First floor rear and single storey front extensions to dwelling house (porch, bedroom and enlargement of bedroom) and installation of a new window to the first floor side elevation	Approval	19/01/2022
21/01990/FUL	Full Application	Land Adjacent To 129 Hawthorn Street Derby DE24 8BB	Erection of a dwelling house (Use Class C3)	Refused	14/01/2022
21/01992/TPO	Works to a tree with a TPO	Payne Stewart House 33 Faire Street Derby DE22 3WB	Works to three trees protected by TPO (TPO No.342) - T1 Sycamore adjacent building - Raise crown to 5m over road and 3m over pavement. Prune away from building to give 3m clearance T2 Swedish Whitebeam adjacent above -	Approval	13/01/2022

			<p>Raise crown to 5m over road and 3m over pavement. Prune away from building to give 3m clearance</p> <p>T3 Sycamore adjacent open space - Raise crown to 5m over road and 3m all round. Remove dead wood throughout crown and remove epicormics at base</p> <p>All works specified to clear branches currently affecting the highway and pavements and encroaching on the building</p>		
21/02000/FUL	Full Application	Rolls Royce Plc Raynesway Derby DE21 7BE	Demolition of South wing and extension to office building (staircase enclosure)	Approval	26/01/2022
21/02004/FUL	Full Application	23 Ward Street Derby DE22 3RY	Single storey side/rear extension to dwelling house (enlargement of kitchen/dining area) and installation of a dormer to the rear elevation	Approval	20/01/2022
21/02005/FUL	Full Application	754 Harvey Road Derby DE24 0EE	Single storey side/rear extensions to dwelling house and enlargement of a first floor side elevation window	Approval	18/01/2022
21/02009/FUL	Full Application	18 Carlton Avenue Derby DE24 9EJ	Single storey side and rear extensions to dwelling house (cloakroom and conservatory) and raising of the roof height of the existing single storey rear projection	Approval	18/01/2022
21/02010/FUL	Full Application	39 Mostyn Avenue Derby DE23 6HX	Two storey side and rear and single storey rear extensions to dwelling house (shower room, utility, kitchen, sitting room, bedroom and bathroom)	Approval	14/01/2022
21/02011/FUL	Full Application	3 Vicarage Road Chellaston Derby DE73 6SD	Single storey side extension to dwelling (garage and utility)	Approval	14/01/2022
21/02012/ADV	Advertisement Consent	The Broadway Duffield Road Derby DE22 1JB	Display of various signage	Approval	11/01/2022

21/02013/LBA	Listed Building Consent - Alterations	Ashgate Primary School Ashbourne Road Derby DE22 3FS	Construction of two fire proof enclosures (mat stores)	Approval	20/01/2022
21/02014/FUL	Full Application	23 Spinney Road Chaddesden Derby DE21 6HW	Single storey side/rear extensions to dwelling (lounge and kitchen)	Approval	18/01/2022
21/02015/ADV	Advertisement Consent	The Cosy Club Royal Buildings Victoria Street Derby DE1 1ES	Display of one internally illuminated projecting sign and spotlight	Application Withdrawn	20/01/2022
21/02016/LBA	Listed Building Consent - Alterations	The Cosy Club Royal Buildings Victoria Street Derby DE1 1ES	Installation of a projecting sign and spotlight	Application Withdrawn	20/01/2022
21/02021/FUL	Full Application	74 Redwood Road Derby DE24 9LA	Two storey side and first floor rear extensions to dwelling house (covered way, two bedrooms, shower room and en-suite)	Approval	26/01/2022
21/02022/CAT	Works to Trees in a Conservation Area	Hawthorn Court 27 Kedleston Road Derby DE22 1FY	Removal of two lower limbs of Ash tree and removal of 1 lower limb of Ash tree within Strutts Park Conservation Area	Approval	10/01/2022
21/02026/FUL	Full Application	71 Holbrook Road Derby DE24 0DF	Single storey side/rear extensions to dwelling (garage, bathroom and annexe)	Approval	20/01/2022
21/02029/FUL	Full Application	26 Askerfield Avenue Derby DE22 2SU	Single storey side/rear extension to dwelling house (enlargement of kitchen) and installation of a pitched roof to the side elevation access	Approval	24/01/2022
21/02030/ADV	Advertisement Consent	Wyvernside Derby	Display of two internally illuminated totem signs	Approval	17/01/2022

21/02032/NONM	Non-Material Amendment	31 Evans Avenue Derby DE22 2EL	Single storey front/side extension to dwelling house (porch and bike store) - Non-material amendment to planning permission 19/01789/FUL to enlarge the side dormer window and reconfigure the rear extension	Approval	07/01/2022
21/02035/FUL	Full Application	30 Blencathra Drive Derby DE3 9NP	Two storey rear and single storey side/rear extensions to dwelling house (dining room, garden room, wetroom and bedroom)	Approval	20/01/2022
21/02036/ADV	Advertisement Consent	116 Siddals Road Derby DE1 2PW	Display of one internally illuminated digital display screen	Approval	10/01/2022
21/02037/FUL	Full Application	6 Harpur Avenue Derby DE23 3EJ	Single storey rear extension to dwelling house (utility and living/dining area)	Approval	18/01/2022
21/02038/FUL	Full Application	343 - 345 Duffield Road Derby DE22 2DG	Single storey side/rear extension to commercial premises (office and W.C.) and enlargement of residential balcony above	Approval	17/01/2022
21/02039/FUL	Full Application	1 Albion Street Derby DE1 2PR	Sub-division of ground floor unit to form three separate units (Use Class E) including installation of new shop fronts	Approval	14/01/2022
21/02040/FUL	Full Application	Woodbine Lodge 399 Sinfin Lane Derby DE24 9HW	Single storey rear extension to dwelling house (gym, office and swimming pool)	Approval	26/01/2022
21/02041/PNRH	Prior Approval - Householder	26 Hill Cross Avenue Derby DE23 1FW	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	10/01/2022
21/02042/CAT	Works to Trees in a Conservation Area	Vicarage Place 55 Ashbourne Road Derby DE22 3TU	Various works to trees within the Friar Gate Conservation Area	Approval	10/01/2022
21/02045/FUL	Full Application	10 Amber Road Derby DE22 2QA	Single storey side/rear extension to dwelling house (living space) with raised terrace area	Approval	25/01/2022

21/02046/FUL	Full Application	4 - 5 Charnwood Street Derby DE1 2GT	First floor side/rear extension to form two flats (Use Class C3) including installation of an external staircase	Approval	31/01/2022
21/02052/TPO	Works to a tree with a TPO	Peakdale House 2 Wisgreaves Road Derby DE24 8RQ	Crown reduction by 2.5 metres and cutting back of branches to give 2m clearance of the property of three Lime trees protected by Tree Preservation Order no. 410	Approval	25/01/2022
21/02054/FUL	Full Application	10 Darwin Road Derby DE3 9HT	Single storey rear extension to dwelling house	Approval	19/01/2022
21/02057/FUL	Full Application	3 Westleigh Avenue Derby DE22 3BY	Single storey side and rear extensions to dwelling house (store, utility and kitchen/dining area)	Approval	26/01/2022
21/02058/CLP	Lawful Development Certificate -Proposed	Convent Of The Holy Name Morley Road Derby DE21 4TB	Use of the premises as a residential care home (Use Class C2)	Approval	26/01/2022
21/02059/FUL	Full Application	6 Brookhouse Street Derby DE24 9BB	Two storey side extension to dwelling house (kitchen/dining area and two bedrooms)	Approval	26/01/2022
21/02061/FUL	Full Application	7 Offerton Avenue Derby DE23 8DU	Two storey and single storey rear extensions to dwelling house (kitchen/dining area, W.C., utility, bedroom and bathroom)	Approval	31/01/2022
21/02066/FUL	Full Application	188 Clarence Road Derby DE23 6LT	Single storey side extension to dwelling house (wet room and enlargement of kitchen)	Approval	27/01/2022
21/02072/FUL	Full Application	5 Denarth Avenue Derby DE24 9EW	Two storey side and rear extensions to dwelling house (kitchen/dining area, two bedrooms, bathroom, shower room and enlargement of living room) and erection of an outbuilding	Approval	20/01/2022
21/02076/CLP	Lawful Development Certificate -Proposed	3 Westleigh Avenue Derby DE22 3BY	Erection of side and rear dormers	Approval	31/01/2022

21/02077/CAT	Works to Trees in a Conservation Area	College Place Derby	Various works to trees within the City Centre Conservation Area	Approval	17/01/2022
21/02082/VAR	Variation of Condition	Normanton Road Gospel Hall Normanton Road Derby DE23 6UR	Change of use and alterations from gospel hall (Use Class F1) to retail store (Use Class E) including the addition of an additional storey - Variation of condition 3 of previously approved planning permission 20/01470/FUL to allow the use of render	Approval	24/01/2022
21/02087/FUL	Full Application	39 South Avenue Littleover Derby DE23 6BB	Single storey front extension to dwelling house (storage room)	Approval	19/01/2022
21/02100/FUL	Full Application	Units 8 To 11 Northedge Business Park Alfreton Road Derby DE21 4BN	Change of use from B1(a), B1(bc) and B1(c) to up to 1708 sq.m. of general industrial (Use Class B2), storage or distribution (Use Class B8), offices to carry out any operational or administrative functions (Use Class E(g)(i)), research and development of products or processes - (Use Class E(g)(ii)) and industrial processes (Use Class E(g)(iii)) together with erection of 2.4m high weld-mesh fencing and gates to form storage yard	Approval	24/01/2022
21/02101/PNRH	Prior Approval - Householder	3 Twin Oaks Close Derby DE23 4EH	Single storey rear extension (projecting beyond the rear wall of the original house by 5.35m, maximum height 4m, height to eaves 2.55m) to dwelling house	Prior Approval Not Required	10/01/2022
21/02103/FUL	Full Application	19 Thorpe Drive Derby DE3 9GA	Single storey front and side extensions to dwelling (porch and bedroom)	Approval	27/01/2022
21/02111/FUL	Full Application	48 Leacroft Road Derby DE23 8HT	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (seven occupant) house in multiple occupation (Sui Generis)	Approval	24/01/2022
21/02115/CAT	Works to Trees in a Conservation Area	St Edmunds Church Hall Kings Croft Derby	Felling of a Silver Birch tree within the Allestree Conservation Area	Approval	24/01/2022

DE22 2FN

21/02120/PNRIA	Prior Approval - Shop / Bank to Resi	Shop 28 Highfield Road Littleover Derby DE23 1DG	Change of use from retail (Use Class E) to flat (Use Class C3) and elevational changes	Approval	24/01/2022
21/02125/CLPLB	Lawful Development Certificate -Propd LB	6A New Road Derby DE22 1DR	Installation of secondary glazing to seven windows	Approval	21/01/2022
21/02127/PNRH	Prior Approval - Householder	15 Springfield Road Chellaston Derby DE73 5SL	Single storey rear extension (projecting beyond the rear wall of the original house by 4.95m, maximum height 2.97m, height to eaves 2.97m) to dwelling house	Prior Approval Not Required	17/01/2022
21/02137/PNRH	Prior Approval - Householder	11 Booth Street Derby DE24 8PF	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.75m, height to eaves 3m) to dwelling house	Prior Approval Not Required	17/01/2022
21/02159/FUL	Full Application	7 Moorway Lane Derby DE23 2FR	Single storey rear extension to dwelling house (sleeping/living space)	Approval	24/01/2022
21/02170/NONM	Non-Material Amendment	12 Davids Close Derby DE73 5SY	Single Storey Extension To Dwelling (Three Bedrooms, Lobby, Bathroom, En-Suite And Conservatory), Erection Of A Triple Garage And Boundary Fence - Non-material amendment to previously approved planning permission 06/18/00928 to amend the window openings, roof light arrangement and internal layout	Approval	28/01/2022
21/02186/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application, with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste	Discharge of Conditions Complete	14/01/2022

			disposal - Variation of condition 12 of planning permission Code No. 20/01646/OUT to enable the phasing of the development to be taken into account in the hydraulic modelling exercise required to determine finished floor levels - Discharge of condition 24 of planning permission 21/01033/VAR		
21/02192/FUL	Full Application	7 Acacia Avenue Derby DE3 9NL	Single storey rear extension to dwelling house (enlargement of kitchen/dining area) and alterations to rear patio area including installation of a new retaining wall	Approval	27/01/2022
21/02196/NONM	Non-Material Amendment	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 - Non-material amendment to previously approved planning permission 20/00072/FUL to facilitate a reduction in the number of extra care units from 66 to 64 units and amend the approved floor plans and elevations of blocks B and C	Approval	24/01/2022
21/02207/FUL	Full Application	70 Empress Road Derby DE23 6TE	Change of use from house in multiple occupation (Use Class C4) to larger house in multiple occupation (Use Class Sui Generis) (8 occupants)	Approval	31/01/2022
21/02211/FUL	Full Application	36 Grange Avenue Derby DE23 8DG	Single storey rear extension to dwelling house (hallway, bedroom and wetroom) with access ramp	Approval	27/01/2022
21/02219/NONM	Non-Material Amendment	Land South Of Pioneer Way Derby DE24 9SE	Erection of Industrial Unit (Use Classes E (g) iii / B2 / B8), with External Yard incorporating plant, open storage of materials and finished products (with alternative scheme including dock levellers), together with introduction of right turn provision within the adjoining highway and all associated parking, servicing, drainage and landscaping areas - Non-material amendment to previously approved	Approval	20/01/2022

			planning permission 21/00585/FUL to amend the location of the access		
22/00001/PREAPP	Pre Application Enquiry	1 Abbey Yard Derby DE22 1DS	Removal of an internal wall and formation of off-street parking	Application Withdrawn	12/01/2022
22/00004/FUL	Full Application	11 Diamond Drive Derby DE21 2JU	Single storey rear extension to dwelling house (sitting/dining area)	Approval	31/01/2022