

## **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	06/12/2022
Other(s)	Ian Woodhead	06/12/2022

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

**Planning Control Committee 15/12/2022**  
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7.2	9 - 19	22/00598/FUL	20 Welney Close Derby	Extensions to dwelling house	<b>To grant</b> planning permission with conditions.
7.3	20 - 38	22/01337/FUL	16 - 17 Friar Gate Derby	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)	<b>To grant</b> planning permission with conditions.
7.4	39 - 52	22/01338/LBA	16 - 17 Friar Gate Derby	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations	<b>To grant</b> planning permission with conditions.
7.5	53 - 65	22/00674/VAR	Site Of 79 Rykneld Road Littleover Derby	Demolition of existing Retail Building. Erection of a two storey building for use as a Dental Clinic (Use Class D1) at ground floor and Retail (Use Class A1) or Financial and Professional Services (Use Class A2) at first floor level - Variation of conditions 2, 4 and 5 of previously approved planning permission 06/18/00822	<b>To grant</b> planning permission with conditions.

**1. Application Details**

**1.1. Address:** 3 Enfield Road, Derby DE22 4DF

**1.2. Ward:** Mackworth

**1.3. Proposal:**

Change of use from dwelling house (Use Class C3) to residential care home (Use Class C2) together with retention of single storey front and side extensions (porch and kitchen/dining area).

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/00675/FUL>

**Brief description**

3 Enfield Road is a residential corner plot on the east side of the junction of Enfield Road and Kensal Rise. The site is flanked by residential plots to the south and east. A two-storey semi-detached house stands at the site's eastern boundary with a detached garage on its western boundary and the remainder in use as garden space and hardstanding for vehicle parking. Land levels on and around the site fall to the north and west.

Permission is sought for a change of use of the site from a dwelling house (C3 use) to a residential care home (C2 use). The application is accompanied by a supporting statement which explains that the property would be used to provide an assessment placement service for up to two children at any one time. Placements would be for a period of up to eight weeks. A 2:1 staffing ratio is specified meaning there would be an average of four staff on site. Permission is also sought for the retention of single-storey extensions to the house's principal and side elevations. See application documents for details.

**2. Relevant Planning History:**

None.

**3. Publicity:**

- 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.*

Seven comments in objection, including one each from Councillors Whitby and Froggatt, have been received, and three in support.

Those in support express support for the proposed use, the service it would provide, and the staff involved. Those in objection centre on the following issues:

- Parking and traffic generation;
- Visual impact of the extension;
- Potential behaviour of resident children;
- The presence of comparable uses in the area;
- The desirability of the property for first-time buyers;
- Generation of noise and disturbance generation;
- Speculation on the motivations for the application;
- The existing house, parking area and garden are inappropriate for the proposed use; and,
- Presence of asbestos in the garage on the site.

**5. Consultations:**

**5.1. Highways Development Control:**

The proposed development is on a residential street adjacent to the A38, there are good local transport links and amenities in the form of a 24 hour garage and fast food restaurant. It is also in close proximity to one of Derby's popular parks.

The proposed development has enough off-street parking for up to 3 vehicles; a garage for 1 vehicle, a drive for 2 vehicles which are accessed by an existing dropped kerb onto a hard standing. Site visits show that there are numerous parking opportunities in the immediate vicinity of the proposed development. The applicant has indicated that there may be competition for on-street parking with University students/visitors.

As stated on the application form and supporting information document; in line with Star Bright's Good Neighbour Policy 2022, Star Bright propose to encourage its employees based within Derby to Switch short car journeys to cycle, walk or take public transport to help protect the Environment and to

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**Type: Full Application**

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Reduce Carbon Footprints. However, there is no indication on the submitted plans regarding cycle parking although a bike lockable shed, which would be acceptable, has been referred to in the application form.

**Recommendation:**

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

**Condition:**

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

Reason: To promote sustainable travel.

### **5.2. Police Liaison Officer:**

No objection.

## **6. Relevant Policies:**

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

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP3	Placemaking Principles
CP4	Character and Context
CP23	Delivering a Sustainable Transport Network

**Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development – General Criteria
H16	Housing Extensions

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

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

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

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

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

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

### **6.2. 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. Visual Amenity**

**7.3. Residential Amenity**

**7.4. Highways Matters**

**7.5. Summary**

**7.1. Principle of Development**

A change of the use of the site to an alternative form of residential accommodation, within the C2 Use Class, within an existing residential area is acceptable in principle in this location. The site of the proposal is not allocated for any particular use in the DCLP1. The main concerns appear to be the ability of the proposal to create a high quality living environment and any potential effect on the amenity of neighbouring properties due to the change in character of the use. There are no specific policies which restrict the overall number or location of care homes that can or should be provided within the city at a certain time, and separate legislation would ensure that the wider needs of the occupants can be met. The application site is considered to be in a sustainable location with access to services and public transport links. The potential behaviour of resident children and the general management of the facility, the possibility of asbestos being present on the site, and the motivations of the applicant and the possibility of the house being sold in future fall outside the control of the planning system and is not material to this assessment.

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

**7.2. Visual Amenity**

Saved policy H16 Housing Extensions states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the streetscene" taking into account design, massing, visual prominence and materials. This principle is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the NPPF – Achieving well designed places.

The extension to the house has a visual presence in the streetscene and is a moderately significant addition to the host building. The design is proportionate to the host building, appropriate to a residential context and my opinion is that the proposed building form and use of materials are sufficiently sympathetic to the building and its context to avoid a significant adverse effect on the dwelling or the streetscene. It is considered that the implications of the extension for visual amenity are acceptable in

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compliance with saved policy H16 of the City of Derby Local Plan Review adopted policies CP3 and CP4 of the DCLP1 and section 12 of the NPPF.

### **7.3. Residential Amenity**

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

The proposed change of use may intensify the residential use of the site and so may result in additional activity from visitors and staff. This intensification, based on the evidence provided and given the limitations of the site and capacity of the building (it has 3 bedrooms), is likely to be comparable to a level of activity that could be expected from a medium-sized family home. Although it is possible that there would be a limited spike in activity at staff changeover times, to argue that this would constitute "unacceptable harm" would not be a sustainable position in my opinion. Regarding the living environment to be created, each bedroom would have access to daylight, ventilation and internal and external space.

It is my opinion that the implications of the proposed use for neighbouring residential plots would remain within reasonable limits, and that a satisfactory living environment would be maintained for occupants of the application site and neighbouring plots. Overall, it is my opinion that the implications of the proposal for residential amenity would be acceptable and in compliance with saved policy GD5 of the City of Derby Local Plan Review and paragraph 130 of the National Planning Policy Framework.

### **7.4. Highways Matters**

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Frontage parking is available on the site and there are no parking restrictions on the street. The cycle parking condition recommended by the Highways Officer is included below. Para 110 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' However, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development.

Given the above discussion, it would therefore not be possible to argue that the proposed use would lead to 'unacceptable impacts' to highway safety. Overall, the requirements of CP23 would be met by the proposal in my opinion.

### **7.5. Summary**

The proposed change of use is considered acceptable in principle and with specific regard to visual and residential amenity and the highway network.

There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to comply with the relevant policies in the adopted Local Plan and the advice contained within the

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NPPF. It is therefore recommended that the application be granted permission, subject to the suggested conditions.

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

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

**To grant** planning permission with conditions.

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

The principle of the use of the dwelling house as a small children's care home and the retention of the single storey extension are considered acceptable in this location. The proposal is considered to be acceptable in terms of highway safety and would not result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted.

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

1. Standard 3 year time limit condition

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

2. Standard approved plans condition

**Reason:** To define the permission and for the avoidance of doubt.

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

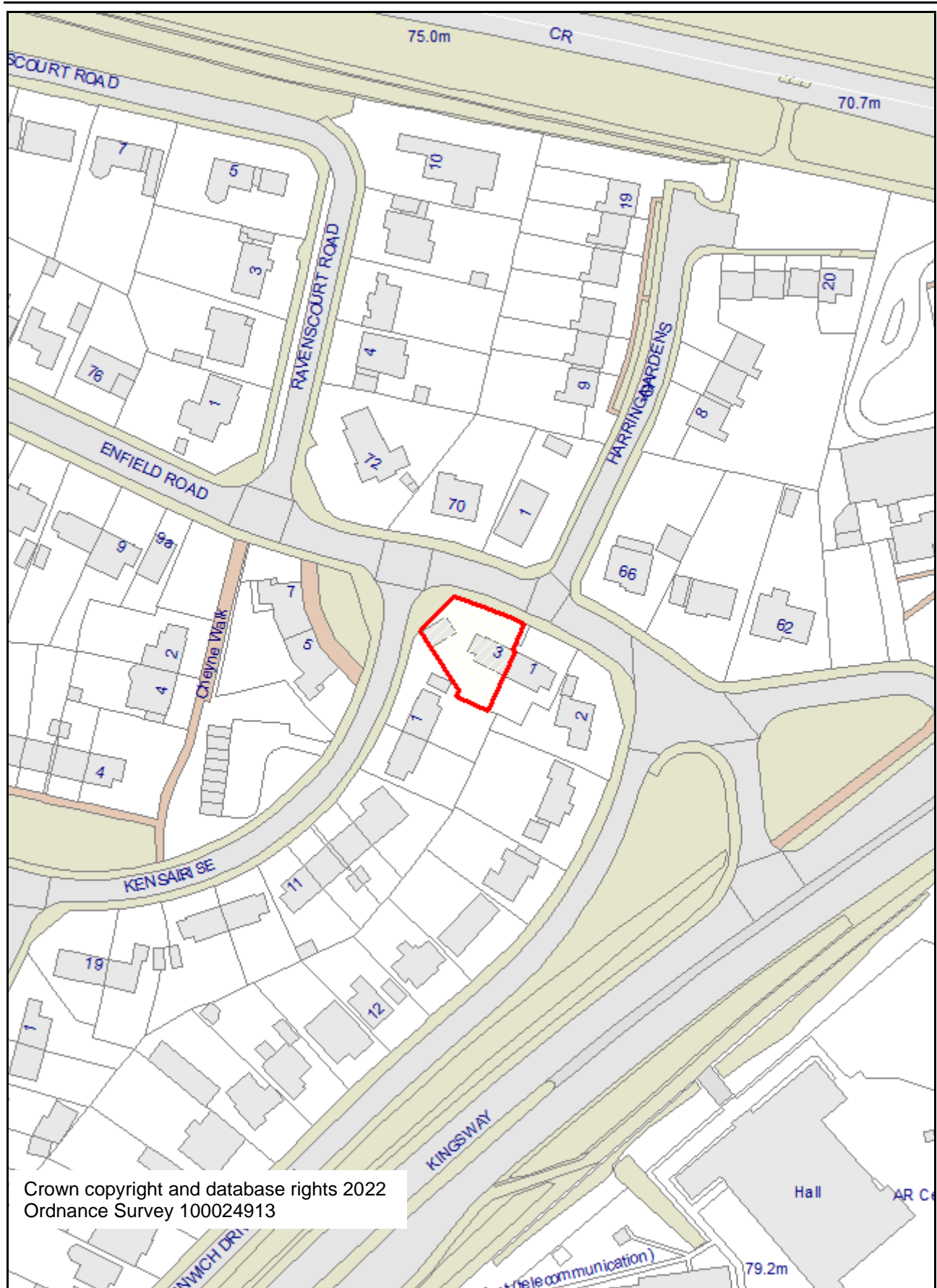
**Reason:** To enable the local planning authority to maintain control over the proposed use, to safeguard the amenities of the surrounding area.

4. Recommended cycle parking condition

**Reason:** To promote sustainable travel and minimise potential for on street car parking.

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

An extension of time has been agreed on the application until 23 December 2022 to allow the application to be considered by the Planning Control Committee.



## **Committee Report Item No: 7.2**

**Application No: 22/00598/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 20 Welney Close, Derby

**1.2. Ward:** Mickleover

**1.3. Proposal:**  
Extensions to dwelling house

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/00598/FUL>

**Brief description**

20 Welney Close is a residential plot at the north-eastern end of a residential cul-de-sac within the Mickleover Conservation Area. The site is flanked by residential plots to the north, west and south. A single-storey detached house stands towards the site's western boundary with the remainder in use as garden space and hardstanding for vehicle parking. Land levels around the site fall to the south. A row of Grade II listed buildings stand approximately 40 metres to the north-east of the application building. A locally listed water trough stands on the south-western side of The Hollow approximately 60 metres to the east.

Permission is sought for extensions to the house to increase its footprint to the rear and the creation of an additional storey. The application has been amended to make changes to the proposed materials and to reduce the height and depth of the extension adjacent to the site's southern boundary in response to comments from officers. See application documents and section 7.1 below for details

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

<b>Application No:</b>	DER/11/77/01357	<b>Type:</b>	Outline Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	26/01/1978
<b>Description:</b>	Residential Development (renewal of permission)		
<b>Application No:</b>	DER/11/77/01415	<b>Type:</b>	Reserved Matter Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	23/02/1978
<b>Description:</b>	Erection of 70 dwelling houses, 35 bungalows and 76 garages		

### **3. Publicity:**

- Neighbour Notification Letter
- Site Notice
- Statutory Press Advert

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

**4. Representations:**

*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.*

24 objections have been received and Councillor Pattison has requested that the application be requested to be considered by the Planning Control Committee.

Objections raise the following issues:

- Harm to the character of the existing building, streetscene and heritage assets;
- Disturbance from building work;
- Setting of precedent for similar development;
- Harm to biodiversity and potential for tree instability;
- Harm to residential amenity;
- Generation of traffic and harm to highway safety;
- The loss of a smaller dwelling from the housing stock;
- Implications for drainage infrastructure and local services from increased occupancy of the building;
- The original planning permission for the application building and surrounding houses was for bungalow not two-storey houses to avoid affecting houses on The Green;
- The building cited in support of the application as a design precedent was engineered to sit no higher than adjacent dwellings;
- Errors in the supporting statement;
- Light pollution.

**5. Consultations:**

**5.1. Conservation and Heritage Advisory Committee:**

As agreed with the chair of CHAC this application will not be discussed at CHAC on 09/06/22

**5.2. Built Environment:**

Designated Heritage Assets affected – 20 Welney Close is a modern bungalow located within the Mickleover Conservation Area which is an area of architectural and historic interest. There are also a number of listed buildings nearby, which are buildings of national importance. These include grade II 5-8 The Hollow, Old Hollow

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**Type: Full Application**

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Cottage at 4 The Hollow as well as 1 and 2 The Hollow. The conservation area and listed buildings are designated heritage assets.

Missing, Impact of proposals on Heritage Assets and comments – This application is for substantial extensions converting 20 Welney Close from a large bungalow to the substantial white rendered 6 bedroomed house. There is a limited heritage statement, heritage impact assessment submitted and design narrative to say what informed the design and how the design has evolved.

Welney Close is an area of predominately mid-20th century detached houses and bungalows. 18, 19 and 20 Welney Close are located within the Conservation Area. Two are 1970's bungalows whereas number 19 is a new building of modern design of white render and grey roof and fenestration. However, this building does not seem to have had the timber cladding applied to the upper parts of walls which can be seen on the approved plans, which would reduce its impact on the surrounding area, or its conditions applied to be discharged which included one regarding materials. To the east is The Hollow which is a sunken lane with some distinctive stone raised pavements. There is a difference in level between the Hollow and the location of elevated 20 Welney Close which is set back from the road. In terms of setting from listed buildings 5-8 The Hollow and in particular Old Hollow Cottage there may be partial views of proposed building through the trees, on the other side of the road, from the upper windows.

There would also be oblique views through trees of the new building from the windows of listed 1 and 2 The Hollow, from the distinctive stone constructed raised pavement adjacent and nearby buildings in the conservation area.

It is clear the building would be more dominant in form, scale and massing within its Mickleover conservation area location and does not relate to its context especially in terms of materials. Please note that reference cannot be made to the new building at number 19 as although the size, scale and detailed design was approved the building does not seem to have been constructed in line with the approved plans and conditions, including one for materials, have not been applied to be discharged.

The proposed building does not preserve or enhance the character or appearance of the conservation area and is harmful to it. Suggest reduction in size, scale and massing, design details changes and better choice of materials to relate better to its context as an area of architectural and historic interest.

Policies - The Planning (listed building and conservation areas) Act 1990 section 66 and 72 as regards listed buildings and the conservation area is relevant here. As are E18 and E19 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF (2021) is relevant in particular, para 189, 194, 199, 200 and 202.

There is harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

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public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

Recommendation: Strong concerns about proposal. Changes to design of building needed - which currently does not relate to its sensitive context near to a number of listed buildings and within the Mickleover Conservation Area.

### **5.3. Derbyshire Wildlife Trust:**

20 Welney Close has been assessed for potential bat roost features, from which it was concluded that the dwelling has a low potential for roosting bats (ML-Ecology, June 2022). Following Good Practice Guidelines (Collins, 2016) a subsequent single dusk survey was conducted on the 5th of June 2022. No bats were observed to emerge from the existing building; however, local bat foraging and commuting activity was recorded.

Overall we advise that the bat reports submitted provide sufficient information regarding these protected species and enable the Local Planning Authority to reach an informed decision in accordance with the Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulation 2019.

We recommend including the following conditions to limit any impact on local foraging bats and to provide opportunities for biodiversity enhancement in line with the objectives listed in section 15 of the National Planning Policy Framework (NPPF).

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

Biodiversity Enhancement - Within three months of planning approval, a Bat and Bird Box Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, as a minimum, the installation of one external or integrated bat box and one general purpose bird box, to be installed in a suitable location on the proposed dwelling. The plan shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

## **6. Relevant Policies:**

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

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the

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City up to 2028 and the policies which will be used in determining planning applications.

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

CP1(a)	Presumption in Favour of Sustainable Development
CP3	Placemaking Principles
CP4	Character and Context
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

### Saved CDLPR Policies

GD5	Amenity
H16	Housing Extensions

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

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

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

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

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

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

## **6.2. 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. Heritage and visual amenity**

**7.2. Residential amenity**

**7.3. Ecology**

**7.4. Highways matters**

**7.5. Other matters**

**7.6. Conclusion**

**7.1. Heritage and visual amenity**

The Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the Local Planning Authority pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and to have "special regard" to the preservation of the setting of listed buildings when making decisions. Case law has established that "considerable importance and weight" should be given to the conservation of heritage assets in the consideration of those decisions, an approach now reflected in the National Planning Policy Framework (NPPF) at paragraph 199 which states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)".

Saved policy E18 Conservation Areas of the City of Derby Local Plan Review also requires development proposals to preserve or enhance the special character of a Conservation Area. Adopted policy CP20 requires the "highest design quality" of development affecting the significance of heritage assets. The NPPF includes conservation areas in its definition of "heritage assets", which it describes as "an irreplaceable resource and should be conserved in a manner appropriate to their significance" (paragraph 189).

Saved policy H16 Housing Extensions states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the streetscene" taking into account design, massing, visual prominence and materials. The emphasis on design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area and by section 12 of the NPPF.

The proposed extensions would have a visual presence in the streetscene and would be a significant addition to the host building as well as being a departure from the appearance and scale of the dwelling houses, immediately adjacent which are relatively similar in their scale and appearance and are mainly bungalows. However, there is some variety in the streetscene including two-storey dwellings to the

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immediate north of the site, at the southern section of Welney Close, and the house to the south-east of the application site (19 Welney Close) which is of a larger scale and contrasting architectural style.

Although the application dwelling would be relatively prominent in the streetscene because of its elevated position, the changes made to the design and scale of the proposal in response to comments from officers would reduce its visual dominance from public viewpoints and its impact on the conservation area, the streetscene and the listed buildings to the east. See **Fig 1** below and application documents for comparison. It is acknowledged that the building to the south-east cited as a design precedent has been constructed without the timber cladding that was initially approved and that this limits its usefulness as a comparison. In recognition of this and of the reservations of the Conservation Officer regarding the proposed materials, a condition is recommended below regarding agreement of external materials. Provided appropriate materials can be agreed it is considered that the proposal would have a neutral impact on the character of the conservation area and the setting of listed buildings to the east of the site. The proposed design would in my view, be sufficiently sympathetic to the building and its context to be unlikely to result in a significant adverse effect on the character of the surrounding streetscene. My overall opinion is that the implications of the proposed extensions for heritage and visual amenity are acceptable and that the proposal would comply with saved policies E18, E19 and H16 of the City of Derby Local Plan Review, adopted policies CP3, CP4 and CP20 of the Core Strategy (Part 1) and section 12 of the NPPF.



**Fig 1. Amended (top) and initial (bottom) design proposals**

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**7.2. Residential amenity**

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the provisions of saved policy H16 Housing Extensions which also requires the creation of a "satisfactory living environment" which in turn is supported by the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

The proposed extension would be visible from surrounding residential plots and so would have some impact on residential amenity, with the adjacent plot in particular being subject to increased massing and overshadowing effects. This impact could not be convincingly described as constituting unacceptable harm in my opinion for the reason that the proposed structure as amended would be limited to a single storey with rooms in the roof space adjacent to the site's southern boundary. Although the difference in land levels between the two plots at this point would exacerbate the residential amenity impacts of the proposal on the neighbouring plot, the reduction in scale that has been made, has in my opinion, successfully dealt with this issue and the resulting residential amenity impacts would be acceptable.

The proposed balcony on the north side of the building has the potential to allow overlooking of plots to the north and a condition is recommended below regarding the inclusion of a privacy screen on the north side of the balcony. The proposed first-floor windows would face the adjacent plot to the west and would present a large glazed area in that direction. However, significant overlooking of this plot is unlikely given the intervening distance, garage building and vegetation. The proposed extension would be sufficiently distant from other neighbouring plots to substantially limit any negative amenity effects. It is my opinion that the implications of the proposed extensions for neighbouring residential plots would remain within reasonable limits, and that a satisfactory living environment would be maintained for occupants of the application site and neighbouring plots. Overall, my opinion is that the implications of the proposal for residential amenity would be acceptable and in compliance with saved policies GD5 and H16 of the City of Derby Local Plan Review and paragraph 130 of the NPPF.

**7.3. Ecology**

Adopted policy CP19 Biodiversity sets out the Council's intention to achieve a net gain for biodiversity over the development plan period (up to 2028) and to ensure that development will protect, enhance and restore the biodiversity and geodiversity of land and buildings. This is supported by paragraph 174 of the National Planning Policy Framework which states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity.

A bat survey has been submitted with the application and, although no evidence of their presence was recorded, there are measures that can be undertaken to achieve net biodiversity gains through the development. Conditions are recommended below as requested by Derbyshire Wildlife Trust regarding the submission and implementation of biodiversity enhancement scheme and lighting strategy.

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There are several large trees at the rear of the site, but their distance from the house makes it unlikely that they would be affected by the proposed works.

**7.4. Highways matters**

Adopted policy CP23 (Delivering a Sustainable Transport Network) seeks to ensure that new development provides appropriate levels of parking. The proposal would retain space in front of the house for vehicle parking. Although it is possible that the number of vehicles and vehicle movements would increase as a result of the increased occupancy of the building, this is unlikely to rise to a level that would be incompatible with the site's residential context or that would result in significant harm to highway safety. Overall, the proposal is considered to comply with Policy CP23.

**7.5. Other matters**

Several comments received make reference to the original design of the application building and other dwellings nearby being specifically limited to single storey. Although I have found no mention of this issue in the available records, these records are partial and it is considered that some weight should be given to this point. However, local and national planning policies have changed since the original design was approved in the 1970s and the application is assessed by reference to the policies currently in force.

Potential disturbance from building work is not a material planning consideration as it is controlled under separate legislation. Any similar development citing this application as precedent would be subject to the usual planning process and assessed on its merits. There are errors in the supporting statement, but this is not part of the approved plans and it should be read with this in mind. The loss of a smaller dwelling from the housing stock and the implications for drainage infrastructure and local services from increased occupancy of the building, represent incremental effects on local infrastructure and service provision, which are not material planning matters in determination of this application.

**7.6. Conclusion**

The proposed development, as amended, is considered acceptable with regard to impacts on heritage, visual and residential amenity, the site's ecology and the highway network. A recommendation to approve with conditions is given.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed extensions would be significant and would change the character of the host building with a significant presence in the streetscene and conservation area, with some effect on the setting of nearby listed buildings and the residential amenity of surrounding residential plots. However, the changes made to the scale of the extensions, particularly on the south side of the building, reduce these impacts to

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acceptable levels, subject to conditions regarding agreement of external materials, biodiversity enhancement, lighting and privacy screening.

### **8.3. Conditions:**

1. Standard 3 year time limit condition

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

2. Standard approved plans condition

**Reason:** To define the permission and for the avoidance of doubt

3. Materials condition

**Reason:** In the interests of visual amenity and the setting of heritage assets.

4. DWT biodiversity enhancement condition

**Reason:** To provide biodiversity net gain in line with local plan and NPPF requirements

5. DWT lighting condition

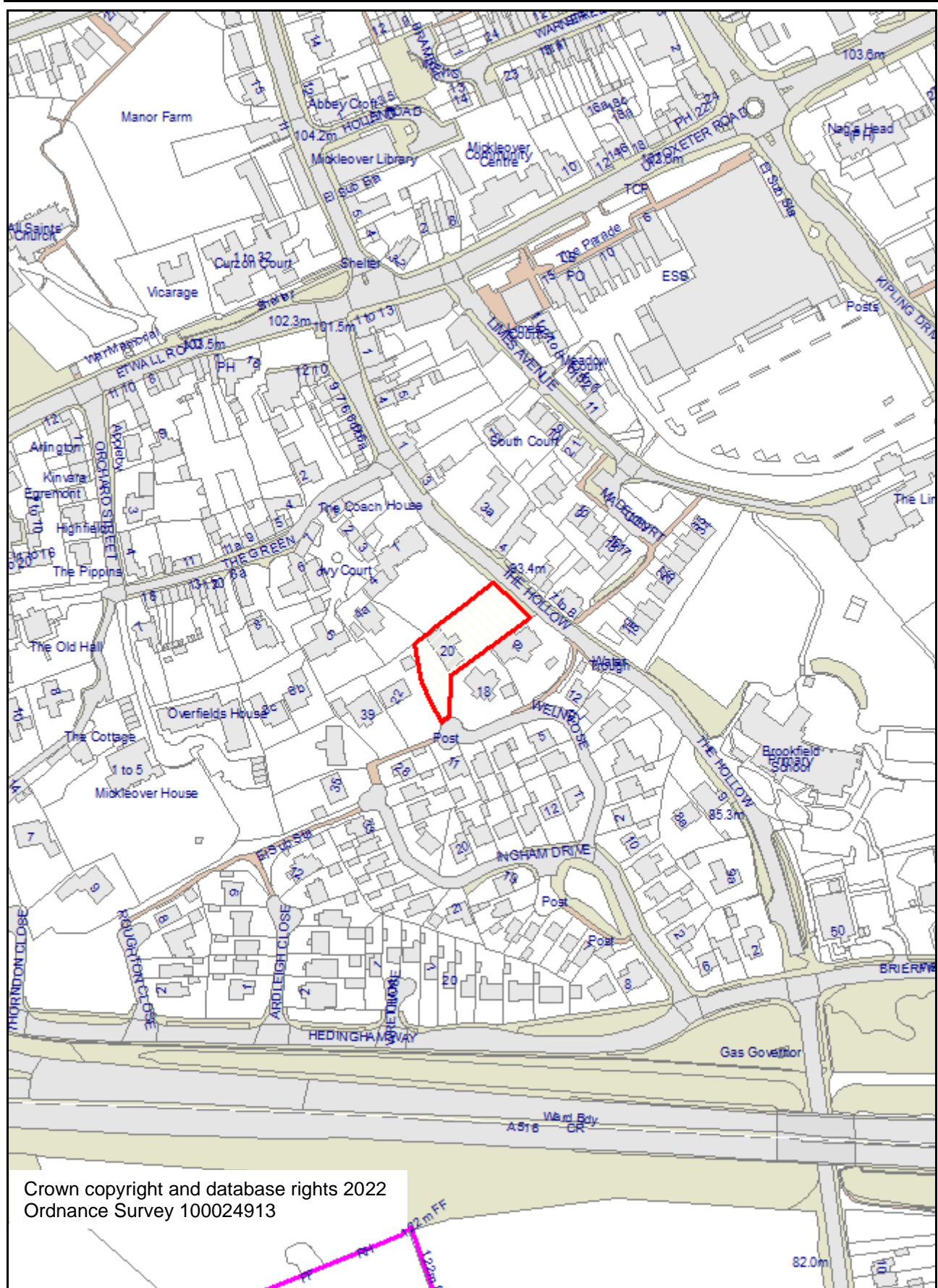
**Reason:** In the interests of protected species and residential amenity.

6. Balcony privacy screen condition

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

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

An extension of time has been requested on the application until 23 December 2022 to allow the application to be considered by the Planning Control Committee.



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**1. Application Details**

**1.1. Address:** 16 -17 Friar Gate, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)

**1.4. Further Details:**

Web-links to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01337/FUL>

Brief description

Full permission is sought for the change of use and extension to 16-17 Friar Gate, in the city centre to form new residential units.

The site lies on the north side of Friar Gate, in the Friar Gate Conservation Area. The building is Grade II listed and dates from the 17th Century. It is a three storey brick and stone building, which has distinctive roof gables and mullioned windows. It extends some distance to the rear of the site, with an open yard, accessing onto George Street. There are other listed buildings in proximity to the site along Friar Gate and George Street. The ground floor and part of the first floor are currently in use as a restaurant (Class E), whilst the upper floors were previously residential but are now vacant.

The proposals are to convert and refurbish part of the first, second and third floors of the building to form three apartments and a 6 bedroom HMO. The apartments are all to the first floor and comprise one 2 bed and two 1 bed units. The upper floors, including the original roof space would form the HMO, with separate bathrooms and communal living room. The residential units would all be accessed via an original staircase from the ground floor side entrance to the building. The restaurant use to the ground and first floor of the building is retained. The change of use would involve minor alterations to the interior, to form the new accommodation, by removal and formation of small sections of internal walls, door openings, kitchen and bathroom fittings. External alterations would only involve the roof of the building, in the form of new conservation rooflights.

A two storey extension to the rear yard of the site is also proposed to form 2 one bed apartments. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first floor level. Servicing arrangements for the residential units are proposed to be amended within the rear yard, with a resident's cycle store and bin store to be sited alongside the George Street access. Further bin storage is proposed within the yard for the restaurant use.

The application is supported by Design, Access and Heritage Statement, Flood Risk Assessment, Archaeological Desk Assessment and Structural Condition report.

**2. Relevant Planning History:**

<b>Application No:</b>	22/01338/LBA	<b>Type:</b>	Listed Building
<b>Decision:</b>	To be decided	<b>Date:</b>	
<b>Description:</b>	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations		

**3. Publicity:**

- Neighbour Notification Letter – 4 letters
- Site Notice
- Statutory Press Advert

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

**4. Representations:**

***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.***

48 objections have been received to the planning application. The main issues raised are as follows:

- Impacts on fire safety, access and egress to rear yard for other occupiers
- Proposed siting of bin storage to rear yard
- Proximity of new residential building to the neighbouring property
- Increase in number of residents using the access and rear yard
- Negative impact on adjacent business
- Disruption, dust and noise during construction phase
- Noise from new residents occupying the site

**5. Consultations:****5.1. Highways Development Control:**

This planning proposal is situated close to Derby city centre within the inner ring road on the North side of Friar Gate Road. The development of six apartments will be built-in to both an existing building with a new extension added onto it.

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The 16-17 Friar Gate Design & Access Statement, Incorporating Heritage Impact Assessment 6.2 and the Proposed Site Plan - 1100 S3 PO5 indicate that the new extension development will incorporate cycle and sufficient bin storage. The cycle storage will allow for 4 bikes to be safely secured and access to both will be via a new replacement gate opening inwards onto George Street. The residential bin storage will have 2 x 1100l Eurobins, 1 for general waste and one for recycling. Situated to the rear of the restaurant 6 1100l Eurobins will be provided for the commercial businesses on site. These will be positioned more than the recommended 10m distance for collection by refuse but the application states that these can be wheeled to the kerbside as required.

The plans do not suggest any changes to exterior doors and windows fronting onto the public footpath/highway however the existing ground floor plan 2000 SP 305 and the proposed ground floor plan 2100 SP 07 suggest that window WG06 from the restaurant opens outwards onto Friar Gate. Whilst not part of the development the plans also show a door in the Yoga studio building that opens out onto the public footway onto George Street. However, a site visit reveals that neither of these open outwards onto the public footway. Additionally, there is another door/window that is not shown on the plans giving access to the yoga studio.

In the Flood Risk Assessment 4.4.1 and 4.4.2 states there will be no changes to the existing site drainage and no alterations to the exterior impermeable areas.

Whilst the development could potentially increase a demand for parking spaces, it would not be possible to argue that the development would have an overall significant impact on the highway. The development itself will provide no parking for vehicles. Friar Gate and the streets surrounding the development have restricted access to motor vehicles. There is pay and display parking for a maximum of 2 hours only, permit parking and no waiting times imposed.

The building is conveniently located inside the inner ring road highly accessible to the city centre, being well served by public transport and cycle links, nearby pay and display parking as well as general pedestrian access to shops, services and amenities.

**Recommendation:**

The Highway Authority has no objections to this proposal subject to the conditions, for doors opening outwards and bin management plan.

**5.2. Conservation & Heritage Advisory Committee:**

Not considered by the committee.

**5.3. Built Environment:**

Revised comments received 5 December:

**Designated Heritage Assets affected** – 16-17 Friar Gate is a grade II listed building within the Friar Gate Conservation Area. There are also several other listed buildings nearby including grade II listed buildings: 18 Friar Gate, 20 Friar Gate, 21-22 Friar Gate, 23 Friar Gate and York House on 3 George Street. The Friary Hotel on Friar Gate opposite the front elevation is grade II\* listed. These are designated heritage asset in NPPF terms.

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**Impact of proposals on Heritage Assets and comments** – The proposal is for the alterations associated with the change of use from restaurant and construction of a two storey extension to form five apartments and one apartment in multiple occupation. Works includes several alterations including a new extension, rebuilding a brick boundary wall, an enclosure to provide a resident's bin and cycle store, new gate, fence, and bin.

External works –

- The proposed extension, in brick and natural slate can be seen within the Heritage Statement to be in the location where there was one historically, however, this did not have the canted projection forward towards George Street. The projection is proposed of brick with metal standing seam cladding to the upper floor. No issue with extending in this area to previous footprint, however, would much prefer if the extension didn't project forward, that it wasn't clad in metal standing seam cladding which is not characteristic of the conservation area and the bike store didn't have a flat roof.

Note 17/11 justification for the extension and flat roof. Preference already highlighted still valid. Flat roof to bike shed mentioned and that this will be screened by fence. Suggest section on how this will work along with materials condition, to control visual appearance any new materials for construction. The extensions and fence items have a degree of harm to the setting as part of the significance of the listed building and does not preserve or enhance the character or appearance of the conservation area.

- Suggest it is investigated whether the listed boundary wall can be repaired rather than completely re-built. There does not seem to be a structural report to justify this work. Suggest one is submitted (current structural report doesn't seem to include its assessment). If justified suggest reuse of existing bricks and use of an appropriate lime mortar. Note clarification in letter that all measures will be taken to retain and repair the boundary wall in situ, but no drawing changes have been made. It states wall to be rebuilt. Would prefer retention of existing wall.

- The historic stone setts in this area are particularly fine. Suggest therefore that any that are disturbed are reused upon the site or kept for future use. Suggest consideration of a condition if mindful to grant permission.

- There will be a need for careful material choices if you are minded to grant permission for the bin/fence enclosures. Suggest consideration of a condition if mindful to grant permission.

- Further details to ensure new rooflights are conservation type and details of AOV suggested if you are minded to grant permission for the bin/fence enclosures.

- Precise details of locations of helibars/appropriate stainless steel ties (supported by a structural engineers report), vents and flues etc to be submitted via condition should you be minded to grant permission after amendments suggested in the consultation have been undertaken.

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Internal works - Within the building there are alterations to include blocking doorways, removal doors, removal of walls and two pantry enclosures to first and second floor and creation of new door openings, installation of AOV, rooflights and small section of lime ash floor carefully cut back to top third floor to allow some headroom. There is a degree of harm, to the listed building's significance in doing these alteration works and installation associated drainage/ventilation etc. Suggest reduction of units to reduce impact.

In terms of new works to the ground floor there are limited works to the main building, to the first floor there are some new walls (one to create a corridor to enable three units to work on the first floor), some subdivision and a blocking of a doorway. This changes the original layout of the building and details of all new openings need to be confirmed e.g., to door height with a sufficient down stand. To the second floor there are walls proposed to form two new shower rooms, one to the top of the staircase. In terms of this one it would be preferred if the balustrade remained (it is not clear whether it is removed or encapsulated) and it was investigated whether the shower room could be in the existing store adjacent therefore leaving the proportions of the landing space at the top of the stairs and balustrade unchanged. Amended plan confirms retention of existing balustrade. To the third floor the space is very tight, head height to the third floor is low and historic roof timbers are exposed. The lime ash floor looks to have been repaired previously at the top of the stair so cutting it back might be possible although a section through and narrative on how this will be done to ensure suitable head height is needed. Replacement of stair not supported as this would be a high amount of loss and harm to the listed building. Clarification obtained that historic stair is not being replaced. Slight modification needed, where previously modified, accepted however suggest exact details conditioned should you be minded to grant permission. The en-suite to bedroom 5 seems inappropriate and awkward in this key end location within the roof space. The en-suite would block the fine view of the roof timbers. Suggest review and consideration that the third floor is not used for conversion to a bedroom but for storage as alteration to form the two en-suites on the plan form, installation of services and especially the location and installation of ensuite to bedroom 5 seems very harmful. Space is very tight, with limited head height, within the attic. Maintain that preference is not converted and en-suites added on this floor, however, understand there may be other considerations. Proposal amended so that the two ensuite shower rooms be pods rather than full height which will have less of a visual impact within these rooms. It is explained that the pods are proposed to be fully reversible, however, there will be holes in walls etc made for drainage, vents etc. It will be important to obtain details on how they are proposed to be constructed so they are 'reversible' and require 'minimal intervention'.

There is a need for clarification on the type of fire and sound separation proposed between floors and if any needed to walls. This does not seem to be included within the HIA. The approach to doors seems appropriate as very few original doors survive. Fire and Acoustic separation details have been submitted. Note floor/ceiling and wall upgrades for fire separation are acceptable in this case. Suggest condition to retain and reuse floorboards found should you be minded to grant permission.

The impact on the significance of this listed building is beneficial in terms of upper floor use but harmful regarding the impact on significance of the listed building in terms of plan form as a result of the changes to install this use there is inherently a

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degree of harm due to the removal of walls, creation of new doorways, physical alterations for the installation of vents, flues, AOV's, drainage, wc shower rooms, installing fire and sound partitioning etc, and other changes as outlined above. There is also impact on the character or appearance of the conservation area as regarding the proposed rebuilding of the wall and the construction of the new extension. Suggest clarification and changes as outlined above to proposals to reduce harm. Some clarification has been obtained.

**Policies** - The Planning (Listed Building and Conservation Areas) Act 1990 section 16 and 66 and 72 as regards the statutory duties regarding listed buildings and Conservation areas are relevant here. As is E19 and E18 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and 202. There is slight harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

**Recommendation:** - Some clarification on elements has been submitted. Still some concern regarding amount of impact of some items. However, if concerns appropriately addressed no objection (subject to conditions as outlined above)

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

##### Noise

The application includes converting some existing space on the ground and first floor to residential, whilst retaining the restaurant space on the ground floor. In addition, additional residential accommodation will be provided in an extension as well as in part of the roof space.

Whilst there is existing residential accommodation at the site, the proposal is to increase the amount of accommodation and make significant alterations to the building.

The site is located in close proximity to a busy road and in an area where there are a number of restaurants and takeaways. The external noise levels are likely to be high and a suitable sound insulation scheme would need to be submitted to demonstrate that a good level of acoustic amenity will be provided. No details regarding noise have been submitted at this stage.

In addition, there will be noise produced internally from the restaurant business which should also be considered. It appears that the plant equipment will remain in the same location on the second floor, but it would be advisable to review the impact of

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noise and odour on the proposed residential areas from the commercial kitchen extraction system and the flue outlet.

I note that there is a proposal to use air source heat pumps within the site which can also be a source of noise to residents so this should be included within any noise assessment carried out.

Whilst we have some concerns regarding the potential conflict between the commercial use of the building and the residential apartments in conjunction with the likely existing high noise levels, part of this building is already within residential use. The opportunity exists to improve the potential amenity of the existing residential accommodation as well as within the new residential areas proposed due to the level of refurbishment proposed throughout the building.

#### Conclusions and Recommendations

The Environmental Protection Team would consider that good acoustic design is essential to mitigate as far as possible the potential conflict between a suitable residential environment and the night-time economy. We would refer the applicant to ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise (ANC/IOA/CIEH May 2017). In situations where it is a requirement to ensure windows are closed to achieve acceptable internal noise levels, we would consider that an overheating assessment should be carried out in line with ANC Acoustics Ventilation and Overheating – Residential Design Guide (Jan 2020)

We would therefore recommend that a suitable planning condition be attached to any planning permission granted requiring a suitable acoustic assessment, considering all internal and external noise sources, to be carried out by a competent person. The results of this assessment can then be used to inform an acoustic insulation scheme for the development. This should include consideration of the most appropriate ventilation scheme required in the event that a closed window scenario is required to achieve a suitable internal noise environment.

The acoustic insulation and ventilations schemes approved under condition should be maintained throughout the life of the development.

#### Contaminated Land

Due to the previous historic use of the site, there is a number of potentially contaminated sources close to the site. In addition, made ground is likely to be present on the site which can be a source of ground contamination.

As the proposals include extensions to the existing property, we would therefore recommend that conditions be attached to any planning permission granted as no information regarding land contamination has been included with the application:

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

This site is in the EA's Flood Zone 3 with a medium risk of flooding (3.33% to 1%). The SFRA also shows the site as being in flood zone 3. However, the EA's flood levels show the site to be only just into the 1,000-year flood zone. It is proposed that the extended building be set with higher floors than the 1,000-year flood level. The proposal is acceptable to the LLFA.

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There is no reason why, in spite of the fact that there is no increase in impermeable area, that rain gardens and tree pits cannot be used to treat and reduce the run-off in line with Derby City Council's ambitions. This is recommended.

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

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

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

In order to obtain a licence it will need to be adequately managed and free of significant hazards under the Housing Health and Safety Rating System (HHSRS). This will include provision and maintenance of fire precautions. It was not clear from the information available the full details of what provisions will be made in relation to fire precautions.

Guidance on fire safety in HMOs can be found in the LACORS Housing fire Safety guidance. This department will generally use this guidance when assessing fire safety in residential property.

It will also need to meet the space and amenity standards set out by this Authority for HMOs in the City. The published standards should be referred to ensure there is enough space and adequate cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people proposed to be housed.

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

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

**5.7. Derbyshire County Council Archaeologist:**

**Revised comments 1 November 2022:**

The applicant has submitted a very good Desk Based Assessment of the site which advises the potential for below ground medieval and post-medieval archaeology to be impacted by the development. This impact however can be offset by the implementation of an archaeological watching brief, undertaken during any below ground works. These works could be secured by attaching a suitable condition to planning which might read.

'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning

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authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

The WSI should be compiled by a suitably experienced and accredited heritage professional/consultancy or archaeological organisation, preferably ClfA registered, in consultation with this office.

## **6. Relevant Policies:**

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

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

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

- CP1a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP20 Historic Environment
- CP23 Delivering a Sustainable Transport Network
- AC1 City Centre Strategy
- AC2 Delivering a City Centre Renaissance
- AC5 City Centre Environment

#### **Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential Development - General Criteria
- H14 Re-use of Underused Buildings
- E18 Conservation Areas
- E19 Listed Buildings and Buildings of Local Importance
- E20 Uses Within Buildings of Architectural or Historic Importance
- E21 Archaeology

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

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

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

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

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

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

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

The Local Plan (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 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

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

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

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

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

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Principle of the Development/Use**

#### **7.2. Design and Amenity**

#### **7.3. Heritage Impacts**

#### **7.4. Highway Impacts**

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

#### **7.6. Conclusion**

### **7.1. Principle of the Development/Use**

16- 17 Friar Gate is a Grade II listed building in the Friar Gate Conservation Area, which lies in the CBD and Cathedral Quarter. Within the wider City Centre and the CBD in particular, AC1 and AC2 support the provision of housing. The retention of the restaurant use at ground floor level would be in line with the intentions of AC2 which seeks to support the Cathedral Quarter's leisure and evening economy role.

Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, in this case, being a Listed Building

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in a Conservation Area, particular consideration should be given to whether there would be any harmful impacts on the heritage designations such that permission should not be granted in accordance with the guidance in the NPPF on heritage matters.

This proposal is for conversion and extension to a Grade II listed late 17th Century building at 16-17 Friar Gate, within Friar Gate Conservation Area, to form 5 apartments and one HMO unit. The building is within the city centre, on Friar Gate, which has numerous bars and restaurants and is in the heart of the night time economy. A restaurant currently occupies the ground floor and part of the first floor of the building. The remaining upper floors of the building are currently vacant. The rear yard of the property is accessed off George Street. The proposals include the erection of a new two storey residential building, with 2 apartments, which would be sited in part of the rear yard.

In principle, the proposed residential uses would be acceptable within the city centre, including on upper floors of frontage buildings and where they would not result in the loss of other city centre uses. In this case, the existing restaurant use is being retained within the principal listed building and would not be directly impacted by the proposed residential units. In policy terms, residential uses are appropriate in the city centre, which is a highly sustainable location, through Policies AC1 and AC2 of the DCLP - Part 1. The delivery of new housing would also accord with the intentions of saved Policies H14, H13 and Policy CP6, although given the proposals relate to the use of a listed building in the Conservation Area, the residential uses would only be acceptable provided that the heritage tests in the NPPF are satisfactorily met.

## **7.2. Design and Amenity**

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

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

The proposed conversion of the listed building at 16-17 Friar Gate, to residential use, would not involve any substantial external alterations to the building. All existing window openings and external doors are to be retained in situ and alterations are principally to the roof, through insertion of 3 conservation rooflights to rear and roof vents. Internal alterations to form the residential units would also be limited in scale, comprising removal of internal walls and openings, insertion of partition walls, formation of kitchens and bathrooms and associated vents and pipework. The principal staircase to the rear of main building would be retained and provide the main access to the apartments and HMO.

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The main change of use would be to the third floor roof space of the building, which has not previously been in residential use and retains much of its original roof structure and character. The proposal would form two bedrooms and en-suite bathroom pods and staircase within the roof space. This would involve internal interventions to the historic fabric, to form the residential units and the Conservation Officer has expressed some concern about the introduction of the bathroom pods and alterations to the stairwell, which result in enclosure of the original roof spaces. Revisions have been made to those third floor bathrooms to reduce the height of the pods and allow more of the roof space to be viewed.

The proposals also include erection of a two storey building to the rear of the yard, which is accessed off George Street. It forms part of the curtilage of the listed building. The building would house two 1 bedroom flats. It would be constructed of red brick with a natural slate roof, but would also have a modern appearance with dark grey windows and a dark metal cladding feature to the first floor. The footprint would turn the corner to allow maintenance of pedestrian access into the yard for servicing and access to the principal building. The Conservation Officer has raised some concern about the design and footprint of the new building and the Design and Access Statement has been updated, to provide further justification of this element of the scheme, *"The new extension can be seen as sensitively interpreting the existing building composition, with contemporary fenestration and brick detailing inspired by the existing. Its form and massing can be seen as having a minimal impact on the streetscape, as a new addition to the multiple historic and more recent extensions to the original front range."*

Due to the limited extent of external alterations to the original building, there would be minimal harm to the character and significance of the Conservation Area, arising from the proposed residential conversion. The new building in the rear yard would introduce a new two storey structure into an existing vacant space. It would also be of a contemporary design and form, which contrasts with the historic buildings and features on the site. This would impact on the significance and character of the Conservation Area and the Conservation Officer considers that the new building would result in some harm to the heritage asset.

Overall, the conversion and re-use of the building for residential use is considered to be a well-designed scheme, which would bring the upper floors of the historic building back into a viable and beneficial economic use. The proposals would form reasonable sized residential units, which would exceed the national minimum floorspace standards. The HMO bedrooms would be a minimum of 12 sq metres in area, with a large communal space of 23 square metres. All bedrooms and communal areas would also have access to large window openings and natural daylight. In relation to the proposed HMO in particular, I note that the Housing Standards team have raised no objections to this element of the residential use. The HMO would be controlled via a licence under the Housing Act. I am therefore satisfied that the units would all provide a high quality living environment for future occupants of the building.

The new building would form two apartments over two floors and their floor areas, would exceed the minimum space standards. Window openings would be large in size and all be south and east facing. The built form would be in close proximity to an

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adjacent two storey building which is in separate ownership and is currently in use as a yoga studio. At its nearest it would be 1.57 metres from the northern end of the adjacent building, so there would be some shadowing of the ground floor apartment, although I do not consider there would be a significant impact on daylight to the residential units. Conversely the proposal would be of similar scale and window layout to the existing rear outbuildings, which run along the western boundary of the yard and so would not have any more detrimental impact on daylight or massing to the adjacent building on George Street, than the existing structures. I note concerns have been raised about fire safety and access being impacted because the new building has narrowed the access route to George Street. The development would need to comply with fire safety requirements which are dealt with under Building Regulations. Having said that the proposed gap would be sufficient in width to allow for pedestrian egress and movement of bins for roadside collection.

Overall, the proposals to form residential accommodation on this site would fulfil the design principles set out in Policies CP3 and CP4 and saved Policies H14 and H13 of the adopted Local Plan and the over-arching guidance in the NPPF which requires good design in new developments.

### **7.3. Heritage Impacts**

The Conservation Officer considers that there are benefits resulting from the proposed conversion and reuse of the upper floors of the Grade II listed building for residential use. However, there is also harm to the significance and fabric of the building from removal of walls, plan form, formation of doorways and other interventions. There is also considered to be harm to Friar Gate Conservation Area from the new build extension and proposed rebuilding of boundary wall. Further clarification was also sought for fire and noise protection measures, to be used in the listed building, to form the new residential units. Additional information has been supplied to address these requirements and is accepted, subject to conditions.

A revised Design and Access and Heritage Statement has been submitted in response to concerns raised by the Conservation Officer, in particular relating to the new extension and some internal alterations to second and third floors to form the apartments. The revised statement has been accepted by the Conservation Officer and planning conditions are recommended to deal with outstanding details.

There is considered to be “less than substantial harm” as a result of the proposed conversion and alterations to the listed building to form residential apartments and as a result of the new build extension in the rear yard. However, the harm has been lessened through minor amendments to the scheme and the additional information submitted in support of the application.

In considering the application, the decision maker must have regard for the requirements set out in the Planning (Listed Building and Conservation Areas) Act 1990, Sections 66(1) and 72(1) and relevant Local Plan policies, which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

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The relevant Local Plan policies are Policy CP20 of the adopted Derby City Local Plan – Part 1: Core Strategy and saved Policies E20, E19 and E18 of the City of Derby Local Plan Review. The harm to the significance of the heritage assets, caused by the proposed intervention works to the upper floors of the listed building and development of a new residential building in the rear yard, is contrary to the intentions of the adopted Local Plan policies.

The level of harm is considered to be “less than substantial harm” and, in accordance with NPPF Para 202, the amount of harm must be weighed against the public benefits of the proposal. In this instance, the benefits of bringing the property back into viable use and the potential increase in the vitality of the City Centre carry significant weight.

The benefits which are afforded by the proposals are the reuse of the upper floors of the building for residential use, which allows these parts of the building to be brought back into an optimal viable residential re-use, with limited overall alterations and the proposals would deliver a variety of new housing to a highly sustainable location in the city centre, which would contribute to the city's housing supply. The new extension would also deliver additional high quality housing in a well-designed and complementary form. These public benefits are significant in my opinion and are considered to outweigh the limited harm to the significance and character of the listed building and the Conservation Area, which has been identified and for this reason I am satisfied that the heritage tests in the NPPF are satisfactorily met.

The County Archaeologist had raised concerns that the heritage statement did not sufficiently address any archaeological works and heritage assets in the wider area around the site. In response, an updated desk based assessment has been received, which assesses the potential for below ground archaeology to be impacted by the development, of the new extension works. The Archaeologist welcomed the submitted assessment and an archaeological watching brief is recommended to deal with below ground works and the Archaeologist accepts that this can be secured through a suitable planning condition. This would satisfactorily meet the archaeological intentions of saved Policy E21.

#### **7.4. Highways Impact**

The site is on Friar Gate in the city centre and does not have any off-street parking provision. There is an access from George Street to a yard at the rear. However this does not afford any car parking provision or servicing. There is also no parking proposed for the new residential units. The development would therefore be car free, with cycle parking to be provided within the rear yard, for future residents. There are no objections received from the Highways Officer to the proposals and I am satisfied that there would be no adverse highway implications resulting from the proposed residential units. The site is in a highly sustainable and accessible location, which allows for non-car transport opportunities for the future residents.

Third party concerns have been raised about the proposed amendments to bin storage and collection from the rear yard. Bin storage areas are proposed within the rear yard, for the new residential units, the existing restaurant and the adjacent building on George Street. Bin collection would be via the existing gate access onto George Street, which is currently used for servicing the existing occupiers. There is

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existing bin storage within the yard and the proposal is to amend and increase the storage for the new residences. The Highways Officer has not raised any concerns about the bin storage arrangement subject to a management plan for bin collection being agreed through condition.

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

### **7.5. Environmental Impacts**

**Flood Risk** - The site is within an area which is at medium risk of flooding and a flood risk assessment has been submitted with the application. The Land Drainage Officer is satisfied with the conclusions of the FRA and notes that the site is also at low flood risk according to the EA's flood maps. The Officer recommends that surface water run-off and sustainable drainage features can be incorporated into the development, and these will be addressed through an informative note attached to the permission. Overall, the proposals would meet the flood risk intentions of Policy CP2.

**Noise** - The site is in the city centre with a restaurant on the ground and first floor and is surrounded by various bars, takeaways and restaurants in this part of Friar Gate, which generate late night activity and noise, likely to have an impact on any residents occupying this building. Future residents would therefore be exposed to a high level of external noise from traffic and night-time activity. In addition, there will be noise and smells generated from the restaurant use in the building, via existing flues and equipment, which also may lead to disturbance for future occupants. An air source heat pump is also proposed to be located alongside the new residential building and would be potentially an additional source of noise disturbance.

A noise assessment has not been submitted with the application and the Environmental Health Officer (EHO) considers that one will be necessary to demonstrate that suitable sound insulation measures can be implemented to safeguard the amenity of the proposed residential units. It is acknowledged that part of the building already has a previous residential use, so the principle of the use is acceptable, subject to a suitable acoustic mitigation and ventilation scheme being incorporated into the building, having regard for this sensitive historic fabric and character. This can be secured through an appropriate planning condition attached to the permission and would meet the amenity requirements of saved Policy GD5.

**Contamination** - Due the previous historic uses of the site, there is understood to be potential for contamination close to this site. The development of a new residential building may be exposed to such contamination, so a Phase I assessment is required to be carried out and any subsequent assessments as may be necessary. These can be secured by suitable planning conditions attached to the permission.

**Flood Risk** - The site is an area at medium risk of flooding in Flood Zone 3, although the Land Drainage Officer confirms that the building is actually at a low risk of flooding and the new building would have a raised floor level. There would not therefore be any significant flood risk to the future residents of the site and the proposal accords with Policy CP2 of the DCLP - Part 1.

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**7.6. Conclusion**

The proposed conversion and residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. There would be no harm to residential amenity, subject to noise mitigation measures and no adverse impacts on the local highway network, site contamination or on flood risk. The less than substantial harm resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential re-use, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location. Overall the proposal would accord with the Policies of the adopted Local Plan when taken as a whole and the over-arching design guidance in the NPPF.

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed conversion and works to form a residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. There would be no harm to residential amenity, subject to noise mitigation measures and no adverse impacts on the local highway network, site contamination or on flood risk. The less than substantial harm resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential reuse, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location.

**8.3. Conditions:**

1. Standard condition (3 year time limit)

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

2. Standard condition (Approved plans)

**Reason:** For avoidance of doubt

3. Before commencement, a Phase I contamination assessment shall be carried out and where contaminants are identified a Phase II assessment carried out to assess level of risk to users of the development. Where significant risks are identified than a Remediation Strategy will be required to identify measures to mitigate risk.

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**Reason:** To ensure land contamination is understood in interests of public safety.

4. Risk reduction measure in Remediation Strategy to be implemented and Validation report produced.

**Reason:** To ensure land contamination is understood in interests of public safety.

5. Archaeological scheme of WSI to be submitted and agreed and carried out

**Reason:** To ensure archaeological remains are recorded and analysed.

6. Acoustic Assessment to be carried out for internal and external noise sources and noise insulation measures agreed.

**Reason:** To safeguard amenities of future residents.

7. Details of external materials, window and door joinery to be submitted for apartment building and fencing agreed before construction.

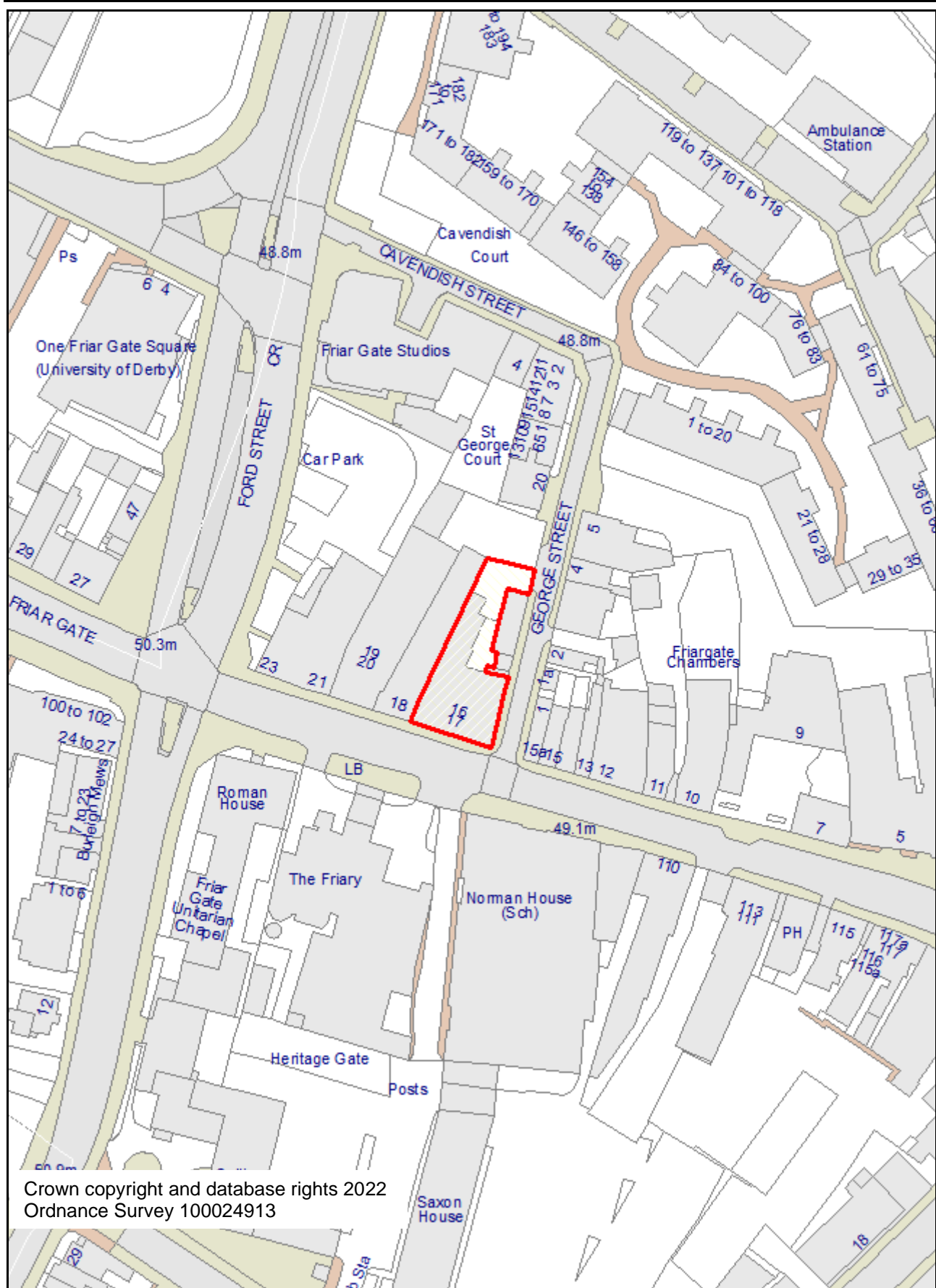
**Reason:** Visual amenity to preserve character of the local area.

**8.4. Informative Notes:**

Housing Standards Informatives

**8.5. Application timescale:**

Extension of time to be agreed until 19 December 2022.



## **Committee Report Item No: 7.4**

**Application No: 22/01338/LBA**

**Type: Listed Building  
Consent**

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### **1. Application Details**

**1.1. Address:** 16- 17 Friar Gate, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01338/LBA>

**Brief description**

Listed Building Consent is sought for change of use, two storey extension and internal alterations to a Grade II listed building at 16-17 Friar Gate to form five apartments and one House in Multiple Occupation.

The site lies in the city centre on the north side of Friar Gate, in the Friar Gate Conservation Area. The listed building dates from the 17th Century. It is a three storey brick and stone building, which has distinctive roof gables and mullioned windows. It extends some distance to the rear of the site, with an open yard, accessing onto George Street. There are other listed buildings in proximity to the site along Friar Gate and George Street. The ground floor and part of the first floor are currently in use as a restaurant (Class E), whilst the upper floors were previously residential but are now vacant. The restaurant use would be retained.

The proposals are to convert and refurbish part of the first, second and third floors of the building to form three apartments and a 6 bedroom HMO. The apartments are all to the first floor and comprise one 2 bed and two 1 bed units. The upper floors, including the original roof space would form the HMO, with separate bathrooms and communal living room. The residential units would all be accessed via an original staircase from the ground floor side entrance to the building. The restaurant use to the ground and first floor of the building is retained. The change of use would involve minor alterations to the interior, to form the new accommodation, by removal and formation of small sections of internal walls, door openings, kitchen and bathroom fittings. External alterations would only involve the roof of the building, in the form of new conservation rooflights.

A two storey extension to the rear yard of the site is also proposed to form 2 one bed apartments. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first floor level. Servicing arrangements for the residential units are proposed to be amended within the rear yard, with a resident's cycle store and bin store to be sited alongside the George Street access. Further bin storage is proposed within the yard for the restaurant use.

The application is supported by Design, Access and Heritage Statement, Flood Risk Assessment, Archaeological Desk Assessment and Structural Condition report.

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

<b>Application No:</b>	22/01337/FUL	<b>Type:</b>	Full
<b>Decision:</b>	To be decided	<b>Date:</b>	
<b>Description:</b>	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)		

### **3. Publicity:**

- Neighbour Notification Letter – 4 letters
- Site Notice
- Statutory Press Advert

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

### **4. Representations:**

***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.***

18 objections have been received to the listed building application. The main issues raised are as follows:

- Impacts on fire safety, access and egress to rear yard for other occupiers
- Proposed siting of bin storage to rear yard
- Proximity of new residential building to the neighbouring property
- Increase in number of residents using the access and rear yard
- Negative impact on adjacent business
- Disruption, dust and noise during construction phase
- Noise from new residents occupying the site

### **5. Consultations:**

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

Not considered by the committee

**5.2. Built Environment:**

**Designated Heritage Assets affected** – 16-17 Friar Gate is a grade II listed building within the Friar Gate Conservation Area. There are also several other listed buildings nearby including grade II listed buildings: 18 Friar Gate, 20 Friar Gate, 21-22 Friar Gate, 23 Friar Gate and York House on 3 George Street. The Friary Hotel on Friar Gate opposite the front elevation is grade II\* listed. These are designated heritage asset in NPPF terms.

**Impact of proposals on Heritage Assets and comments** – The proposal is for the alterations associated with the change of use from restaurant and construction of a two storey extension to form five apartments and one apartment in multiple occupation. Works includes several alterations including a new extension, rebuilding a brick boundary wall, an enclosure to provide a resident's bin and cycle store, new gate, fence, and bin.

External works –

- The proposed extension, in brick and natural slate can be seen within the Heritage Statement to be in the location where there was one historically, however, this did not have the canted projection forward towards George Street. The projection is proposed of brick with metal standing seam cladding to the upper floor. No issue with extending in this area to previous footprint, however, would much prefer if the extension didn't project forward, that it wasn't clad in metal standing seam cladding which is not characteristic of the conservation area and the bike store didn't have a flat roof.

Note 17/11: justification for the extension and flat roof. Preference already highlighted still valid. Flat roof to bike shed mentioned and that this will be screened by fence. Suggest section on how this will work along with materials condition, to control visual appearance any new materials for construction. The extensions and fence items have a degree of harm to the setting as part of the significance of the listed building and does not preserve or enhance the character or appearance of the conservation area.

- Suggest it is investigated whether the listed boundary wall can be repaired rather than completely re-built. There does not seem to be a structural report to justify this work. Suggest one is submitted (current structural report doesn't seem to include its

assessment). If justified suggest reuse of existing bricks and use of an appropriate lime mortar. Note clarification in letter that all measures will be taken to retain and repair the boundary wall in situ, but no drawing changes have been made. It states wall to be rebuilt. Would prefer retention of existing wall.

- The historic stone setts in this area are particularly fine. Suggest therefore that any that are disturbed are reused upon the site or kept for future use. Suggest consideration of a condition if mindful to grant permission.

- There will be a need for careful material choices if you are minded to grant permission for the bin/fence enclosures. Suggest consideration of a condition if mindful to grant permission.

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- Further details to ensure new rooflights are conservation type and details of AOV suggested if you are minded to grant permission for the bin/fence enclosures.
  - Precise details of locations of helibars/appropriate stainless steel ties (supported by a structural engineers report), vents and flues etc to be submitted via condition should you be minded to grant permission after amendments suggested in the consultation have been undertaken.

Internal works - Within the building there are alterations to include blocking doorways, removal doors, removal of walls and two pantry enclosures to first and second floor and creation of new door openings, installation of AOV, rooflights and small section of lime ash floor carefully cut back to top third floor to allow some headroom. There is a degree of harm, to the listed building's significance in doing these alteration works and installation associated drainage/ventilation etc. Suggest reduction of units to reduce impact.

In terms of new works to the ground floor there are limited works to the main building, to the first floor there are some new walls (one to create a corridor to enable three units to work on the first floor), some subdivision and a blocking of a doorway. This changes the original layout of the building and details of all new openings need to be confirmed e.g., to door height with a sufficient down stand. To the second floor there are walls proposed to form two new shower rooms, one to the top of the staircase. In terms of this one it would be preferred if the balustrade remained (it is not clear whether it is removed or encapsulated) and it was investigated whether the shower room could be in the existing store adjacent therefore leaving the proportions of the landing space at the top of the stairs and balustrade unchanged. Amended plan confirms retention of existing balustrade. To the third floor the space is very tight, head height to the third floor is low and historic roof timbers are exposed. The lime ash floor looks to have been repaired previously at the top of the stair so cutting it back might be possible although a section through and narrative on how this will be done to ensure suitable head height is needed. Replacement of stair not supported as this would be a high amount of loss and harm to the listed building. Clarification obtained that historic stair is not being replaced. Slight modification needed, where previously modified, accepted however suggest exact details conditioned should you be minded to grant permission. The en-suite to bedroom 5 seems inappropriate and awkward in this key end location within the roof space. The en-suite would block the fine view of the roof timbers. Suggest review and consideration that the third floor is not used for conversion to a bedroom but for storage as alteration to form the two en-suites on the plan form, installation of services and especially the location and installation of ensuite to bedroom 5 seems very harmful. Space is very tight, with limited head height, within the attic. Maintain that preference is not converted and en-suites added on this floor, however, understand there may be other considerations. Proposal amended so that the two ensuite shower rooms be pods rather than full height which will have less of a visual impact within these rooms. It is explained that the pods are proposed to be fully reversible, however, there will be holes in walls etc made for drainage, vents etc. It will be important to obtain details on how they are proposed to be constructed so they are 'reversible' and require 'minimal intervention'.

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There is a need for clarification on the type of fire and sound separation proposed between floors and if any needed to walls. This does not seem to be included within the HIA. The approach to doors seems appropriate as very few original doors survive. Fire and Acoustic separation details have been submitted. Note floor/ceiling and wall upgrades for fire separation are acceptable in this case. Suggest condition to retain and reuse floorboards found should you be minded to grant permission.

The impact on the significance of this listed building is beneficial in terms of upper floor use but harmful regarding the impact on significance of the listed building in terms of plan form as a result of the changes to install this use there is inherently a degree of harm due to the removal of walls, creation of new doorways, physical alterations for the installation of vents, flues, AOV's, drainage, wc shower rooms, installing fire and sound partitioning etc, and other changes as outlined above. There is also impact on the character or appearance of the conservation area as regarding the proposed rebuilding of the wall and the construction of the new extension. Suggest clarification and changes as outlined above to proposals to reduce harm. Some clarification has been obtained.

**Policies** - The Planning (Listed Building and Conservation Areas) Act 1990 section 16 and 66 and 72 as regards the statutory duties regarding listed buildings and Conservation areas are relevant here. As is E19 and E18 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and 202. There is slight harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

**Recommendation:** - Some clarification on elements has been submitted. Still some concern regarding amount of impact of some items. However, if concerns appropriately addressed no objection (subject to conditions as outlined above).

### **5.3. Development Control Archaeologist:**

Revised comments 1 November 2022:

The applicant has submitted a very good Desk Based Assessment of the site which advises the potential for below ground medieval and post-medieval archaeology to be impacted by the development. This impact however can be offset by the implementation of an archaeological watching brief, undertaken during any below ground works. These works could be secured by attaching a suitable condition to planning which might read.

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'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

The WSI should be compiled by a suitably experienced and accredited heritage professional/consultancy or archaeological organisation, preferably ClfA registered, in consultation with this office.

## **6. Relevant Policies:**

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

Listed Building Applications are not determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

In considering the application decision makers must engage Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

### **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

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housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

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

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of 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 –

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

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Status of the listed building**

#### **7.2. Proposed works**

#### **7.3. Heritage Impacts**

#### **7.4. Conclusion**

**7.1. Status of the listed building**

16- 17 Friar Gate is a Grade II listed building in the Friar Gate Conservation Area, which lies in the CBD and Cathedral Quarter.

Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, in this case, being a Listed Building in a Conservation Area, particular consideration should be given to whether there would be any harmful impacts on the heritage designations such that permission should not be granted in accordance with the guidance in the NPPF on heritage matters.

The supporting Design, Access and Heritage Statement describes the listed building as being part of listed group; 16 to 23 Friar Gate, which includes the street block between George Street and Ford Street: 19 Friar Gate, 20 Friar Gate, 21-22 Friar Gate and 23 Friar Gate, which are all Grade II listed. The listing description describes 16-17 Friar Gate, as follows:

*"C17. A fine building of brick with stone dressings; 3 storeys and attics in gables; 8 windows, generally with glazing bars; 4 gables, each with one window; stone floorbands (formerly moulded cornices); stone quoins and coping to gables; blocked stone mullioned window to gable on return aide; restored old tile roof. Ground storey now has modern shop fronts: this formerly had good central doorway."*

This proposal is for conversion and extension to the late 17th Century building at 16-17 Friar Gate, to form 5 apartments and one HMO unit. The building is within the city centre, on Friar Gate. A restaurant currently occupies the ground floor and part of the first floor of the building. The remaining upper floors of the building are currently vacant.

To the rear of building, there is an enclosed yard which forms the listed curtilage of the property and there is a gated access off George Street. The proposals include the erection of a new two storey residential building, with 2 apartments, which would be sited in part of the rear yard, which currently has no built structures and is surfaced with granite setts.

**7.2. Proposed works**

The proposed conversion of the listed building at 16-17 Friar Gate, to residential use, would not involve any substantial external alterations to the building. All existing window openings and external doors are to be retained in situ and alterations are principally to the roof, through insertion of 3 conservation rooflights to rear and roof vents.

Internal alterations to form the residential units would also be limited in scale, comprising removal of internal walls and openings, insertion of partition walls, formation of kitchens and bathrooms and associated vents and pipework. The principal staircase to the rear of main building would be retained and provide the main access to the apartments and HMO.

The main change of use would be to the third floor roof space of the building, which has not previously been in residential use and retains much of its original roof structure and character. The proposal would form two bedrooms and en-suite

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bathroom pods and staircase within the roof space. This would involve internal interventions to the historic fabric, to form the residential units and the Conservation Officer has expressed some concern about the introduction of the bathroom pods and alterations to the stairwell, which result in enclosure of the original roof spaces. Revisions have been made to those third floor bathrooms to reduce the height of the pods and allow more of the roof space to be viewed.

The proposals also include erection of a two storey building to the rear of the yard, which is accessed off George Street. It forms part of the curtilage of the listed building. The building would house two 1 bedroom flats. It would be constructed of red brick with a natural slate roof but would also have a modern appearance with dark grey windows and a dark metal cladding feature to the first floor. The footprint would turn the corner to allow maintenance of pedestrian access into the yard for servicing and access to the principal building. The Conservation Officer has raised some concern about the design and footprint of the new building and the Design and Access Statement has been updated, to provide further justification of this element of the scheme, "The new extension can be seen as sensitively interpreting the existing building composition, with contemporary fenestration and brick detailing inspired by the existing. Its form and massing can be seen as having a minimal impact on the streetscape, as a new addition to the multiple historic and more recent extensions to the original front range."

Due to the limited extent of external alterations to the original building, there would be minimal harm to the character and significance of the Conservation Area, arising from the proposed residential conversion. The new building in the rear yard would introduce a new two storey structure into an existing vacant space. It would also be of a contemporary design and form, which contrasts with the historic buildings and features on the site. This would impact on the significance and character of the Conservation Area and the Conservation Officer considers that the new building would result in some harm to the heritage asset.

Overall, the conversion and re-use of the building for residential use is considered to be a well-designed scheme, which would bring the upper floors of the historic building back into a viable and beneficial economic use.

### **7.3. Heritage Impacts**

The Conservation Officer considers that there are benefits resulting from the proposed conversion and reuse of the upper floors of the Grade II listed building for residential use. However, there is also harm to the significance and fabric of the building from removal of walls, plan form, formation of doorways and other interventions to internal fabric.

Further clarification was also sought for fire and noise protection measures, to be used in the listed building, to form the new residential units. Additional information has been supplied to address these requirements and is accepted, subject to conditions.

A revised Design and Access and Heritage Statement has been submitted in response to concerns raised by the Conservation Officer, in particular relating to the new extension and some internal alterations to second and third floors to form the

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apartments. The revised statement has been accepted by the Conservation Officer and planning conditions are recommended to deal with outstanding details.

There is considered to be “less than substantial harm” as a result of the proposed conversion and alterations to the listed building to form residential apartments and as a result of the new build extension in the rear yard. However, the harm has been lessened through minor amendments to the scheme and the additional information submitted in support of the application.

In considering the application, the decision maker must have regard for the requirements set out in the Planning (Listed Building and Conservation Areas) Act 1990, Sections 66(1) and 72(1) and relevant Local Plan policies, which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building or Conservation Area) paragraph 197 of the NPPF states that, in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 200 of the NPPF states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The harm to the significance of the heritage assets, caused by the proposed intervention works to the upper floors of the listed building and development of a new residential building in the rear yard, is considered to be “less than substantial harm” and, in accordance with NPPF Para 202, the amount of harm must be weighed against the public benefits of the proposal. In this instance, the benefits of bringing the property back into viable use and the potential increase in the vitality of the City Centre carry significant weight.

The revised Design, Access and Heritage Statement, concludes in support of the proposals by stating: “ *The intention is to ensure that proposals accord with the NPPF and Derby City Council’s Local Plan policies, and make a valuable contribution to meeting the City’s housing needs - in addition to carrying out necessary repair works to ensure the restaurant amenity achieves its potential and social value as an asset in the city centre. This development is designed to complement and enhance the existing building. A final proposal is shown (refer to separate plans), demonstrating how the existing building will be sensitively upgraded, repaired, extended and adapted.*”

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The benefits which are afforded by the proposals are the reuse of the upper floors of the building for residential use, which allows these parts of the building to be brought back into an optimal viable residential re-use, with limited overall alterations and the proposals would deliver a variety of new housing to a highly sustainable location in the city centre, which would contribute to the city's housing supply. The new extension would also deliver additional high quality housing in a well-designed and complementary form. These public benefits are significant in my opinion and are considered to outweigh the limited harm to the significance and character of the listed building, which has been identified and for this reason I am satisfied that the heritage tests in the NPPF are satisfactorily met.

The County Archaeologist had raised concerns that the heritage statement did not sufficiently address any archaeological works and heritage assets in the wider area around the site. In response, an updated desk based assessment has been received, which assesses the potential for below ground archaeology to be impacted by the development, of the new extension works. The Archaeologist welcomed the submitted assessment and an archaeological watching brief is recommended to deal with below ground works and the Archaeologist accepts that this can be secured through a suitable planning condition.

### **7.4. Conclusion**

The proposed conversion and alterations of the Grade II listed building and erection of new residential building within its curtilage would form new residential units, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply.

In line with local and national planning policies the proposals are an appropriate form of development, which preserve the character of the Friar Gate Conservation Area and the significance of nearby heritage assets.

The proposals would result in less than substantial harm to the significance of the Grade II listed building and its curtilage, resulting from the internal alterations proposed to the listed building and erection of a residential building on the site. The harm is considered to be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential re-use, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location. It is therefore recommended that Listed Building Consent be granted for the proposals, subject to recommended conditions.

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

### **8.1. Recommendation:**

**To grant** Listed Building Consent with conditions. .

**8.2. Summary of reasons:**

The proposed conversion and works to form a residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. The less than substantial harm resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential reuse, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location

**8.3. Conditions:**

1. Standard condition (3 year time limit)

**Reason:** As required by relevant legislation

2. Standard condition (Approved plans)

**Reason:** For avoidance of doubt

3. Details of external materials, window and door joinery for development of apartment building and proposed fencing, bin enclosures and cycle shed within the rear yard to be agreed before construction.

**Reason:** To preserve character of conservation area

4. Details of materials for cycle shed in rear yard and cross section through the shed to be agreed before construction.

**Reason:** To preserve character of conservation area

5. Any stone setts to be removed to form development, to be reused or retained for future use, unless otherwise agreed.

**Reason:** In interests of retaining historic features to preserve character of conservation area.

6. Details of conservation rooflights to be agreed before installation

**Reason:** To preserve character of the listed building.

7. Details of helibars and/or appropriate stainless steel ties (supported by a structural engineer's report, vents and flues to be installed on the listed building, to be agreed before relevant works are begun.

**Reason:** To preserve character of the listed building.

8. In the event that modification is required to the stairwell to third floor, then precise details of proposed works to the opening to be agreed before relevant works are begun.

**Reason:** For clarity and to preserve character of the listed building.

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9. Details of bathroom pods to third floor units, all vents, flues and drainage runs to bathrooms and kitchens, fire and sound partitioning measures to be agreed before relevant works to the listed building are begun.

**Reason:** To preserve the character of the listed building.

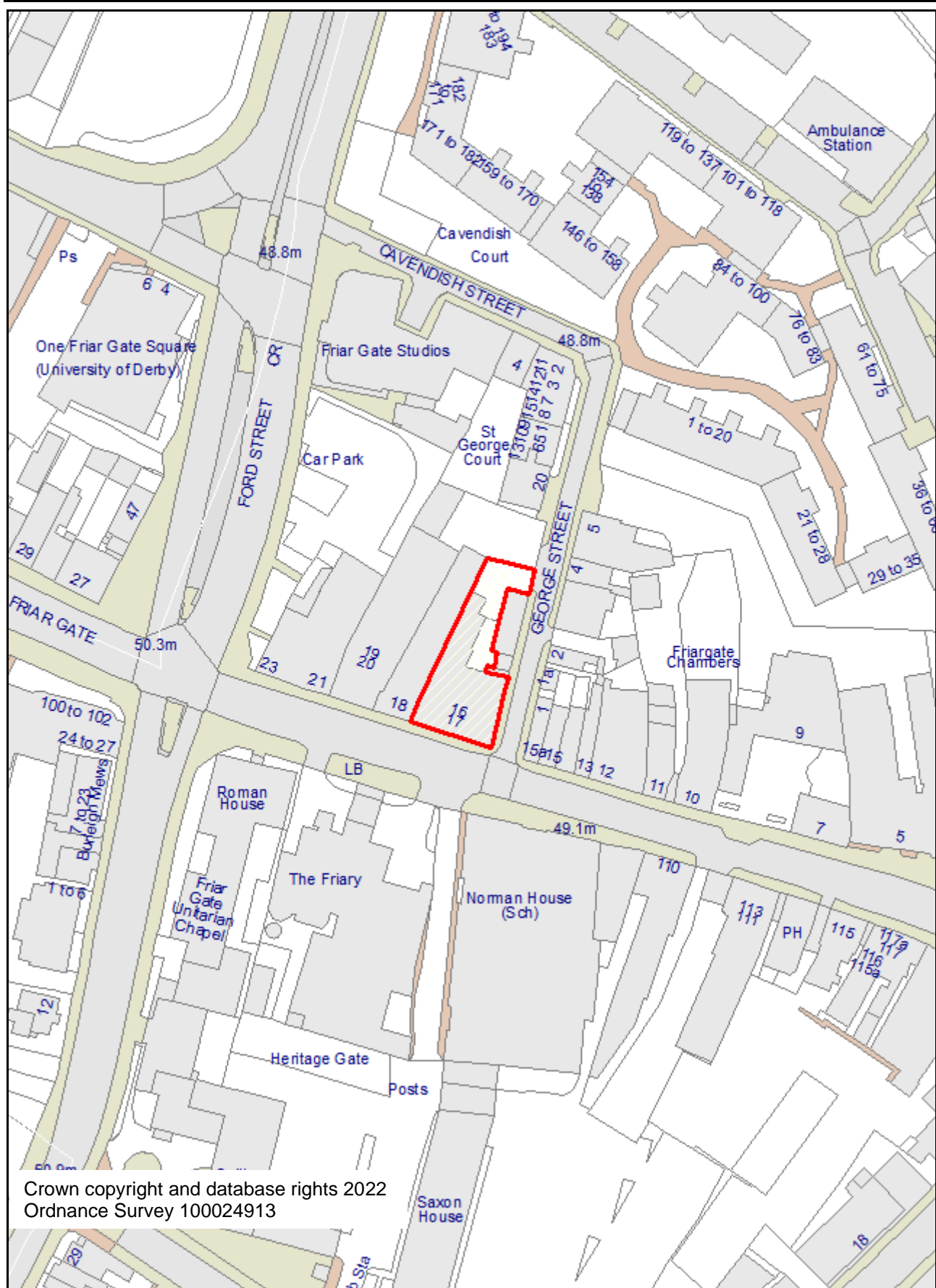
**8.4. Application timescale:**

Extension of time to be agreed until 19 December 2022.

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## **Committee Report Item No: 7.5**

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

**Type: Variation of Condition**

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### **1. Application Details**

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

**1.2. Ward:** Littleover

**1.3. Proposal:**

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

**1.4. Further Details:**

Web-link to application:

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

The Site and Surrounding

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

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

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

The proposal

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

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

The applicant has recently confirmed that the proposed opening hours of the dentist are between 9.00am-7.30pm, Monday to Saturday. The proposed layout now shows a ground floor extension in the southwest corner.

Members will recall that the application was removed from the agenda of previous meetings to enable the applicant and agent to consider the issues surrounding parking and the operation of the surgery. Following a site visit with my colleague in Highways

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Development Control, the agent has recently tabled an amended site layout plan which includes the following:

- A total of 9 parking spaces, and the dimensions of these, around the building with staff cycle parking accessed behind the side gate on the Havenbault Lane frontage.
- The inclusion of visitor cycle parking on the Rykneld Road frontage and staff parking behind gates off the Haven Bault Lane frontage.

The applicant has also submitted a letter to justify the layout, the adequacy of the on-site parking level and the overall importance and need for NHS dentistry. This letter can be accessed via the link to the application documents. The applicant provides the following conclusion:

*... "We are the only clinic in our area providing a vital service to thousands of patients.*

*My request is you accept and approve my application on the key merits it holds, which are:*

1. *Service to community,*
2. *No detrimental effect to environment, improved aesthetics/landmark building*
3. *The investment we have provided which has increased local employment. Now is the time for the council to support Key workers like me and allow me to direct our energy and funds to patients care as we did during covid".*

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

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

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

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

### **3. Publicity:**

- 2 Neighbour Notification Letters
- Site Notice

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

### **4. Representations:**

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

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

### **5. Consultations:**

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

The following comments have been provided by my colleague following a recent site visit with the agent.

#### **Observations:**

Condition 4 is in respect of opening hours for the premises; and is not of concern to the Highway Authority.

#### **Observations:**

Condition 5 reads

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

These observations are primarily made on the basis of details shown on submitted plan 2028.004 E; this layout has been derived on the basis of a meeting with the applicant's agent; and shows the highway site boundary correctly drawn to match highway extents plans; not as laid out on site (~at present some of the layout appears to encroach on the highway).

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The layout shown also require the set-back of the existing gates adjacent to number 182.

The dimensions shown for the parking spaces along the Haven Baulk Lane frontage are technically too short with respect to spaces 6 to 8. However, this notwithstanding; in this case the principle has been established with respect to the plans approved for historic application, which could therefore be legitimately implemented (albeit that the applicant developer would need to demolish and reconstruct some of the development).

Further site visits have indicated that some patients/visitors appear to be parking on the adjacent highway (Haven Baulk Lane in particular, but also to some extent on Rykneld Road) there are no parking restrictions in the vicinity of the site.

Examples of such parking can be viewed on google Street View; where it appears that regular parking in the vicinity of the site has only really appeared since the opening of the development.

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

Should the Local Planning Authority be minded to approve the application, the Highway Authority considers that it would therefore be appropriate for the developer to fund the provision of a suitable Traffic Regulation Order to control highway parking adjacent to the junction. Such a waiting restriction would also assist vehicles to safely manoeuvre into and out of the development parking spaces. By GIS measure, the carriageway is 6.0 metres in width and as such; if a vehicle is parked on the highway it will only leave 3.6 metres to manoeuvre. The standard fee for such provision would be £7,000.

Considering the number of available parking spaces.

In respect of Condition 5; there is an effective loss of 5 parking spaces against those approved in the historic application; there being 14 spaces shown on the original application, and 9 shown within the current proposals.

The original approved plan (2028.004) shows 4 consulting rooms.

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

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

Making a total number of spaces required to serve the site/development at (say) 22 spaces.

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The plans show 9 off-street parking spaces, giving a shortfall of 13 off-street parking spaces.

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

The applicant's agent has indicated that their client is preparing a 'travel plan' in support of the proposals, and in an effort to mitigate any highway impact of the development; and I do note the provision of cycle parking for both staff and patients.

Pragmatically, the only material plan difference between the historic (approved) and current proposals appears to be the loss of five parking spaces; three staff parking spaces to the side of the development adjacent to 182 Haven Baulk Lane (these spaces may not in practice have been useable), one space on Haven Baulk Lane and one further space from the Rykneld Road frontage; by reference to the parking standards calculation, this would approximately equate to one consulting room (two members of staff plus 2 spaces).

The Local Planning Authority may wish to consider requiring that the development be restricted to three consulting rooms, not four.

Nevertheless the Highway Authority also recognises that the Local Planning Authority will wish to give weight to the benefit to the community as a whole on having four treatment rooms available for use within the premises, and also with respect to the Traffic Regulation Order previously mentioned.

I note also that neither of the dropped footway crossings along the Rykneld Road and Haven Baulk Lane frontages have yet been provided; should the variation be approved, these works should be completed accordingly, with the highway footway being reinstated to the correct alignment at the expense of the applicant.

Para 111 of the National Planning Policy Framework states that

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

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

With the implementation of a suitable Traffic Regulation Order to provide mitigation against the potential for unsafe parking in the vicinity of the development, and the provision of a suitable 'travel plan' and cycle parking; the Highway Authority considers that it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

### **Recommendation**

Should the Local Planning Authority be minded to approve the application to vary Condition 5; the Highway Authority recommends that the applicant be required to fund the provision of a suitable Traffic Regulation Order to protect the junction of Haven Baulk Lane and Rykneld Road, and the following suggested conditions:-

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### Condition 1

Within an appropriate time period ((say) 8 weeks) of the issue of consent, an approved parking layout shall be implemented, with the parking spaces clearly defined in accordance with details to be first submitted to, and approved in writing by the Local Planning Authority; the parking areas shall not thereafter be used for any purpose other than parking of vehicles

### Reason

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

### Condition 2

Within an appropriate time period ((say) 8 weeks) a dropped vehicular footway crossing shall be available for use and the footway reconstructed to the highway boundary in accordance with the Highway Authority specification and to the satisfaction of the Local Planning Authority.

### Reason

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

### Condition 3

Within an appropriate time period ((say) 8 weeks) a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

### Reason

To promote sustainable travel.

## NOTES TO APPLICANT

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

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

The applicant should in the first instance contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) to commence the process.

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N3. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; kerrie.jarvis@derby.gov.uk

### **6. Policies:**

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

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

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

CP1a	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP13	Retail and Leisure Outside of Defined Centres
CP21	Community Facilities
CP3	Placemaking Principles
CP4	Character and Context
CP23	Delivering a Sustainable Transport Network

##### Saved CDLPR Policies

T10	Access for Disabled People
GD5	Amenity

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

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

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

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

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

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

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

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

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

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

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

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

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

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

### **7.2. Highway Safety**

The Highway Authority note that the development is currently being operated with a different parking layout than is shown on the approved plans. There has been some dispute about the siting of parking spaces on the Haven Baulk Lane frontage and the position of the highway boundary on that frontage. This has been addressed by the agent and my colleague at a recent site meeting and the amended layout has been subsequently submitted.

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

The Highway Authority recommended that, based on the parking arrangements, the use of the site should be restricted to a maximum of three consulting rooms and that the applicant funds the provision of a suitable Traffic Regulation Order (TRO) to protect the highway junction of Rykneld Road and Haven Baulk Lane.

The applicant is not content to instigate the necessary TRO. He has sought to justify the current parking arrangement and the unreasonableness of the TRO request in his supporting letter.

The Highway Officer will be on hand at the meeting to discuss this issue further, if required.

As with all decisions the starting point for the decision maker is the Development Plan, which needs to be considered as a whole. Issues relating to the access and parking merits of this development need to be balanced with the continued operation and importance of such a community facility. The site is in a main road location and is accessible by alternative modes of transport and members will be aware, both locally and nationally, of the scarcity of NHS dentistry.

The clinic offers a modern facility to the local population, and this is projected to grow in future years with continued residential development on Rykneld Road in the Policy AC20 land allocation. The application has not attracted letters of objection from local residents and, although planning decisions are not beauty contests, this does provide some indication about the continued operation of the clinic from an overall amenity perspective. The site was previously occupied by an unrestricted retail shop, and we should be mindful of that history.

In my opinion and judgment this is a finely balanced decision and I value the professional comments of our Highways Team. In this case I would recommend that permission be granted with a safeguarding condition to secure the parking layout together with a further condition to secure travel planning for staff members. Conditions are recommended with what is considered to be a reasonable implementation time of 3 months.

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

The extension of opening times to include Saturday use is likely to have some impact on residential amenities. However, the former convenience store was open 7 days a week and probably had no planning restrictions over opening hours. The proposed 9am-7:30pm opening hours are unlikely to have any overriding impact on residential amenity. No enforcement complaints or objections to the application have been raised on these grounds.

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

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affected. Overall, it is considered that the proposal would not have any additional overriding adverse impact on residential amenity.

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

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

**To grant** planning permission with conditions.

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

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

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

- Condition 2 (approved plans) remains unaltered.
- Condition 4 (operating hours) of previously approved permission ref: 06/18/00822 has been replaced by proposed Condition 7.
- Condition 5 (parking provision) of previously approved permission ref: 06/18/00822 has been replaced by proposed Condition 3.

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

##### **General Conditions**

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

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

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

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

<b>Plan Type:</b>	<b>Plan Ref – Rev:</b>	<b>Date received:</b>
Location Plan	2028.006 rev A	26.04.2022
Layout Plan	2028.004 rev E	30.11.2022
Proposed Floorplans	2028.003 rev A	26.04.2022
Proposed Elevations	2028.002 rev A	26.04.2022

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### **Management Conditions**

3. Within 3 months of the date of this permission, the parking areas shall be provided in accordance with the approved plan 2028.004 rev E. The parking areas shall be surfaced in a hard bound material (not loose gravel) behind the Highway boundary and with provision to prevent the discharge of surface water from the parking areas to the public highway. The parking areas shall then be maintained in such a manner for the life of the development. The parking areas shall not thereafter be used for any purpose other than parking of vehicles. A dropped vehicular footway crossing shall also be available for use and the footway reconstructed to the highway boundary in accordance with the Highway Authority specification and to the satisfaction of the Local Planning Authority.

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

4. Within 3 months of the date of this permission, provision shall be made within the application site for parking of cycles in accordance with the details on plan 2028.004 rev E. Precise details of the secure parking stands to serve those cycle parking areas shall be submitted to and approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any purpose other than the parking of cycles.

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

5. Within 3 months of the date of this permission a scheme for travel planning for staff and other associated professionals at the clinic shall be implemented, in accordance with specific details and targets that have been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

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

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the adopted City of Derby Local Plan Review as included in this Decision Notice.

7. The dental clinic hereby approved shall only be open to patients during the following daily hours:
- 09:00 to 19:30 Monday to Saturday
  - and not at all on Sundays or on public holidays.
  - The first-floor use shall only be open to customers between 8:30 to 19:30 daily, unless otherwise agreed in writing by the Local Planning Authority.

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

### **8.4. Informative Notes**

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

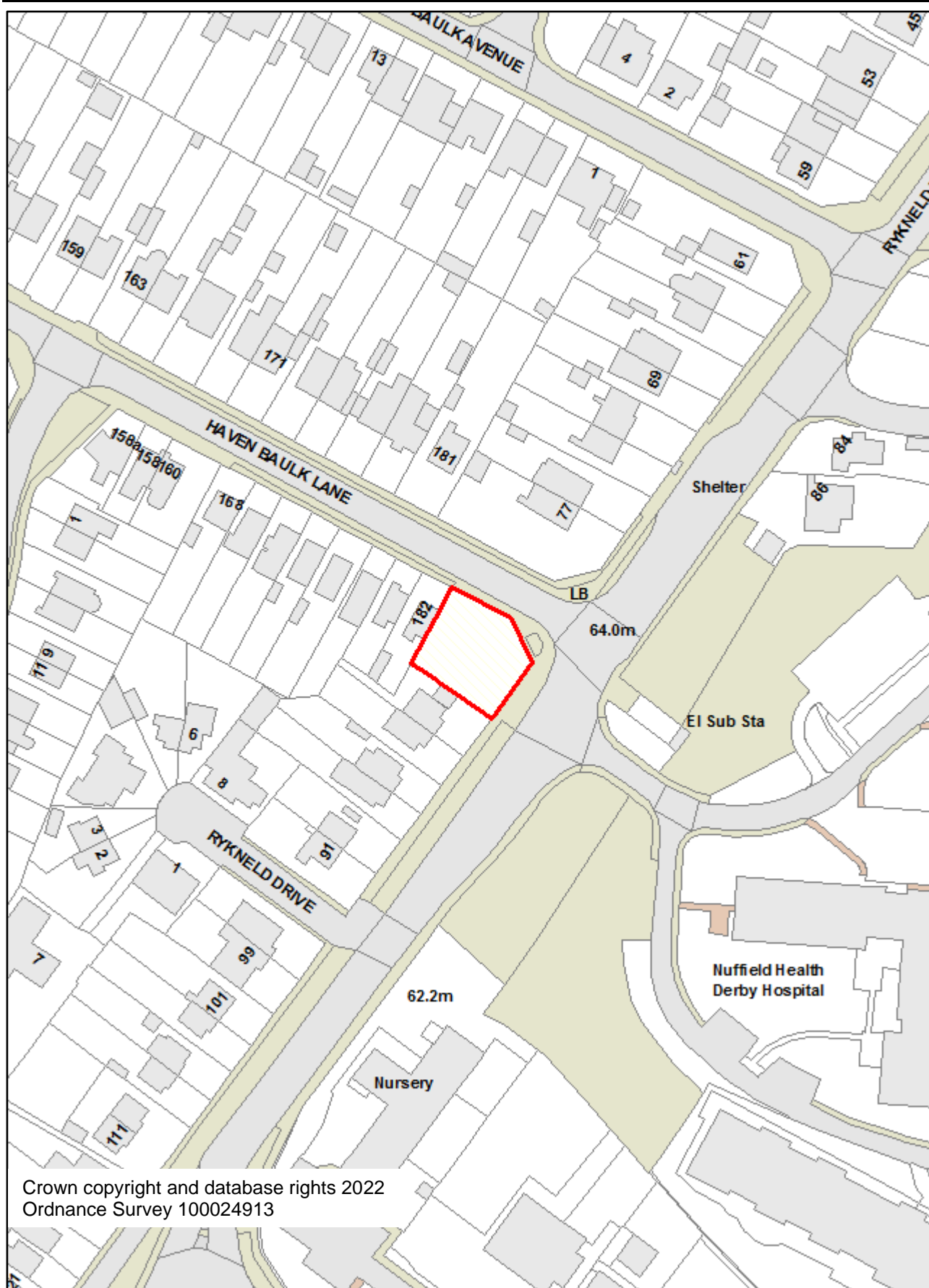
N2. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)

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

The application expired on 12/07/2022. Further to negotiations, an extension of time has been requested. The application has been called into Committee by Cllrs. Care and Lonsdale.

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**Delegated decisions made between  
01/10/2022 and 31/10/2022**

Application No:	Application Type	Location	Proposal	Decision	Decision Date
10/13/01241	Full Application	Units 1-2 Roebuck Court Amy Street Derby DE22 3PH	Retention Of 5 Fan Units	Finally disposed of	20/10/2022
20/00255/FUL	Full Application	468 Osmaston Road Derby DE24 8AH	Sub-division of residential unit to form two flats (Use Class C3)	Finally disposed of	28/10/2022
20/00440/FUL	Full Application	20 Vicarage Avenue Derby DE23 6TP	Change of use from a six bedroom house in multiple occupation (Use Class C4) to an eight bedroom house in multiple occupation (Sui Generis Use)	Finally disposed of	05/10/2022
20/00443/ADV	Advertisement Consent	15 Windsor Avenue Derby DE23 3ER	Display of one non-illuminated entrance sign	Invalid - Finally Disposed of	31/10/2022
20/00475/NONM	Non-Material Amendment	8 Blenheim Drive Derby DE22 2LB	Single storey side/rear extension to dwelling house (boot room/utility and enlargement of kitchen) - non-material amendment to previously approved planning permission 19/01801	Finally disposed of	28/10/2022
20/00708/FUL	Full Application	19 Penzance Road Derby DE24 0NG	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, two lounges, kitchen, shower room, two bedrooms and en-suite)	Application Withdrawn	28/10/2022
20/00890/PNRT	Prior Approval - Telecommunications	Derby A T E Colyear Street Derby DE1 1JY	Upgrade of the existing telecommunications equipment	Approval	21/10/2022
20/01036/VAR	Variation of Condition	8 Sherwood Avenue Sunny Hill Derby	Demolition of dwelling and erection of a replacement dwelling (Use Class C3) - Variation of condition 2 of previously approved	Approval	17/10/2022

		DE23 1NF	planning permission 04/18/00571 to include a basement and amend the roof design		
20/01224/FUL	Full Application	92 - 94 Chapel Lane Spondon Derby DE21 7JW	Change of use from retail and residential (Use classes E and C3) to three houses in multiple occupation (Use Class C4)	Finally disposed of	11/10/2022
20/01509/FUL	Full Application	118 Alvaston Street Derby DE24 0PD	First floor side extension to dwelling house (bedroom and bathroom)	Finally disposed of	28/10/2022
21/01081/ADV	Advertisement Consent	Metro Bar 3 Albert Street Derby DE1 2DS	Display of various signage	Approval	04/10/2022
21/01476/DISC	Compliance/Discharge of Condition	Northgate House 46 Friar Gate/Agard Street Derby DE1 1DF	Change of use to 166 bedroom/cluster studio student accommodation together with replacement of windows and doors, internal alterations, formation of parking spaces for staff, cycle storage and refuse store - Discharge of conditions 6, 7, 8 and 9 of planning permission 21/00471/FUL	Discharge of Conditions Complete	28/10/2022
21/01477/DISCLB	Compliance/Discharge of Condition LB	Northgate House 46 Friar Gate/Agard Street Derby DE1 1DF	Change of use to 166 bedroom/cluster studio student accommodation together with replacement of windows and doors, internal alterations, formation of parking spaces for staff, cycle storage and refuse store - Discharge of conditions 3 and 4 of Listed Building Consent 21/00472/LBA	Discharge of Conditions Complete	28/10/2022
21/01623/FUL	Full Application	Land At The Front Of 129 Derby Road Chellaston Derby DE73 5SB	Erection of two dwelling houses (Use Class C3)	Application Withdrawn	13/10/2022
21/01718/FUL	Full Application	Littleover Manor 453 Burton Road Derby DE23 6FL	Demolition of existing dwelling. Erection of seven dwelling houses IUse Class C3)	Approval	10/10/2022

21/02183/FUL	Full Application	1 Windmill Hill Lane Derby DE22 3BQ	Formation of an additional flat at first floor level (Use Class C3) and installation of a new shopfront and windows	Approval	03/10/2022
22/00099/FUL	Full Application	17 Chain Lane Derby DE3 9AJ	Two storey side/rear extensions to dwelling house (utility, dining area, kitchen, bathroom, bedroom and enlargement of bedroom). Roof alterations to include raising of the roof height and installation of rear dormers to form rooms in the roof space (bedroom and bathroom)	Refused	21/10/2022
22/00151/FUL	Full Application	41 Portreath Drive Derby DE22 2BJ	Installation of render and landscaping works to the rear garden	Approval	10/10/2022
22/00280/VAR	Variation of Condition	92-94 Chapel Lane Spondon Derby DE21 7JW	Sub-division and part change of use of the existing retail unit to form two flats (Use Class C3) including installation of new windows and doors - Variation of condition 2 of previously approved planning permission 10/17/01386 to reconfigure the internal layout	Approval	06/10/2022
22/00402/FUL	Full Application	59 - 61 Green Lane Derby DE1 1RS	Change of use of first and second floors to two flats in multiple occupation - maximum of three occupants each (Use Class C4)	Approval	21/10/2022
22/00459/FUL	Full Application	78 Carlton Road Derby DE23 6HD	Change of use from dwelling house (Use Class C3) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis Use)	Approval	10/10/2022
22/00511/FUL	Full Application	Land At The Side Of 70 Cardigan Street Derby DE21 6DX	Erection of a cafe and sandwich shop (Use Class E)	Approval	07/10/2022
22/00525/FUL	Full Application	7 Croft Close Derby DE21 7EF	Two storey side extension to dwelling house (study, bathroom/utility, enlargement of bedroom and bathroom)	Approval	06/10/2022
22/00548/FUL	Full Application	Windsor Park 112 Blagreaves Lane Derby DE23 1FP	Change of use from care home (Use Class C2) to 14 apartments (Use Class C3)	Approval	07/10/2022

22/00553/FUL	Full Application	137 Allestree Lane Derby DE22 2PG	Two storey front and side/rear extensions to dwelling house (porch, office, utility, kitchen, bedroom, en-suite and enlargement of lounge and bedroom)	Approval	06/10/2022
22/00575/FUL	Full Application	52 - 55 Friar Gate Derby DE1 1DF	Change of use of first floor from two flats to three apartments (Use Class C3) including alterations to fenestration	Approval	21/10/2022
22/00577/TPO	Works to a tree with a TPO	39 West Avenue South Derby DE73 5SH	Root prune of a Sycamore tree to 1m away from property to allow installation of a root barrier and 10 year management plan for the pruning a Hazel, Rowan and Horse Chestnut trees protected by Tree Preservation Order Nos. 428 and 604	Approval	07/10/2022
22/00603/FUL	Full Application	31 Mount Carmel Street Derby DE23 6TB	Change of use from dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis)	Refused	10/10/2022
22/00621/FUL	Full Application	6 South Avenue Chellaston Derby DE73 6RS	First floor extension to dwelling house (gym) and installation of front dormer.	Approval	14/10/2022
22/00643/NONM	Non-Material Amendment	Site Of Former 574 - 576 Burton Road Derby DE23 6FL	Erection of a two/three storey 63 bed care home (Use Class C2) - Non-material amendments to previously approved planning permission 20/00170/FUL to amend the elevations, site refuse and cycle storage area	Approval	11/10/2022
22/00662/FUL	Full Application	8 Ridgeway Avenue Derby DE23 1GB	Installation of a dormer to the side and rear elevations	Approval	12/10/2022
22/00678/FUL	Full Application	5 Bensley Close Derby DE73 6TL	Two storey side extension to dwelling house (snug, dining area, bedroom and bathroom)	Approval	28/10/2022
22/00692/CLP	Lawful Development Certificate -Proposed	270 St Thomas Road Derby DE23 8SY	Single storey rear extension to dwelling house	Approval	28/10/2022
22/00701/FUL	Local Council Own	Racecourse Playing Fields	Extension of changing pavilion, upgrade of the	Approval	17/10/2022

	Development Reg 3	St Marks Road Derby	existing 3G Football Pitch, three New AGP's, upgrade and extension to surface car park, associated hard and soft landscaping, realignment of existing car park access off St. Mark's Road, replacement of existing external play area.		
22/00705/FUL	Full Application	82 Sunnyhill Avenue Derby DE23 1JR	Change of use of ground floor newsagent (Use Class E) to extend existing residential (Use Class C3) to include alterations to front elevations	Approval	20/10/2022
22/00708/OUT	Outline Application	Land At The Side And Rear Of 159 Swarkestone Road Derby DE73 6UD	Residential development - one dwelling (Use Class C3)	Refused	28/10/2022
22/00782/FUL	Full Application	11 Millom Place Derby DE21 4DY	Installation of hardstanding and a retaining wall	Approval	12/10/2022
22/00829/NONM	Non-Material Amendment	Sitwell Tavern 19 - 21 Sitwell Street Normanton Derby DE1 2JT	Change of use from public house (Sui Generis) to a 13 bedroom (13 occupant) house in multiple occupation (Sui Generis) including demolition to rear of site and landscaping and associated works - Non material amendment to previously approved permission 21/01380/FUL to amend internal layout and remove external staircase.	Application Withdrawn	06/10/2022
22/00871/ADV	Advertisement Consent	Unit 1a Kingsway Retail Park Kingsway Derby DE22 3FA	Display of various internally illuminated signage	Approval	21/10/2022
22/00880/FUL	Full Application	Wyndham Primary Academy Wyndham Street Derby DE24 0EP	Installation of a canopy	Approval	20/10/2022
22/00923/FUL	Full Application	167 London Road Derby DE1 2SU	Installation of a dormer to the rear elevation	Approval	21/10/2022

22/00934/FUL	Full Application	5 Oulton Close Derby DE24 9DU	First floor front and side extensions to dwelling house (two bedrooms and enlargement of bedroom)	Refused	06/10/2022
22/00948/FUL	Full Application	Land Adjacent To 37 Kitchener Avenue Derby DE23 8WH	Erection of a dwelling house (Use Class C3)	Approval	07/10/2022
22/00949/FUL	Local Council Own Development Reg 3	47 The Crescent Chaddesden Derby DE21 6QD	Single storey rear extension to dwelling house (bedroom, wet room and lobby)	Approval	05/10/2022
22/00960/FUL	Full Application	30 Stone Hill Road Derby DE23 6TJ	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis use)	Approval	10/10/2022
22/00971/LBA	Listed Building Consent - Alterations	4 The Square Mickleover Derby DE3 0DD	Installation of replacement single storey roof, renewal and alterations to existing rear single storey roof, removal of internal walls and installation of replacement rear door	Approval	27/10/2022
22/00972/ADV	Advertisement Consent	Former Public Convenience Building Sinfin Lane Derby DE24 9GL	Display of two internally illuminated digital display boards	Refused	14/10/2022
22/00999/OUT	Outline Application	Land At 19 Perth Street And 42 Tewkesbury Crescent Derby	Residential development - two dwelling houses (Use Class C3)	Approval	20/10/2022
22/01009/TPO	Works to a tree with a TPO	1 Thurstone Furlong Derby DE73 5PZ	Removal of one branch overhanging the neighbouring property. Crown lift to three metres, cutting back of branches to give 3m clearance of the dwelling house and crown reduction by 2-3m (these reductions to be maintained for a period of ten years) of an Oak tree protected by Tree Preservation Order No 55	Approval	12/10/2022
22/01011/FUL	Full Application	16 Sevenoaks Avenue	Single storey front extensions to dwelling	Approval	04/10/2022

		Derby DE22 4HU	(porch and bay window)		
22/01027/FUL	Full Application	Land At The Side Of 41 Marylebone Crescent Derby DE22 4JY	Erection of a dormer bungalow (Use Class C3)	Refused	18/10/2022
22/01053/FUL	Full Application	129 Alvaston Street Derby DE24 0PB	Single storey front extension to dwelling house (W.C. and enlargement of hall)	Approval	05/10/2022
22/01068/FUL	Full Application	Public Open Space Mowbray Gardens Derby	Incorporation of land into school curtilage and erection of fencing	Approval	18/10/2022
22/01069/FUL	Full Application	1A St Swithins Close Derby DE22 3LG	Single storey side and rear extensions to dwelling (sun lounge and enlargement of kitchen/dining area)	Approval	14/10/2022
22/01125/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX (Trees At The Rear Of 27 Whittlebury Drive)	Crown reduction by 3m, crown lift to give 5m clearance and crown thin by 15% of a Sycamore tree, Crown lift to give 5m clearance of a Sycamore Tree and cutting back of branches to the boundary line of a Sycamore tree protected by Tree Preservation Order No. 78	Approval	10/10/2022
22/01126/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX	Felling of Three Sycamore Trees, crown lift to give 5m clearance of three Sycamore trees and removal of overhanging branch of Elm tree. Protected by Tree Preservation Order No. 78	Approval	10/10/2022
22/01133/FUL	Full Application	The Park Medical Centre Maine Drive Derby DE21 6LA	First floor extension to medical centre	Approval	03/10/2022
22/01137/ADV	Advertisement Consent	Land North Of Snelsmoor Lane Derby DE73 6TQ	Display of nine flag signs and one non-illuminated freestanding sign	Approval	11/10/2022
22/01148/TPO	Works to a tree with a TPO	10 Moorland Road	Crown reduction by 2.5m in height, 1m lateral	Approval	11/10/2022

		Derby DE3 9FX	spread and and the removal of dead branches and the removal of one branch over the drive and a 10 year management plan for crown lifting to 5m over the highway and 3m over the drive of a Silver Birch tree protected by Tree Preservation Order no. 313. Crown lifting		
22/01149/ADV	Advertisement Consent	Land North Of Snelsmoor Lane Derby DE73 6TQ	Display of one non-illuminated advertisement 'v' board	Approval	11/10/2022
22/01150/RES	Reserved Matters	Derby Triangle Wyvern Way Derby	Reserved Matters application pursuant to outline planning permission Code ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in respect of Phase 4 - Erection of three commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure	Approval	03/10/2022
22/01185/FUL	Full Application	83 Allestree Lane Derby DE22 2HS	Single storey side/rear extension to dwelling house (utility room)	Approval	28/10/2022
22/01202/FUL	Full Application	16 Short Avenue Derby DE22 2EH	Two storey side and single storey front and rear extensions to dwelling house (utility, living/dining space, bedroom and en-suite), formation of a raised patio area to the rear and raised stepped area to the front elevation with installation of cladding and render	Approval	28/10/2022
22/01204/FUL	Full Application	44 Windley Crescent Derby DE22 1BY	Single storey rear extension to dwelling house (kitchen/dining area) with canopy	Approval	12/10/2022
22/01208/TPO	Works to a tree with a TPO	38 Porters Lane Derby DE21 4FZ	Crown lift over fence by 4m, cutting back of branches overhanging the neighbouring garden by 2m of an Oak tree, cutting back of branches of an Oak tree by 3m from the conservatory and crown reduction by 2m of a Maple tree protected by Tree Preservation Order no. 124	Approval	03/10/2022
22/01214/VAR	Variation of Condition	43 Laburnum Crescent	Proposed single storey rear extension to	Approval	17/10/2022

		Derby DE22 2GR	create larger living space, lean-to covered canopy and separate outbuilding to contain storage and shower room facility - Variation of condition no 2 of previously approved permission 21/01284/FUL to amend plans to include erection of canopy.		
22/01215/FUL	Full Application	Land Adjacent To 17 Stoney Cross Derby DE21 7NS	Erection of 2 dwelling houses	Approval	20/10/2022
22/01218/FUL	Full Application	30 Brompton Road Derby DE22 4LF	Erection of a pitched roof gazebo in rear garden garden.	Approval	06/10/2022
22/01219/NONM	Non-Material Amendment	Land North Of Infinity Park Way Derby	Erection of building (Use Classes E(g)ii) / E(g)iii / B2), including all associated parking, servicing, landscaping areas and related infrastructure including drainage - Non Material amendment to previously approved application code No. 21/00601/FUL - Addition of louvres to the office elevations	Approval	17/10/2022
22/01227/FUL	Full Application	34 Arundel Drive Derby DE21 7QW	Extensions to dwelling house (kitchen/dining room, w.c., garage, enlargement of bedroom and bathroom) and formation of rooms in roof space (bedroom and bathroom) together with alterations to roof	Approval	31/10/2022
22/01230/TPO	Works to a tree with a TPO	15 Sidney Houses Church Street Littleover Derby DE23 6GE	Pruning to 3.5m in height and branch reduction by 1m of Yew tree protected by Tree Preservation Order 196	Approval	10/10/2022
22/01234/FUL	Full Application	4 Mill Hill Road Derby DE23 6SF	Extensions to dwelling house (bedroom and enlargement of kitchen)	Approval	04/10/2022
22/01239/FUL	Full Application	Derby College The Johnson Building Locomotive Way Derby DE24 8PU	Change of Use from Offices (Use Class E) and Education (Use Class F1) to mixed use Health Record Store (Use Class B8), Offices ((Use Class E) and Education (Use Class F1)	Approval	07/10/2022

22/01242/FUL	Full Application	4 Downham Close Derby DE3 9SZ	First floor side extension (bedroom, en-suite and art studio/ craft space)	Approval	10/10/2022
22/01249/FUL	Full Application	Thornhill Lodge Guest House 6 - 8 Thornhill Road Derby DE22 3LX	Change of use from guest house (Use Class C1) to dwelling house (Use Class C3)	Approval	05/10/2022
22/01250/FUL	Full Application	55 Dairy House Road Derby DE23 8HN	Single storey rear/side extension to dwelling house (Kitchen and family room, open fronted garden room and boundary wall) Retrospective application.	Approval	17/10/2022
22/01251/CLP	Lawful Development Certificate -Proposed	1071 London Road Derby DE24 8PZ	Change of use from dwelling house (Use Class C3) to a six bedroom (six occupant) house in multiple occupation (Use Class C4) and formation of a dormer extension in side of roof.	Approval	03/10/2022
22/01252/FUL	Full Application	Land At The Rear Of 322 Stockbrook Street Derby DE22 3WH (access Off Moss Street)	Erection of a dwelling house (Use Class C3)	Refused	12/10/2022
22/01253/FUL	Full Application	84 - 86 St Peters Street Derby DE1 1SR	Change of use of part of unit from retail (Use Class E) to mixed use restaurant (Use Class E) with ancillary hot food takeaway (Sui Generis), installation of new shop fronts and an extraction flue	Approval	14/10/2022
22/01255/TPO	Works to a tree with a TPO	20 Saundersfoot Way Derby DE21 2RH	Crown reduction by 2m, crown lift to 5m and removal of deadwood of an Oak tree protected by Tree Preservation Order no. 268	Approval	12/10/2022
22/01257/TPO	Works to a tree with a TPO	52 Swanmore Road Derby DE23 3SY	Crown raise to 3m, crown reduction by 1.5m and removal of epicormic growth of an Oak tree protected by Tree Preservation Order no. 30	Approval	04/10/2022
22/01265/ALT	Appropriate Alternative Development S17	Land Between 18 And 20 Queensway Derby	One dwelling (Use Class C3)	Approval	04/10/2022

22/01266/ADV	Advertisement Consent	Derbion Traffic Street Derby	Display of various signage	Approval	06/10/2022
22/01267/FUL	Full Application	125 Wood Road Chaddesden Derby DE21 4PG	Single storey front extension to dwelling house (hall and enlargement of lounge)	Approval	06/10/2022
22/01268/CAT	Works to Trees in a Conservation Area	148 Osmaston Road Derby DE1 2RF	Felling of two trees within the Hartington Street Conservation Area	Approval	03/10/2022
22/01274/FUL	Local Council Own Development Reg 3	13 Casson Avenue Derby DE24 0FP	Two storey side and single storey front and rear extensions to dwelling house (entrance hall, three bedrooms, lobby, wetroom and bathroom)	Approval	05/10/2022
22/01275/TPO	Works to a tree with a TPO	4 Dawsmere Close Derby DE21 4SE	Crown thinning by 15%, deadwooding and removal of branches of a Pine tree protected by Tree Preservation Order No 129	Approval	19/10/2022
22/01278/FUL	Full Application	7 Ingliston Close Derby DE24 0SJ	First floor side and single storey rear extensions to dwelling house (living area, bedroom and en-suite)	Approval	04/10/2022
22/01281/FUL	Full Application	119 Reigate Drive Derby DE22 4EQ	Single storey side extension to dwelling house (bedroom, en-suite and enlargement of kitchen)	Approval	04/10/2022
22/01282/TPO	Works to a tree with a TPO	Old Vicarage School 11 Church Lane And Cedar Nook 15A Church Lane Darley Abbey Derby	Partial lateral reduction to a maximum of 6m of branches overhanging the boundary of a Walnut tree and reduction of lateral spread on the South West side to a maximum of 6m of an Oak tree protected by Tree Preservation Order no's. 178 and 504	Approval	12/10/2022
22/01290/CAT	Works to Trees in a Conservation Area	30 Ashbourne Road Derby DE22 3AD	Height reduction of 34 Cypress trees to a height of 7m within the Friar Gate Conservation Area	Approval	03/10/2022
22/01295/FUL	Full Application	3 Hedgevale Close Derby	Single storey side extension to dwelling house (study and enlargement of dining room) and	Approval	05/10/2022

		DE23 3WP	erection of additional side boundary wall/fence panel		
22/01300/DISC	Compliance/Discharge of Condition	Former Pizza Hut 3 Wyvernside Derby DE21 6RS	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 - Discharge of condition 4 of planning permission 21/00819/FUL	Discharge of Conditions Complete	21/10/2022
22/01305/CAT	Works to Trees in a Conservation Area	The Homestead 36 Sitwell Street Spondon Derby DE21 7FE	Felling of a Eucalyptus tree and two Fir trees and 10 year management plan to pollard six Lime trees once every 3 years and annual removal of epicormic growth up to the pollard head within the Spondon Conservation Area.	Approval	19/10/2022
22/01306/FUL	Full Application	46 Hill Top Derby DE21 4FX	Two storey front and side and single storey rear extensions to dwelling house (hall, study, utility, kitchen/dining area, landing and two bedrooms)	Approval	10/10/2022
22/01308/DISC	Compliance/Discharge of Condition	Units 17-22 Riverside Park East Service Road Derby DE21 7RW	Erection of industrial unit (warehouse storage and offices) - Discharge of conditions 3 and 4 of planning permission 21/00455/FUL	Discharge of Conditions Complete	07/10/2022
22/01312/ADV	Advertisement Consent	International Hotel 288 Burton Road Derby DE23 6AD	Display of four illuminated and one non-illuminated advertisements	Approval	11/10/2022
22/01313/FUL	Full Application	55 Harpur Avenue Derby DE23 3EL	Single storey side and rear extensions to dwelling house (store, kitchen and enlargement of lounge)	Approval	07/10/2022

22/01318/FUL	Full Application	2 Dulwich Road Derby DE22 4HG	Single storey front extension to dwelling house (enlargement of garage) - retrospective application	Refused	18/10/2022
22/01320/FUL	Full Application	2 West Drive Derby DE3 0EX	Formation of a vehicular access to Station Road	Approval	19/10/2022
22/01321/VAR	Variation of Condition	Lidl Foresters Way Derby DE23 8BR	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 - Variation of conditions 2 and 5 of previously approved planning permission 21/00182/FUL	Approval	17/10/2022
22/01322/FUL	Full Application	5 Kendon Avenue Derby DE23 1LB	Two storey side extension to dwelling house	Approval	11/10/2022
22/01327/FUL	Full Application	47 Grasmere Crescent Derby DE24 9HS	Single storey side/rear extensions to dwelling house (wet room, kitchen/dining area, utility and enlargement of lounge)	Approval	10/10/2022
22/01328/FUL	Full Application	20 Glen Park Close Derby DE73 5NT	Single storey rear extension to dwelling house and retention of outbuilding	Approval	07/10/2022
22/01330/FUL	Full Application	140 Pear Tree Road Derby DE23 6QD	Single storey side/rear extension to dwelling house (shower room and enlargement of kitchen)	Approval	10/10/2022
22/01331/FUL	Full Application	42 Radbourne Street Derby DE22 3HB	Single storey rear extension and installation of a dormer in association with use of dwelling house as a house in multiple occupation (Use Class C4) (Maximum of six occupants)	Refused	19/10/2022
22/01332/ADV	Advertisement Consent	Service Station 2 Murdoch Road Derby DE24 8ZY	Display of one internally illuminated totem sign	Approval	11/10/2022
22/01334/CAT	Works to Trees in a Conservation Area	9 Cornhill Derby	Felling of a Holly tree and crown reduction by 1.5m in height and 1m lateral spread of	Approval	18/10/2022

		DE22 2GG	Whitebeam and Maple trees within the Allestree Conservation Area		
22/01336/FUL	Full Application	56 Callow Hill Way Derby DE23 3RL	Two storey rear extension to dwelling house (kitchen, sitting room, dining area and two bedrooms)	Approval	14/10/2022
22/01340/TPO	Works to a tree with a TPO	26 Sinfin Moor Lane Derby DE73 5SQ	Removal of dead wood and hanging branches, cutting back of branches to give 3m clearance from the property and telephone cables of a Cedar tree and removal of dead wood, cutting back of branches to give 3m clearance from the property and telephone cables, crown lift to 5.2m of a Cedar tree protected by Tree Preservation Order no. 56	Approval	20/10/2022
22/01341/FUL	Full Application	Unit 9 Kingsway Retail Park Kingsway Derby DE22 3FA	Installation of mesh to the front and side elevations	Approval	20/10/2022
22/01342/ADV	Advertisement Consent	Unit 9 Kingsway Retail Park Kingsway Derby DE22 3FA	Display of one internally illuminated fascia sign	Approval	21/10/2022
22/01343/FUL	Full Application	6 Birches Road Derby DE22 2HY	Single storey rear extension to dwelling house (living/dining area)	Approval	19/10/2022
22/01344/FUL	Full Application	157 Blagreaves Lane Derby DE23 1PY	Single storey side/rear extensions to dwelling house (bathroom and living space)	Approval	10/10/2022
22/01348/FUL	Full Application	25 Bennett Street Derby DE24 9BE	Two storey and single storey front and rear extensions to dwelling house (kitchen, dining room, shower room, hall, bathroom and bedroom)	Approval	19/10/2022
22/01350/FUL	Full Application	59 Oakover Drive Derby DE22 2PR	Single storey front extension to dwelling house (enlargement of garage)	Approval	14/10/2022

22/01354/FUL	Full Application	81 Locko Road Derby DE21 7AP	Enlargement of vehicular access	Approval	20/10/2022
22/01355/NONM	Non-Material Amendment	Land Adjacent To Former Debenhams Traffic Street Derby	Installation of a freestanding structure featuring digital display screens on two sides and removal of existing payphone kiosks - Non-material amendment to previously approved planning permission 19/00200/FUL to change the dimensions of the unit	Approval	14/10/2022
22/01356/ADV	Advertisement Consent	Land Adjacent To Derbion Traffic Street Derby	Display of one internally illuminated double sided display screen	Approval	26/10/2022
22/01357/FUL	Full Application	3 Burlington Road Derby DE22 4JE	Two storey rear extension to dwelling house (dining room, sun room and two bedrooms) and erection of outbuilding (garden room and store)	Approval	21/10/2022
22/01358/TPO	Works to a tree with a TPO	Ashford House 23 St Georges Close Derby DE22 1JZ	Reduction in height to one metre below previous pollard points of seven Poplar trees protected by Tree Preservation Order no. 288	Approval	26/10/2022
22/01367/DISC	Compliance/Discharge of Condition	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved. - Reserved Matters application pursuant to outline planning permission ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in respect of Phase 2 - Erection of one commercial unit within B2/B8 use class, including associated loading, servicing and parking areas, together with	Discharge of Conditions Complete	03/10/2022

			provision of site wide internal roads, drainage attenuation pond, swales, landscaping and associated infrastructure - Discharge of conditions 4, 5 and 6 of planning permission 21/00298/RES		
22/01368/FUL	Full Application	4 Rivenhall Close Derby DE23 3HT	Single storey rear extension to dwelling house (kitchen/dining/living space) with canopy roof	Approval	26/10/2022
22/01369/FUL	Full Application	4 Pickering Rise Derby DE21 4GS	Single storey rear extension to dwelling house - retrospective application	Approval	10/10/2022
22/01370/VAR	Variation of Condition	7 Hathern Close Derby DE23 1NE	Single storey side extension to dwelling house (study, exercise room and enlargement of kitchen) - Variation of condition 2 of previously approved planning permission Code No. 21/00535/FUL to amend the size and design of the extension	Approval	20/10/2022
22/01372/FUL	Full Application	123 Hill Top Derby DE21 4FY	Single storey rear extension to dwelling house (living space)	Approval	26/10/2022
22/01375/CAT	Works to Trees in a Conservation Area	24 Drage Street Derby DE1 3RW	Crown reduction to 1.5m of a Willow tree within the Little Chester Conservation Area	Approval	21/10/2022
22/01381/FUL	Full Application	19 Haven Baulk Lane Derby DE23 4AA	Two storey front and single storey rear extensions to dwelling house (bathroom, dining/family space and enlargement of hall)	Refused	19/10/2022
22/01384/FUL	Full Application	32 Station Road Chellaston Derby DE73 5SU	Two storey and single storey rear extensions to dwelling house (living space and bedroom)	Approval	26/10/2022
22/01386/NONM	Non-Material Amendment	16 Beechwood Crescent Derby DE23 6GU	Dormer loft conversion and alterations to the front elevation - non-material amendment to previously approved planning permission 21/02116/FUL to change a ground floor window and french doors to bifold doors	Refused	07/10/2022

22/01393/PNRH	Prior Approval - Householder	6 St James Road Derby DE23 8QX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.955m, maximum height 2.98m, height to eaves 2.94m) to dwelling house	Prior Approval Not Required	12/10/2022
22/01396/CLE	Lawful Development Certificate -Existing	28-30 Nottingham Road Spondon Derby DE21 7NH	Sub-division of dwelling house (Use Class C3) to form four flats (Use Class C3)	Approval	27/10/2022
22/01400/PNRH	Prior Approval - Householder	10 Lindon Drive Derby DE24 0LN	Single storey rear extension (projecting beyond the rear wall of the original house by 5.9m, maximum height 3.253m, height to eaves 2.52m) to dwelling house	Prior Approval Not Required	03/10/2022
22/01401/FUL	Full Application	93 Sunnyhill Avenue Derby DE23 1JR	Raising of the roof height of the existing outbuilding - retrospective application	Approval	28/10/2022
22/01407/VAR	Variation of Condition	33 Stenson Road Derby DE23 1JD	Extensions and alterations to dwelling house (kitchen/diner, shower room and 3 bedrooms) and formation of ramped access and porch - Variation of condition 2 of planning permission 21/00448/FUL to amend the roof tiles to the existing house and extension	Approval	19/10/2022
22/01408/VAR	Variation of Condition	31 Stenson Road Derby DE23 1JD	Extensions to dwelling house (Kitchen/diner, 3 bedrooms and enlargement of guest room) - Variation of condition 2 of planning permission 21/00449/FUL to amend the roof tiles to the existing house and extension	Approval	19/10/2022
22/01411/CAT	Works to Trees in a Conservation Area	73 Belper Road Derby DE1 3ER	Felling of a Crab Apple tree within the Strutts Park Conservation Area	Approval	14/10/2022
22/01414/FUL	Full Application	3 Ludlow Close Derby DE21 7RP	Single storey side and rear extensions to dwelling house (cloakroom, store, utility and enlargement of kitchen/dining area)	Approval	28/10/2022
22/01415/CLP	Lawful Development Certificate -Proposed	28 Gertrude Road Derby DE21 4JP	Single storey rear extension to dwelling house (enlargement of kitchen)	Approval	31/10/2022

22/01416/ADV	Advertisement Consent	Bristol Street Motors Citroen Sir Frank Whittle Road Derby DE21 4RX	Display of one totem sign and three internally illuminated lamp post signs	Approval	14/10/2022
22/01419/PNRH	Prior Approval - Householder	Maybury 83 Boulton Lane Derby DE24 0FF	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.65m, height to eaves 2.45m) to dwelling house	Prior Approval Not Required	14/10/2022
22/01436/FUL	Full Application	9 Nicholas Close Derby DE21 7EQ	Single storey side and rear extension to dwelling house (living space, shower room/utility and lounge)	Application Withdrawn	05/10/2022
22/01441/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 17 of planning permission 21/02197/VAR in respect of Phase 3	Discharge of Conditions Complete	07/10/2022
22/01442/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 17 of planning permission 21/02197/VAR in respect of Phase 2	Discharge of Conditions Complete	07/10/2022

22/01444/CAT	Works to Trees in a Conservation Area	2 The Green Mickleover Derby DE3 0DE	Felling of one Holly, one Cherry and two Cypress trees and height reduction by 1m of a Cherry tree within the Mickleover Conservation Area	Approval	21/10/2022
22/01459/PNRH	Prior Approval - Householder	13 Booth Street Derby DE24 8PF	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.6m, height to eaves 2.65m) to dwelling house	Prior Approval Not Required	14/10/2022
22/01461/PNRH	Prior Approval - Householder	17 Radcliffe Drive Derby DE22 3LB	Single storey rear extension (projecting beyond the rear wall of the original house by 4.6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	14/10/2022
22/01469/CLP	Lawful Development Certificate -Proposed	14 Besthorpe Close Derby DE21 4RQ	Change of use from dwelling house (Use Class C3a) to children's care home (Use Class C3b)	Application Withdrawn	17/10/2022
22/01476/PNRH	Prior Approval - Householder	15 Pittar Street Derby DE22 3UN	Single storey rear extension (projecting beyond the rear wall of the original house by 5.2m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	28/10/2022
22/01516/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 condition 17 of planning permission 21/00064/FUL	Discharge of Conditions Complete	26/10/2022
22/01656/DISC	Compliance/Discharge of Condition	Site Of Former 1 Church Lane Darley Abbey Derby DE22 1EW	Erection of seven apartments (Use Class C3) and associated ground works - Discharge of Condition 6 of previously approved application no. 21/00928/FUL	Discharge of Conditions Complete	31/10/2022





## Delegated decisions made between between 01/11/2022 and 30/11/2022



Application No:	Application Type	Location	Proposal	Decision	Decision Date
03/17/00372	Full Application	Unit 8A Kingsway Retail Park Derby DE22 3FA	Installation Of A Mezzanine Floor (Use Class A1)	Finally disposed of	11/11/2022
03/18/00373	Variation of Condition	85-89 King Street Derby	Extension And Alterations To Shop/Flats To Form Offices (Use Class B1A) With Flat (Use Class C3) Above - Variation Of Conditions 3, 4 And 5 Of Previously Approved Permission Code No. DER/03/15/00310	Finally disposed of	11/11/2022
19/00697/LBA	Listed Building Consent - Alterations	Public House (Former Corner Pin) Swarkestone Road Derby DE73 5UA	Display of various signage	Finally disposed of	11/11/2022
19/00728/ADV	Advertisement Consent	Public House (Former Corner Pin) Swarkestone Road Derby DE73 5UA	Display of various signage	Finally disposed of	11/11/2022
20/00111/PNRIA	Prior Approval - Commercial to Resi	86 Francis Street Derby DE21 6DB	Change of use of first floor from retail (Use Class A1) to one flat (Use Class C3)	Prior Approval Approved	21/11/2022
21/00440/DISC	Compliance/Discharge of Condition	Becketwell Development Land Macklin Street Derby DE1 1LF	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5, B1, C3, D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes	Discharge of Conditions Complete	21/11/2022

			Order 2020), with all matters reserved for future consideration with the exception of access - Discharge of conditions 5.1-5.2, 6.1-6.2, 7.1-7.2, 8.1-8.2, 11, 15.1-15.2, 23.1, 24, and 26.1		
21/00719/FUL	Full Application	148 - 152 Pear Tree Road Derby DE23 6QD	Change of use of first and second floors to a 13 bedroom house in multiple occupation (Sui Generis)	Refused	23/11/2022
21/01091/FUL	Full Application	72 Osmaston Road Derby DE1 2HZ	Raising of the roof height and two storey rear extension to form three additional apartments (Use Class C3) together with installation of new windows and shop front	Approval	28/11/2022
21/01171/PNRT	Prior Approval - Telecommunications	Highway Verge Coleman Street Derby (Adjacent Aldi Superstore / Opposite Booth Street Junction)	Installation of a 20m high monopole, 12 antenna, six equipment cabinets and associated ancillary development	Approval	21/11/2022
21/01337/FUL	Full Application	Units 13, 14, 15 And 20 Masons Place Business Park Nottingham Road Derby DE21 6YZ	Alterations to the elevations and first floor extension to unit 15	Finally disposed of	11/11/2022
21/01353/FUL	Full Application	18 Ainsworth Drive Derby DE23 1GJ	Two storey and single storey extensions to dwelling house (extension of two ground floor reception rooms, erection of two bedrooms, kitchen/diner and utility room).	Approval	16/11/2022
21/02001/PNRT	Prior Approval - Telecommunications	Highway Verge Western Road Mickleover Derby (opposite Junction With Gorton Way)	Installation of a 20m high monopole with four equipment cabinets and ancillary development	Approval	14/11/2022
21/02132/FUL	Full Application	4 Cringle Mews Derby DE21 2DT	Single storey rear extension to dwelling house (living space, play area and bathroom)	Approval	16/11/2022
21/02226/FUL	Full Application	Former Barclays Bank Building St James Street Derby	External alterations to frontage and internal subdivision to provide three retail units (Use Class E)	Approval	11/11/2022

DE1 1QZ

21/02228/FUL	Full Application	Land At The Rear Of 15 And 17 Strathmore Avenue Derby DE24 0FX (access Off Anthony Drive)	Erection of a dwelling house with double garage (Use Class C3)	Approval	07/11/2022
22/00063/LBA	Listed Building Consent - Alterations	8 West Row Derby DE22 1DN	Installation of flood resilience works	Approval	04/11/2022
22/00067/LBA	Listed Building Consent - Alterations	7 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	11/11/2022
22/00071/LBA	Listed Building Consent - Alterations	4 Poplar Row Derby DE22 1DU	Installation of flood resilience measures	Approval	29/11/2022
22/00084/LBA	Listed Building Consent - Alterations	1 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	07/11/2022
22/00086/LBA	Listed Building Consent - Alterations	1 Poplar Row Derby DE22 1DU	Installation of flood resilience measures	Approval	24/11/2022
22/00088/LBA	Listed Building Consent - Alterations	4 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	11/11/2022
22/00094/LBA	Listed Building Consent - Alterations	3 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	07/11/2022
22/00097/LBA	Listed Building Consent - Alterations	5 Poplar Row Derby DE22 1DU	Installation of flood resilience measures	Approval	29/11/2022
22/00262/FUL	Full Application	The Corner Pin Swarkestone Road Derby DE73 5UA	Erection of a pergola and two low level lighting bollards	Approval	17/11/2022

22/00263/LBA	Listed Building Consent - Alterations	The Corner Pin Swarkestone Road Derby DE73 5UA	Erection of a pergola and two low level lighting bollards. Internal alterations to include installation of glazed screens and door and internal refurbishment	Approval	17/11/2022
22/00462/NONM	Non-Material Amendment	Units 5 - 9 Kingsway Retail Park Kingsway Derby DE22 3FA	External Alterations To Facades Of Retail Units 5-9 And Installation Of Doors To The North Elevation Of Unit 8A - Non-material amendment to previously approved planning permission 03/16/00318 to amend the glazing height and include three additional glazing panels to unit 7	Approval	24/11/2022
22/00493/FUL	Full Application	36 Peel Street Derby DE22 3GH	Two storey side and single storey rear extensions to dwelling house (kitchen/dining area and bedroom) and third floor rear extensions to form rooms in the roof space (bedrooms and en-suite)	Approval	18/11/2022
22/00530/FUL	Full Application	2 The Crescent Alvaston Derby DE24 0AD	Change of use from dwelling house to two flats (Use Class C3) together with infilling of covered way and a single storey rear extension	Approval	09/11/2022
22/00639/FUL	Full Application	College Park Normanton Road Derby	Erection of 'Drive Thru Cafe', 'Drive Thru Restaurant' and Retail Unit with associated carparking and landscaping	Approval	02/11/2022
22/00640/ADV	Advertisement Consent	College Park Normanton Road Derby	Display of various signage	Approval	09/11/2022
22/00724/FUL	Full Application	130 Uttoxeter Old Road Derby DE1 1GE	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	11/11/2022
22/00735/FUL	Full Application	133 Green Lane Derby DE1 1RZ	Change of use from two flats (Use Class C3) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis) and erection of single storey rear extension.	Approval	11/11/2022

22/00758/DISC	Compliance/Discharge of Condition	68 Otter Street Derby DE1 3FB	Replacement of the existing slate roof to the front of the property and replacement of the existing rooflights to the rear of the property - Discharge of condition no 3 of previously approved permission 21/01916/FUL	Discharge of Conditions Complete	11/11/2022
22/00764/LBA	Listed Building Consent - Alterations	25 Mile Ash Lane Derby DE22 1DD	Installation of replacement front and rear doors, replacement of ten bricks and re-pointing to the front elevation and installation of replacement render to the rear elevation	Approval	09/11/2022
22/00792/FUL	Full Application	Land At St Peters Churchyard St Peters Churchyard Derby DE1 1NN	Use of the land as an outdoor street food market including erection of 12 market stalls, seating area and associated ancillary structures, decking and ramps	Refused	23/11/2022
22/00793/LBA	Listed Building Consent - Alterations	Land At St Peters Churchyard St Peters Churchyard Derby DE1 1NN	Insertion of access into boundary wall	Refused	23/11/2022
22/00825/FUL	Full Application	103 Belper Road Derby DE1 3ER	Erection of boundary fence - retrospective application	Refused	24/11/2022
22/00861/FUL	Full Application	38 Prince George Drive Derby DE22 3XA	Change of use from Dwelling (Use Class C3) to residential care home (Use Class C2)	Refused	23/11/2022
22/00890/FUL	Full Application	142 Derby Road Borrowash Derby DE72 3HB	Two storey side extension to day nursery (toilets, training and administration rooms) and formation of additional parking spaces	Approval	21/11/2022
22/00897/FUL	Full Application	Unit 1a Kingsway Retail Park Kingsway Derby DE22 3FA	Installation of new shopfront/curtain walling, including increase in the height of the curtain walling, new bi-parting entrance doors and cladding	Approval	04/11/2022
22/00912/DISC	Compliance/Discharge of Condition	8 - 14 Agard Street Derby DE1 1DZ	Demolition of existing buildings. Erection of student accommodation block comprising of 94 bedrooms within 70 units and associated works - Discharge of condition 14 of planning	Discharge of Conditions Complete	15/11/2022

			permission 20/01570/FUL		
22/00945/FUL	Full Application	Unit 1a Kingsway Retail Park Kingsway Derby DE22 3FA	Erection of a plant cage/compound, bin store and installation of air conditioning/refrigeration plant	Approval	04/11/2022
22/00946/FUL	Full Application	Unit 1a Kingsway Retail Park Kingsway Derby DE22 3FA	Partial blocking up of one doorway	Approval	01/11/2022
22/00954/FUL	Full Application	Chellaston Park Snelsmoor Lane Derby DE73 6TQ	Erection of two equipment containers	Approval	01/11/2022
22/01013/FUL	Full Application	8 Folly Road Derby DE22 1ED	Two storey side and single storey rear extensions to dwelling house (garage, utility, office, two bedrooms, en-suite and enlargement of kitchen/dining area) together with the installation of render	Approval	07/11/2022
22/01014/FUL	Full Application	Land At The Rear Of 55 Stockbrook Road Derby DE22 3PL	Erection of a dwelling house for use as a six bedroom (six occupant) house in multiple occupation (Use Class C4)	Refused	07/11/2022
22/01075/FUL	Full Application	23 Chaddesden Park Road Derby DE21 6HE	Change of use from dwelling house (Use Class C3) to a residential children's home for up to four children (Use Class C2)	Approval	14/11/2022
22/01104/FUL	Full Application	78 Harrison Street Derby DE22 3UU	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	16/11/2022
22/01106/FUL	Full Application	219 Osmaston Park Road Derby DE24 8BT	Sub-division of ground floor to form an office unit for the existing business (Use Class E) and first floor extension to form four apartments (Use Class C3)	Refused	28/11/2022

22/01168/FUL	Full Application	26 Highfield Road Derby DE22 1GZ	Change of use from dwelling house (Use Class C3) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis) together with a single storey rear extension	Refused	23/11/2022
22/01191/ADV	Advertisement Consent	Bus Shelter Adjacent To Travelodge Nottingham Road Derby	Display of one internally illuminated double sided digital display screen	Approval	07/11/2022
22/01192/ADV	Advertisement Consent	Bus Shelter Opposite Burnaby Street London Road Derby DE24 8PX	Display of one internally illuminated double sided digital display screen	Approval	08/11/2022
22/01193/ADV	Advertisement Consent	Pavement Corner Of Osmaston Road And The Spot Osmaston Road Derby DE1 2HR	Display of one internally illuminated double sided digital display freestanding unit	Refused	04/11/2022
22/01211/FUL	Full Application	Spot Chambers 43 - 53 Osmaston Road Derby DE1 2JF	Change of use of ground floor from retail (Use Class E) to eight student flats	Approval	04/11/2022
22/01232/FUL	Full Application	Land Adjacent To 320 Station Road Mickleover Derby DE3 9FE	Change of use from agricultural land to residential curtilage (Use Class C3)	Approval	03/11/2022
22/01238/FUL	Full Application	6 Arboretum Square Derby DE23 8FN	Change of use from dwelling house (use class C3) to 10 bedroomed house in Multiple Occupation (Sui Generis use) together with single storey rear extension (kitchen/living room)	Approval	17/11/2022
22/01244/PNRH	Prior Approval - Householder	69 Winster Road Derby DE21 4JZ	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.4m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	14/11/2022
22/01263/VAR	Variation of Condition	Unit 7 Kingsway Retail Park	Variation of condition 5 of previously approved planning permission Code no 08/94/01036 to	Approval	24/11/2022

		Kingsway Derby DE22 3FA	allow the sale of sports and leisure clothing and footwear, sports goods and equipment and ancillary items in Unit 7		
22/01285/FUL	Full Application	18 Washington Avenue Derby DE21 6JT	Single storey rear extension to dwelling house	Approval	15/11/2022
22/01314/FUL	Full Application	Ashbourne Centre Kingsway Hospital Kingsway Derby DE22 3LZ	Erection of a deep freeze unit enclosure with canopy and a tug charging store	Approval	07/11/2022
22/01319/DISC	Compliance/Discharge of Condition	Land At The Side And Rear Of 39 West Avenue South Derby DE73 5SH	Erection of two dwelling houses (Use Class C3) and all associated ground works - Discharge of condition 6 of planning permission 22/00021/FUL	Discharge of Conditions Complete	21/11/2022
22/01339/TPO	Works to a tree with a TPO	Chapel Side Chapel Street Spondon Derby DE21 7JQ	Crown lift to 4 metres, removal of hazard beam and branch reduction by 2.5 metres of a Horse Chestnut tree, removal of dead wood, a snapped branch and crown thinning by 5% and crown lift to provide 2.5m canopy clearance above car parking bays and 10 year maintenance plan for the annual removal of epicormic growth an Acacia tree protected by Tree Preservation Order no. 99	Approval	23/11/2022
22/01345/DISCLB	Compliance/Discharge of Condition LB	Engine House Former Friargate Goods Yard Stafford Street Derby DE1 1JL	Structural works to ensure the lateral stability of the external walls and loose items of building fabric. Erection of scaffold for footpath protection and to allow access to window and roof level and provide restraint to the building. Roof works to include capping beams or reinstatement roofing and remodelling of the external ground levels - Discharge of condition 2.2 of Listed Building Consent Code No. 21/01158/LBA	Discharge of Conditions Complete	17/11/2022
22/01352/DISC	Compliance/Discharge of Condition	Site Of 19 Cricklewood Road Derby DE22 4DP	Demolition of existing building. Erection of five dwelling houses (Use Class C3) and associated parking, landscaping and ground works -	Discharge of Conditions Complete	10/11/2022

			Discharge of conditions 4, 6 and 7 of planning permission 21/02181/FUL		
22/01374/FUL	Full Application	Gatekeepers Cottage Mickleover Manor Derby DE3 0SH	Installation of twelve solar panels to the front elevation	Approval	24/11/2022
22/01380/FUL	Full Application	Site Of 2A Arundel Street Derby DE22 3PG	Demolition of offices and warehouse. Erection of eight flats in two blocks (Use Class C3)	Refused	17/11/2022
22/01387/FUL	Full Application	Rear Of 30-36 Green Lane Derby (Access From Becket Well Lane)	Demolition of extension to the stable block building	Approval	23/11/2022
22/01404/FUL	Full Application	No 1 The Orthodontic Specialists 1 Station Road Mickleover Derby DE3 9GH	Two storey side and rear extensions to dental practice including relocation of air conditioning units	Approval	03/11/2022
22/01410/FUL	Full Application	49 Sandringham Drive Derby DE21 7QP	First floor rear extension to dwelling house (two bedrooms) and installation of a new pitched roof to the existing single storey extension	Approval	23/11/2022
22/01418/FUL	Full Application	249 Derby Road Chaddesden Derby DE21 6SY	Single storey rear extension to outbuilding to form ancillary accommodation	Approval	08/11/2022
22/01420/VAR	Variation of Condition	38 Buxton Drive Derby DE3 9JR	Single storey rear extension to dwelling house (utility and kitchen/diner) - Variation of condition 2 of previously approved planning permission 22/00585/FUL to amend the approved plans to increase the size of the extension	Approval	24/11/2022
22/01421/FUL	Full Application	32 East Street Derby DE1 2AF	Change of use from retail (Use Class E) to a nail salon (Sui Generis)	Approval	07/11/2022
22/01423/FUL	Full Application	Land At The Rear Of 39A West	Erection of four dwelling houses (Use Class	Refused	04/11/2022

		Avenue South Derby DE73 5SH	C3)		
22/01424/FUL	Full Application	9 Fairway Crescent Derby DE22 2NZ	Two storey side and single storey rear extensions to dwelling house (store, W.C., utility, two bedrooms, en-suite and enlargement of kitchen)	Approval	03/11/2022
22/01428/FUL	Full Application	142 Brackens Lane Derby DE24 0AL	Single storey rear extension to dwelling house (kitchen/dining area) and erection of outbuilding - retrospective application	Approval	15/11/2022
22/01429/FUL	Full Application	Sri Guru Singh Sabha Gurdwara Princes Street Derby DE23 8NT	Alterations and two storey extension to entrance incorporating an additional staircase with minaret to roof	Approval	08/11/2022
22/01435/FUL	Full Application	12 Hoylake Court Derby DE3 0PT	Single storey side extension to dwelling house (shower room and utility)	Approval	07/11/2022
22/01437/FUL	Full Application	13 Ashtree Avenue Derby DE24 8EW	Two storey side and single storey rear extensions to dwelling house (study, shower room, utility, bedroom and enlargement of kitchen/dining area)	Approval	03/11/2022
22/01440/TPO	Works to a tree with a TPO	Leopold Villa 45 Leopold Street Derby DE1 2HF	Crown lift to give 3m clearance from ground level, crown reduction by a maximum of 2m and reduction of canopy to give 2m clearance to buildings of an Oak tree protected by Tree Preservation Order no. 286	Approval	14/11/2022
22/01443/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Discharge of condition 22.2 in respect of plots 1.2, 1.3 and 1.4 of Phase 1 of planning permission 21/02197/VAR	Discharge of Conditions Complete	25/11/2022
22/01448/FUL	Full Application	54 Murray Road Derby DE3 9LD	Two storey rear and single storey front and rear extensions to dwelling house (porch, kitchen, study, bedroom and enlargement of garage)	Approval	21/11/2022
22/01449/FUL	Full Application	442 Osmaston Road	Change of use from a six bedroom (six	Approval	14/11/2022

		Derby DE24 8AH	occupant) house in multiple occupation (Use Class C4) to a six bedroom (seven occupant) house in multiple occupation (Sui Generis)		
22/01455/FUL	Full Application	9 Rosyth Crescent Derby DE73 5WY	Single storey rear extension to dwelling house (bedroom, wetroom, store and enlargement of kitchen/family room)	Approval	15/11/2022
22/01462/TPO	Works to a tree with a TPO	26 Stone Hill Road Derby DE23 6TJ	Felling of Corsican pine, crown lift to height of first major limb of Corsican Pine and remove deadwood of a Corsican Pine all protected by Tree Preservation Order No 296	Approval	16/11/2022
22/01463/TPO	Works to a tree with a TPO	39 Highfield Road Derby DE22 1GX	Felling or 2m crown reduction and removal of 2 branches of a Cedar tree protected by Tree Preservation Order nos 92 and 258	Approval	17/11/2022
22/01464/FUL	Full Application	11 Radbourne Lane Derby DE22 4LU	Change of use and conversion of part of dwelling house to form a bungalow (Use Class C3)	Refused	11/11/2022
22/01466/FUL	Full Application	76 Morley Road Derby DE21 4QW	Two storey and single storey extensions to dwelling house. Erection of car port and garage	Approval	11/11/2022
22/01467/FUL	Full Application	28 Wade Avenue Derby DE23 6BG	Single storey side and rear extensions to dwelling house	Approval	17/11/2022
22/01470/FUL	Full Application	10 Little Woodbury Drive Derby DE23 3UN	Two storey and first floor side and single storey front and rear extensions to dwelling house (living room/dining area, shower room, bedroom and en-suite), installation of a rear dormer to form rooms in the roof space and erection of boundary wall	Refused	04/11/2022
22/01471/PNRPV	Prior Approval - PV on Non-Domestic	Unit 1A Kingsway Retail Park Kingsway Derby DE22 3FA	Installation of roof mounted solar panels	Approval	01/11/2022
22/01473/FUL	Full Application	83 Shardlow Road Derby	Two storey side and single storey front and rear extensions to dwelling house (garage,	Approval	15/11/2022

		DE24 0JP	kitchen/dining area, bedroom, en-suite and enlargement of hall)		
22/01474/TPO	Works to a tree with a TPO	9 Park Wood Close Derby DE22 2AX	Crown reduction by 2m of a Sycamore tree and felling of a group of self set trees protected by Tree Preservation Order no. 471	Approval	18/11/2022
22/01475/TPO	Works to a tree with a TPO	48 Swanmore Road Derby DE23 3SY	Crown reduction by 2m of an Oak tree protected by Tree Preservation Order no. 30	Approval	18/11/2022
22/01479/FUL	Full Application	162 Manor Road Littleover Derby DE23 6BT	Formation of a vehicular access	Approval	14/11/2022
22/01482/FUL	Full Application	20 Fairfax Road Derby DE23 6RW	First floor side, two storey side and rear and single storey front and rear extensions to dwelling house (porch, bathrooms, kitchen, conservatory and four bedrooms) with rear dormer to form rooms in the roof space (bedrooms and bathrooms)	Approval	14/11/2022
22/01483/FUL	Full Application	Melrose House 373 Uttoxeter Road Derby DE3 9AH	Change of use from dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis) - retrospective application	Approval	23/11/2022
22/01486/CLP	Lawful Development Certificate -Proposed	5 Ingliston Close Derby DE24 0SJ	Single storey rear extension to dwelling house (enlargement of kitchen)	Approval	23/11/2022
22/01488/TPO	Works to a tree with a TPO	Petrol Filling Station Tesco Express 483 Nottingham Road Derby DE21 6NA	Crown reduction by 2m to the North East side of a Horse Chestnut tree protected by Tree Preservation Order no. 214	Approval	23/11/2022
22/01489/FUL	Full Application	24 Slade Lands Drive Derby DE73 6QB	Erection of an outbuilding - retrospective application	Approval	23/11/2022
22/01491/FUL	Full Application	1 Berkshire Street Derby	Single storey front and side/rear extensions to dwelling house (porch, dining area, bedroom	Approval	30/11/2022

		DE21 6GQ	and en-suite) together with the installation of render		
22/01492/CLP	Lawful Development Certificate -Proposed	16 Swinburne Street Derby DE1 2HJ	Change of use from two flats (Use Class C3) to one dwelling house (Use Class C3)	Approval	11/11/2022
22/01493/FUL	Full Application	All Saints Vicarage Etwall Road Derby DE3 0DL	Installation of replacement UPVC fascias, soffits, barge boards and rainwater goods	Approval	11/11/2022
22/01500/FUL	Full Application	Mickleover Golf Club Uttoxeter Road Derby DE3 9AD	Extension to shop (golf tuition facility)	Approval	15/11/2022
22/01501/FUL	Full Application	2 Wilkins Drive Derby DE24 8LT	Erection of a boundary fence	Refused	21/11/2022
22/01510/FUL	Full Application	41 Hill Cross Avenue Derby DE23 1FW	Single storey side and rear extensions to dwelling (office, shower room and bedroom) enlargement of the rear raised platform area and installation of timber cladding	Approval	17/11/2022
22/01511/FUL	Full Application	87 Allestree Lane Derby DE22 2HS	Two storey side extension to dwelling house (storage/utility, bedroom and en-suite)	Approval	22/11/2022
22/01512/FUL	Full Application	1 Plough Gate Derby DE22 1FH	Installation of cladding	Approval	22/11/2022
22/01513/FUL	Full Application	163 St Thomas Road Derby DE23 8RH	Change of use from dwelling house (Use Class C3) to retail (Use Class E) with flat above (Use Class C3), installation of a new shop front and roller shutters together with retention of a rear external staircase	Refused	23/11/2022
22/01517/TPO	Works to a tree with a TPO	Elm House Old Hall Avenue Littleover Derby	Various works to trees protected by Tree Preservation Order no's. 37, 181 and 415	Approval	24/11/2022

DE23 6EN

22/01522/CLP	Lawful Development Certificate -Proposed	54 Gertrude Road Derby DE21 4JP	Hip to gable roof alteration and installation of a dormer to the rear elevation	Approval	23/11/2022
22/01524/FUL	Full Application	38 Valley Road Littleover Derby DE23 6HS	Single storey rear extension to dwelling house (kitchen/dining area) and installation of a retaining wall to the rear garden	Approval	23/11/2022
22/01525/FUL	Local Council Own Development Reg 3	Markeaton Craft Village Markeaton Lane Derby DE22 3BG	Extension to toilet block (Changing Places facility)	Approval	29/11/2022
22/01526/FUL	Full Application	163 Swarkestone Road Derby DE73 6UD	Erection of boundary wall and gate	Approval	23/11/2022
22/01527/PNRH	Prior Approval - Householder	461 Nottingham Road Derby DE21 6NA	Single storey rear extension (projecting beyond the rear wall of the original house by 5.96m, maximum height 3.45m, height to eaves 2.98m) to dwelling house	Prior Approval Not Required	14/11/2022
22/01532/CAT	Works to Trees in a Conservation Area	56 Belper Road Derby DE1 3EN	10 year management plan - pollarding once every 2 years and annual crown lifting to 3m (including the removal of epicormic growth) of a Lime tree within the Strutts Park Conservation Area	Approval	08/11/2022
22/01536/DEM	Demolition - Prior Notification	ATS Euromaster Gosforth Road Derby DE24 8HU	Demolition of single storey extension	Approval	29/11/2022
22/01537/FUL	Full Application	79 Stepping Lane Derby DE1 1GL	Single storey rear extension to dwelling house	Approval	23/11/2022
22/01539/FUL	Full Application	56 Shropshire Avenue Derby DE21 6EU	Single storey rear extension to dwelling (sun lounge)	Approval	23/11/2022

22/01541/CAT	Works to Trees in a Conservation Area	121 Nuns Street Derby DE1 3LS	Cutting back of branches overhanging the pavement of a Sycamore tree within the Friar Gate Conservation Area	Approval	15/11/2022
22/01545/FUL	Full Application	10 Constable Drive Derby DE23 6EQ	Single-storey rear and two-storey side extension ( kitchen/dining space, utility, gym and workshop bedroom, en-suite bathroom).	Approval	28/11/2022
22/01546/FUL	Full Application	328 Sinfin Lane Derby DE24 9HU	Single storey front extension to dwelling house (Porch and Canopy)	Approval	25/11/2022
22/01547/VAR	Variation of Condition	79 Palmerston Street Derby DE23 6PF	Erection of a dwelling house (Use Class C3) and associated ground works. (Variation of condition 2 of previously approved application 20/01359/FUL to include a single storey extension	Approval	23/11/2022
22/01549/PNRH	Prior Approval - Householder	135 Haven Baulk Lane Derby DE23 4AF	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	14/11/2022
22/01550/FUL	Full Application	3 Abney Close Derby DE3 9DZ	Single storey front extension to dwelling house (porch)	Approval	14/11/2022
22/01551/FUL	Full Application	30 Sandown Avenue Derby DE3 0QQ	Two storey side and single storey rear extensions to dwelling house (store, W.C., utility, dining room, study and bedroom)	Refused	29/11/2022
22/01552/FUL	Full Application	6 Broadfields Close Derby DE22 1BT	Single storey side/rear extensions to dwelling (bathroom, snug and enlargement of kitchen/dining area)	Approval	29/11/2022
22/01562/DISC	Compliance/Discharge of Condition	246 Uttoxeter New Road Derby DE22 3LL	Change of use from public house (Sui Generis) and residential (Use Class C3) to a ten studio room (12 occupant) house in multiple occupation (Sui Generis) - Discharge of condition 3 of planning permission 21/02044/FUL	Discharge of Conditions Complete	09/11/2022
22/01566/FUL	Full Application	84 Littleover Lane	Two storey front extension to dwelling house	Approval	25/11/2022

		Derby DE23 6JG	(bay windows)		
22/01567/NONM	Non-Material Amendment	Land Off Hudson Way Derby	Retention Of Change Of Use To Public Car Park For Temporary Period (Three Years) - Non-material amendment to previously approved planning permission 01/13/00095 to allow the use to be discontinued after a period of nine years rather than three	Refused	01/11/2022
22/01570/FUL	Full Application	Pavilion Alvaston Park Meadow Lane Alvaston Derby DE24 8QQ	Installation of a new window and door	Approval	30/11/2022
22/01585/PNRH	Prior Approval - Householder	68 Richmond Road Peartree Derby DE23 8PX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.9m, height to eaves 2.9m) to dwelling house	Prior Approval Not Required	14/11/2022
22/01605/CAT	Works to Trees in a Conservation Area	1 Ashbourne Court Uttoxeter Old Road Derby DE1 1GH	Felling of a Pine tree within the Friar Gate Conservation Area	Approval	25/11/2022
22/01606/FUL	Full Application	Market Place Derby	Erection of ice rink (Use Class F2d) and theatre (Sui Generis use) marquees to operate for a temporary period (46 Days In Any 12 Month Period)	Approval	29/11/2022
22/01607/ADV	Advertisement Consent	Market Place Derby	Display of various signage in association with temporary Ice Rink	Approval	29/11/2022
22/01609/DISC	Compliance/Discharge of Condition	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project - Approval of reserved	Discharge of Conditions Complete	10/11/2022

			<p>matters of scale, layout, appearance and landscaping in respect of Phase 1 - Erection of three commercial units within B2/B8 use class, to include associated loading, servicing and parking areas, landscaping and infrastructure under outline permission Code no. 19/00491/OUT - Discharge of conditions 2, 3 and 5 of planning permission 21/00148/RES</p>		
22/01626/CAT	Works to Trees in a Conservation Area	49 Mile Ash Lane Derby DE22 1DE	Height reduction by four metres of a Silver Birch tree within the Darley Abbey Conservation Area	Approval	29/11/2022
22/01631/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6NZ	<p>Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved. - Reserved Matters application pursuant to outline planning permission ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in respect of Phase 3 - Erection of one commercial unit within B2/B8 use class, including associated loading, servicing and parking areas, together with provision of site wide internal roads, drainage attenuation pond, swales, landscaping and associated infrastructure - Non-material amendment to previously approved planning permission 22/01000/RES to allow alterations to the east elevation including the removal of loading bays and insertion of a larger roller shutter door</p>	Approval	01/11/2022
22/01632/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood	Approval	01/11/2022

			<p>alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project - Approval of reserved matters of scale, layout, appearance and landscaping in respect of Phase 1 - Erection of three commercial units within B2/B8 use class, to include associated loading, servicing and parking areas, landscaping and infrastructure under outline permission Code no. 19/00491/OUT - Non-material amendment to previously approved planning permission 21/00148/RES to allow alterations to the North elevation to reposition a level access door</p>		
22/01641/CAT	Works to Trees in a Conservation Area	130 Duffield Road Derby DE22 1BG	Felling of a Silver Birch tree within Strutts Park Conservation Area	Raise Objection	28/11/2022
22/01679/FUL	Full Application	Land Off Sowter Road Derby	Installation of two ring main units and associated works for a temporary period of 18 months	Application Withdrawn	23/11/2022
22/01731/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of conditions 18 and 19 for Phase 6a, Plot 3 of previously approved planning application code No. 21/02197/VAR	Discharge of Conditions Complete	28/11/2022
22/01776/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial	Discharge of Conditions Complete	28/11/2022

DE21 7BS

brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of conditions 18 and 19 for Phase 8, Plot 2 of previously approved application code No. 21/02197/VAR