



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**15 January 2024**

# ITEM 8

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

## **Applications to be Considered**

### **Purpose**

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

### **Recommendation(s)**

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

### **Reason(s)**

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

### **Supporting information**

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

### **Public/stakeholder engagement**

5.1 None.

### **Other options**

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

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

7.1 None.

### **Legal implications**

8.1 None.

### **Climate implications**

9.1 None.

### **Other significant implications**

10.1 None.

This report has been approved by the following people:

<b>Role</b>	<b>Name</b>	<b>Date of sign-off</b>
<b>Legal</b>		
<b>Finance</b>		
<b>Service Director(s)</b>		
<b>Report sponsor</b>	Paul Clarke	06/02/2024
<b>Other(s)</b>	Ian Woodhead	06/02/2024

<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Development Control Report

**Planning Control Committee 15/02/2024**  
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8.1	1 - 21	22/01798/FUL	Workshop 2 North Street Derby	Demolition of workshop. Erection of a four bedroom (four occupant) house in multiple occupation (Use Class C4)	<b>To grant</b> planning permission with conditions.
8.2	22 - 30	23/01699/VAR	67 Church Lane Darley Abbey	Variation of condition 4 to amend the approved opening hours of previously approved planning permission 23/00597/FUL - Change of use from Framery (Use Class E) to café, deli and bar (Sui Generis use). Installation of a new shopfront, blocking up of a doorway and installation of new windows and replacement windows, installation of roof lanterns and an extraction flue.	<b>To grant</b> planning permission with conditions.
8.3	31 - 49	21/00906/FUL	Site Of 87 Morley Road Chaddesden	Demolition of existing dwelling house and erection of four dwelling houses (Use Class C3)	<b>To grant</b> planning permission with conditions.
8.4	50 - 61	23/01226/FUL	31 Mount Carmel Street Derby	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis)	<b>To grant</b> planning permission with conditions.

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**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** Workshop, 2 North Street Derby

**1.2. Ward:** Darley

**1.3. Proposal:**

Demolition of workshop. Erection of four bedroom (four occupant) house in multiple occupation (Use Class C4) and associated ground works

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01798/FUL>

**Brief description**

The application site comprises an irregular shaped plot of land that stands on the southern side of North Street. It extends to some 81.3sqm in area and is currently occupied by a workshop. The existing workshop building adjoins 2 North Street and covers most of the site with the walls of the building forming the sites boundaries. The workshop is constructed of brick and rendered walls with a corrugated sheet covered roof. Doors in its front elevation provide access directly onto the footway in North Street.

At the rear of the site is a single storey flat roofed building that abuts the existing workshop and links to a single storey building that sits within the curtilage of 2 North Street which is within the ownership of the applicant. 2 North Street is in use as a six bedroomed house in multiple occupation. Land directly to the rear of the site and the single storey building is not within the applicant's control. It is hard surfaced and appears to be used for off street parking.

The surrounding area is predominantly comprised of traditional terraced housing with some modern additions, ranging between two and three storeys in height. North Street and the application site are within the Strutts Park Conservation Area and the World Heritage Site buffer zone. Existing buildings on the site are not statutory or locally listed.

Planning permission is sought for the demolition of the workshop building and its replacement with a two-storey house in multiple occupation. The single storey flat roof section of building at the rear of the site is proposed to be retained. The footprint of the proposed two storey building has been amended during the life of the application and its frontage would align with 2 North Street. The building is proposed to have a pitched roof with eaves fronting the street. The proposed property would have a central doorway onto North Street and design features include stone cills and trapezoidal lintels with a decorative surround around the front door. The Design and Access Statement that supports the application indicates that the property has been designed to have a traditional Victorian character and appearance.

No off-street parking provision is proposed to serve the development and there is no private outdoor amenity space available at the rear of the site. The design includes a

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small area of amenity space at the front of the property, and it is shown to accommodate bin and cycle storage with provision for five cycle spaces.

Amended plans have been submitted during the life of the application to address issues relating to the internal layout and resulting positions of windows along with heritage concerns raised. The amendments have resulted in a reduction in the number of bedrooms from six to four. The revised layout plans show provision of four bedrooms within the property, two on the ground floor and two on the first floor. Three shower rooms are proposed, two en-suites on the first floor and one on the ground floor along with a communal living / dining room and kitchen.

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

There is no planning history directly related to the application site (The Workshop), the following are recent planning applications related to 2 North Street.

<b>Application No:</b>	22/00684/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	08.12.2022
<b>Description:</b>	Installation of new windows in front and side elevations, partial bricking up of the garage door and installation of a flat roof window – 2 North Street		

<b>Application No:</b>	22/00347/CLP	<b>Type:</b>	Certificate of Lawfulness
<b>Decision:</b>	Approved	<b>Date:</b>	25/04/22
<b>Description:</b>	Change of use from dwelling house (Use Class C3) to a six person house in multiple occupation (Use Class C4) including internal alterations, blocking up of vehicular access and installation of a new window and roof lantern – 2 North Street.		

### **3. Publicity:**

- Neighbour Notification Letters sent; 25/11/2022 and 21/07/2023
- Site Notices: 23/11/2022 and 17/07/2023
- Statutory Press Advert: 02/12/2022

*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.***

16 objections have been received to the planning application. They include objections from Councillor Repton, Councillor Martin and Councillor Swan. The main issues raised to the proposal are as follows:

- There already being too many HIMOs in the area.
- The development should not be allowed if it has no parking provision.
- Increased congestion and strain on off street parking in the area resulting in a reduction in the amenity of existing neighbours and occupiers.
- Any future residents should not be allowed parking permits.
- The proposal leading to overcrowding given existing HIMOs in the street and next door.
- A resulting high turnover of single people resulting in a loss of community cohesion and attachment.
- There being a need for more family housing rather than HIMOs.
- The proposal needing to be considered as a larger HIMO alongside that at 2 North Street.
- Overdevelopment of this site and no. 2 North Street.
- The design of the proposal being out of character with the wider street scene and Conservation Area.
- A lack of garden space being unacceptable.
- There being insufficient internal space and the living environment being unsuitable for future occupiers.
- Increased levels of noise, activity and antisocial behaviour.
- Bins being unattractive on the site frontage and litter being a problem.
- Loss of sunlight and daylight to neighbouring properties.
- There being no provision for increased services / facilities in the local area.

The three Councillors who have objected have raised issues relating to the proposed housing not reflecting the needs of the community, suggesting that more family accommodation is needed. They have commented that the proposal fails to exhibit a high level of architecture that is in keeping with the Victorian terraces. Concerns are

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expressed regarding increased parking problems, traffic and congestion and unsightly bins being visible from the street.

### **5. Consultations:**

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

Updated comments.

Observations:

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

J3448-01 ~ Site Location Plan

J3448-04 Rev A ~ Proposed Floor Plans and Elevations.

In response to comments made (in highway terms on 07/12/2022), the applicant has provided further details which include cycle parking and a bin store. It should be noted that the Highway Authority previously indicated that the proposals would in general terms be acceptable; this remains the case with the current proposals. The site is situated within an area of parking controls (Permits Only Mon-Sat 8am-6pm); and is considered to be within a 'sustainable location' with easy access to city centre shops, amenities, and public transport opportunities. The development is being brought forward with no off-street parking for residents, the 'applicant' should note that the granting of any consent would be on the basis that the application is for a 'car free' development and that therefore no parking permits will be issued to any subsequent occupiers. There is an existing dropped footway crossing which serves the existing site; as this will be disused, it would be appropriate to condition that this subsequently be lifted and reinstated as a full height footway. At the same time, the existing "Keep Clear" road marking should be removed. These would be dealt with by condition.

Considering vehicular ownership within the proposed development; since the previous response, the Highway Authority now uses a different approach with respect to the determination of possible vehicle demand with respect to Census data available. <https://www.ons.gov.uk/census/maps/choropleth/housing/number-of-cars-or-vans/number-of-cars-5a/no-cars-or-vans-in-household?oa=E00068291>

The available data for the surrounding area suggests that 56.5% of residents do not own a vehicle, 33.3% own a vehicle, 5.9% have two vehicles and 4.3% have 3 vehicles.

Vehicles	% owned		Vehicles
0 Vehicle	56.5		0
1 Vehicle	33.3	6x1x0.333	2
2 Vehicles	5.9	6x2x0.059	1
3 Vehicles	4.3	6x3x0.043	1
		Total	4

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It must be noted that this is by no means a 'given'.

Para 111 of the National Planning Policy Framework states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." To be clear, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. Whilst the scheme would potentially increase demand for parking spaces, it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

The Local Planning Authority may however consider that this may be an amenity issue for other residents, although this is not a highways concern.

Given the size of the development, the Highway Authority do not consider it appropriate to require a Travel Plan to be submitted in support of the proposals. Given that the proposed application site is in a sustainable location and well served by local transport (and cycle) links and nearby pay and display parking; it is unlikely that the proposed development will have a significant impact on the highway.

### **Recommendation:**

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

Condition: No part of the development hereby permitted shall be brought into use until the existing site access (and Keep Clear road marking that has been made redundant as a consequence of this consent), is permanently closed and the access crossing reinstated as footway, and with the road marking removed, to the satisfaction of the Local Planning Authority and the specification of the Highway Authority.

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

### **Notes To Applicant**

N1. The minor access reinstatement works referred to in the above condition involve work on the highway and as such require the consent of the City Council. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981

N2. No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

N3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.



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N4. Notwithstanding any Planning Permission the applicant/developer should note that the proposed Flats will not qualify for the issue of Residents Parking permits.

N5. The developer should note that the proposed works will take place in an area covered by permit parking restrictions, which may necessitate the purchase of temporary permits for vehicles associated with the construction works. The developer should therefore contact [businessdev@derby.gov.uk](mailto:businessdev@derby.gov.uk) in order to make arrangements for the purchase of temporary permits as appropriate.

N6. The consent granted will result in the construction of a new building which will require official numbering. It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the location of the site in relation to existing land and property, and the placement of front doors or primary means of access.

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

This application was not considered by the committee.

### **5.3. Built Environment:**

#### Updated Comments

#### Heritage conservation comment

These comments are made in the light of the Planning (Listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance (including the National Planning Policy Framework (December 2023), Historic England guidance, the relevant Local Plan Review January 2006 saved policies, Derby Local Plan - core strategy (2017) and other relevant guidance.

Response on new information submitted to date including amendments uploaded 22/01/24 have been incorporated into these comments.

#### Designated Heritage Assets affected

2 North Street is a detached house and there is a workshop at 2b adjacent to it. The building is located within the Strutt's Park Conservation Area which is an area of architectural and historic interest. It is also located within the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS). Listed buildings nearest to the site, although a distance away, are grade II listed 21-24 Duffield Road which are a stucco and stone plinched terrace of circa 1850. These are designated heritage assets, within the National Planning Policy Framework (2023).

#### Impact of proposals on Heritage Assets and comments

The Heritage Statement on the structure proposed to be demolished is very limited in terms of analysis of the structure, historic maps, photos of existing building (inside

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and outside) etc. A little more information submitted 17/07/23 and is included within the Planning, Design and Heritage Statement – Rev A. However, there are no photos submitted showing the inside of the structure proposed to be demolished but historic plans seem to suggest behind its current modern façade there is not a historic structure.

The current application is for the demolition of the workshop and erection of a large four-bedroom (four occupant) house in multiple occupation (Use Class C4). The proposed building is dominant, and slightly stepped down in ridge height to the existing building adjacent at 2 North Street. It has a front garden and now follows its neighbours building line. There is strong concern as building is proposed to be constructed of inappropriate materials such as composite or UPVC grey windows and doors. There is a discrepancy on the window and door material between the windows brochure and the plans submitted. Neither of these materials, their grey colour is appropriate or traditional. The proposal therefore does not preserve or enhance the character or appearance of the conservation area as an area of architectural and historic interest. Suggest changes to timber windows and doors and windows to be painted off white.

There is harm to character and appearance of the conservation area as a result of the proposals. The proposal does not preserve or enhance the character or appearance of the conservation area but is harmful to it.

As the listed terrace is so far away there is no impact and due to location, there is no impact upon OUV of the DVMWHS.

### Policies

The Planning (listed building and conservation areas) Act 1990 section 66 and 72 as regards the statutory duty regarding listed buildings and conservation areas is relevant here. As is E18 and E19 of the saved Local Plan Review (2006), 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 200, 206 and 208. 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 under para 208. *'...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 208). 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.

### Suggested conditions

After amendments have been made, suggested above, and should you be minded to grant permission, suggest a condition to control materials (e.g. bricks, mortar mix and finish to match existing, roof tiles etc) along with window and door details.

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Recommendation:

Concern about proposed materials proposed as outlined above.

### **5.4. Resources and Housing (HIMO):**

Comments to be provided in advance of the meeting, or reported orally at the meeting.

### **5.5. Land Drainage:**

This site has absolutely no flooding but there is the surface water to be considered. There is very little space on the site but there could still be a rain garden or at least an ordinary garden at the front of the house. This would relieve the stark nature of the current frontage to 2 North Street and be in keeping with numbers 6 to 10 North Street. This should be made a planning condition.

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

Updated comments.

The PDA lies within the former parklands and gardens of St Helens (MDR10442) over part of former Roman Derby (MDR11320) with the projected line of Roman Rykneld street (MDR4600, MDR10207) passing directly through the middle of the PDA. In addition, the site lies within the Strutts Park Conservation area (DDR7272) designated by English Heritage in 1991. Please also seek the advice of your own buildings and conservation officer.

I have examined the submitted Heritage Impact Assessment and it declines to address below ground archaeological potential or the potential impacts of development on any below ground archaeological remains, which could include Roman remains but also remains of 19th century workers housing. As such it does not meet the baseline level of information required nor employ the appropriate expertise of a Heritage professional. Should you be minded to grant planning consent for this application however archaeological works will be required and these should be undertaken following demolition (to ground level only without the grubbing out of any foundations or the ground floor slab) and should be undertaken prior to the commencement of construction. These works would in the first instance comprise archaeological evaluation trenching, followed by any required mitigation works which could range, depending on preservation, from archaeological monitoring during construction up to and including set piece archaeological excavation, this justified under para 205 of NPPF. These works could be secured through the attachment of a condition to any planning consent the wording of which could read.

- a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

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1. The programme and methodology of site investigation and recording.
  2. The programme for post investigation assessment.
  3. Provision to be made for analysis of the site investigation and recording.
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  5. Provision to be made for archive deposition of the analysis and records of the site investigation.
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Any WSI for work should be compiled by the archaeological contractors who will undertake the works in the field in line with current industry standards and guidelines and should be agreed with this office prior to implementation. Works themselves should be undertaken by individuals suitably experienced for such work, again in line with current industry best practice to standards in line with such practice.

### **5.7. Derbyshire Wildlife Trust:**

We have reviewed the documents submitted as part of this application and also our Derbyshire Biological Records Database and street imagery of the existing building. We consider that the proposed demolition is unlikely to impact bats given the design and nature of the existing structure at the site. As a result, we advise that a potential bat roost assessment would be disproportionate in this instance.

#### **Breeding Birds**

The building may have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Therefore, no work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests within suitable features immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

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### Biodiversity Enhancements

The development does provide opportunities to achieve a net gain for biodiversity in line with the objectives of the National Planning Policy Framework and policy CP19 of the Derby City Local Plan through the incorporation of integrated bat and bird boxes in the new construction. We would therefore recommend a scheme of biodiversity enhancement be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the incorporation of an integrated bat box within the finished building and an external bird box. Advice on the type and location of these features can be provided by a suitably qualified Ecological Consultant. The enhancement scheme should be implemented in accordance with the agreed details and completed prior to the occupation of the new building.

## **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
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP10	Employment Locations
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC9	Derwent Valley Mills World Heritage Site

#### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E18	Conservation Areas
E21	Archaeology

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

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

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

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

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

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

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

The Local Plan (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 1,263 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 3.88 years of dwellings against the annual 1,263 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 –

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

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

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.88 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. Policy Considerations**

#### **7.2. Heritage Impact and Design**

#### **7.3. Provision of satisfactory living environment for future occupiers**

#### **7.4. Implications for Residential Amenity**

#### **7.5. Highway Impacts**

#### **7.6. Other Environmental**

#### **7.7. Planning Balance and Conclusion**

### **7.1. Policy Considerations**

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1. The proposal would result in the loss of a workshop that provides employment, albeit it is small in scale. Policy CP10 would normally require applications that lead to the loss of employment land or buildings to fulfil certain requirements. These are addressed in the applicant's Planning Statement which indicates that the building does not meet modern requirements having no off street parking and servicing provision and being in close proximity to residential properties. While no evidence has been provided for the marketing of the unit, the difficulties of securing an

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appropriate occupier in this location and with the constraints on parking and servicing, can be appreciated.

While the proposal does not meet all the requirements of CP10, it is not considered that the loss of the employment unit would unduly affect the quality or quality of employment land provision within the City.

The site is located in an established residential area, close to local amenities and public transport and is in a sustainable location for residential development. As the application involves the provision of housing, it would contribute to housing delivery in line with the intentions of adopted policies H13 and CP6. Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, given its location in the World Heritage Site buffer zone and Strutts Park Conservation Area, particular consideration should be given to whether there would be any harmful impacts on those heritage designations. Permission should therefore only be granted if the heritage tests outlined in the NPPF are satisfactorily met.

### **7.2. Heritage Impact and Design**

A Heritage Statement forms part of the applicants Planning Statement, and it considers the development and its impact on the Strutts Park Conservation Area and the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS).

In considering the application consideration must be given to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Local Plan Policy CP20 seeks the protection and enhancement of the city's historic environment, including the World Heritage Site and Conservation Areas and Policy AC9 recognises the outstanding universal value of the Derwent Valley Mills World Heritage Site and its buffer zone. Saved Policy E18 also seeks to preserve the special architectural and historical interest of Conservation Areas and protect them from development which is harmful, and it complements the requirements of Policy CP20. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF advises that great weight should be given to the asset's conservation and the more important the asset the greater weight should be given.

During the life of the application, additional information has been provided regarding the heritage significance of the existing workshop building on the site. While the information provided is limited, no overriding objections have been raised to its demolition by our heritage consultees.

Revisions have been made to reduce the height and footprint of the proposed building, in accordance with the Conservation Officers advice which has brought its proportions and siting in better alignment with its immediate neighbors. The street scene of North Street is characterised by traditional Victorian Properties with some modern additions. It is predominantly a residential context with mainly terraced properties that sit close to the footway in North Street. The siting, scale and external design of the amended proposal would be in keeping with this character. The external materials have also been revised during the life of the application with a red



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brick finish and slate roof proposed to tie in with the prevailing materials in this historic context.

Anthracite grey windows feature in some of the modern developments in North Street and were approved on the upper floor of 2 North Street (adjacent) given that the proposal at no. 2 involved the replacement of inappropriate modern casements with windows of improved proportions and design. For this proposal, timber windows and doors of an off white colour would be considered to better reflect the materials that prevail in the wider historic context. The Conservation Officer identifies harm as arising for the Conservation Area as a result of the intention to use uPVC materials for the windows and doors in a grey finish, which would offer some conflict with the aims of policy E18.

In respect of the impact of the proposal on the setting of nearby listed buildings and the World Heritage Site, our Conservation Officer agrees with the applicants' conclusions drawn in their Heritage Statement that no impact is deemed to be arising, given the sites location. The NPPF requires any impact on the significance of non-designated heritage assets to also be taken into account in the planning balance. The County Archaeologist has advised that archaeological work would need to be undertaken in order to address below ground archaeological potential noting that this is not addressed in the applicants Heritage Statement. However, a suitably worded planning condition could secure this work and the imposition of such a condition would accord with the requirements of policy E21 and paragraph 211 of the NPPF.

In reaching conclusions on the heritage impact of the proposal overall, the Conservation Officer identifies the level of harm arising for the character and appearance of the Conservation Area, as a result of the window and door materials proposed for the development, as amounting to "less than substantial harm" in the terms of the NPPF. In accordance with paragraph 208 of the NPPF, the harm must be weighed against the public benefits of the proposal. In this instance, the benefits of this proposal include an improved built form that would be delivered in this Conservation Area setting by the removal of the existing workshop building that has no architectural quality or relationship with its residential neighbours. The workshop currently does not add to the character or quality of North Street. The proposal would deliver a viable residential use and deliver a variety of new housing to a highly sustainable location in the city which would offer a small contribution to the city's housing supply. These public benefits are considered to outweigh the less than substantial harm to the significance and character of the conservation area, which has been identified. It is for these reasons that I am satisfied that the heritage tests in the NPPF are satisfactorily met.

Policies CP3 and CP4 are general design policies that 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 development that should fit into the wider environment. While the design of this proposal generated some local objection, it has been revised by the applicant, with changes to its footprint, scale and external treatment. This has improved its relationship with neighbouring properties in North Street, providing a two storey building of residential accommodation that has its eaves fronting the street and

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a small front garden, mirroring the scale of neighbouring houses and aligning with their frontages in the street scene.

In revising the application plans, the location of the bin and cycle stores have been clarified and are shown in the layout plan as being on the site frontage and adjacent to North Street. It is noted that the location of the bin stores on the frontage is a concern raised by objectors but there are numerous examples in North Street where bins are located within front garden spaces and a timber store is proposed to offer a defined location for the siting of the bins and some screening. The NPPF promotes the delivery of beautiful places and states that planning decisions should ensure that development is visually attractive. A condition is proposed to be used to ensure that the external materials and finish for the development are suitable and in keeping with the quality of its surroundings and overall, it is concluded that the revised proposal is of an acceptable standard of design.

### **7.3. Provision of satisfactory living environment for future occupiers**

Saved Policy H13 requires new residential development to provide a satisfactory form of development and a high-quality living environment, with good standards of privacy and security. Saved Policy GD5 also requires development to provide a satisfactory level of amenity within the site.

Amendments made to this application has resulted in changes to the internal layout and a reduction in the number of bedrooms from six to four with living accommodation removed from the roof space. All four bedrooms have full sized windows with outlook over North Street, good access to the communal facilities and reasonable levels of privacy. The use of obscure glazing to the ground floor kitchen / dining and living space would remove outlook apart from one small kitchen window but these open plan spaces would be served by adequate levels of light. While an improved outlook would be preferable and needs to be weighed in the planning balance, it is considered that the proposals would provide satisfactory communal facilities for future occupiers to use. While some objectors have raised concerns regarding the quality of the internal living space, the proposed four bedrooms and the communal spaces within, meet with the space standards set out in the Derby City Council '*Amenities and Space Standards for Houses in Multiple Occupation*'.

The application site has constraints and lacks outside curtilage. On the frontage, a small area of amenity space is shown to be enclosed and would provide suitable space for bin and cycle storage, but private garden space would not be available for use by future occupiers. However, the site is within walking distance of several areas of public open space within the Darley area. In this location, the lack of outdoor amenity space, is not considered to undermine the amenities that would be enjoyed by future residents.

Some objectors have raised concerns regarding the linking of this HIMO to that in the ownership of the applicant at 2 North Street. The submitted plans show the buildings as two separate houses, with separate means of access and facilities. The suitability of this proposal is considered on that basis, and it is concluded that the proposal would provide a satisfactory living environment for its future occupiers without any reliance on 2 North Street for any facilities and would accord with the amenity requirements of policies H13 and GD5.

#### **7.4. Implications for Residential Amenity**

Saved policies H13 and GD5 both require that development safeguard's the amenity of neighbouring properties. Overall, the impact of the development on existing residential properties that surround the site is not considered to be unduly harmful. As a four bed HIMO, its proposed use is not, in my opinion, overly intensive with levels of activity likely to be similar to the comings and goings associated with a family home. The proposal would remove an existing workshop that could generate noise, activity and deliveries that are detrimental to amenity and at odds with the residential character of this street.

The revised proposal would align with its immediate neighbours in North Street, with no adverse impacts of massing, overshadowing or enclosure of the common boundaries deemed to be arising. Land directly to the rear of the site is outside of the applicant's control and all rear facing windows in the southern elevation are to be obscure glazed to ensure that overlooking of that private land is not introduced by the development. Conditions of planning permission are proposed to control this. The single side facing ground floor kitchen window is the only exception and is considered reasonable given its views across the rear elevation of the proposed property. Revisions to the proposal have been secured to ensure the level of obscure glazing is also suitable for the internal spaces proposed and this has required a revised internal layout and has reduced the number of bed spaces available. On this basis, it is considered appropriate that permitted development rights are removed by condition of planning permission to stop the development being converted to a shared house for up to six unrelated individuals in the C4 use class, without planning permission being required.

There is adequate separation between the development and dwellings to the south in Henry Street with separation provided by the hard surfaced parking area. While the building would be taller than the workshop it is to replace, separation distances from properties on the opposite side of North Street are reasonable and impacts relative to overshadowing are considered to be reasonable. The objections raised in response to this application have been considered carefully but overall, impacts on the amenity of neighbouring residential properties are considered to be acceptable, in accordance with the amenity requirements of policies H13 and GD5.

#### **7.5. Highway Impacts**

Colleagues in Highways Development Control have provided detailed comments on the application, and they do not raise any objections, subject to compliance with recommended conditions. I note the objections raised in respect of increased traffic, congestion and parking by Ward Councillors and objectors to the application. However, highways colleagues conclude that this car free development would not result in unacceptable impacts on highway safety.

The site is within a sustainable location that has good access to public transport and includes for a suitable level of cycle parking provision. The proposal is also for a house that would be occupied by only four people and does not involve a use that is overly intense. It would therefore be hard to sustain a refusal of planning permission on those grounds as the proposal is broadly compliant with policy CP23 and paragraph 111 of the NPPF.

### **7.6. Other Environmental**

Derbyshire Wildlife Trust (DWT) have been consulted on the application and they have advised that the proposed demolition of the existing workshop is unlikely to impact bats given the design and nature of the existing structure. They advise that a potential bat roost assessment would be disproportionate, and I am satisfied that suitable consideration has been given to species that are protected by law. DWT have provided further advice on nesting birds and a note to applicant is proposed to be included regarding the advice they have provided. DWT have commented on opportunities for biodiversity net gain in the form of bat and bird boxes. Provision of biodiversity measures on site can be secured through conditions of planning permission and would ensure compliance with the aims of Policy CP19.

Land Drainage colleagues have advised that the site is not prone to flooding and therefore flood risk does not limit the potential of the site to accommodate new housing. They advise that surface water does need to be considered while noting the limited garden space available on the site. They recommend the inclusion of some garden or a rain garden on the frontage and the securing of this by condition of planning permission. Such opportunities would be limited given the bin and cycle store provision and the need for suitable access to those spaces to be maintained. Given that the site is not identified as being at the risk of flooding, it is not considered necessary to impose such requirements on a site that is suitably constrained.

### **7.7. Planning balance and conclusion**

This site is constrained and has limitations in terms of its lack of garden space and limited open outlook from its communal spaces indoors. However, the revisions that have been made have reduced the intensity of the development that is proposed, and it is considered that the proposal would provide a suitable standard of affordable housing for its future occupiers. There would be no harm to residential amenity deemed to be arising with no adverse impacts on flood risk or the local highway network given its location in a highly sustainable part of the city. Given that the council cannot demonstrate a 5 year supply of deliverable housing land, paragraph 11 d) of the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The “less than substantial harm” resulting from the window and door materials for the character and appearance of the Conservation Area are considered to be outweighed by the public benefits of removing an inappropriate building and repairing part of the built form within North Street. The revised proposal offers a building that is considered to be of an acceptable standard of design that would increase the variety and amount of housing and offer a small contribution to the city's housing supply. The heritage tests in the NPPF are therefore met by the proposal, and the tilted balance gives weight in favour of supporting this application. 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 and is therefore considered to be acceptable.

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

**8.1. Recommendation:**

To grant planning permission with conditions.

**8.2. Summary of reasons:**

The revised development would provide a suitable standard of affordable housing for its future occupiers. There would be no harm to residential amenity deemed to be arising with no adverse impacts on flood risk or the local highway network given its location in a highly sustainable part of the city. The “less than substantial harm” resulting from the window and door materials for the character and appearance of the Conservation Area are considered to be outweighed by the *public* benefits of removing an inappropriate building and repairing part of the built form within North Street. The revised proposal offers a building that is considered to be of an acceptable standard of design that would increase the variety and amount of housing and offer a small contribution to the city's housing supply. The heritage tests in the NPPF are therefore met by the proposal, and the tilted balance gives weight in favour of supporting this application. 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.

The conditions outlined below are in an abbreviated format and will be precisely worded before any decision is dispatched.

**8.3. Conditions:**

**General 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

**Pre-Commencement Conditions**

3. Condition requiring archaeological scheme of investigation to be submitted and agreed and carried out.

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

4. Standard condition (External Materials – to include all materials, hard surfacing, mortar mix and finish, joinery details and materials for boundary walls to be agreed prior to construction).

**Reason:** In the interests of visual amenity to preserve character of the local area.

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### **Pre-Occupation Conditions**

5. Condition requiring closure of redundant vehicular access and Keep Clear markings in North Street, prior to occupation.

**Reason:** To protect the structural integrity of the highway.

6. Condition requiring delivery of bin and cycle storage, prior to occupation.

**Reason:** Avoidance of doubt and to ensure an orderly development of the site

7. Condition requiring provision of biodiversity enhancements – bat and bird boxes, to be delivered prior to occupation.

**Reason:** To deliver biodiversity enhancement as part of the development.

### **Management Conditions**

8. Condition requiring fixed obscure glazing to all windows in rear (southern) elevation and maintained in perpetuity.

**Reason:** To maintain the privacy and amenity of neighbouring land.

9. Condition removing permitted development rights that allow occupation of development by up to six unrelated individuals and limiting occupation to four.

**Reason:** To enable the Local Planning Authority to exercise control over the internal layout and future living environment given the constraints of the site.

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

1. The minor access reinstatement works referred to in the above condition involve work on the highway and as such require the consent of the City Council. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact [customerservices@derby.gov.uk](mailto:customerservices@derby.gov.uk) or tel 0333 200 6981.
2. No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.
3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. Notwithstanding any Planning Permission the applicant/developer should note that the proposed Flats will not qualify for the issue of Residents Parking permits.
5. The developer should note that the proposed works will take place in an area covered by permit parking restrictions, which may necessitate the purchase of temporary permits for vehicles associated with the construction works. The

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developer should therefore contact [businessdev@derby.gov.uk](mailto:businessdev@derby.gov.uk) in order to make arrangements for the purchase of temporary permits as appropriate.

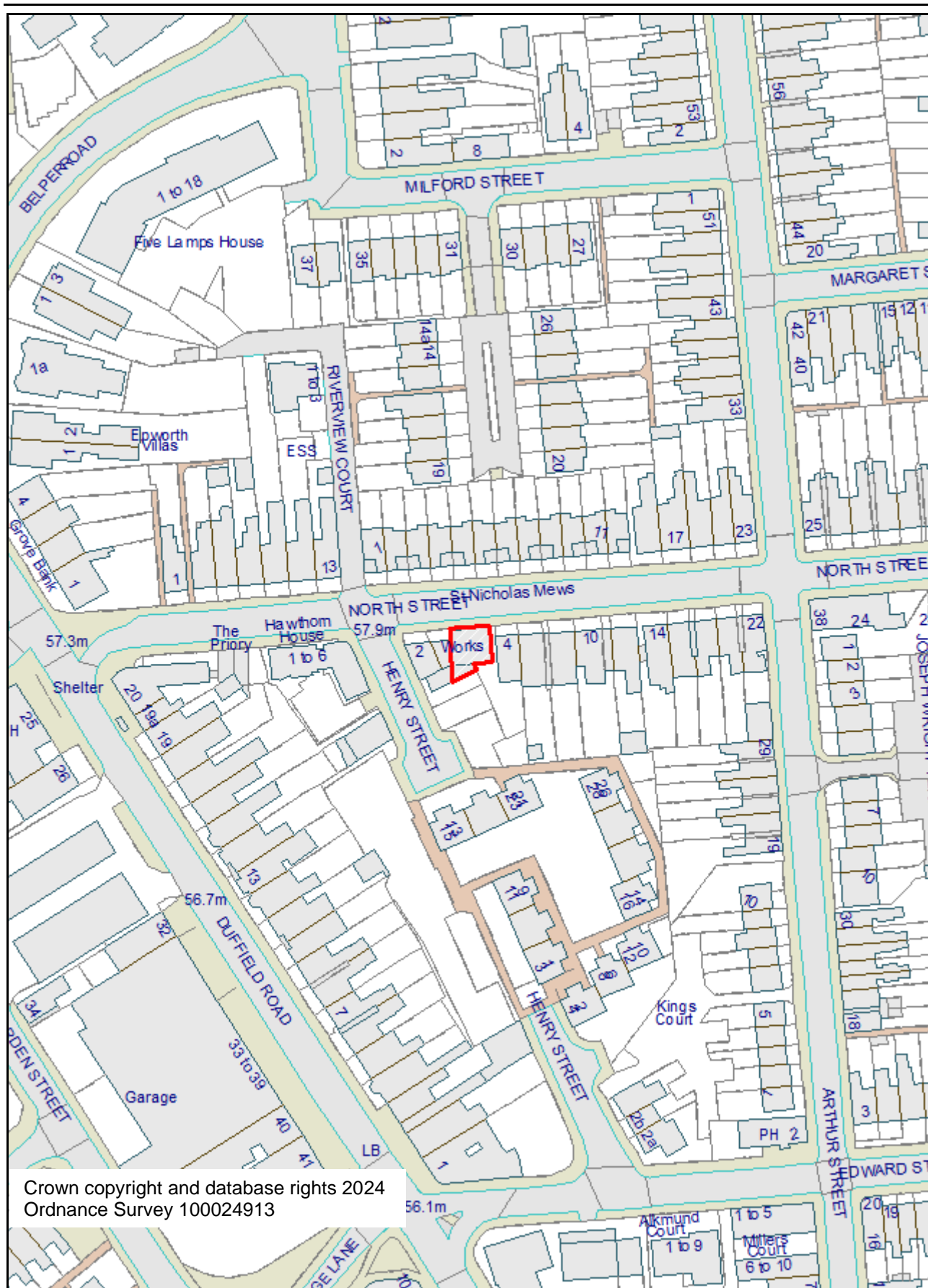
6. The consent granted will result in the construction of a new building which will require official numbering. It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the location of the site in relation to existing land and property, and the placement of front doors or primary means of access.
7. The building proposed to be demolished may have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Therefore, no work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests within suitable features immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

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

None.

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

An extension of time has been agreed with the applicant for a decision date of 19/02/24.





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

**Application No: 23/01699/VAR**

**Type: Variation of Condition**

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### **1. Application Details**

**1.1. Address:** 67 Church Lane, Darley Abbey

**1.2. Ward:** Darley

#### **1.3. Proposal:**

Variation of condition 4 to amend the approved opening hours of previously approved planning permission 23/00597/FUL - Change of use from Framery (Use Class E) to café, deli and bar (Sui Generis use). Installation of a new shopfront, blocking up of a doorway and installation of new windows and replacement windows, installation of roof lanterns and an extraction flue.

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

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01699/VAR>

#### **Brief description**

67 Church Lane is a commercial corner plot on the north side of the street. The site is flanked by residential plots to the north and a pedestrian footway that runs from south-west to north-east. Permission was granted last November for changes to the building and the change of use of the site from a framery to a café, deli and bar with conditions attached restricting, among other things, opening hours.

The opening hours are specified by condition 4 of the previous decision notice as follows: "No customers shall remain on the premises outside the hours of 7am to 8pm Monday to Saturday, and on Sundays 8am to 6pm". Permission is sought to vary condition 4 with the effect of varying the opening hours. Originally seeking to open until 11.20pm and 10.20pm respectively, in response to comments received during the application process, the proposed hours have been revised to 9am to 10.20pm Monday to Saturday and 10am to 9.20pm on Sunday, with all customers to vacate the premises by those times.

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

<b>Application No:</b>	23/00597/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	24.11.2023
<b>Description:</b>	Change of use from Framery (Use Class E) to café, deli and bar (Sui Generis use). Installation of a new shopfront, blocking up of a doorway and installation of new windows and replacement windows, installation of roof lanterns and an extraction flue		

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### **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.***

Two comments in general support of the application have been received that praise the applicant and the provision of café, deli & bar.

34 comments have been received in objection on the following points:

- Concern around noise from customers,
- noise and smells from kitchen,
- light pollution,
- potential for drunken and antisocial behaviour,
- parking pressure and obstruction of the highway,
- privacy reduction for surrounding houses,
- litter,
- health and moral harms from alcohol consumption,
- vermin,
- heritage harms,
- lack of publicity for the initial application,
- and wildlife impacts.

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### **5. Consultations:**

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

These observations replace any previously made with respect to the current application and are primarily made on the basis of the following submitted information:-

Applicants Email – Amendment to the proposed opening hours.

The applicant is proposing to amend the hours of operation of the premises to be :-

Monday to Saturday 9.00am to 10.00pm and 10.00am to 9.00pm Sunday (all customers to vacate the premises by 10.20pm and 9.20pm accordingly).

The Highway Authority previously (in respect of the change of use) did not request any specific hours of use; and the principle of the use of the site has already been established with respect to the previous consented application.

I do note that the occupier appears to be storing their refuse container on land that is public highway; however that is not the subject of the application, and is an issue which my colleagues elsewhere could take action should they consider it expedient to do so; in its present location I do not consider that the container constitutes a safety concern. I note also from images available on StreetView that this practice has taken place for over 16 years.

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.”

On balance, the Highway Authority considers that a change in the operational hours of the premises will not constitute a material change with respect to highway safety or capacity.

#### **5.2. Built Environment:**

No comments.

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

The application site is located within Church Lane and is surrounded by residential properties. I am not against the opening hours extension, but we need to remember the area is mainly residential area and people coming out on the street talking loudly late at night and possibly music breakout might cause noise nuisance to noise sensitive receptors.

If planning permission is granted, I would recommend the conditions below are attached requiring that:

- All windows and doors within the building are replaced with 6.8mm thick acoustic laminated double-glazed glass for superior sound proofing.
- A lobby system (double doors) is installed to prevent music breakout.

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- The smoking area at the front should have barriers installed to prevent line of sight to neighbouring property.

### **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
CP15	Food, Drink and the Evening Economy
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC9	Derwent Valley Mills World Heritage Site

#### **Saved CDLPR Policies**

GD5	Amenity
E18	Conservation Areas
E21	Archaeology
T10	Access for Disabled People

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

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

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

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

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

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

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### **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 & history**

#### **7.2. Amenity**

#### **7.3. Highways matters**

#### **7.4. Other matters**

#### **7.5. Recommendation**

### **7.1. Principle of development & history**

The principle of the use of the building as a café, deli and bar has been established by the previous permission on the site (see History at paragraph 2). This permission was approved subject to conditions controlling the noise levels and operating hours of the extraction system and odour dispersal, illumination of the building, and the opening hours of the business – restricting them to 7am to 8pm Monday to Saturday and 8am to 6pm on Sundays. This application seeks to vary the last of these conditions to allow the premises to open later, from 9am until 10.20pm Monday to Saturday and until 9.20pm on Sundays. Given that the principle of development is already established, this assessment is limited to the effect of the proposed opening hours.

### **7.2. Amenity**

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, and seeks a "satisfactory level of amenity" within developments. 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 135).

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The amenity impacts of the proposed later hours would likely relate to noise and activity from customers within the building and arriving and departing, vehicle movements associated with the business from customers and deliveries, an increase in street parking around the site, noise and smells from the kitchen and a potential increase of people on the street and around the building in general.

An increase in the span and levels of noise and activity, vehicle movements and parking on and around the site will affect residential amenity. The policy test contained in GD5 is whether this increase could justify the description of “unacceptable harm”. The size of the building imposes a physical limitation on the extent of the use and on the amount of activity it would be able to generate. Given the proximity of neighbouring dwellings, any increase in activity is likely to have significant impacts. The acceptability or otherwise of the proposal is likely to be dependent on management decisions made by the business and possibly the licensing system, outside the control of the planning system.

To control aspects of the proposal that have the potential to create harm, in particular mitigation measures to the building to minimise noise transfer from inside the building, extraction system and odour control, conditions on these topics are recommended below at paragraph 8.3.

The site is adjacent to Darley Abbey Conservation Area and within the Derwent Valley Mills World Heritage Site Buffer Zone heritage harms, in a position to affect the setting of the graded II\* listed 3-16 Brick Row to the south. It is also fairly prominent in the street due to being elevated from the majority of Old Lane which falls to the east. The physical changes to the building are already approved as being sympathetic to the building’s context. The effect of increased activity on the streetscene and the setting of the heritage assets listed above would be material, but unlikely to be harmful to their character given the spatial limitations of the site and the absence of physical changes in this proposal.

With regard to the privacy of neighbouring dwellings, it is likely that there would be more activity on the street and the site frontage, including people lingering to talk, smoke, and otherwise be outside for periods, and there are some direct sight lines from these areas to houses on Abbey Lane, and to a lesser extent Brick Row, including windows. However, these windows do overlook public land and the distance from the site frontage to nearest of the houses on Abbey Lane is greater than 30 metres. Therefore to refuse permission on privacy grounds would not be a sustainable position in my opinion. Also, any mitigation for this issue such as intervening structures at the site’s frontage would have implications for the character of the site and conservation area which are likely to be negative and more significant than any privacy benefits that may result (note also that private benefit cannot be used to justify heritage harms).

Overall, it is considered that the change in opening hours would have implications for residential amenity, especially for residents immediately surrounding the site. Whether the threshold of “unacceptable harm” would be reached is unclear and there are a broad range of impacts that could be more or less harmful depending on how the business is managed. Given this potential variation in outcome, and to allow for further assessment, a temporary permission of twelve months is recommended.

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### **7.3. Highways matters**

The highways impact of the proposal, and of the change of use, have been established via the previous application process as non-severe, and therefore not a reason for refusal. Although parking is a pertinent issue, it is in this case considered to be an amenity issue and is discussed above. As noted at paragraph 5.1, the bin associated with the business appears to be stored on the public highway.

A condition is recommended below to allow some control of bin storage and management issues in future.

### **7.4. Other matters**

The health and moral harms of alcohol consumption are a wider social topic than this assessment allows for. Potential attraction of vermin is controlled via means outside of the planning system and not considered here. The initial application was publicised in line with the Council's responsibilities. Wildlife impacts are possible but consistent with the site's context and not considered to be a sustainable argument for refusal. Litter itself is a management issue, see above for discussion of bin storage.

### **7.5. Recommendation**

To approve with conditions for a temporary period of twelve months.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed extension of opening hours is likely to have an effect on the character and amenity of the surrounding area, but this effect could have a broad range of impacts depending on the management of the premises. For this reason, a temporary approval is recommended, together with conditions controlling appropriate aspects of the use, to allow for assessment of the use in operation for a maximum of twelve months from the date of approval.

### **8.3. Conditions:**

1. Standard approved plan reference condition

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

2. Twelve month temporary permission

**Reason:** To enable the Local Planning Authority to assess the effects of the use over that period

3. Further details on, extraction system, odour dispersal, illumination, sound minimisation measures, and refuse storage.

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

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Condition**

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4. Opening hours condition. No customers to remain on the premises 9am-10.20pm Monday to Saturday, and on Sundays 9am to 9.20pm.

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

**8.4. Informative Notes:**

The applicant may wish to consider installing a cycle parking area. This area should be secure and preferably covered to encourage sustainable travel.

**8.5. Application timescale:**

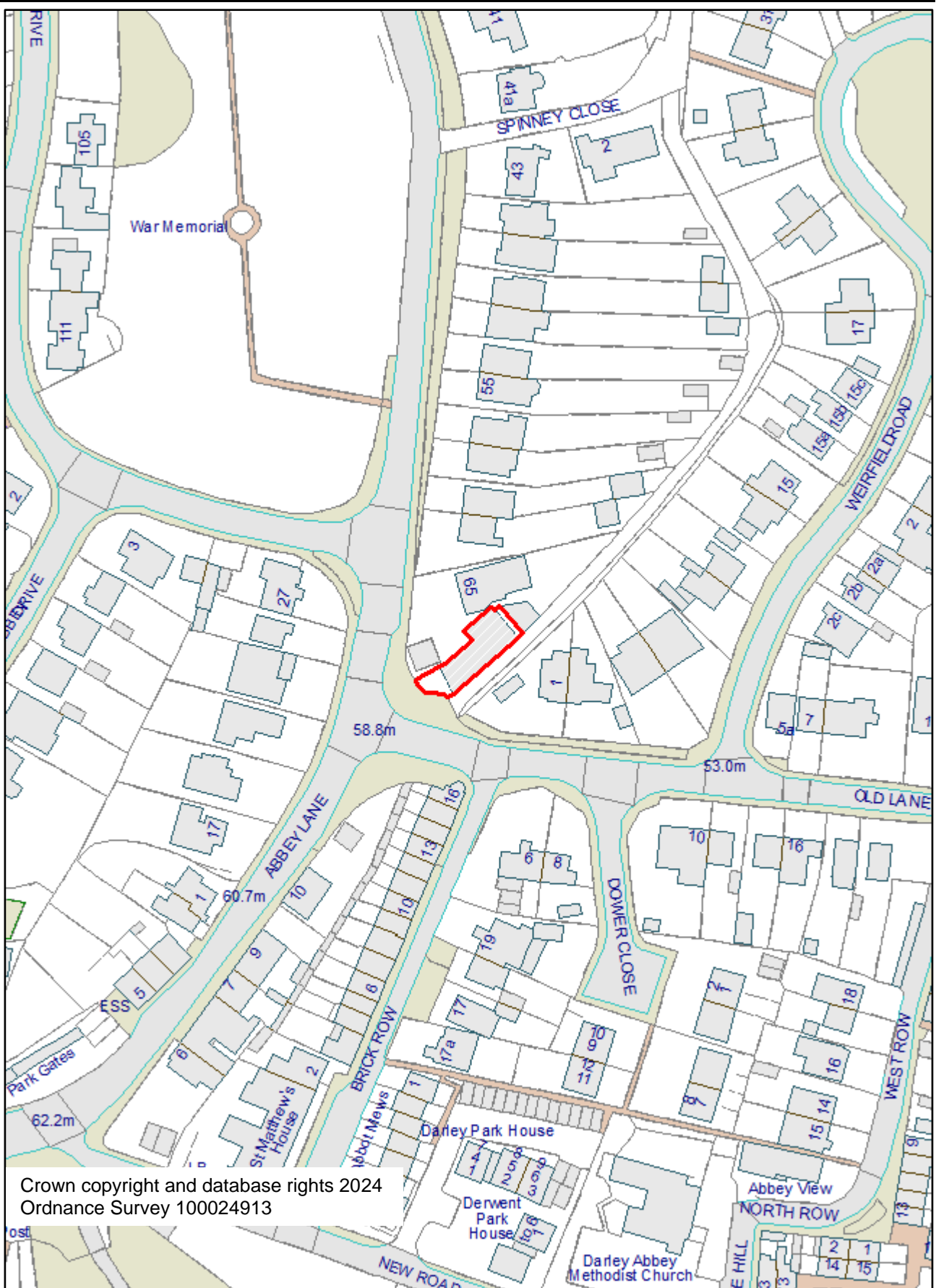
The application has been extended until 23.02.2024 to take account of the committee meeting.



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**Type: Variation of Condition**



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

**Application No: 21/00906/FUL**

**Type: Full application**

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### **1. Application Details**

**1.1. Address:** Site of 87 Morley Road, Chaddesden

**1.2. Ward:** Chaddesden

**1.3. Proposal:**

Demolition of existing dwelling house and erection of four dwelling houses (Use Class C3).

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/21/00906/FUL>

**Brief description**

The application site is located on the corner of Morley Road and Brookfield Avenue in Chaddesden. The street scene in this location consists of a variety of house types: sizes and designs, including bungalows, detached and semi-detached properties. This stretch of street scene, along Morley Road is predominantly made up of single storey bungalows however, it is accepted that the site would mainly be viewed from Brookfield Avenue, which is predominantly made up of modest sized two storey semi-detached dwellings. The site itself is of a considerable size, at approximately 30m by 50m, and currently consists of one large two storey property positioned centrally upon the site. Vehicular access is currently to the top side of the site (north west), off of Brookfield Avenue.

This application is submitted further to the refusal of application 20/00665/FUL which had included the demolition of the existing dwelling house and erection of six dwelling houses (Use Class C3). This previous application had been refused for three reasons relating to the creation of an over-intensive and cramped form of development, design of the dwellings being out of character with the existing surrounding properties, inadequately sized and inappropriately placed car parking facilities, lack of a tree survey and the loss of a number trees covered by a Tree Preservation Order.

Upon receipt of this latest application, Officers raised concerns in regard to the overall layout of properties in relation to existing trees, the access points proposed and the overall design of the proposed properties. At this point the applicants enlisted a new agent to create an improved and more acceptable scheme. The revised proposal includes the following:

- Erection of four 3 storey, five bedroomed gambrel roof design dwellings, presented in a staggered formation fronting onto Brookfield Avenue.
- Three of the properties, would be of the same size and design with the dimensions: width- 6.6m, length-9.3m, height (eaves)-5.5m, (ridge)-8.3m. The fourth property, would include an additional two storey element with balcony above, along the side (south) elevation overlooking Morley Road. This element would include the dimensions: width- 3.7m, length-3.2m, height- 5.5m with 1.1m balcony screening above.

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- Rear garden depths would be between 7.5m and 10.6m.
- Two vehicular access points serving the three identical properties would be created off Brookfield Avenue and a vehicular access serving one house would be from Morley Road.
- Parking for two vehicles would be provided to the side (south) of each of the properties with turning facilities included.

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

<b>Application No:</b>	20/00665/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	17/02/2021
<b>Description:</b>	Demolition of existing dwelling house and erection of 6 dwelling houses (Use Class C3).		

### **3. Publicity:**

- 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.***

24 third party objections raised overall.

18 of the objections had been received in response to initial plans submitted in 2021 and 6 objections received to the revised scheme submitted in 2023. Further to consultation with both Cllr Jerry Pearce and Cllr Lucy Care all 24 objections are to be considered and the application shall be heard at Full Planning Committee.

Reasons for objection are as follows:

- Too many dwellings proposed for developer monetary gain – one or two bungalows would be more suitable.
- Demolition of a unique 1900's heritage asset constructed after being shipped from Canada. The property purchased at the 1936 Ideal Home Exhibition in London by My Lemmon is of special interest.

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- Cramming four houses not in style and not in keeping with the area.
- Overlooking.
- Invasion of privacy.
- Four-bedroom properties could add a significant number of vehicles per dwelling.
- Additional on road parking problems at a poor junction.
- Accentuating problems experienced by parking associated with Lees Brook School nearby.
- Parked cars obstructing access.
- Inadequate off road parking provision making existing parking problems on Morley Road worse.
- Parked cars blocking Brookfield Avenue and Kevin close especially for ambulances attending elderly/vulnerable residents in the immediate area.
- Access should be from Morley Road and not from Brookfield Avenue.
- Loss of trees and other vegetation will adversely affect wildlife.

## **5. Consultations:**

### **5.1. Trees:**

The submission of the tree survey and associated plans (TCP and TPP) is welcomed. Trees on the south boundary are protected by TPO No.446 and is scheduled as protecting 1 Willow, 2 Cherry, 1 Honey Locust and 1 Holly.

The amended layout as detailed in the TPP from the previous incarnation is an improvement. A new dropped kerb and access is shown between the two highway trees T2 and T3. This is dissecting the most favourable rooting environment for the two trees however given the management of the trees (pollards), the shown CEZ and the resilient nature of the trees it is acceptable. I note that the Proposed plans and elevations is different to the layout on the TPP. The Proposed plans and elevations does not adequately show tree constraints or access and must not be relied upon. No details of utility installation has been supplied. As long as utilities are installed in accordance with NJUG10 this should not be a problem.

The proposed tree removals are acceptable (Cherry trees T13 and T14 are protected by the TPO and are in poor condition). Replacement trees must be planted, and I suggest that a landscape condition is applied to detail the landscaping and maintenance of the site. Tree planting must specify the relevant parts of BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations. I note that the protected Willow was permitted to be removed within 03/15/00329. It was conditioned that a replacement tree must be planted however I cannot locate replacement tree details.

Conclusion:

I have no objection subject to conditions.

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- A final AMS, including TPP, must be conditioned to be supplied and approved prior to demolition, preparatory works and construction. The AMS must include arboricultural monitoring (including confirmation that the tree protection has been installed as per the approved TPP).
  - The site layout must be in accordance with the Tree Constraints plan with proposals DWG : JO\_TCP
  - Utilities installation must be in accordance with NJUG10.
  - A landscape plan, schedule and maintenance plan must be supplied and approved. Tree planting must be in accordance with the relevant parts of BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

### **5.2. Highways Development Control:**

14/06/2023

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

Drawing 800.15 ~ Design Drawing.

Design & Access Statement (DAS)

In determining its response to the application, the Highway Authority has considered design standards and details as set out in the following documents:-

Delivering Streets and Places (DS&P)

Manual for Streets (MfS)

The DAS outlines the site history; the proposals listed above overcome the concerns with respect to clarity of site layout and access arrangements.

I note that the site generally falls to the highway and note also that the applicant is proposing permeable paving to prevent surface water washing out of the site onto the adjacent highway.

The proposals will necessitate the provision of new dropped footway vehicular crossings which will be dealt with by conditions and informatives; and are also in close proximity to highway trees.

The applicant incorrectly shows visibility splays on the drawing; however Highways Development Control considers that visibility from the proposed new access locations will be acceptable.

Travel Plans

Given the size of the development, the Highway Authority do not consider it appropriate to require a Travel Plan to be submitted in support of the proposals

Para 112e of the National Planning Policy Framework states that developments should "be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations." The LPA may therefore wish

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to require that the developer make provision for the charging of an appropriate number of vehicles associated with the proposed development.

### **Recommendation:**

Highways Development Control has No Objections to the proposals, subject to the following suggested conditions:

#### Condition 1:

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

#### Condition 2:

No part of the development hereby permitted shall be brought into use until all drives and parking and turning areas are surfaced in a hard-bound material (not loose gravel) in accordance with the details shown on approved drawing 800.15. The vehicle parking and turning areas shall not thereafter be used for any purpose other than the turning and parking of vehicles.

#### Condition 3:

No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification, to the satisfaction of the Local Planning Authority.

#### Condition 4:

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

### **5.3. Highways- Land Drainage:**

**25/05/2023**

The site is located within flood zone 1 according to the Environment Agency Flood Maps and the Council's SFRA. Therefore, I would regard the development as sequentially appropriate in terms of flood risk.

There is no drainage strategy submitted by the applicant within this application however if the site is not able to drain by full or part infiltration, then discharge from the development should be restricted to the equivalent greenfield discharge rate of Qbar where practicable. The quality of any surface water discharged from the development will also need to be managed.

The use of SuDS drainage techniques will help manage both water quality and discharge quantities. Features such as rain gardens and or infiltration trenches, with high level overflow if required would also help recharge and sustain the soil condition.

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The implementation of sustainable drainage can also provide air quality and biodiversity benefits, potentially adding to the desirability of the development.

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

1) No development shall take place until a surface water drainage scheme, including engineering drawings and computations has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

The scheme shall include, as far as reasonably practicable: -

- A sustainable drainage solution informed by a percolation test in accordance BRE365 or similar approved standard.
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Restriction of surface water runoff from the drained area of the site to the equivalent greenfield rate of QBar.
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- Details of the arrangements for foul drainage.
- Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

Local Planning Authority in consultation with the Lead Local Flood Authority.

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

13/12/2023

I have reviewed the Bat Presence and Absence Surveys Report (Brindle and Green, October 2023). The report confirms the presence of a day roost for common pipistrelle bat. The proposed development will result in the loss of this roost and as such a Protected Species License will be required from Natural England prior to the demolition of building 1.

In reaching a decision it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit) and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))

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- (ii) That there is no satisfactory alternative (Regulation 55(9)(a)); and
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b)) In relation to test (iii) we advise that the proposed mitigation measures set out in section 7.1.3 and Table 7 within the report are suitable to maintain the favourable conservation status of the local bat population.

If the development includes any external lighting then it would be advisable to attach a condition (see below) to ensure that the lighting is sympathetic to the needs of bats and other nocturnal wildlife.

### Conditions

The Council is advised to attach the following condition: -

#### Bat Roost Confirmed on Site

The demolition of the building shall not take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the LPA. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Bat Presence and

Absence Surveys Report (Brindle and Green, October 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the results of any monitoring works will be submitted to the LPA.

### Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.



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### **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)

GD5	Amenity
H13	Residential Development - General Criteria

#### Saved CDLPR Policies

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

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. 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 1,263 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 3.88 years of dwellings against the annual 1,263 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 3.88 years is a

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

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significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

### **7. Officer Opinion:**

#### **Key Issues:**

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

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

#### **7.2. Layout, scale, design and visual amenity**

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

#### **7.4. Highway and land drainage implications**

#### **7.5. Ecological and arboricultural implications**

#### **7.6. Response to objections**

#### **7.7. Conclusion**

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

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1 however, given the predominantly residential nature of the existing site and immediate locality, a solely residential use is considered acceptable in this location.

Although the development of the site for housing in principle would seem to be consistent with policy, as it would provide much needed new homes with a net gain of three new dwellings, at a more detailed level, the proposal needs to adhere to a number of objectives of both national and local policy to provide a sustainable form of development. These include providing suitable and satisfactory living accommodation and conditions for future residents, consideration of surrounding residential amenity, parking and highway implications, biodiversity and tree impacts, climate change related matters and considering the overall design and character of the scheme. These matters shall be addressed in detail within this report.

#### **7.2. Layout, scale, design and visual amenity**

Adopted policy CP3 Placemaking Principles requires development proposals to “incorporate high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character”. Adopted policy CP4 Character and Context states that “all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods”. Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and history including the surrounding built environment, and establish or maintain a strong sense of place.

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In respect of the size, character and design of the proposed dwelling houses, with the above policy context in mind I am satisfied that the proposed size and designs would incorporate high quality architecture which in turn, would integrate reasonably well into the existing locality. The designs proposed are appropriate to the site's context and my opinion is that the proposed building form and use of materials are sufficiently sympathetic to the site and its context to be acceptable in this location. A condition is recommended below regarding external materials, which are only broadly described within the application documents. The implications of the proposed works for visual amenity are therefore acceptable in my opinion and the proposal would comply with saved policy H13 of the City of Derby Local Plan Review and adopted policies CP3 and CP4 of the Core Strategy (Part 1) and paragraph 130 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. Saved policy H13 Residential Development – General Criteria requires development to create a satisfactory form of development and relationship to nearby properties [and] a high quality living environment". These policies are reinforced by the paragraph 130 of the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users".

In this case, the proposed dwellings would not detract considerably from the existing building line along Brookfield Avenue, with little forward or rear projection beyond the extent of the existing houses, thereby limiting the impacts of the houses' physical structure on the adjacent residential plots. In regard to overlooking, although first floor side windows are proposed to the dwellings, these windows would serve landing spaces in each case therefore any overlooking implications in respect of both the proposed and surrounding existing properties would be duly avoided. Due to the corner plot location of the end dwelling, fronting Morley Road, the proposed balcony would not overlook any other neighbouring properties within the existing locality, therefore again any material impact by way of overlooking would be duly avoided. The proposed dwellings would in my opinion provide appropriate indoor and outdoor space in each case therefore would be capable of providing a high quality living environment as required by saved policy H13.

The main impact on residential amenity would be to the property at the rear of the site at 89 Morley Road. There would be some impact from rear windows and massing of the row of four houses facing the side boundary of No.89. However, the rear gardens would be sufficient in size to avoid undue overlooking and No. 89 also has a large side and front garden. The impact on amenity and privacy to this adjacent property would not therefore be significant. Overall, my opinion is that the proposal would create a satisfactory form of development and relationship to nearby properties that would not cause unacceptable harm to the amenity of nearby areas and would provide an acceptable high quality of living environment. The proposal would therefore fulfil the intentions of saved policies GD5 and H13 of the City of Derby Local Plan Review and paragraph 130 of the National Planning Policy Framework.

#### **7.4. Highway and Land drainage implications**

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Paragraph 110(b) of the National Planning Policy Framework encourages local planning authorities to ensure that safe and suitable access can be achieved for all users.

In regard to the highway impacts of the proposal, no objections have been raised to the proposed vehicle parking and access arrangements by the Highways Officer consulted. All suggested conditions shall be included as appropriate. I therefore conclude that the proposal would meet the requirements of adopted policy CP23 of the City of Derby Local Plan Part 1 and paragraph 110(b) of the National Planning Policy Framework.

The site is located within flood zone 1 according to the Environment Agency Flood Maps and the Council's SFRA therefore, the development is considered to be sequentially appropriate in terms of flood risk. No objections to the scheme have been raised by the Land Drainage Officer consulted. All suggested conditions shall be included as appropriate. I therefore conclude that the proposal would meet flood risk criteria set out in Policy CP2 of the Derby City Local Plan Part 1: (Core Strategy).

#### **7.5. Ecological and arboricultural Implications**

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 170 of the National Planning Policy Framework which states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity.

Further to consultation with Derbyshire Wildlife Trust they have stated that the Bat Presence and Absence Surveys Report (Brindle and Green, October 2023) confirms the presence of a day roost for common pipistrelle bat. Therefore the proposed development will result in the loss of this roost and as such a Protected Species License will be required from Natural England prior to the demolition of the existing building.

In reaching a decision, it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit).

Derbyshire Wildlife Trust advise that the proposed mitigation measures set out in Section 7.1.3 and Table 7 within the submitted bat survey report (October 2023) are considered suitable to maintain the favourable conservation status of the local bat population. A planning condition to obtain a bat license prior to demolition of the building, is included and subject to compliance with conditions there are no objections to the approval of the development. As advised a further condition shall be included in regard to any future external lighting in order to ensure the lighting is sympathetic to the needs of bats and other nocturnal wildlife. Provided these conditions can be adequately met I am satisfied that the proposal is in accordance with Policy CP19 of the Derby City Local Plan Part 1: (Core Strategy).

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Due to the proximity of the proposed development to existing trees covered by Tree Preservation Orders, the proposal will also be assessed in relation to Policy CP16 which aims to retain and enhance green infrastructure across the city, which includes trees, green spaces and natural habitat. The Council's Tree Officer has confirmed that the removal of Cherry trees, T13 and T14, which are protected by a TPO, would be acceptable in this case due to the poor condition of these trees. The retention of the rest of the trees within and adjacent to the site are welcomed and suitable conditions are recommended to secure an arboricultural method statement and tree protection plan for retained trees and a landscaping plan for the development, to secure additional planting and ensure replacement trees are planted.

### **7.6. Response to objections**

As detailed above a total of 24 objections have been received in response to neighbour notification of the application. Although several objectors suggest that the scheme should be reduced from the four dwellings proposed, with the suggestion of two bungalows, however, as detailed above I am satisfied that the scheme proposed for four dwellings would be acceptable therefore refusal would not be reasonable and in my opinion would be significantly difficult to uphold at any future appeal. Objections have been received in respect of the demolition of the existing dwelling however, the building is not protected or considered a building of importance therefore I raise no objections to the demolition. Objections relating to the size, design, layout, overlooking, loss of privacy and highway matters have all been adequately addressed within this report.

### **7.7. Conclusion**

Overall the proposal is considered acceptable in respect of highway, transport and arboricultural matters and visual and residential amenity would not be unreasonably affected. Although objections have been received from local residents I am satisfied that all relevant planning matters have been adequately addressed within this report. The proposal reasonably satisfies the requirements of 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 therefore I recommend approval subject to conditions.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed development would, in my opinion, respond adequately to its context with regard to its design and would not cause unacceptable harm to the residential amenity of nearby residential plots. It would also have acceptable implications for the highway network, flood risk, biodiversity and trees subject to conditions,. The application of the tilted balance further strengthens the arguments for approval. A recommendation to approve with conditions is given.

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### **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 hereby permitted shall be carried out in accordance with the approved plans

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

#### **Pre-Commencement Conditions**

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

**Reason:** To ensure that suitable arrangements are provided for the construction work to be undertaken without undue effect upon the adjacent highway network, and in the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. The demolition of the building shall not take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter.

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

5. No development shall take place until a surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the

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use of the building commencing and maintained thereafter for the lifetime of the development.

**Reason:** In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development.

**6.** The design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure to be approved in writing by the Local Planning Authority.

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

**7.** Prior to commencement of works, which includes demolition, preparatory works and construction, a final AMS, including TPP, shall be submitted to and approved in writing with the Local Planning Authority. The AMS must include arboricultural monitoring (including confirmation that the tree protection has been installed as per the approved TPP).

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

### **Pre-Occupation Conditions**

**8.** Details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority. Any materials that may be agreed shall be used in the implementation of the development.

**Reason:** To ensure a satisfactory external appearance of the development in the interests of visual amenity and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**9.** No part of the development hereby permitted shall be brought into use until all drives and parking and turning areas are surfaced in a hard-bound material (not loose gravel) in accordance with the details shown on approved drawing 800.15. The vehicle parking and turning areas shall not thereafter be used for any purpose other than the turning and 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 and to accord with the adopted policies of the Derby City Local



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

- 10.** No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification, to the satisfaction of the Local Planning Authority.

**Reason:** To protect the structural integrity of the highway and to allow for future maintenance and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

- 11.** Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife.

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

- 12.** Landscape plan, schedule and maintenance plan shall be submitted to and agreed in writing with the Local Planning Authority. Tree planting must be in accordance with the relevant parts of BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

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

### **Management Conditions**

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

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

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

- N1.** The development makes it necessary to construct vehicular crossings over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit

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<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. No part of the proposed wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

N3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

N4. External Lighting to private developments.

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

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

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

- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light
- Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's
- Institution of Lighting Professionals Guidance Note 9/19: 2019 Domestic exterior lighting: getting it right!

N5. The consent granted will result in the construction of new buildings which will require official numbering. It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary means of access on each plot.

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N6. The proposed works are in close proximity to highway trees; the applicant is therefore required to contact the Highway Authority Arboricultural Officer at least 3 weeks prior to the commencement of works in order to confirm an appropriate method of working and to permit inspections to be carried out. Contact [trees@derby.gov.uk](mailto:trees@derby.gov.uk)

N7. Utilities installation must be in accordance with NJUG10.

**8.5. Application timescale:**

The application has been delayed due to the requirement for substantial revisions, the submission of up to date ecological surveys and work load pressures from Officers.



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

**Application No: 23/01226/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 31 Mount Carmel Street, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Full planning permission is sought for the change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis).

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01226/FUL>

**Brief description**

The application property is sited to the west side of Mount Carmel Street in Arboretum, which is a cul-de-sac road. The application property is a semi-detached two storey dwelling, split over ground, first and second floor level, with a room in the roof space. To the rear is a garden area measuring approximately 16m width by 30m depth. There are three other licenced Houses in Multiple Occupation(HIMO) along Mount Carmel Street, according to Housing Standards map records.

**Proposal**

Full planning permission is sought for the change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis). The submitted floor plan shows two self-contained rooms upon the ground floor with a communal area to the rear, plus external cycle store. At first floor there would be three self contained rooms and two bedrooms at second floor level, with additional storage.

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

<b>Application No:</b>	22/00603/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Refused	<b>Date:</b>	10 .10.2022
<b>Description:</b>	Change of use from dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis)		

### **3. Publicity:**

- Neighbour Notification Letters sent to nearby properties
- Site Notice displayed on street furniture

*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.***

A total of ten third party objections have been received. The main points raised include:

- This property has already been set up for the additional capacity prior to even obtaining approval
- The council needs to send a message to these rogue developers who are operating with impunity and flagrant disregard for the social and societal impacts they are creating and making a mockery of the council by flaunting correct procedure by developing without seeking prior approval
- Strongly object to the application to increase the number of bedrooms from 6 to 7 as this would lead to further deterioration and a substantial increase in parking problems. The residents that currently occupy the house have vehicles and it is not possible to find a parking space after 6pm.
- By allowing this expansion to go ahead, the council is not examining the effects of this change on the way of life and well being of the current residents of Mount Carmel Street
- Character is being seriously threatened by these kinds of developments.
- There has been a definite increase in the constant construction noise and activity on the street, an increase in the amount of traffic noise, lack of parking in the street, the cramming of even more individuals into this residential area of the inner city.
- Our resident's group has sent Stats to the council on these ratios (again dismissed)- not to mention the proliferation in number of the unregistered/secret ( for profit) HMOs that can be found in this area.
- The HMOs on Mt Carmel Street have generated more litter, congestion, delivery vans at all times, competition for space, noise at all hours of day and night- the 24/7 society. All of this has resulted in anger on the part of existing residents and a poorer quality of life.
- The circumstances surrounding 31 Mount Carmel St do not appear to have changed since the case was first rejected in 2022. The road is still overwhelmed by a large number of vehicles with prospect of an additional 8 from no. 31.
- Parking on the he turning circle makes it very difficult both for established residents, but also for ambulances, fire services, waste services, police.
- Residents have also seen an increase in general litter from fast food take-

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always used by renters with inadequate kitchen facilities (eight individual renters in one house!). In addition collection services are inadequate for this number of individuals in one house leading to overflowing rubbish bins, vermin and disgusting odours.

- The Council is gradually destroying an historic area of the City with short-term planning decisions.
- There has also been a noticeable increase in fly tipping evident over the last 12 months including settees, mattresses and general waste that is littering the pavements now. This correlates directly with the amount of temporary housing and HMO that are run at businesses with little care or respect it seems from the landlords other than their own financial gain and with no thought for the detrimental impact on the family's that live here.
- The Council's Traffic Department needs to visit the Street and make itself aware of the serious parking issues which already exist.

### **5. Consultations:**

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

The applicant proposes to utilise a communal study room as an additional double bedroom increasing potential tenants by two.

As with the majority of HMOs, there is no off-road parking available. The planning statement mentions that none of the existing occupants need use of a vehicle, but this will not necessarily be true in the future. There are currently no parking restrictions on the highway.

By reference to 2021 Census data relating to car ownership in the vicinity of the site.

<https://www.ons.gov.uk/census/maps/choropleth/housing/number-of-cars-or-vans/number-of-cars-5a/no-cars-or-vans-in-household?oa=E00068047>

- 37.7% of householders have no cars or vans.
- 46.9% of householders have 1 car or van.
- 10.8% of householders have 2 cars or vans.
- 4.6% of householders have 3 or more cars or vans.

The increase in occupants could equate to an additional two vehicles, although this is by no means a given.

Vehicles %owned Vehicles

- 0 vehicle 37.7 0
- 1 Vehicle 46.9 1x2x0.469 1
- 2 Vehicles 10.8 2x2x0.108 1
- 3 Vehicles 4.6 3x2x.0046 0

Total 2

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Para 111 of the National Planning Policy Framework states that

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

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

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

It is acknowledged that on-street parking is at a premium in this area; however, the site is in a sustainable location, within walking distance to the City Centre and close to local transport links. The application form refers to storage for an additional cycle being made available, bringing the total to seven. This storage should be secure and preferably covered.

### **Recommendation:**

There are no significant implications to the public highway, therefore the Highway Authority has No Objection.

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

The planning application has been reviewed by Housing Standards in accordance with the relevant housing legislation and guidelines applied by this department. It does not have objections but has the following comments to make:

The proposed development is for a house in multiple occupation consisting of five self-contained units ranging from 15.2sqm to 18sqm, two en-suite bedrooms and a communal kitchen. It is assumed two of the larger self-contained units are intended for dual occupancy. This arrangement would be considered to be a HMO under the Housing Act 2004

The self-contained units are small and do not meet space standards set out by The Department for Communities and Local Government in 2015, in 'Technical Housing Standards ' Nationally Described Space Standard'. This document sets out requirements for gross internal floor area of new dwellings and specifies that single storey dwellings should be a minimum of 37m<sup>2</sup> for one occupant. This is relevant to assessments using the Housing Health and Safety Rating System (HHSRS). Of the two units intended for dual occupancy, only one meets the minimum size required under Derby City Council's space standards for HMOs.

This department assesses dwellings for health and safety using the HHSRS. One of the hazards is 'crowding and space' which is relevant to small dwellings such as those proposed. It directs the assessor to consider inadequate sized living space in the assessment. Current government guidance such as that detailed above should be referred to in an assessment and may lead an assessor to conclude there could be an impact on the physical or mental health of occupants living in such units.

Under the HHSRS this department must also consider the fire safety of dwellings. A development such as the one proposed is high risk for the hazard of 'fire'. This is due



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to it being three storeys, having cooking facilities in several units and being occupied by several separate households. The guidance used by this department for assessments of this hazard was published by LACORS in 2008 (a copy can be obtained from this department if required). The property would require as a minimum, a mixed fire alarm system consisting of Grade A LD2 and D1 in each unit along with the escape route protected by FD30s.

Other significant hazards under the HHSRS are also more likely to be present in small self-contained units such as 'damp and mould', 'flames, hot surfaces etc', 'food safety' and 'electrical'. Each self-contained unit must contain mechanical extract ventilation in the room containing cooking facilities, which is vented to external air. This is to reduce the build-up of moisture internally.

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

Developers are advised to exceed the minimum size requirements rather than meet the basic minimum to allow for any alterations that may be required during works. They should also consider the layout, usable floor space and living conditions for the occupier. Assessments of room sizes will consider the amount of usable space within the room, for example, in a room with a 'corridor' created to provide a bathroom, the corridor part may be excluded from the assessment. En-suite bathrooms will not be included in the assessment of bedroom sizes

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

The Housing Standards department can be contacted with any queries on fire safety, HHSRS or HMO licensing.

## **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)**

CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP23	Delivering a Sustainable Transport Network

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### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development

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

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

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

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

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

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

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

The Local Plan (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 1,263 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 3.88 years of dwellings against the annual 1,263 requirement.

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For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of 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 3.88 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

## **7. Officer Opinion:**

### **Key Issues:**

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

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

#### **7.2. Impact upon the character of the local area**

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

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

#### **7.5. Conclusion**

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

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

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variety and amount of housing delivery in accordance with Core Strategy policy CP6. There are no planning policy objections to the proposal.

The proposal will marginally increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. As set out in the policy comments regarding the "tilted balance", the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. There is currently a significant housing land supply shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply. The proposed conversion from a six bedroom property to a 7 bedroom property, results in 7 residential units that would marginally increase the variety and amount of housing delivery, hence the proposal is considered to be acceptable in principle

## **7.2. Impact upon the character of the local area**

The proposed HMO use would represent a limited impact on the established character of Mount Carmel Street, which comprises mainly terraced and semidetached dwelling houses. Yet there are three other existing licenced HMOs in Mount Carmel Street at No's 17, 18 and 21. These are on identified on Housing Standard's mapping system and they are the only others in the street. Immediately next door at No.33, this house has been converted to 5 flats. Taken cumulatively, the presence of a forth HIMO within Mount Carmel Street would not result in an over-concentration or substantive change to the residential character of the street given there are more than 50 dwellings that make Mount Carmel Street. Moreover, the house itself would not change in visual terms and would appear still as a semi-detached property in a residential location and overall, it would remain in a residential use.

As HIMO's are occupied by unrelated individuals, comings and goings associated with them are generally greater than a family dwelling, and whether by car or on foot such activity can generate noise and disturbance. However, I am not persuaded that in this case the noise and disturbance that would be created by the scheme would be appreciably greater than would be the case if the dwelling were occupied by a large family or if it were used as a 6 person HMO. In this instance an important consideration is that the property could be used lawfully, as a 6-person HIMO. As such, any judgement on the impact on the character of the area must be confined to how much extra impact two additional occupiers would make. A 6 person HIMO would be considered the fallback position in this instance and could be introduced without planning permission.

## **7.3. Residential Amenity**

The proposed conversion shows seven residential units, each with en-suite bathrooms. The plan drawings show a communal room at ground floor, some 16.5sqm in size, which would provide satisfactory communal facilities and access to the rear garden. The rear garden would provide an adequate amount of outside amenity space, together with space for cycle storage. All the bedrooms have decent sized windows and achieve the national minimum size floor space standards and no

objections have been raised by Housing Standards to the living accommodation to provided. I

It is therefore considered that the proposed conversion will provide an appropriate standard of living accommodation for future occupants. The most likely amenity concern arises from the potential internal noise nuisance and general activity upon the application site, as a result of the introduction of the HIMO in this street. Those properties adjoining the application site, No.33 and 29 Mount Carmel Street may experience some additional noise disturbance, but it is difficult to conclude the potential disturbance would be significantly adverse in amenity terms. Instead, the potential level of harm caused could also result from the existing 3- bedroom house that could lawfully accommodate either a large family or a 6-person HIMO, with potentially similar levels of noise and living activity.

Overall, it is considered that the proposed intensification of residential use would not have any overriding adverse impact on residential amenity. The dwelling could operate lawfully as a 6- person HIMO under permitted development rights. It is considered that one additional person would not have any overriding additional impact on neighbour's amenities. It is considered that the proposal would not result in unacceptable harm to the living conditions of nearby residents as a result of the intensification in the use of the building. Accordingly, there would be no conflict with saved Policies H13 and GD5 which seeks to ensure that new developments do not cause unacceptable harm to the amenity of nearby areas.

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

Mount Carmel Street is an unrestricted adopted road and the large majority of residents here do not benefit from off-street parking provision. Consequently, the demands for on-street parking along both sides of the highway are generally high, with some variance of parking demand across evening and weekends. As previously stated, the application site has no provision for off-street parking. Although a number of objections have been received in regard to parking in the area, the City Councils Highways Officer does not raise objection in respect of the potential additional parking generated by the occupants of the HIMO, given the sustainable location of the property, within close proximity to bus routes and the City Centre. The cycle parking indicated shall be secured by a suitable planning condition for clarity.

By reference to Table A2.4 from "Residential Car Parking Research", (Queen's Crown Copyright, 2007), research carried out by the former Department for Communities and Local Government, on car residential ownership and parking demand – which was based on analysis of Census information not generally published in the public domain, it shows that for a 1 room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles.

As such, for a seven bedroom HMO, this would equate to around 2-3 vehicles; a figure not dissimilar to that which would be anticipated in respect of the normal residential occupancy of the dwelling. As previously indicated, a six bedroom HMO would be considered permitted development, therefore there is also an additional argument that the only impact that can be considered material is that of the additional

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**Type: Full Application**

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rooms above the permitted limit. The site does not contain off-street parking provision with residents needing to park any vehicles within the unrestricted on-street parking.

Paragraph 111 of the National Planning Policy Framework states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” To be clear, ‘severe’ does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. It is the view of the Highway Authority that it would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety. Overall it is considered that the layout meets with the aims of Policy CP23 where it provides for suitable facilities available to the application site. The Council’s Highway Officer confirms the development would not lead to a severe impact upon the adjacent highway network or would lead to ‘unacceptable impacts’ to highway safety.

### **7.5. Conclusion**

The proposed residential use would increase the variety and amount of housing delivery hence the proposal is considered to be acceptable in principle in this residential area. The proposal meets all the Council's housing standards, regarding room sizes and a satisfactory quality of living environment would be provided. The proposal would not cause any overriding adverse impact on highway safety or residential amenity.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed residential use would increase the variety and amount of housing delivery hence the proposal is considered to be acceptable in principle in this residential area. The proposal meets all the Council's housing standards, regarding room sizes and a satisfactory quality of living environment would be provided. The proposal would not cause any overriding adverse impact on highway safety or residential amenity.

### **8.3. Conditions:**

1. Standard condition - Time Limit

**Reason:** time limit reason

2. Standard condition – List of approved plans

**Reason:** for avoidance of doubt

3. Standard condition Control use as a 8-person House in Multiple Occupation and for no other purpose.

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**Type: Full Application**

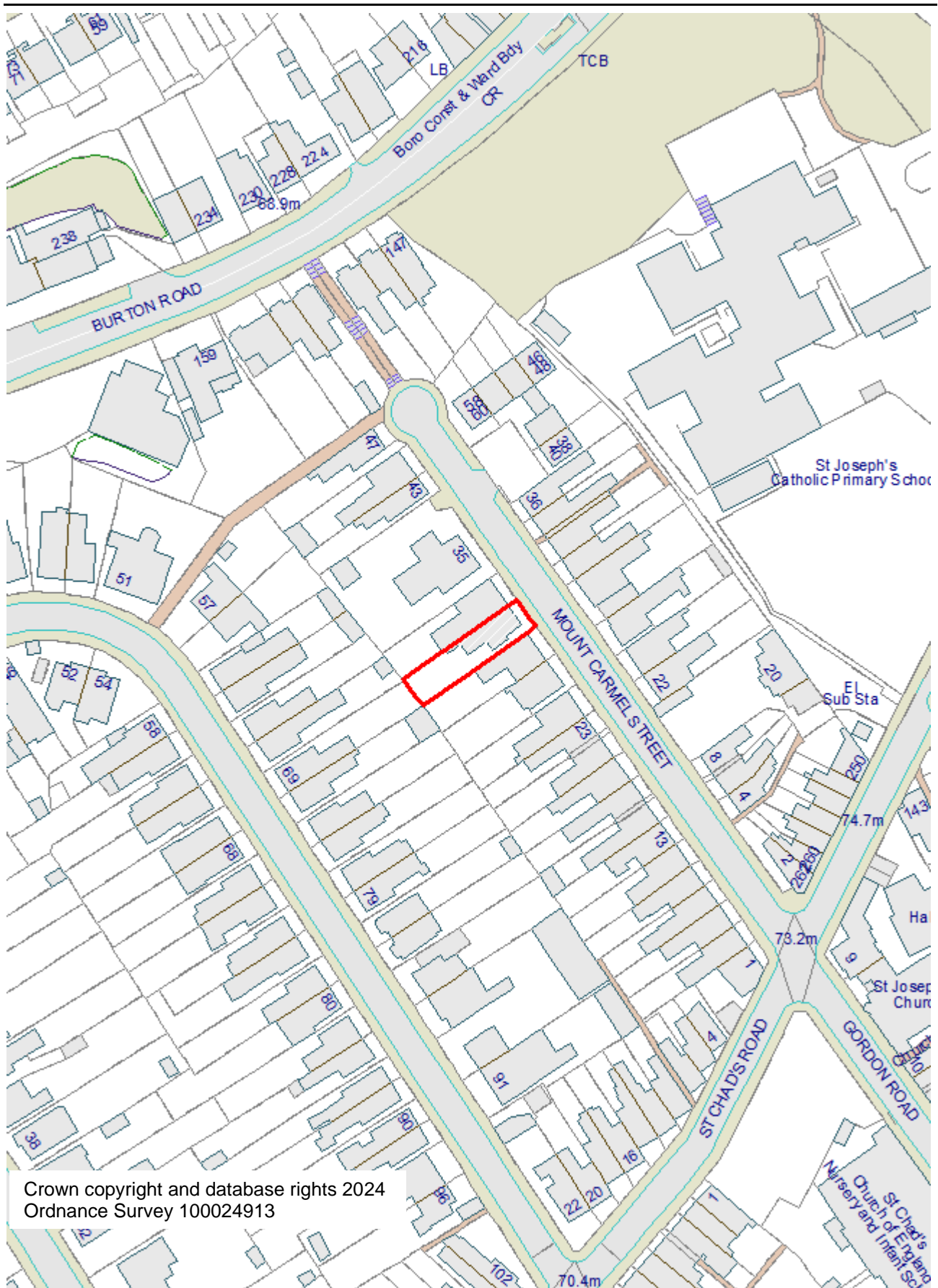
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4. Cycle parking layout as indicated on the approved drawing has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

**Reason:** Highway reasons.

**8.4. Application timescale:**

The application was submitted in September 2023 and whilst past the 8 week target date, an extension of time has been agreed.





## Delegated decisions made between 01/12/2023 and 31/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00397/FUL	Full Application	8 St James Street Derby DE1 1RL	Installation of a roller shutter door to the front elevation	Refused	21/12/2023
21/00696/OUT	Outline Application	416 Burton Road Derby DE23 6AJ	Demolition of existing dwelling. Residential development (two dwellings - Use Class C3)	Finally disposed of	08/12/2023
22/00439/FUL	Full Application	6 - 88 Knightsbridge Derby DE22 4GH	Installation of heat pumps to 39 flats	Application Withdrawn	05/12/2023
22/00865/ADV	Advertisement Consent	Former Corner Pin Swarkestone Road Derby DE73 5UA	Installation of replacement illuminated and non illuminated signs to the exterior of the building	Finally disposed of	08/12/2023
22/00877/LBA	Listed Building Consent- Alterations/Demo	Former The Corner Pin Swarkestone Road Derby DE73 5UA	Installation of replacement illuminated and non illuminated signs to the exterior of the building	Finally disposed of	08/12/2023
22/01062/DISC	Compliance/Discharge of Condition	Land At The Side Of 138 Whitaker Road Derby DE23 6AP	Erection of a dwelling house (Use Class C3) and all associated ground works - Discharge of conditions 3, 4 and 5 of planning permission 21/00297/FUL	Application Withdrawn	20/12/2023
22/01091/OUT	Outline Application	Land At 37 Boulton Drive Derby DE24 0FQ (access Off Rosedale Avenue)	Residential development - one dwelling (Use Class C3)	Application Withdrawn	12/12/2023
22/01241/FUL	Full Application	208 Derby Road Chaddesden Derby DE21 7LU	Application of render to all external elevations	Approval	22/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
22/01405/FUL	Full Application	6 Leopold Street Derby DE1 2HD	Change of use from doctors surgery/residential (Use Classes E and C3) to an 18 bedroom residential care home (Use Class C2) including installation of replacement windows and felling of a Silver Birch tree protected by Tree Preservation Order no. 286	Application Withdrawn	07/12/2023
22/01591/FUL	Full Application	150 Waterford Drive Derby DE21 6TH	Erection of an outbuilding for use as a beauty treatment room (Sui Generis) - retrospective application	Approval	12/12/2023
22/01848/FUL	Full Application	10 School Lane Derby DE73 6TF	Raising of the roof height and installation of front and rear dormers to form rooms in the roof space (three bedrooms, bathrooms and en-suites)	Refused	08/12/2023
22/01894/RES	Reserved Matters	Land North Of Snelsmoor Lane Derby DE73 6TQ	Residential development for up to 800 dwellings (Class C3) access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Class D1) with playing field, alongside open space including creation of country park (including footpath/cycleways, wildflower meadows, public orchard etc.) and Green Infrastructure network - approval of reserved matters of appearance, landscaping, layout and scale for 120 dwellings within Parcel C(Phase 4) under outline permission Code no. 04/13/00351	Approval	22/12/2023
23/00010/FUL	Full Application	84 Sitwell Street Spondon Derby DE21 7FG	Change of use from commercial, business and service (Use Class E) to a tattoo studio (Sui Generis) - retrospective application	Approval	19/12/2023
23/00027/FUL	Full Application	17 Keats Avenue Derby DE23 4EE	Demolition of dwelling house. Erection of replacement dwelling house (Use Class C3)	Application Withdrawn	15/12/2023
23/00205/FUL	Full Application	9 Alport Heights Drive Derby	Extension and partial change of use of domestic garage to form a hair salon (Use	Approval	15/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00218/FUL	Full Application	DE21 2AD Car Park At The Rear Of Wilson Street Surgery 11 Wilson Street Derby DE1 1PG	Class E) - retrospective application Change of use from private car park to a public car park - retrospective application	Finally disposed of	08/12/2023
23/00270/OUT	Outline Application	Land At The Rear Of 6 And 8 Hatfield Road Derby DE24 0BU	Erection of a dwelling (Use Class C3)	Approval	15/12/2023
23/00308/VAR	Variation of Condition	Site Of 39 Penny Long Lane Derby DE22 1AX	Substitution of house type Plot 3 - Removal of condition 3 of previously approved planning permission Code no. 20/00395/VAR to allow occupation of plot 3 without demolition of the existing dwellinghouse	Approval	15/12/2023
23/00349/FUL	Local Council Own Development Reg 3	Drewry Lane Car Park Drewry Lane Derby DE22 3QT	Erection of six apartments and six dwelling houses (Use Class C3)	Approval	15/12/2023
23/00413/FUL	Full Application	48 Green Lane Derby DE1 1RP	Change of use from (Use Class E); to Use Class E (Ground Floor) and formation of one five bed HMO flat (Use Class C4) on the upper floor, together with alterations to fenestration, external elevations, erection of a rear extension and the installation of a new shopfront.	Approval	15/12/2023
23/00414/FUL	Full Application	36 Green Lane Derby DE1 1RP	Change of use from retail unit (Use Class E) to a commercial unit (Use Class E) and a six bed HMO flat (Use Class C4) use including two storey rear extension, and new shopfront	Approval	21/12/2023
23/00533/PNRT	Prior Approval - Telecommunications	Highway Verge Osmaston Park Road Derby (adjacent Junction With Nightingale	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	15/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Road)			
23/00605/FUL	Full Application	Derby Dance Academy Lynton Street Derby DE22 3RW	Change of use from dance studio (Use Class E) to one five bedroom (five occupant) flat in multiple occupation (Use Class C4) and one four bedroom (four occupant) flat in multiple occupation (Use Class C4), together with alterations to fenestration	Approval	21/12/2023
23/00640/FUL	Full Application	Land Adjacent 17 Wimbledon Road Derby DE22 4ED	Demolition of one garage. (Retrospective) Erection of replacement garage	Approval	06/12/2023
23/00686/FUL	Full Application	Land At The Side Of 80 Grange Avenue Derby DE23 8DG	Erection of a dwelling (Use Class C3)	Approval	05/12/2023
23/00709/FUL	Full Application	23 Meadow Lane Chaddesden Derby DE21 6PW	Single storey side and rear extensions to dwelling house (W.C. and enlargement of kitchen/living space)	Approval	20/12/2023
23/00733/FUL	Full Application	28 Church Lane Darley Abbey Derby DE22 1EY	Alterations to garage to form dependant relative accomodation	Approval	08/12/2023
23/00782/FUL	Full Application	Rolls Royce Plc Raynesway Derby DE21 7BE	Erection of two single storey storage buildings	Approval	05/12/2023
23/00797/FUL	Full Application	Eastmead 107 Duffield Road Derby DE22 1AE	Change of use from dwelling house (Use Class C3) to mixed use office and day nursery (Use Class E), including alterations to facilitate a widened access	Approval	21/12/2023
23/00831/PNRT	Prior Approval -	Highway Verge	Erection of a 15m high monopole, equipment	Prior Approval	22/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Telecommunications	Ormskirk Rise Derby	cabinets and ancillary development	Approved	
23/00849/ADV	Advertisement Consent	Highway Verge Victoria Street Derby (adjacent To The Condor)	Display of one internally illuminated double sided digital display screen	Approval	19/12/2023
23/00882/FUL	Full Application	20-25 Albert Street Derby DE1 2DS	Change of use from commercial, business and service (Use Class E) at first floor level to local community and learning (Use Class F) together with an infill extension to form a new first floor access	Approval	21/12/2023
23/01007/LBA	Listed Building Consent- Alterations/Demo	Wilderslowe House London Road Derby DE1 2QY	Replacement and reinstatement of stone cladding and brickwork including general cleaning.	Approval	18/12/2023
23/01008/FUL	Full Application	11 Radbourne Lane Derby DE22 4LU	Alterations including installation of a bay window and conversion of garage to create annexe accommodation and formation of a vehicular access	Approval	13/12/2023
23/01038/VAR	Variation of Condition	29 York Street Derby DE1 1FZ	Change of use from office (Use Class E) to dwelling house (Use Class C3) - Variation of condition 2 of previously approved planning permission 21/00291/FUL	Approval	11/12/2023
23/01039/VAR	Variation of Condition	29 York Street Derby DE1 1FZ	Alterations in association with change of use from office to dwelling house - Variation of condition 2 of previously approved Listed Building Consent 21/00245/LBA	Approval	11/12/2023
23/01042/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)	Approval	21/12/2023
23/01062/TPO	Works to a tree with a TPO	Our Lady Of Lourdes Catholic Church	Removal of branches of various trees protected by Tree Preservation Order no. 451	Approval	21/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Uttoxeter Road Derby DE3 9GE			
23/01083/FUL	Full Application	110 Uttoxeter New Road Derby DE22 3JB	Change of use from 7 bed HMO (Sui Generis) to 10 bed HMO (Sui Generis) and dormer extension	Approval	19/12/2023
23/01085/FUL	Full Application	Abbotsmead 8 Friars Close Derby DE22 1FD	Two storey link attached rear extension to dwelling house. Erection of garage and annexe accommodation with external heat pump. Formation of natural swimming pool in rear garden and other landscaping works. Various upgrades to the existing dwelling including installation of external wall insulation.	Approval	11/12/2023
23/01094/FUL	Full Application	21 Derby Road Chellaston Derby DE73 5SA	Change of use from a dwelling house (Use Class C3) to a children's care home for a maximum of three children (Use Class C2) and removal of rear first floor balcony.	Approval	07/12/2023
23/01124/FUL	Full Application	184 Brighton Road Derby DE24 8TD	Single storey rear extension to dwelling house and installation of a dormer to the rear elevation - retrospective application	Approval	14/12/2023
23/01132/CLE	Lawful Development Certificate -Existing	Land Off Phoenix Street Derby DE1 2ER	Formal confirmation that a material operation has been undertaken within the prescribed time limit sufficient to implement planning consent 05/18/00771 - Erection of a new building providing 202 residential apartments (Use Class C3) including ancillary floorspace together with associated car parking, servicing, site infrastructure and landscaping	Approval	21/12/2023
23/01149/FUL	Full Application	27 Charles Avenue Derby DE21 7AJ	Single storey side/rear extension to dwelling house (bedroom, en-suite and kitchen/dining area)	Approval	07/12/2023
23/01156/FUL	Full Application	60 Osmaston Road Derby	Change of use of first and second floors from offices (Use Class E) to a three bedroom	Approval	21/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 2HZ	house in multiple occupation (Use Class C4), single storey rear extension to taxi office and alterations to the front elevation		
23/01165/FUL	Full Application	33 Coronation Avenue Derby DE24 0LQ	Two storey side extension to dwelling house (office, utility, bedroom, dressing room and ensuite)	Approval	13/12/2023
23/01166/FUL	Full Application	Former F C Precast Concrete Ltd Alfreton Road Derby DE21 4BN	Erection of a terrace of employment units comprising a mix of uses office, research and development (Use Class Eg) industrial (Use Class B2) and storage (Use Class B8) together with associated external areas	Approval	21/12/2023
23/01176/FUL	Full Application	166 Manor Road Littleover Derby DE23 6BT	First floor and single storey side extension to dwelling house (veranda, utility and enlargement of kitchen/dining area)	Approval	04/12/2023
23/01206/FUL	Full Application	66 Chadwick Avenue Derby DE24 9DG	Single storey rear extension to dwelling (living space)	Approval	04/12/2023
23/01212/FUL	Full Application	Wells House Stephensons Way Derby DE21 6LY	Installation of two vent cowls to the roof to provide ventilation intake and exhaust for air conditioning system.	Approval	08/12/2023
23/01214/FUL	Full Application	209 Greenwich Drive South Derby DE22 4FW	Single storey front/side and rear extensions to dwelling house (covered way, living space and enlargement of lounge), formation of raised rear patio area and erection of a boundary fence - part retrospective	Approval	11/12/2023
23/01220/FUL	Full Application	196 Brighton Road Derby DE24 8TD	Erection of outbuilding (shed) - retrospective application	Approval	15/12/2023
23/01238/FUL	Full Application	120 Carsington Crescent Derby DE22 2QX	Single storey front extension to dwelling house (shower room and enlargement of hall)	Approval	21/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01242/FUL	Full Application	104 Chain Lane Derby DE23 4EB	Two storey rear extension to dwelling house (kitchen/dinning room/family space, two bedrooms and en-suite), alterations to outbuilding to link to the dwelling, installation of render, erection of front canopy, boundary gates, alterations to front boundary treatment and formation of a raised patio area to the rear elevation	Approval	14/12/2023
23/01244/FUL	Full Application	53 Arlington Road Derby DE23 6NZ	Two storey and single storey side/rear extensions to dwelling house (living area, kitchen, utility, garage, bedroom, and bathroom)	Approval	05/12/2023
23/01303/FUL	Full Application	85 Walbrook Road Derby DE23 8SA	Change of use from a six occupant house in multiple occupation (Use Class C4) to a six bedroom (15 occupant) house in multiple occupation (Sui Generis)	Refused	08/12/2023
23/01314/FUL	Full Application	98 Darley Abbey Drive Derby DE22 1EF	Single storey rear extension to dwelling house (living/dining space) and landscaping works to rear garden	Approval	11/12/2023
23/01315/TPO	Works to a tree with a TPO	253 Morley Road Derby DE21 4TD	Felling of Pine, Silver Birch, Cherry and Alder Trees protected by Tree Preservation Order No. 31	Application Withdrawn	06/12/2023
23/01336/FUL	Full Application	135 Locko Road Derby DE21 7AR	Single storey rear extension to dwelling house (kitchen/diner)	Approval	21/12/2023
23/01363/FUL	Full Application	6 Leopold Street Derby DE1 2HD	Change of use from 18 bedroom HMO (Sui Generis Use) to 20 bedroom HMO (Sui Generis Use)	Approval	22/12/2023
23/01380/FUL	Full Application	Royal Stuart Hotel 119 London Road Derby DE1 2QR	Installation of new entrance doors	Approval	19/12/2023
23/01383/FUL	Full Application	Land At The Side Of 35 Hedingham	Erection of a bungalow (Use Class C3),	Approval	07/12/2023



Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Way Derby DE3 0NX	associated ground works and boundary treatment		
23/01385/FUL	Full Application	Land At The Rear Of 317 Osmaston Park Road Derby DE24 8DA (Access Off Walnut Street)	Erection of a dwelling house (Use Class C3)	Refused	04/12/2023
23/01386/FUL	Local Council Own Development Reg 3	17 Poplar Close Derby DE24 0PH	Two storey side and single storey rear extensions to dwelling house (access, store, W.C., utility, two bedrooms, bathroom and enlargement of kitchen)	Approval	05/12/2023
23/01391/FUL	Full Application	18 Shelton Drive Derby DE24 9FB	Erection of car port and conservatory on the side elevation - Retrospective Application	Approval	22/12/2023
23/01394/FUL	Full Application	Marble Hall 80 Nightingale Road Derby DE24 8BF	Change of use from cafe (Use Class E(b)) to cafe and learning space (Use Class E(b) and F1(a))	Approval	06/12/2023
23/01395/PNRT	Prior Approval - Telecommunications	New Normanton Mills Stanhope Street Derby DE23 6QJ	Installation of a 22.5m high monopole, with 12 antennas, dishes, equipment cabinets and ancillary development	Refused	04/12/2023
23/01396/FUL	Full Application	4 Thoresby Close Derby DE21 2EJ	Single storey side/rear extension to dwelling house (dining area and w.c)	Approval	05/12/2023
23/01398/FUL	Full Application	1 Eaton Close Derby DE22 2FD	Extensions and alterations to dwelling house	Refused	05/12/2023
23/01399/FUL	Full Application	University Of Derby Kedleston Road Derby DE22 1GB	Erection of substation and compounds	Approval	19/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01408/PNRT	Prior Approval - Telecommunications	Peter Baines Industrial Park Woods Lane Derby DE22 3UD	Erection of a 20m high monopole with 12 antennas, equipment cabinets and ancillary development	Application Withdrawn	05/12/2023
23/01414/FUL	Full Application	Store First House Riverside Road Derby DE24 8HY	Erection of one industrial unit subdivided into four individual units with associated landscaping and access.	Approval	15/12/2023
23/01421/FUL	Full Application	91 Carlton Road Derby DE23 6HE	Single storey rear extension to dwelling house (bedroom/kitchen/dining room). Raising of roof height of existing garage and store to facilitate conversion to bathroom and kitchen	Approval	14/12/2023
23/01423/FUL	Full Application	53 Oakover Drive Derby DE22 2PR	Single storey side/rear extension to dwelling house (kitchen/dining area)	Approval	06/12/2023
23/01427/FUL	Full Application	1 Hereford Road Derby DE21 4EH	Two storey side/rear extension to dwelling house (annexe accommodation)	Approval	13/12/2023
23/01428/FUL	Full Application	7 Cobthorne Drive Derby DE22 2SY	Two storey rear and single storey front and rear extensions to dwelling house (snug, kitchen/living/dining space, two bedrooms and bathroom) and installation of new windows to the first floor side elevations	Approval	06/12/2023
23/01429/ADV	Advertisement Consent	845 - 847 Osmaston Road Derby DE24 9BR	Display of various signage	Approval	06/12/2023
23/01434/FUL	Full Application	9 Grange Road Derby DE24 0JW	Single storey rear extension to dwelling house - part retrospective application	Approval	20/12/2023
23/01437/FUL	Full Application	43 Radford Street Derby DE24 8NT	Single storey front extension to dwelling house (porch) and installation of render	Approval	15/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01444/CAT	Works to Trees in a Conservation Area	Malt Shovel Potter Street Derby DE21 7LH	Crown lift tree to 4m, removal of deadwood and cutting back of lower branches on the neighbours side by up to 2m of a Sycamore tree within the Spondon Conservation Area	Raise No Objection	06/12/2023
23/01445/FUL	Full Application	82 Derby Road Chellaston Derby DE73 6QA	First floor side extension to dwelling house	Approval	14/12/2023
23/01446/FUL	Full Application	40 East Avenue Derby DE3 9HN	Single storey rear extension to dwelling (kitchen/diner) and side porch extension	Approval	07/12/2023
23/01452/CAT	Works to Trees in a Conservation Area	59A Mile Ash Lane Derby DE22 1DE	Felling of three trees within the Darley Abbey Conservation Area	Raise No Objection	12/12/2023
23/01453/CAT	Works to Trees in a Conservation Area	3 Ruskin Road Derby DE1 3EU	Removal of a branch and height reduction of a Silver Birch tree within the Strutts Park Conservation Area	Raise No Objection	14/12/2023
23/01454/FUL	Full Application	University Of Derby Kedleston Road Derby DE22 1GB	Installation of a 'Mobility Hub' to provide facilities for bikes, electric bikes, electric scooters and charging stations for electric vehicles, comprising motor bike shelters, EV car charging points, sheltered walkways with solar panels, lockable bicycle stores, permeable surfacing for vehicles and pedestrians and associated ancillary facilities.	Approval	06/12/2023
23/01458/FUL	Full Application	9 Twyford Street Derby DE23 8EP	First floor and single storey rear extensions to dwelling house (kitchen/dining area and bathroom)	Approval	15/12/2023
23/01463/FUL	Full Application	107 - 109 St Peters Street Derby DE1 2AD	Change of use of ground floor from ice cream parlour (Use Class E) to nail and beauty salon (Sui Generis)	Approval	21/12/2023
23/01464/FUL	Full Application	86 Moor End Derby	Erection of outbuilding (annexe accommodation)	Approval	20/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01465/CAT	Works to Trees in a Conservation Area	DE21 7EE St Werburghs House Church Street Spondon Derby DE21 7LL (tree Adjacent To 18 Werburgh Close)	Various works to a Hornbeam tree within the Spondon Conservation Area	Raise No Objection	06/12/2023
23/01469/FUL	Full Application	57 Hobkirk Drive Derby DE24 3DT	Two storey extension to dwelling (living room, store, bedroom and en-suite)	Approval	21/12/2023
23/01477/FUL	Full Application	18 Derwent Avenue Derby DE22 2DQ	Single storey side and rear extension	Approval	07/12/2023
23/01484/FUL	Full Application	2 Lyndhurst Grove Derby DE21 6RX	Erection of balcony to rear elevation together with new doors to first floor bedroom.	Approval	20/12/2023
23/01485/FUL	Full Application	7 Derwent Avenue Derby DE22 2DP	First floor side and rear extension (2 bedrooms)	Approval	20/12/2023
23/01487/FUL	Full Application	195 Crewe Street Derby DE23 8QR	Single storey rear extension to dwelling house (wetroom and lobby)	Approval	20/12/2023
23/01490/FUL	Full Application	57 Harpur Avenue Derby DE23 3EL	Single storey rear extension (Kitchen)	Approval	07/12/2023
23/01498/NONM	Non-Material Amendment	Kingsway View Bramble Drive Derby DE22 3ZB	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping. Non-material amendment to previously approved application	Approval	04/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			20/00072/FUL to amend paving and parking layout.		
23/01499/FUL	Full Application	21 Peach Street Derby DE22 3EQ	Single storey rear and side extension (kitchen and diner).	Approval	20/12/2023
23/01500/FUL	Full Application	38 Olton Road Derby DE3 0PL	Two storey and single storey rear extensions to dwelling house (dining area and bedroom) and installation of a new first floor side elevation window	Approval	07/12/2023
23/01503/FUL	Full Application	32 Buxton Drive Derby DE3 9JR	Single storey rear extension to dwelling house (living space) and installation of render to the front elevation	Approval	20/12/2023
23/01507/FUL	Full Application	52 Vicarage Avenue Derby DE23 6TP	Change of use from a seven bedroom (eight occupant) house in multiple occupation (Sui Generis) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis) - retrospective application	Refused	07/12/2023
23/01518/ADV	Advertisement Consent	University Of Derby Business School Agard Street Derby DE1 1RG	Display of three non-illuminated sign boards	Approval	21/12/2023
23/01523/FUL	Full Application	5 Slaidburn Close Derby DE3 9SY	Single storey front extension to dwelling house (enlargement of kitchen)	Approval	07/12/2023
23/01541/PNRH	Prior Approval - Householder	43 Bonsall Avenue Derby DE23 6JX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.86m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	07/12/2023
23/01544/FUL	Full Application	Derby Business College St Peters Churchyard Derby DE1 1NN	Change of use from offices (Use Class E) to six flats in multiple occupation with a total of 58 bedrooms (Sui Generis) together with external alterations to include roof alterations, installation of new windows, lightwell and	Refused	22/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01549/ADV	Advertisement Consent	Land Adjacent To Unit 1 Derby Trading Estate Stores Road Derby DE21 4BE	alterations to the front elevation  Display of one internally illuminated advertising hoarding	Approval	21/12/2023
23/01556/PNRH	Prior Approval - Householder	24 Farm Street Derby DE22 3UH	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	18/12/2023
23/01559/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public quare 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, C1, C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access. - Non-material amendment to previously approved planning permission 19/01245/OUT to amend the description of development	Approval	21/12/2023
23/01566/FUL	Full Application	39 Grange Avenue Derby DE23 8DH	Two storey side extension to dwelling house and erection of an outbuilding	Approval	21/12/2023
23/01579/NONM	Non-Material Amendment	Kings Treatment Centre Royal Derby Hospital Uttoxeter Road Derby	Non-material amendment to remove spandrel panels in respect of previously approved planning permission 23/00395/FUL - Proposed Rooftop Extension to the Kings Treatment	Approval	21/12/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01585/FUL	Full Application	DE22 3NE 7 Nettleton Close Derby DE23 3UW	Centre Single storey side and rear extensions to dwelling house (dining room, lounge and enlargement of kitchen)	Approval	21/12/2023
23/01588/FUL	Full Application	15 Cowley Street Derby DE1 3SL	Installation of dormers to the rear elevation	Approval	21/12/2023
23/01589/PNRH	Prior Approval - Householder	145 Western Road Mickleover Derby DE3 9GS	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.82m, height to eaves 2.75m) to dwelling house	Prior Approval Not Required	21/12/2023
23/01628/CAT	Works to Trees in a Conservation Area	12 Drage Street Derby DE1 3RW	Felling of an Elder tree within the Little Chester Conservation Area	Application Withdrawn	19/12/2023



## Delegated decisions made between 01/01/2024 and 31/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
04/18/00491	Full Application	164 Mansfield Road Derby	Conversion and extension of the existing detached outbuilding to form two storey annexe accommodation	Finally disposed of	08/01/2024
21/01563/VAR	Variation of Condition	85 King Street Derby DE1 3EE	Refurbishment of Commercial Ground Floor Units together with formation of 6 Residential Units on first and second floors. Installation of glazing and repair to external masonry including bricking up of existing openings - Variation of conditions 3 and 4 of previously approved permission 05/18/00791	Approval	10/01/2024
22/00937/PNRIA	Prior Approval - Commercial to Resi	Ground Floor 21 Ashbourne Road Derby DE22 3FQ	Change of use from offices (Use Class E) to one flat (Use Class C3)	Approval	08/01/2024
22/01738/FUL	Full Application	2 Highfield Road Derby DE22 1GZ	Single storey side extension to dwelling house (carport) with solar panels	Finally disposed of	03/01/2024
23/00419/FUL	Full Application	22 - 24 Green Lane Derby DE1 1RP	Change of use of ground floor unit from retail (Use Class E) to commercial (Use Class E) and formation of one three bed, one six bed and one four bed unit in multiple occupation (Use Class C4) on the upper floors, together with alterations to fenestration, external elevations, and the installation of a new shopfront.	Approval	15/01/2024
23/00700/FUL	Full Application	Former House Of Darwin PH 221 Chellaston Road Derby DE24 9EE	Part demolition of the existing building. Change of use from public house (Sui Generis) to retail and cafe with community space (Use Class E) including rear extension, installation of a new shop front, external plant with enclosure and alterations to site access and car park	Approval	26/01/2024



Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00702/FUL	Full Application	7 Market Place Derby DE1 3QE	Change of use of first and second floors from bank (Use Class E(c)(i) to nine flats (Use Class C3) and change of use of the ground floor and basement to a cafe/restaurant (Use Class E(b)) or drinking establishment (Sui Generis)	Approval	25/01/2024
23/00703/LBA	Listed Building Consent- Alterations/Demo	7 Market Place Derby DE1 3QE	Change of use of first and second floors from bank (Use Class E(c)(i)) to nine flats (Use Class C3) and alterations to include proposed subdivision of rooms, introducing new bathrooms and kitchens. Alterations to ground floor and basement in connection with change of use to a cafe/restaurant (Use Class E(b)) or drinking establishment (Sui Generis)	Approval	26/01/2024
23/00790/FUL	Full Application	49 Sadler Gate Derby DE1 3NQ	Change of use from commercial, business and service (Use Class E) to mixed use commercial, business and service (Use Class E) and bar (Sui Generis) together with erection of external staircase and disabled W.C.	Approval	22/01/2024
23/00816/FUL	Full Application	64 Chestnut Avenue Mickleover Derby DE3 9FS	Raising of the roof height, two storey side and rear and single storey rear extensions to dwelling house (garage, kitchen, games room, two bedrooms, en-suites, dressing area, balcony and enlargement of kitchen/dining area)	Approval	10/01/2024
23/00869/FUL	Full Application	Unit 9 Downing Road Derby DE21 6HA	Change of use from waste transfer site (Sui generis) to a metal recycling site (Sui generis)	Approval	11/01/2024
23/00973/FUL	Full Application	11 Exchange Street Derby DE1 2DU	Change of use from commercial, business and service (Use Class E) to adult gaming centre (Sui Generis)	Approval	04/01/2024
23/01002/FUL	Full Application	Newtons Walk Primary Pupil Referral Unit	Single storey extension to school and installation of replacement windows	Approval	12/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		56 Cedar Street Derby DE22 1GE			
23/01033/FUL	Full Application	1 Clover Close Derby DE21 7QY	First floor side extension to dwelling house (home office/store/hobby room)	Refused	18/01/2024
23/01048/FUL	Full Application	86 Locko Road Derby DE21 7AQ	First floor and single storey extensions to dwelling house (link corridor, drying area and enlargement of bedroom) alterations to existing annexe roof, boundary treatments and enlargement of vehicular access	Approval	26/01/2024
23/01111/TPO	Works to a tree with a TPO	Norfolk Gardens Duffield Road Derby DE22 1AJ	Branch removal of Lime tree protected by Tree Preservation Order No.39	Approval	12/01/2024
23/01140/FUL	Full Application	Prime Health Clinic 216 - 218 Burton Road Derby DE23 6AA	Change of use from beauty clinic (Use Class E) to a 14 bedroom (17 occupant) house in multiple occupation (Sui Generis) together with single storey side extension, roof alterations to include raising of the roof height, hipped roof to pitched roof conversion, installation of two dormers to the rear elevation and two dormers to the front elevation	Approval	12/01/2024
23/01174/VAR	Variation of Condition	7 Palmerston Street Derby DE23 6PE	Two storey side and rear and single storey rear extensions to dwelling house (garage, kitchen, living space, two bedrooms, shower room and study) - Variation of condition 2 of previously approved planning permission 20/00093/FUL to amend the approved plans to include a dormer and second floor window	Approval	08/01/2024
23/01180/FUL	Full Application	1057 London Road Derby DE24 8PZ	Change of use from an eight bedroom house in multiple occupation (Sui Generis) to a eight bedroom residential care home (Use Class C2)	Approval	26/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01184/FUL	Full Application	19 Pingle Derby DE22 2GF	Two storey side/rear and single storey front and rear extensions to dwelling house together with the installation of render	Approval	15/01/2024
23/01205/FUL	Full Application	130 Boulton Lane Derby DE24 0FG	Two storey side and first floor rear extensions to dwelling house (hall, garage, W.C., kitchen/dining area, two bedrooms, en-suites, bathroom, enlargement of bedroom and annexe accommodation). Erection of boundary wall and gates	Approval	17/01/2024
23/01250/FUL	Full Application	1 Holtlands Drive Derby DE24 0AS	Alterations to upper floors to form one additional flat (Use Class C3)	Approval	12/01/2024
23/01260/NONM	Non-Material Amendment	Garage Court Crompton Street Derby	Demolition of 18 garages. Erection of a three storey building containing six apartments (Use Class C3) with associated access, parking and amenity space - Non-material amendment to previously approved planning permission 19/01602/FUL to amend the fenestration	Approval	08/01/2024
23/01269/FUL	Full Application	Moorcroft Farm Radbourne Lane Derby DE22 4LX	Change of use and alterations to cattery/kennel buildings (Sui Generis) to three dwellings (Use class C3) .	Refused	08/01/2024
23/01284/PNRHA	Prior Approval - Householder Class AA	12 Chatsworth Crescent Derby DE22 2AN	Construction of an additional storey to the existing dwelling house (maximum total height of 8.1 metres)	Invalid - Finally Disposed of	23/01/2024
23/01337/FUL	Full Application	35 Birchwood Avenue Derby DE23 1QA	Single storey rear extension to dwelling house	Approval	08/01/2024
23/01339/FUL	Full Application	122 Swarkestone Drive Derby DE23 2PE	Single storey side and rear extensions to dwelling house, erection of detached garage and alterations to boundary treatments	Approval	26/01/2024
23/01358/FUL	Full Application	64 Pastures Hill Derby	Front, side and rear extensions to dwelling house with rooms in the roof space and	Approval	24/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 4BA	erection of an outbuilding (living space and store)		
23/01365/FUL	Full Application	Unit A 2 City Road Derby DE1 3RQ	Change of use from hot food take away (Use Class Sui Generis) to Tattoo Studio (Use Class Sui Generis)	Approval	08/01/2024
23/01415/LBA	Listed Building Consent- Alterations/Demo	185 - 187 Village Street Derby DE23 8DE	Rebuilding of two chimneys.	Approval	18/01/2024
23/01416/TPO	Works to a tree with a TPO	8 Potter Street Derby DE21 7LH	Cutting back of branches to the boundary line (with 10 Potter Street) of three Pine trees protected by Tree Preservation Order no. 478	Approval	08/01/2024
23/01419/NONM	Non-Material Amendment	Racecourse Playing Fields St Marks Road Derby DE21 6AL	Extension of changing pavilion, upgrade of the 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 - Non-material amendments to previously approved planning permission 22/01961/VAR to remove 27 car parking spaces, four lighting columns and perimeter gates, amend the landscaping proposals, relocate and amend plant, the external gym and swale position, include external door slot drains and amend the fence line	Approval	04/01/2024
23/01425/FUL	Full Application	35 Glastonbury Road Derby DE24 0YA	Two storey side extension to dwelling house (covered way and bedroom)	Approval	12/01/2024
23/01438/TPO	Works to a tree with a TPO	5 Stanley Close Derby DE22 1AG	Various works to trees protected by Tree Preservation Order no's. 152 and 566	Approval	04/01/2024
23/01439/TPO	Works to a tree with a TPO	9 Stanley Close Derby	Crown reduction by 2m and removal of deadwood of a Lime tree protected by Tree	Approval	08/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01440/FUL	Full Application	DE22 1AG 41 Bangor Street Derby DE21 6GS	Preservation Order no. 566 Single storey rear extension to dwelling house	Approval	04/01/2024
23/01449/FUL	Full Application	349 Burton Road Derby DE23 6AH	Two storey and single storey side and rear extensions to dwelling house (bedrooms, studio, living room, en-suite and enlargement of kitchen/dining area) and installation of a dormer to the side elevation to form rooms in the roof space (bedroom and en-suite)	Approval	03/01/2024
23/01461/TPO	Works to a tree with a TPO	33 Uplands Avenue Derby DE23 1GE	Reduction of larger limbs back to pollard points of an Ash tree protected by Tree Preservation Order no. 36	Approval	04/01/2024
23/01468/CAT	Works to Trees in a Conservation Area	Hawthorn Court 27 Kedleston Road Derby DE22 1FY	Various works to trees within the Strutts Park Conservation Area	Raise No Objection	04/01/2024
23/01476/FUL	Full Application	3 Wyndham Street Derby DE24 0EP	Single storey front extension to dwelling house (porch) and installation of render to the side and rear elevations	Approval	26/01/2024
23/01486/FUL	Full Application	Allestree Woodlands School Blenheim Drive Derby DE22 2LW	Erection of 2.40M high fencing and 3no. personnel gates to the upper sports fields encompassing the playing area	Approval	11/01/2024
23/01488/FUL	Full Application	52 Yates Street Derby DE23 8QZ	Single storey rear extension to dwelling house (bedroom and wetroom)	Approval	24/01/2024
23/01496/FUL	Full Application	5 Babington Lane Derby DE1 1SU	Change of use of first floor from nine bedroom house in multiple occupation to a ten bedroom house in multiple occupation (Use Class Sui Generis)	Refused	24/01/2024
23/01502/TPO	Works to a tree with a TPO	Ashford House	Reduction of branches by 2m to give	Approval	17/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		23 St Georges Close Derby DE22 1JZ	clearance of the building and roof and removal of two lower branches of an Oak tree protected by Tree Preservation Order no. 288		
23/01506/FUL	Full Application	58 Woodford Road Derby DE22 4EG	First floor rear extension to dwelling house (balcony)	Refused	08/01/2024
23/01511/FUL	Full Application	41 Merton Drive Derby DE22 4JL	Installation of an air source heat pump	Approval	09/01/2024
23/01514/FUL	Full Application	17 Crewe Street Derby DE23 8QN	Single storey rear extension to dwelling house (kitchen/living space)	Approval	11/01/2024
23/01517/CAT	Works to Trees in a Conservation Area	166 Duffield Road Derby DE22 1BH	Felling of a Cherry tree within the Strutts Park Conservation Area	Raise No Objection	04/01/2024
23/01526/FUL	Full Application	133 Duffield Road Derby DE22 1AF	Removal of chimney stack and installation of roof lights to the front elevation	Approval	17/01/2024
23/01535/FUL	Full Application	126 High Street Chellaston Derby DE73 6TG	Single storey side/rear extension to dwelling house	Approval	03/01/2024
23/01539/FUL	Full Application	130 Duffield Road Derby DE22 1BG	Installation of new and replacement doors and installation of a new roof to the existing conservatory	Approval	18/01/2024
23/01543/FUL	Full Application	Unit 22 Northedge Business Park Alfreton Road Derby DE21 4BN	Erection of store to house condenser units and installation of new vents/louvres to facade of building	Approval	08/01/2024
23/01546/VAR	Variation of Condition	Chellaston Academy Swarkestone Road	Two single storey extensions to school (art studio and W.Cs.) - Variation of condition 2	Approval	03/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE73 5UB	(approved plans) of previously approved planning permission 23/00223/FUL to amend the roof design to block B		
23/01547/CAT	Works to Trees in a Conservation Area	174 Duffield Road Derby DE22 1BH	Crown reduction by 2m of a Robinia tree within the Strutts Park Conservation Area	Raise No Objection	16/01/2024
23/01551/CLP	Lawful Development Certificate -Proposed	68 Peach Street Derby DE22 3EP	Change of use from dwelling house (Use Class C3) to a small house in multiple occupation (Use Class C4) together with single storey rear extensions and installation of a dormer to the rear elevation	Approval	04/01/2024
23/01552/FUL	Full Application	7 Grafham Close Derby DE73 6XJ	Two storey, first floor side and single storey rear extensions to dwelling house (bedroom, en-suite and enlargement of kitchen/family room)	Approval	08/01/2024
23/01553/TPO	Works to a tree with a TPO	25 Woodsorrel Drive Derby DE21 2UF	Crown lift of all downward pointing branches, crown reduction by 2m and removal of deadwood of an Oak tree protected by Tree Preservation Order no. 376	Approval	15/01/2024
23/01554/FUL	Full Application	5 Misterton Close Derby DE22 2XU	Single storey front extension, second storey side extension, enclosing of porch and ancillary works.	Approval	08/01/2024
23/01555/CAT	Works to Trees in a Conservation Area	Old Forge Markeaton Village Markeaton Lane Derby DE22 4NH	Crown lift to give 3m clearance from ground level and height reduction by 1.5m of a Pine tree within the Markeaton Conservation Area	Raise No Objection	16/01/2024
23/01558/FUL	Full Application	Derby Moor Academy Moorway Lane Derby DE23 2FS	Erection of a modular building (classrooms and associated rooms)	Approval	19/01/2024
23/01562/CLP	Lawful Development Certificate -Proposed	22 Chestnut Avenue Mickleover	Single storey rear extension to dwelling house (family room/kitchen)	Approval	04/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01563/FUL	Full Application	Derby DE3 9FT St Philips Church Taddington Road Derby DE21 4JU	Erection of outbuilding within church grounds	Approval	15/01/2024
23/01567/CAT	Works to Trees in a Conservation Area	140 Duffield Road Derby DE22 1BG	Pollarding of a Lime tree within the Strutts Park Conservation Area	Raise No Objection	16/01/2024
23/01572/ADV	Advertisement Consent	Store First House Riverside Road Derby DE24 8HY	Display of one internally illuminated digital display screen	Approval	04/01/2024
23/01573/ADV	Advertisement Consent	22 Uttoxeter Road Derby DE3 0DA	Display of various signage	Approval	10/01/2024
23/01574/FUL	Full Application	56 Matthew Street Derby DE24 0ER	Erection of an outbuilding (storage and garden room)	Approval	17/01/2024
23/01575/FUL	Full Application	9 Willowbrook Grange Derby DE73 6TR	Two storey side extension to dwelling house (workshop and study)	Approval	12/01/2024
23/01576/RES	Reserved Matters	147 Ashbourne Road Derby DE22 3FW	Approval of reserved matter of landscaping under outline permission Code no. 19/01287/OUT - erection of a single storey detached student accommodation building (three self contained units)	Approval	05/01/2024
23/01580/CAT	Works to Trees in a Conservation Area	Darley Park Darley Park Drive Derby DE22 1EN (Trees Adjacent To Abbey Yard)	Crown lift canopies overhanging the yard to give 4m clearance from ground level and lateral reduction by 2m of Yew trees within the Darley Abbey Conservation Area	Raise No Objection	31/01/2024



Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01584/FUL	Full Application	91 Kedleston Road Derby DE22 1FR	Demolition of outbuilding. Erection of single storey annexe building to form two additional bedrooms to the existing house in multiple occupation (Sui Generis)	Refused	17/01/2024
23/01591/FUL	Full Application	7 Bolehill Close Derby DE21 2AH	Erection of Conservatory - retrospective application	Approval	19/01/2024
23/01595/FUL	Full Application	584 Kedleston Road Derby DE22 2NH	Formation of a vehicular access	Approval	15/01/2024
23/01596/CLP	Lawful Development Certificate -Proposed	52 Derwent Close Derby DE22 2UY	Single storey rear extension to dwelling house and installation of a pitched roof to the existing single storey projection	Approval	11/01/2024
23/01602/CLP	Lawful Development Certificate -Proposed	101 Wood Road Chaddesden Derby DE21 4PF	Use of dwelling for the care of a maximum of two children by professional carers	Approval	23/01/2024
23/01609/ADV	Advertisement Consent	Land Adjacent To Gas Distribution Infrastructure Pride Parkway Derby DE24 8JH	Display of two non illuminated freestanding signs	Approval	11/01/2024
23/01610/PNRPV	Prior Approval - PV on Non-Domestic	Metal Improvement Company Ascot Drive Derby DE24 8ST	Installation of roof mounted solar panels	Approval	24/01/2024
23/01612/FUL	Full Application	197 Western Road Mickleover Derby DE3 9GT	Erection of boundary fence - retrospective application	Approval	15/01/2024
23/01613/PNRIA	Prior Approval - Commercial to Resi	168 Burton Road Derby DE1 1TQ	Change of use from office (Use Class E) to dwelling house (Use Class C3)	Approval	10/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01615/FUL	Full Application	56 Carsington Crescent Derby DE22 2QZ	Single storey front and rear extensions and two storey side extension to dwelling house	Approval	20/01/2024
23/01616/FUL	Full Application	Unit 23 Northedge Business Park Alfreton Road Derby DE21 4BN	Change of use from Trade Counter to Microbrewery (B2) and ancillary Tap Room.	Approval	25/01/2024
23/01621/FUL	Full Application	2 Cadgwith Drive Derby DE22 2AE	Single storey side and rear extensions to dwelling house (store, utility, wc and family room)	Approval	19/01/2024
23/01622/FUL	Full Application	110 Littleover Lane Derby DE23 6JJ	Single storey rear extension to dwelling house (kitchen/diner and shower room)	Approval	15/01/2024
23/01625/CLP	Lawful Development Certificate -Proposed	31 Etwall Street Derby DE22 3DW	Installation of dormer to the rear of the property, installation of two rooflights at the front roof slope, single storey rear extension, and change of use from a dwellinghouse (Use Class C3) to a HMO (for 6 People) (Use Class C4)	Approval	23/01/2024
23/01629/VAR	Variation of Condition	85 Littleover Lane Derby DE23 6JH	Variation of condition 2 (approved plans) to reduce the front elevation set back of previously approved planning permission 23/00728/FUL - Two storey side and rear and single storey rear extensions to dwelling house	Approval	22/01/2024
23/01648/ADV	Advertisement Consent	9 London Road Derby DE1 2NS	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	31/01/2024
23/01649/FUL	Full Application	9 London Road Derby DE1 2NS	Installation of new shop fronts	Approval	31/01/2024
23/01662/FUL	Full Application	518 Duffield Road Derby	Two storey, first floor and single storey side extensions to dwelling house (boot room,	Approval	29/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 2DL	W.C., utility, two bedrooms, en-suite and enlargement of kitchen/dining area and bedroom), alterations to external finishes and erection of replacement front gates		
23/01667/PNRIA	Prior Approval - Commercial to Resi	17 Victoria Street Derby DE1 1ES	Change of use of first floor from offices/storage (Use Class E) to one apartment (Use Class C3)	Prior Approval Approved	29/01/2024
23/01668/FUL	Full Application	12 Applemead Close Derby DE21 4QP	Change of use from a dwelling house (Use Class C3) to a children's home for a maximum of one child (Use Class C2)	Approval	26/01/2024
23/01670/FUL	Full Application	62 Foremark Avenue Derby DE23 6JR	Single storey side and rear extensions to dwelling house (living space, wet room, utility and enlargement of kitchen)	Approval	15/01/2024
23/01674/FUL	Full Application	6 Ypres Road Derby DE22 2LZ	Single storey side/rear extension to dwelling house and enlargement of outbuilding	Approval	29/01/2024
23/01677/FUL	Full Application	3 Hazel Avenue Derby DE23 1HA	Installation of dormers to the front and rear elevations to form rooms in the roof space (two bedrooms and en-suite)	Approval	15/01/2024
23/01680/FUL	Full Application	5 South Avenue Littleover Derby DE23 6BA	Single storey front extension to dwelling house (porch)	Approval	22/01/2024
23/01681/PNRH	Prior Approval - Householder	29 Severn Street Derby DE24 8UA	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	10/01/2024
23/01682/FUL	Full Application	12 Woodstock Close Derby DE22 2LP	Alterations to outbuilding and installation of render and cladding	Approval	22/01/2024
23/01690/FUL	Full Application	17 Trowels Lane Derby	Single storey rear extension to dwelling (sitting area, dining/kitchen space)	Approval	22/01/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3LS			
23/01696/PNRH	Prior Approval - Householder	114 Station Road Mickleover Derby DE3 9FN	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.8m, height to eaves 2.25m) to dwelling house	Prior Approval Not Required	10/01/2024
23/01703/FUL	Full Application	14 Pendlebury Drive Derby DE3 9SS	Two storey and single front and side extensions to dwelling house (garage, snugs, kitchen/dining/living space and bathroom)	Approval	22/01/2024
23/01712/PNRH	Prior Approval - Householder	9 Walter Street Derby DE1 3PR	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.4m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	15/01/2024
23/01716/PNRH	Prior Approval - Householder	32 Thackeray Street Derby DE24 9GX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.58m, height to eaves 2.78m) to dwelling house	Prior Approval Not Required	15/01/2024
23/01725/PNRH	Prior Approval - Householder	26 Franklyn Drive Derby DE24 0FR	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.7m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	15/01/2024
23/01734/PNRH	Prior Approval - Householder	42 Derwent Avenue Derby DE22 2DQ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.95m, maximum height 3.33m, height to eaves 2.53m) to dwelling house	Prior Approval Approved	18/01/2024
24/00013/TPO	Works to a tree with a TPO	Trees Adjacent To 2-6 Coppice Close Derby	Felling of a Pine tree protected by Tree Preservation Order no. 58	Application Withdrawn	22/01/2024

