



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**14 December 2023**

# ITEM 6

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	05/12/2023
<b>Other(s)</b>	Ian Woodhead	05/12/2023

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

## Planning Control Committee 14/12/2023

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6.2	16 -22	23/00010/FUL	84 Sitwell Street Spondon Derby	Change of use from commercial, business and service (Use Class E) to a tattoo studio (Sui Generis) - retrospective application	<b>To grant</b> planning permission with conditions.
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6.5	42 - 51	23/00969/FUL	12 Weirfield Road Derby	Loft conversion to create additional bedroom / office space	<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:** Derby Dance Academy, Lynton Street, Derby

1.2. **Ward:** Abbey

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

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

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

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00605/FUL>

The application property is located at the junction of Peet Street and Lynton Street on the south-western outskirts of the City Centre. It forms part of a group of former industrial buildings dating from the 1890's. Historically the site was used as plaster works and then a tape factory. The application property was last in use as a dance studio (Use Class E). It has been vacant since early 2023.

The main part of the building is two-storeys in height with a white painted finish. There is a single storey red brick addition along the Lynton Street frontage. To the rear of the application property is a small courtyard providing access and parking for some of the neighbouring units. The application property itself has no off-street parking provision.

The surrounding area is predominately comprised of traditional terraced housing with some small-scale commercial uses; these include a boxing gym located along Lynton Street, and 'The Nest Studio', an office/studio/meeting space which is accessed off Parliament Street. The attached buildings to the south of the application property have previously been converted into three residential units.

There are existing residents parking restrictions (Permits Only Monday-Sat 8am -6pm) on the north side of Lynton Street. The southern side of Lynton Street is not covered by the restriction, nor are the adjoining streets (with the exception of the (south) eastern side of Peet Street).

#### The Proposal

This application has been brought back to Committee following its deferral at the Planning Control Committee meeting on 7 September. During the meeting Members raised concerns about room sizes and general quality of the proposed living accommodation. The application was deferred to allow Officers to seek amendments to the scheme.

The scheme originally sought to convert the building into two flats in multiple occupation (use class C4): one **six bedroom (six occupant)** flat on the first floor of the building; and **one five bedroom (five occupant)** flat on the ground floor. Following negotiations with the applicant the layout of the scheme has been amended, and the development now proposes to convert the building into one **five bedroom (five occupant)** flat on the first floor of the building; and one **four bedroom (four occupant)**

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flat on the ground floor. All rooms would be single occupancy and the accommodation (as amended) would house nine occupants in total.

As per the original scheme no extensions, or significant alterations, are proposed to the exterior of the building to facilitate the proposed change of use. No designated off-street parking would be provided for the proposed residential accommodation.

A link to the previous committee report is provided below, for your information.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201255022>

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

<b>Application No:</b>	08/91/01084	<b>Type:</b>	Full Application
<b>Decision:</b>	Conditionally Granted	<b>Date:</b>	31/10/1991
<b>Description:</b>	Alterations & extensions to existing offices, and use of stable block as offices		
<b>Application No:</b>	03/90/00389	<b>Type:</b>	Full Application
<b>Decision:</b>	Conditionally Granted	<b>Date:</b>	11/06/1990
<b>Description:</b>	Use of ground floor as car park and erection of 1 <sup>st</sup> floor extension for offices and workshop		
<b>Application No:</b>	12/88/01762	<b>Type:</b>	Full Application
<b>Decision:</b>	Conditionally Granted	<b>Date:</b>	04/07/1985
<b>Description:</b>	Use of warehouse as garage (ground floor) with Office accommodation above		
<b>Application No:</b>	05/85/00580	<b>Type:</b>	Full Application
<b>Decision:</b>	Conditionally Granted	<b>Date:</b>	04/07/1985
<b>Description:</b>	Use of premises as dance studio with ancillary Accommodation		

### **3. Publicity:**

- Neighbour Notification Letters – 11
- 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.***

The changes to the layout have reduced the overall number of bedrooms proposed within the building. As a result, there would be no additional impact on neighbours and no further public consultations have been carried out, following receipt of the amended plans.

11 objections were received during the consultation on the original scheme proposed. The issues raised within the representations are summarised below:

- There are too many HMO's in the area
- Inadequate parking/concerns about where existing residents will park
- Increase in on street parking/congestion issues
- Highway safety concerns
- Concerns about access for emergency vehicles due to parked cars
- Concerns parked vehicles blocking the public footpath
- Increased noise, disturbance and anti-social behaviour associated with the proposed use
- Increase litter and concerns about bins – smells, vermin etc.
- Lack of community facilities in the area – no GP, post office or pub
- The premises should remain as a business
- There are already plenty of housing options locally
- More family accommodation is needed

The following comments have been made by Councillor Carmel Ashby

*'There have been approximately 10 applications and Abbey councillors have been contacted by residents who have shared their concerns with us, including access for emergency vehicles. There have already been number of problems for residents and I would be grateful if you could seen a report from the fire and ambulance services.'*

**5. Consultations:**

**5.1. Highways Development Control:**

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

Drawing 23,026-P-002 ~ Existing Floor Plans

Drawing 23,026-P-102 /B ~ Proposed Floor Plans

Drawing 23,026-P-103 ~ Proposed Elevations

Planning Statement

The application is reliant upon on-street parking for vehicles associated with the residential occupancy of the site. There is an existing residents parking restriction (Permits Only Monday-Sat 8am -6pm) on the north side of Lynton Street, occupants of the proposed development would not be eligible for the issue of permits.

The south side of Lynton Street is not covered by the restriction.

Adjoining streets (with the exception of the (south) eastern side of Peet Street are also not covered by waiting restrictions.

The Planning Statement says

*'The site is located within 10 minute walking distance of a multitude of amenities, facilities, transport links as well as the city centre. Peet Mini Market is the closest shop, located 100 yards/1 minutes' walk away from the site, Lidl is within 8 minutes' walk of the site as well as several other supermarkets, takeaways, public houses and restaurants.'*

Considering likely vehicle parking associated with the proposals:-

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

This shows that for a 1 room non-owner occupied flat (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 12 bedroom HMO this would equate to 4 vehicles.

There are no figures available to establish vehicular demand for the dance studio; however I can envisage occasions where there would be considerably more vehicles associated with the studios, in particular when they would be fully operational.

At worst, it is the Highway Authority's view that the proposals will not necessarily lead to a significant increase in vehicle generation over that which could be anticipated and associated with the present consented use of the site.

As stated, the site is in a sustainable location, within walking distance to shops, city centre amenities and public transport opportunities.

Para. 111 of the National Planning Policy Framework states that

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'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.

I do note that drawing 23,026-P-102 B shows an outwards opening door; this would not be acceptable to the Highway Authority.

Section 153 of the Highways Act 1980 requires that doors, gates, and windows do not open outwards over the public highway. The risk to highway users of an outward opening ground floor door, window or other obstruction must always be avoided.

There is a risk that if doors or windows open outwards onto the highway that pedestrians could be injured by protrusions (such as a window at head height for example), or that they could collide with a door that is either open or is in the process of being opened.

Accordingly, ground floor doors and windows should be inwards opening only. This can be dealt with by condition.

### **Recommendation:**

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

#### **Condition:**

New doors and windows on the ground floor street frontage shall open inwards only and shall be provided in accordance with details which have been first submitted to and approved in writing by the LPA prior to their installation. The approved doors and windows shall then be retained for the life of the development.

Reason: In the interest of pedestrian and highway safety

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

I note that the application site sits on land formally occupied by a Tape Factory, which is categorised from a contamination perspective as a 'textile and dye works' (map dates 1947 and 1967). Consequently, future occupiers of the proposed residential units are at risk of exposure to contamination which could impact human health.

The application is not supported by any information relating to land contamination risks.

### **Recommendation**

In the circumstances, the Environmental Protection Team would recommend the attachment of the following conditions to the planning consent, should it be granted:



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- i) Before commencement of the development, a Phase I ground contamination study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and all plausible pollutant linkages with respect to future site users in accordance with the Government's Land Contamination Risk Management (LCRM) Guidance. A Phase I Desktop Study Report will be required for submission to the Local Planning Authority for written approval prior to commencement of the development.
  - ii) Where the agreed Phase I Assessment has identified potential contamination, a Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the health of future site users, in accordance with LCRM Guidance. A risk assessment will then be required to determine the level of potential risk to site end users. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of the development.
  - iii) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks to human health exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks. The Remediation Strategy shall be completed in accordance with LCRM Guidance and submitted for written approval by the Local Planning Authority prior to commencement of the development.
  - iv) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full, that all significant risks to human health have been removed and that the remediation targets have all been met. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

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

With regards to the above planning application, I am concerned that the proposed residential units would be exposed to significantly high levels of noise. The building is situated in a predominantly residential area with a small mix of commercial enterprises adjacent and to the rear of the site, most notably Nest Studio's. The 'Boxing Gym' adjoining the site can possibly produce high noise level of noise (short duration) through weight lifts banging on the floor, raised voices and possible noise from music during training sessions.

For the reasons given above, I would have very serious concerns of detriment that will be caused to future occupiers of the proposed residential units due to noise. If planning consent is granted, I would recommend that the condition below is attached.

- *A comprehensive noise assessment must be undertaken, assessing the site against the criteria contained within BS8233:2014, ProPG Guidance on Planning & Noise or any other relevant standards or guidance. The Survey shall be completed by a competent and suitably qualified acoustician and a report submitted for written approval by the LPA prior to the commencement of the*

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*development. Where the agreed Assessment indicates that mitigation works are required, a scheme must be submitted by the developer for approval, before the development commences. All agreed mitigation works must be incorporated into the Development prior to its first occupation.*

### **5.4. 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 2 flats within a two-storey building, having one flat on each floor. each flat contains six units of accommodation. Ten of the twelve units are labelled as studios and are self-contained. Two of the units (one in each flat) are not self-contained as they do not contain kitchen facilities. Instead, each flat has one separate kitchen, thus making the development technically two HMOs according to definitions set out under section 254 of the Housing Act 2004.

The size of each self-contained unit ranges from 14.6m<sup>2</sup> to 15.2m<sup>2</sup>. These are considered small for self-contained units from a housing standards point of view 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. The proposals for this development demonstrate a significant departure from this requirement.

This department assesses existing dwellings for health and safety using the Housing Health & Safety Rating system (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 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 to it being four storeys, having cooking facilities in most units and being occupied by a high number of 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.

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

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

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

### **5.5. The County Archaeologist**

The proposed development lies on the site of two NDHA's, a former cement and plaster works established c. 1880 (MDR10266) which was then incorporated into a tape works (MDR10302) in the 1890's. However, I do not think that the proposals will impact below ground archaeology and have no objection.

## **6. Relevant Policies:**

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

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

#### **Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development – General Criteria
H14	Re-use of Underused Buildings
E13	Contaminated land

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

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

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

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

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

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

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

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 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 3.69 years of dwellings against the annual 1,266 requirement, as of April 2023.

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

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

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

As this proposal involves the provision of housing, the application is being considered in terms of its 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 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Changes to the scheme/Bin storage**

#### **7.2. Other Issues**

#### **7.3. Conclusion**

### **7.1. Changes to the scheme/Bin storage**

Further clarification has been sought from the Waste and Recycling Officer regarding the overall number of bins required for the accommodation proposed. It has been confirmed that a 9 bed/person HMO would be entitled to 2 x 360 litre black and 2 x 360 litre blue bins, or 3 x 240 litre black and 3 x 240 litre blue bins. The submitted plans have been updated to demonstrate that 4 of the larger 360 litre bins could be accommodated within the proposed internal bin store.

The Waste and Recycling Officer has advised that bin collection crew would not collect bins from within the building, due to their location, so the developer would need make arrangements to ensure that bins are pulled out and presented on the roadside by residents or a property manager on collection day between 06:00 & 16:00. However, this is not uncommon for residential properties in the area. A refuse/waste

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management plan condition is recommended to ensure bins are correctly stored and transferred on bin collection days.

The ground floor cycle/bin storage area would also be of an acceptable size to accommodate around 9 bikes, which is considered to be acceptable for the number of occupants proposed. Conditions are recommended to control the provision, and future retention, of the bin and cycle storage areas, in order to comply with policies CP23 of the DCLP1 and saved policy GD5 of the CDLPR.

### **7.2. Conclusion**

The application site is located in an established residential area, close to local amenities and public transport links and is therefore considered to be a sustainable location for new residential development to be situated. The proposal would also increase variety of accommodation type and maximise the efficient use of the site contributing to housing delivery in line with the intentions of Saved Local Plan Policy H13 and Policy CP6 of the Derby City Local Plan – Part 1(Core Strategy), a factor which should be given significant weight considering the City’s housing supply position and the need to consider the tilted balance.

Whilst the development may potentially give rise to some additional on-street parking, it is considered that this is unlikely to result in any demonstrable harm to highway safety, or residential amenity as a result. Nor would the proposal have such an overriding impact on residential amenity, or the general character of the area, as to warrant a refusal. It is considered that the minor adverse effects attributable to the development would not significantly or demonstrably outweigh the benefits inherent in increasing the City’s housing supply.

The proposal, as amended, meets all the Council’s housing standards, regarding room sizes and a satisfactory quality of living accommodation is proposed. All other technical matters, such as noise and contaminated land, can be addressed through condition. Consideration has been given to the loss of the existing community facility and the development is considered to be in line with the intentions of Policy CP21.

Overall, it is considered that all relevant planning matters have been adequately addressed and the proposal reasonably satisfies the requirements of the adopted policies of the DCLP1 and the saved policies of the adopted CDLPR as included within this report, with the tilted balance being taken into consideration, and the over-arching guidance in the National Planning Policy Framework

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The “tilted balance” is engaged, meaning great weight must be given to the provision of residential accommodation. Whilst the development may potentially give rise to some additional on-street parking, it is considered that this is unlikely to result in any

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demonstrable harm to highway safety, or residential amenity as a result. Nor would the proposal have such an overriding impact on residential amenity, or the general character of the area, as to warrant a refusal. The minor adverse impact of granting permission in this case, if any, would be outweighed by the benefits of increasing the City's residential accommodation by even a small amount. The proposal is considered to be acceptable in principle, and with specific regard to the provision of a high-quality living environment and impacts on residential amenity, the local highway network and the character of the area.

### **8.3. Conditions:**

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

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

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

Location Plan – 23,026 – P -001

Proposed Floor Plan - 23,026 – P -102 rev: D

Proposed Elevations - 23,026 – P -103 Rev: A

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

#### **Pre-Occupation Conditions**

3. Condition requiring the submission of a noise assessment and implementation of approved noise mitigation measures and any required ventilation prior to occupation of the residential accommodation.

**Reason:** To ensure a satisfactory living environment is provided.

4. Contaminated land condition - phase 1.

**Reason:** To ensure a satisfactory living environment is provided and protect occupiers from any expose to contamination.

5. Condition controlling provision and retention of a bin storage area and suitable ventilation of that space.

**Reason:** To ensure a satisfactory living environment is provided.

6. Condition controlling the provision and retention of cycle storage area and the provision of 3 electric bike charging points.

**Reason:** To promote the use of sustainable modes of transport.

7. Condition requiring the submission of a Phase II report.

**Reason:** To ensure a satisfactory living environment is provided and protect occupiers from any expose to contamination

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**8.** Condition requiring the submission of a remediation strategy.

**Reason:** To ensure a satisfactory living environment is provided and protect occupiers from any expose to contamination.

**9.** Condition requiring the submission of a verification report.

**Reason:** To ensure a satisfactory living environment is provided and protect occupiers from any expose to contamination.

**10.** Condition requiring the submission and implementation of a refuse/waste management plan.

**Reason:** In the interests of visual and residential amenity, to ensure a satisfactory living environment.

### **Management Conditions**

**11.** Condition controlling details of replacement windows and doors – precise design, materials and finish.

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

**12.** Condition controlling the use of the building – use as two flats in multiple occupation (maximum 9 bedrooms and 9 persons)

**Reason:** To ensure a satisfactory living environment is provided and because a more intensive use may not be acceptable in this location because of the potential impact on the amenities of neighbouring occupiers and parking issues.

**13.** Condition restricting outwards opening doors and windows.

**Reason:** In the interest of pedestrian and highway safety

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

The applicant should note the Housing Standard's Officer comments with regards fire safety and amenity.

Please see comments from The Environmental Protection Officer below

- The developer should note that windows shall not be sealed closed but should be able to kept closed, by choice, whilst allowing the occupier to enjoy adequate source of fresh air. if deem necessary by the survey, the sound insulation scheme shall incorporate a mechanical ventilation to allow windows to remain closed irrespective of the external conditions (The developer should note that the window shall not remain closed to achieve the Indoor ambient noise guideline values as specified in British Standard BS 8233:2014).
- The ventilation arrangements shall ensure that 4 air changes per hour, if necessary, using mechanical ventilation, is available on demand in all habitable rooms (to ensure thermal comfort and purged ventilation). If mechanical ventilation is not required, then tm52/59 overheating assessment will be required for alternative ventilation system. • The scheme shall ensure that the L<sub>Amax</sub> does not exceed 45dB(A) on more than 15 occasions during any night-time period). full



## **Committee Report Item No: 6.1**

**Application No: 23/00605/FUL**

**Type: Full Application**

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details of LAFmax will be required in a tabular format between 23:00 hours and 07:00 hours (every 15 mins) for the duration of the assessment.

- I would like to see LAeq, 1hr, throughout the day and night in a tabular format submitted as it will help determine the appropriate glazing specification required for the residential units.

Notwithstanding any Planning Permission please note that the proposed development will not qualify for the issue of residents parking permits.

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.

Due to the change of use from a business premises to a residential property, you would need to contact Derby City Council and Royal Mail to notify them of the changes when the development approaches completion. You can contact Derby City Council by emailing [customerservices@derby.gov.uk](mailto:customerservices@derby.gov.uk) or telephone 01332 640000 and Royal Mail Development Team by emailing [addressmaintenance@royalmail.com](mailto:addressmaintenance@royalmail.com) or telephone 0845 6011 110, option 3, option 1.

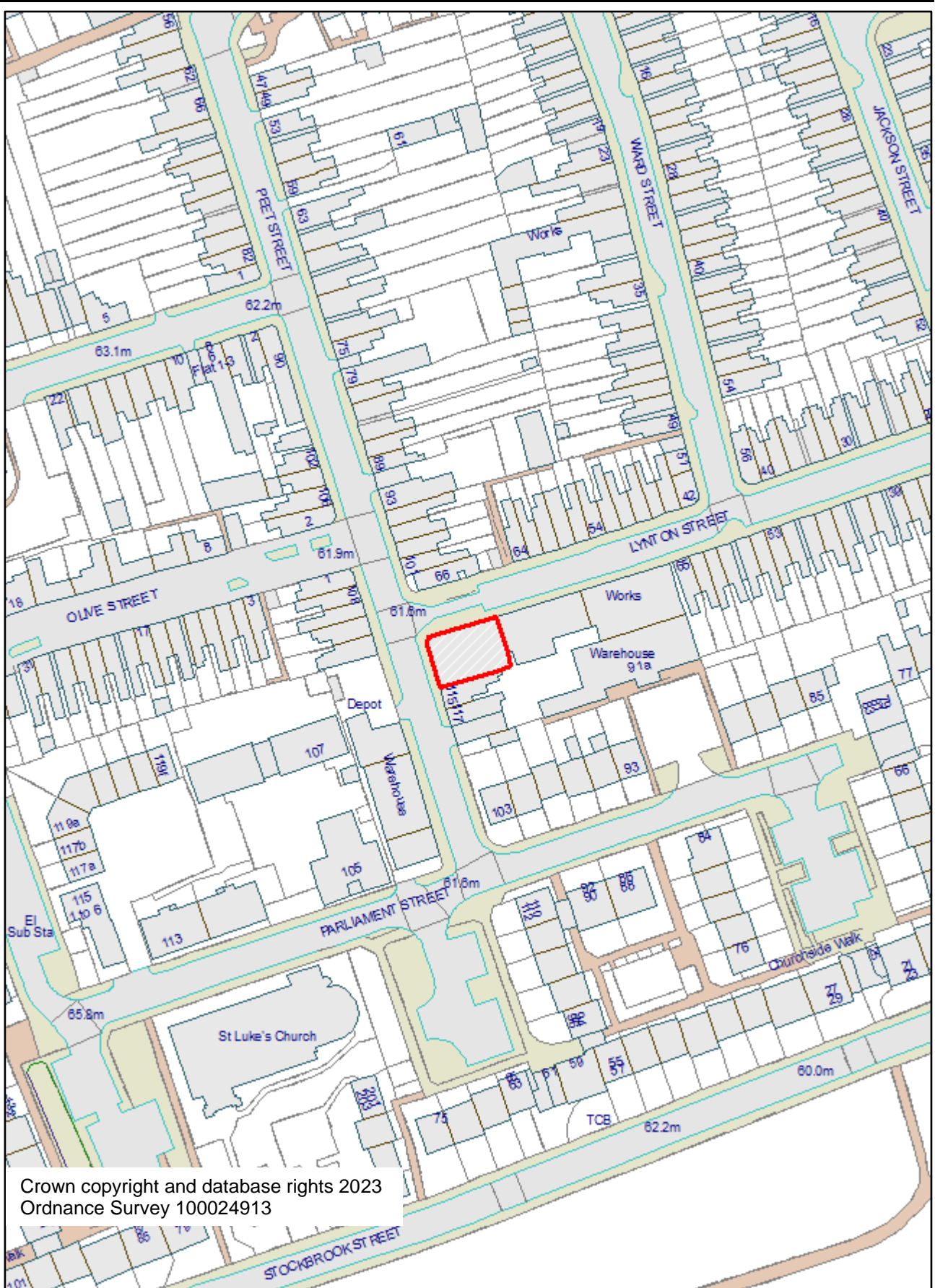
An adequate number of bins need to be provided to cater for the overall number of residents occupying the building and should be stored in the designated bin storage area, off the public highway. It is recommended that procedures are put into place to ensure bins are put out at an appropriate time and to ensure the sorting of recycling is managed correctly.

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

None required.

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

The application has been called in to committee by Councillor Ashby. **An extension of time has been sought from the applicant until 20 November.**



## **Committee Report Item No: 6.2**

**Application No: 23/00010/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 84 Sitwell Street, Spondon.

**1.2. Ward:** Spondon

**1.3. Proposal:**

Change of use from commercial business and service (Use Class E) to a tattoo studio (Sui Generis) - retrospective application.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00010/FUL>

**Brief description**

The application site is located within the Spondon District Centre which is predominantly made up of commercial and retail uses. The proposal is for change of use to tattoo studio (sui generis use) from an E Use Class use. The former use of the unit has not been specified. The tattoo studio is already in operation, so the application is retrospective.

Staffing levels for the tattoo studio have been confirmed as: One member of staff at present with the potential to increase up to three members of staff in the future.

Opening times have been confirmed as:

- Monday to Saturday 10.00am- 5.00pm.

No physical external works are proposed to the building as part of this application.

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

<b>Application No:</b>	04/02/00493	<b>Type:</b>	Advertisement
<b>Decision:</b>	Refused	<b>Date:</b>	14.08.2002
<b>Description:</b>	Display of internally illuminated projecting fascia sign		
<b>Application No:</b>	09/00/01103	<b>Type:</b>	Advertisement
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	31.10.2000
<b>Description:</b>	Display of internally illuminated surround sign		
<b>Application No:</b>	09/00/01087	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	31.10.2000
<b>Description:</b>	Installation of automatic teller machine in front elevation		

**3. Publicity:**

- Neighbour Notification Letter
- Site Notice

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

**4. Representations:**

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

23 third party objections, which raise the following comments:

- No requirement for another tattoo studio. There are already two in close proximity.
- Concerns regarding the tattoo studio being open without planning permission
- Unwanted competition with other businesses
- Residents require more variety
- Prefer a traditional retail function
- Request for shop front window display to be conditioned
- Concerns with clientele the business will attract

In addition there are 1 neutral comment and 2 supporting comments.

**5. Consultations:**

No Consultations

## **Committee Report Item No: 6.2**

**Application No: 23/00010/FUL**

**Type: Full Application**

### **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
CP12	Centres
CP23	Delivering a Sustainable Transport Network

#### Saved CDLPR Policies

GD5	Amenity
E26	Advertisements
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/environmentandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

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

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

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

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

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be

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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. Policy Context**

#### **7.2. Amenity of Neighbouring Units**

#### **7.3. Response to Objections Raised**

#### **7.4. Conclusion**

### **7.1. Policy Context**

The site of the proposal is located within the Spondon District Centre primary frontage where proposed uses must accord with the requirements of Policy CP12, which:

1. Meet local shopping and service needs while supporting the vitality and viability of the centre. Uses which would undermine this objective, either as a result of loss of retail function or through the impact on the character or environment of the centre, will be resisted.
2. Help to combat long term and persistent vacancy. The Council may require applicants to submit appropriate evidence which demonstrates that the unit has been marketed for retail uses for a reasonable period of time and/or is no longer suitable for shopping uses.
3. Encourage competition and consumer choice and
4. Help to maintain vibrant and coherent shop frontages.
5. Respect, and are compatible with, the scale, role, character and function of the centre and would not have an unacceptable impact on the vitality and viability of other centres in the hierarchy.

In respect of this policy the proposal would, by definition, lead to the loss of an E use class retail unit however, consideration is needed as to whether this would undermine the objective of CP12 to meet local shopping and service needs while supporting the vitality and viability of the centre. Due to the creation of Use Class E, the use of the unit could change to any of the former use classes A2, A3 or B1 without an express grant of permission, leading to the loss of a, former retail unit. The main consideration is whether the proposed change of use would have an adverse effect on the vitality

and viability of the centre greater than any of the permitted changes, for example to what would have been a B1 use under the previous use classes regime.

At the time of the most recent survey, in June 2022, the District Centre as a whole was in a relatively healthy state with a wide range of uses and only 2 vacant units out of a total of 68. The proposal would operate in a similar way to other non-retail uses present in the centre such as hairdressers and a nail bar without adversely affecting the overall retail function. Whilst it would lead to the loss of a retail unit, there are vacant units that a prospective retail business could move into. By widening the offer of the centre and, allowing for linked trips, it could be argued that the proposal would assist in supporting the vitality and viability of the Centre in accordance with the intentions of Policy CP12.

## **7.2 Amenity of Neighbouring Units**

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, which in turn is supported by the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

In this case the site is located within the District Centre with opening times confirmed as Monday- Saturday 10:00- 17:00, therefore I am satisfied that due to the overall nature of the proposed business and location within a defined neighbourhood centre any undue implications by way of noise or general disturbance to surrounding business uses would not be of significant concern.

One parking space is stated as being provided however, it is accepted that the unit is located in a District Centre where a wide range of sustainable means of travel are available. There is no evidence that the use of the premises will have an unacceptable impact on highway safety. Overall, I am satisfied that the proposal meets the intentions of criteria set out in relevant Local Plan policies GD5 and CP23.

## **7.3 Response to objections raised**

Objections relating to competition between businesses and the nature of clientele are not material planning matters. There is no compelling case for a requirement for a window display to be maintained and indeed many occupied units within the District Centre do not have a window display. Although objectors have raised concerns in respect of the number of tattoo studios in the vicinity of the site and their preferences for a wider variety of services as explained above, the proposal is considered to be in line with Policy CP12 therefore refusal of the proposal on these grounds would be difficult to argue at any future appeal.

## **7.4 Conclusion**

Overall it is felt that the proposed change of use of an E class unit to a tattoo studio is acceptable in the District Centre and approval of the proposal would encourage competition and consumer choice, maintaining a vibrant and coherent frontage of premises that is appropriate to the District Centre. There is no compelling case for a window display to be maintained and issues relating to advertisements must be considered as a separate planning matter to the use of the premises. Amenity would

## **Committee Report Item No: 6.2**

**Application No: 23/00010/FUL**

**Type: Full Application**

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not be unreasonably affected and policy objectives have been adequately met. I am satisfied that all planning matters have been adequately addressed within the appraisal section of this report. In conclusion this development 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, together with the guidance in the NPPF pertaining to design quality.

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

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

To grant planning permission with conditions.

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

The proposal is an acceptable non-retail use within the existing District Centre and is considered to be acceptable with specific regard to amenity, sustainability and the highway network.

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

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

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

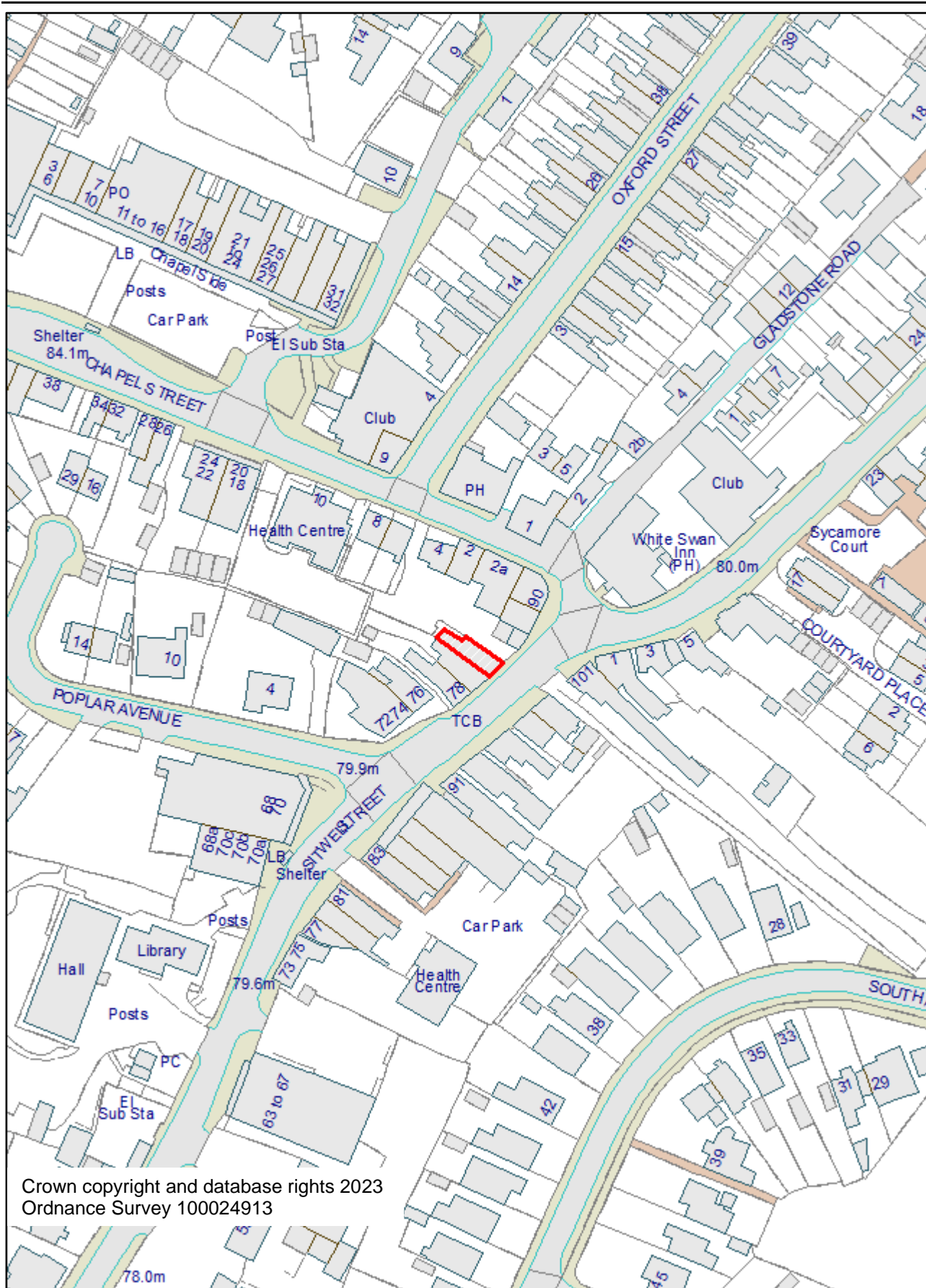
#### **8.4. Informative Notes:**

The applicants are advised that the advertisements/signage erected upon the building require Advertisement Consent.

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

The application has gone beyond the 8 week target date and an extension of time has been requested to 21 December 2023.





## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 38 Prince George Drive, Kingsway

**1.2. Ward:** Abbey

**1.3. Proposal:**

Change of use from dwelling house (Use Class C3) to residential care home (Use Class C2) for up to three children.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01042/FUL>

**Brief description**

**The site**

The application site is located on the east side of Prince George Drive at Manor Kingsway. It is a corner plot with an integral single garage to the side and a walled curtilage boundary adjacent to the public highway. A driveway is located to the right hand of the dwelling with off street parking space for 2 vehicles (including the garage) The property contains 3 floor levels, containing a kitchen/diner at ground floor, then 2 bedrooms and a bathroom at both first floor and second floor level. To the rear the external usable amenity space measures approximately 7.5m by 5m, excluding a shed structure which exists to the rear of the garage. The immediate surrounding locality is entirely residential with a mix of detached, semi-detached and small groups of terraced properties. The site is part of the Manor Kingsway estate which is newly built and planned in its layout and design. Land levels are generally flat and rectangular shaped grassed/vegetated parcels of land run parallel to the highway. These are drainage attenuation features bordered with low level post and rail means of enclosure.

**Proposal**

Full planning permission is sought for the change of use of the existing dwelling into a residential care home (Use Class C2) for up to 3 children. The application is accompanied by a supporting statement which explains that the property would be used as a small residential care home for up to three children (children under 16 years old). The property would be used as their permanent residency, replicating a family home environment as much as possible. Up to 2 care workers working alternate shift patterns would be at the home, including overnight, ensuring 24/7 care at all times.

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

<b>Application No:</b>	22/00861/FUL	<b>Type:</b>	Full
<b>Decision:</b>	Refused	<b>Date:</b>	23.11.2022
<b>Description:</b>	Change of use from Dwelling (Use Class C3) to residential care home (Use Class C2)		

## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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The above application was refused by Members at committee In November 2022 for the following reason:

*In the opinion of the Local Planning Authority, the proposed change of use would materially harm the surrounding residential environment due to the increased activity and general disturbance from the property and intensify parking demand on and around the unadopted and uncontrolled private access drive adjacent to the property. Taken together, these impacts would have a detrimental impact on the amenities of the surrounding residents on Prince George Drive. Accordingly, for these reasons, the proposed development is contrary to saved Policy GD5 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework which promotes health and well-being, with a high standard of amenity for existing and future users.*

### **3. Publicity:**

- Neighbour Notification Letters sent to adjoining properties
- 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.***

A total of 20 objections have been received from third parties. The main points raised are as summarised below:

- The property was being used as a care home in January 2022 and after it was refused
- Not a long term solution for surrounding residents
- Lower house prices
- How come they can re-submit after a refused permission
- This is the second application for the same change of use which was overwhelmingly objected to by the local community and yet the user has continued to use the home as such
- Occupiers are using local estate park facility (for under 7's) to sit/vape/smoke
- There is very strong public feeling around this and there is very likely to be a legal appeal from the residents should it go ahead,

## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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- The last application was declined. However, the home has continued to be run as a children's residential home despite the outcome.
- It states that there are 3 parking spaces which is incorrect and there is only space for 2 cars if they use the garage.
- I don't see why this shouldn't be rejected again
- It's the same application as 22/00861/FUL with the same misrepresentation and the same problems as before, please save us all a lot of time and do not permit this change.
- The neighbourhood is a quiet residential area ,housing a high proportion of hospital staff ,doctors, nurses ,consultants. All who work long shifts including nights .The last thing they need is abusive neighbours (documented)
- The previous planning decision of refusal needs upholding and not ignoring.
- No parking provision for additional visitors, causing blocked driveways and on street parking
- Residents will suffer adverse noise and anti-social behaviour which will undoubtedly happen given passed records of these young people's behaviour
- Acts of anti-social behaviour in the area with the children being poorly supervised by carers leading to threats made to residents
- Police have been called many times
- The access road outside the property was constantly being used as a parking spot, blocking the access road for other cars and pedestrians
- Occupants have brought anti-social behaviour to the locality
- Numerous staff change overs
- Many families and young children live here
- The noise levels were also not in keeping within the neighbourhood coming from this property.

## **5. Consultations:**

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

Updated highways comments received 29 November 2023:

The application is for the change of use from a dwelling to a residential care home. The proposal states there will be no more than five people in total in the property. This includes one daytime carer and one night-time carer. In effect, this is two fulltime staff members and three children, and is a situation not dissimilar to a family dwelling.

Prince George Drive is unadopted and therefore not maintained by Derby City Council and remains the responsibility under the developer concerned, is subject to a Permit Holder Only parking restriction, Mon – Sat, 8am - 6pm. the Council can enforce the Traffic Regulation Order. The property will be eligible for the issue of permits if required.

## **Committee Report Item No: 6.3**

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**Type: Full Application**

The application form states that three parking spaces are available. This seems technically incorrect. There is apparently an existing garage serving the site, with a space to park a single further vehicle within the site curtilage (by plan measure 7m is available).

No internal garage dimensions are provided to be able to advise whether there is sufficient space to park the second vehicle. In any case it is difficult to see that in practice vehicle parking associated with the proposed use would take place in the same manner as residential parking in respect of the use of the garage.

However, issues of parking on a private drive, which in turn is served off a private road are not matters which fall within the remit of the Highway Authority and these observations.

As stated, the council can enforce the permit parking restrictions within the vicinity of the site. However, the operators of the site can subsequently apply for permits for the occupiers and their visitors.

There will be an on-going charge for the permits (if they are issued), but this would be an operational issue which the applicant/operator would need to consider.

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.”

The Highway Authority does not consider that it could be argued that the proposed change of use would have an unacceptable impact upon highway safety or a severe impact upon the adjacent highway network.

### **Recommendation:**

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

## **6. Relevant Policies:**

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

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

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

CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP21	Community Facilities

## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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CP23	Delivering a Sustainable Transport Network
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### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General criteria
E24	Community Safety

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

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

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

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

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

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

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1. The Principle of Development**

**7.2. Residential Amenity**

**7.3. Highway issues**

**7.4. Conclusion**

**7.1. The Principle of Development**

The proposal consists of a change of use to an alternative form of residential accommodation within an existing residential area of Manor Kingsway. Previously, in November 2022, an identical application was considered by previous Members of Committee. As stated in section 2 of the report, permission was refused on the grounds of harm to the surrounding residential environment due to the increased activity and general disturbance and increased parking demand around the private access drive adjacent to the property.

Between the refusal of permission and the submission of the current application, the property has been used as a children's care home, for intermittent periods of time. For the avoidance of doubt, there are no changes or update information from the previously refused scheme to the current application.

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1 and in policy terms there are no 'in principle' concerns with the proposed change of use to a different form of residential use, which includes an element of care. There are no specific policies which restrict the overall number of care homes that can or should be provided within the City at a certain time and separate legislation would ensure that the wider needs of the occupants can be met. The application site is in a sustainable location, within a residential context, so that future occupiers would have good access to services and public transport links in the area. Overall, the principle of the proposed care home (C2 use) in this residential location is considered to be acceptable.

**7.2. Residential Amenity**

Saved policy GD5 (Amenity) of the CDLPR states that "Planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. In considering harm, the Council will consider the following: a. Loss of privacy; b. Overbearing (massing) effect; c. Loss of sunlight and daylight; d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit; e. Air, water, noise and light pollution; f. Hazardous substances and industrial processes; g. Traffic generation, access and car parking".

The supporting statement states there will be no more than 5 people in total in the property. This includes one daytime carer and one night-time carer. So, this is one

## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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carer and three children who would be living at the house at any one time. Numerous objections have been received by nearby properties raising concerns relating to general noise and disturbance impacts including from comings and goings to and from the property.

Concerns have also been raised which relate to anti-social/criminal behaviour and specific 'incidents' from occupants of the application property, prior to the submission of this planning application. The children's care home is proposed to have one member of staff at the property at any given time and, again, separate legislation would ensure that the wider needs of the occupants are/can be met and ensure the care facility is a suitable location for individual placements.

In order to address the previous reason for refusal, the applicant has submitted a further statement relating to the management of the premises and their strategies for dealing with disturbances. These include: surveillance systems; emergency response plans; communication channels with relevant authorities; training and drills for staff; physical barriers and access controls; policy frameworks and assessment/improvement measures based on past incidents, feedback or changed circumstances. With a management strategy in place and adhered to, there would be measures to address any disturbance related occurrences.

Whilst community safety is a material planning matter, it is considered that the use of the building as a small-scale care home would not exacerbate community safety issues in the area. Moreover, as the proposed number of bedrooms at the property would remain unaltered, there would be no substantive intensification of use, rather a minor difference in activity to that which may be anticipated in the normal residential use of a house. The house and its curtilage would retain the look and character of neighbouring houses; that of a normal residential dwelling.

The use and associated activity, including comings and goings of care workers would be unlikely to cause a greater level of disturbance or amenity harm than could be expected by a C3 use of this large 4 bedroom family home. Young people and children could reside in any typical residential dwelling and it is considered that the proposal is not likely to result in any additional anti-social behaviour than what could be generated by the existing residential dwelling.

On balance, it is considered that the general noise and disturbance impacts would not be above and beyond what could be achieved at a residential dwelling and the proposal is not considered to result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission. Subject to the suggested condition, it is considered that the proposal would comply with the amenity requirements of saved policies H13 and GD5 of the CDLPR.

### **7.3. Highway Issues**

The Highway Officer has offered further detailed comments set out in Section 4.1. Overall, in highway terms, the levels of occupancy associated with the proposed care home are not considered dissimilar to those which could legitimately be accommodated by the current residential use of the dwelling.

Some of the third party objections relate to issues of parking on the private drive, which in turn is served off a private road, but these are matters which cannot be



## **Committee Report Item No: 6.3**

**Application No: 23/01042/FUL**

**Type: Full Application**

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directly controlled by the Council's highway authority, because of the 'private road' status. Nonetheless, the Council can enforce the permit parking restrictions within the vicinity of the site.

The applicant has confirmed that in order to address the previous reason for refusal they have been able to secure three parking permits from the Council. This has helped visitors/staff to park in areas that are not allocated to residents around the estate.

Paragraph 111 of the National Planning Framework Policy states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' However, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development. Given the above discussion, it would therefore not be possible to argue that the proposed use would lead to 'unacceptable impacts' to highway safety.

The proposal is therefore considered to meet the transport objectives set out in Policy CP23.

### **7.4. Conclusion**

The principle of proposed change of use to a different form of residential use is acceptable in this residential location. No external alterations are proposed as a result of the proposed C2 use of the dwelling house. The proposal is considered to be acceptable in terms of highway safety and impacts on residential amenity.

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

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The principle of the use of the dwelling house as a children's care home, is acceptable in this location. No external alterations are proposed as a result of the development. The proposal is considered to be acceptable in terms of highway safety and would not result in significantly detrimental impacts on residential amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted.

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### **8.3. Conditions:**

1. Standard 3 year time limit condition

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

2. Standard approved plans condition

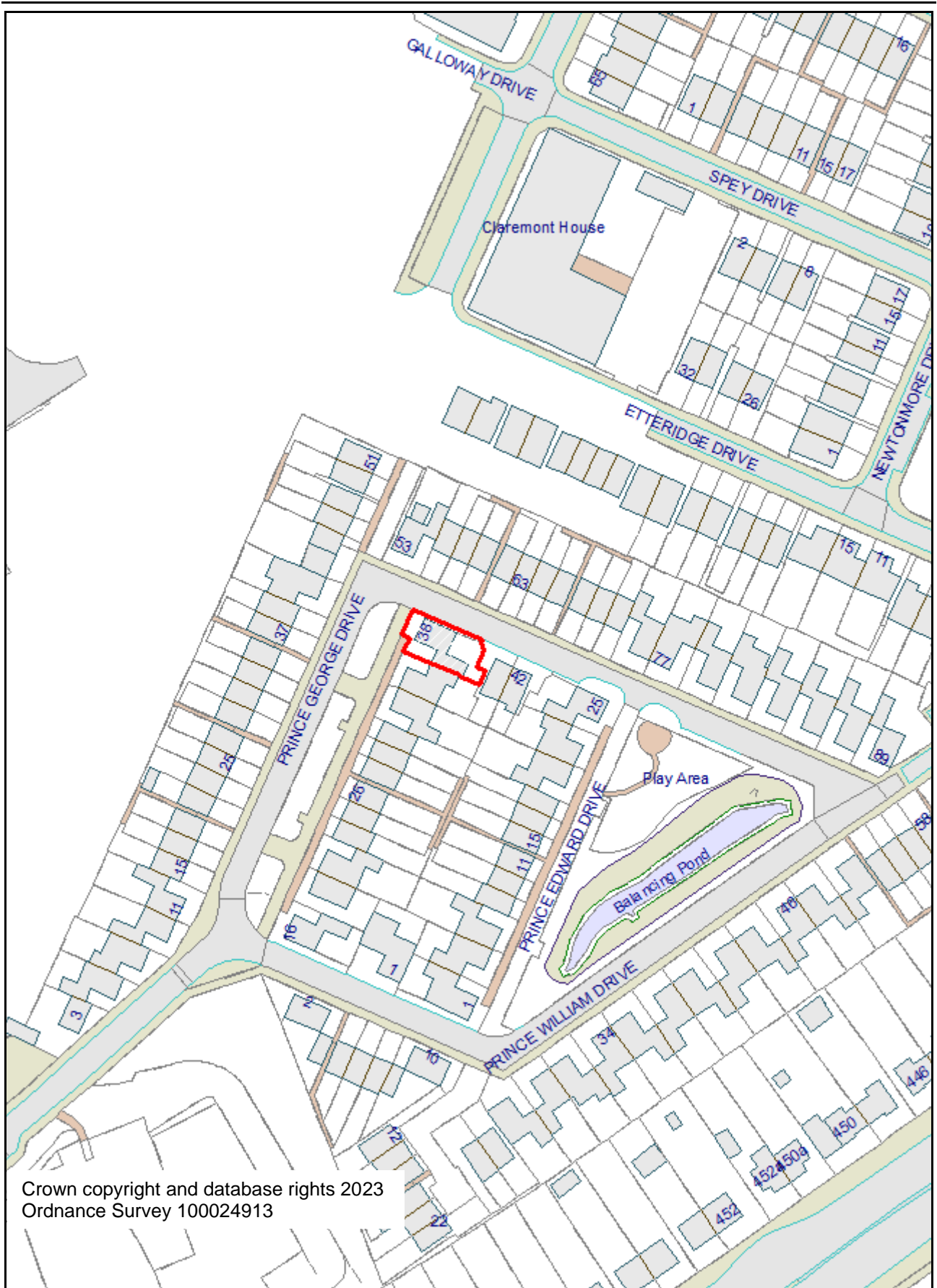
**Reason:** For the avoidance of doubt

3. Condition restricting the use of the property as a children's residential care home (Use Class C2) for occupation by no more than three children, with staffing arrangement as specified within the supporting statement.

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

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

An extension of time has been agreed on the application until 18 December 2023 to allow the application to be considered by the Planning Committee.



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## **Committee Report Item No: 6.4**

**Application No: 23/00308/VAR**

**Type: Full (Variation of Condition)**

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### **1. Application Details**

**1.1. Address:** Site of 39 Penny Long Lane, Derby

**1.2. Ward:** Darley

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

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.

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

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00308/VAR>

#### **Brief description**

The application site is a detached residential property at 39 Penny Long Lane, just north of Broadway, which has a long planning history for residential development and more recently for extensions and alterations to the existing dwelling house. The relevant applications relating to the site are listed in Section 2 below. There is an extant permission for redevelopment of the whole property to form three dwelling houses, granted outline permission in 2016 and reserved matters approval in 2017.

Plot 3 of this approval has been implemented and sits in the former rear garden curtilage of the existing house (No.39). The remaining part of the development (plots 1 and 2) has not been carried out and the existing dwelling house remains in situ. The dwelling house on Plot 3 was built in accordance with a variation of condition permission for an amended house type, granted in 2020.

This plot has also been subdivided from the rest of the property by erection of a boundary fence. It has not yet been occupied. This is because there is a restrictive planning condition 3 on the 2020 permission, which states that:

*“The dwelling hereby permitted (Plot 3), shall not be occupied unless and until demolition of the existing dwellinghouse at 39 Penny Long Lane has been commenced, such that the building is no longer habitable.*

*Reason: To ensure that there would not be any unreasonable loss of amenity to the occupants of the new dwellings from the existing house on the site, which has extant permission for demolition and redevelopment 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.”*

Permission was granted in February 2023, (22/01855/FUL) to retain the existing dwelling, with extensions and alterations to the building, which would significantly alter the layout and appearance of the dwelling. Works have commenced to implement the remodelling and extensions to the house and a supporting statement and photos have been provided to demonstrate that the house is being developed and is no longer habitable.

## **Committee Report Item No: 6.4**

**Application No: 23/00308/VAR**

**Type: Full (Variation of Condition)**

This application seeks removal of the above condition 3 from the 2020 permission ref:20/00395/VAR, in order to enable the dwelling on Plot 3 to be occupied by the applicant, whilst the permitted extensions and alterations are undertaken to his main residence, which is 39 Penny Long Lane.

Once the redevelopment of the existing house is completed, the layout and window positions would be such that there would be minimal impact on amenity and privacy to both occupiers of Plot 3 and the existing dwelling at No.39. The applicant is intending to reoccupy the house and Plot 3 could then be made available for new residents.

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

<b>Application No:</b>	22/01855/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	22.02.2023
<b>Description:</b>	Single storey extension to dwelling, installation of replacement roofline, changes to fenestration and application of new materials including timber cladding and standing seam metal roof		

<b>Application No:</b>	20/00395/VAR	<b>Type:</b>	Variation of condition
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	19.05.2020
<b>Description:</b>	Substitution of house type Plot 3 – Variation of condition 2 of previously approved permission 19/00543/FUL to amend approved plans		

<b>Application No:</b>	19/00543/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	03.06.2019
<b>Description:</b>	Substitution of house types to all plots		

<b>Application No:</b>	05/17/00575	<b>Type:</b>	Reserved Matters
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	01.12.2017
<b>Description:</b>	Demolition of dwelling house and residential development (3 dwellings) – Approval of Reserved Matters under outline No. DER/06/15/00842		

<b>Application No:</b>	06/15/00842	<b>Type:</b>	Outline
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	14.01.2016
<b>Description:</b>	Demolition of dwelling house and residential development (3 dwellings)		

### **3. Publicity:**

- Neighbour Notification Letter
- Site Notice

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

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### **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.*

The application has attracted 15 objections, 1 neutral and 1 supporting comment and the main issues raised are as follows:

- Lindenwood (No.39 Penny Long Lane) is still occupied so the restriction on Plot 3 should not be removed.
- Applicant is fully aware of the condition.
- The property (No.39) has not been properly maintained and is in disrepair.
- The applicant has had ample time to redevelop the plot (as permitted).
- The property is still being marketed as a development opportunity.
- Existing house (No.39) could still be lived in.

### **5. Consultations:**

None for this application

### **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
CP3	Placemaking principles
CP4	Character and Context
CP6	Housing delivery
CP16	Green Infrastructure
CP23	Delivering a Sustainable Transport Network
CP20	Historic Environment

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### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E18	Conservation Areas

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 1,266 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, bought 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

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to provide 3.69 years of dwellings against the annual 1,266 requirement, as of April 2023.

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Principle of the proposed removal of condition**

#### **7.2. Residential amenity impact**

#### **7.3. Conclusion**

#### **7.1. Principle of the proposed removal of condition**

The proposed removal of a planning condition to approval ref:20/00395/VAR, relates to a restrictive condition, which prevents the occupation of a new dwelling on Plot 3 of an approved residential development at 39 Penny Long Lane, until demolition of the existing dwelling on the site has commenced, so that the house is no longer habitable.



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The condition was attached to the 2020 permission (20/00395/VAR), to prevent Plot 3 being occupied whilst the existing house is still in situ, due to the potential for significant loss of privacy and amenity to the new dwelling due to the position and orientation of principal windows on the rear of the existing house. The development of Plot 3 has now been completed and the dwelling house is vacant.

Since then, the applicant now has a full permission for extensions and substantial alterations to the existing house under ref:22/01855/FUL, which would remodel the layout and appearance of the building, such that the first floor level has bathrooms and dressing room windows only on the rear elevation facing Plot 3.

There is also a restrictive planning condition 5 on this permission, to require obscure glazing to all the first floor, rear facing windows. This approval, if implemented, provides for an acceptable living environment for both the future occupants of Plot 3 and the occupants of the existing house at No.39.

### **7.2. Residential amenity impact**

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

The approved scheme of extensions and alterations to the existing dwelling house, under the permission 22/01855/FUL, once fully implemented, would preserve an acceptable level of privacy and thereby residential amenity, for the future occupants of Plot 3. I am satisfied that the proposed removal of the planning condition is acceptable, at this particular time, given that stripping out and preparatory building works have taken place in the house, which have resulted in the building becoming uninhabitable.

The agent's statement advises that, the applicant intends to live in the house on Plot 3, whilst the remodelling works are undertaken to the existing house. Once the approved works to the existing house have taken place, the applicant will move back in to live in the refurbished house. The agent also confirms that the two houses, will not be occupied at the same time.

There is also the fall back position for the applicant of reverting to the extant reserved matters approval for the three dwellings on the site (20/00395), by demolishing the existing house and developing out plots 1 and 2. This approval can be implemented at any time, because of the completion of plot 3. This would require the house to be removed and erect the two approved dwellings.

The works which have so far been carried out to the property, in my opinion fulfil the intentions of the planning condition, by making the dwelling house uninhabitable. The approved scheme of extensions and alterations to the existing house, once implemented, will also remove the need for the restrictive condition, by the nature of the development to protect residential amenity for the adjacent dwelling.

## **Committee Report Item No: 6.4**

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The removal of condition 3 of 20/00395/VAR, is therefore considered to accord satisfactorily with the amenity requirements of the saved Policies GD5 and H16 of the adopted CDLPR.

### **7.3. Conclusion**

The proposed removal of condition 3 from the extant permission ref:20/00395/VAR is considered acceptable in terms of the impacts on residential amenity for the future occupants of Plot 3 and also for the occupants of 39 Penny Long Lane. The requirement of the condition for the existing house to become uninhabitable, has been carried out in my opinion. For these reasons, the proposal does meet the intentions of the relevant Local Plan policies and overarching guidance in the NPPF which requires a good level of amenity in all developments. It is therefore recommended that the proposed variation of condition, to remove condition 3 from the extant permission be granted with the retained conditions.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

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

The proposed removal of condition 3 from the extant permission ref:20/00395/VAR is considered acceptable in terms of the impacts on residential amenity for the future occupants of Plot 3 and also for the occupants of 39 Penny Long Lane. The requirement of the condition for the existing house to become uninhabitable, has been carried out satisfactorily such that the relevant condition is no longer required and a high quality living environment would be provided.

For the purpose of this report, the conditions/reasons listed in Part 8.3, aside from condition 6, are presented in an abbreviated format and will be precisely worded before any decision is dispatched.

### **8.3. Conditions:**

1. Approved plans to be implemented.

**Reason:** For avoidance of doubt.

2. Details of hard and soft landscaping scheme for the development, including new and retained trees to be submitted and agreed.

**Reason:** To ensure appearance of the development is satisfactory.

3. Protection of retained trees on and overhanging the site in accordance with approved tree protection measures.

**Reason:** To protect retained trees from damage during construction works.

## **Committee Report Item No: 6.4**

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4. Development carried out in line with external materials shown on approved plans unless otherwise agreed in writing.

**Reason:** To ensure external appearance is satisfactory.

5. Stone boundary wall shown on approved plans to be constructed in accordance with agreed details under Condition 4 unless otherwise agreed in writing.

**Reason:** To ensure external appearance is satisfactory

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), in the event that Plot 3 is occupied, with the existing house at 39 Penny Long Lane in situ, all windows to the first floor east facing elevation of No.39 shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter as obscure glazed, for the life of the development.

**Reason:** To safeguard the amenity of residents.

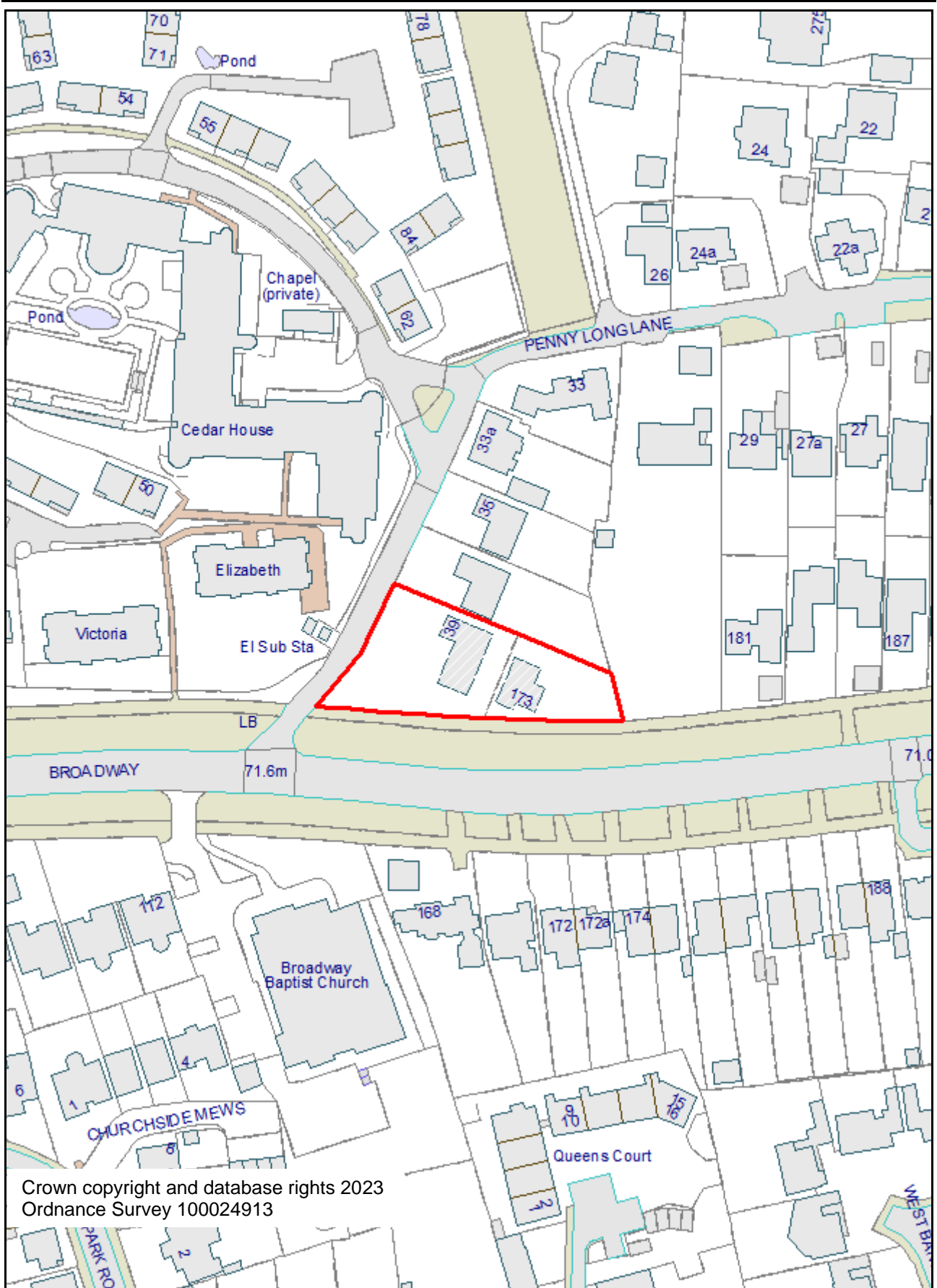
### **8.4. Application timescale:**

The 8 week timescale for determination of the application has passed and an extension of time for decision following committee meeting is agreed until 18 December.

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## **Committee Report Item No: 6.5**

**Application No: 23/00969/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 12 Weirfield Road, Darley Abbey

**1.2. Ward:** Darley

**1.3. Proposal:**

Loft conversion to create additional bedroom/office space.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00969/FUL>

#### **Brief description**

The site is located just outside the Derwent Valley Mills World Heritage Site (DVMWHS) which runs to the east of the River Derwent, although the property is within the buffer zone of the DVMWHS (it's immediate setting). It is located within the setting, as part of the significance, of a number of highly graded listed buildings on the Darley Abbey Mills Site, including grade II\* North Complex of buildings, grade I South Complex including Long Mill and West Mill, and the grade II listed Mill Managers House. The grade II Church of St Matthew is located to the west. The site is outside the Darley Abbey Conservation Area, the boundary of which runs along the cycle path adjacent to the river at the properties eastern boundary. These are designated heritage assets, as set out within the National Planning Policy Framework (2023).

The dwelling is a semi-detached property situated in a street-scene made up of dwellings originally of a similar size, style and design, positioned in a fairly uniform pattern. It is noted that a number of neighbouring properties have been extended with a variety of two storey and single storey extensions including a number of small scale rear dormer extensions. In particular, the neighbouring 10 Weirfield Road has previously been extended with two smaller dormers to the rear roof slope and nearby No.6 has also been extended with a smaller flat roofed dormer.

Further to officer advice, the proposed rear dormer extension has been reduced in size during the application, raising this element further above the eaves, therefore the proposal would include:

- Erection of a rear dormer extension creating a bedroom/office with storage space within the roof with the dimensions: width- 4.8m, length- 2.7m, height- 2.3m.
- Installation of two rooflight windows upon the front roof plane.

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

<b>Application No:</b>	21/00712/FUL	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	19.07.2021
<b>Description:</b>	Single storey front extension to dwelling house (porch) and installation of roof lights to front and rear elevations.		

## **Committee Report Item No: 6.5**

**Application No: 23/00969/FUL**

**Type: Full Application**

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<b>Application No:</b>	05/14/00719	<b>Type:</b>	Prior Approval - Householder
<b>Decision:</b>	Prior Approval Not Required	<b>Date:</b>	24.06.2014
<b>Description:</b>	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 4m, height to eaves 2.7m).		
<b>Application No:</b>	12/09/01478	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	26.02.2010
<b>Description:</b>	Extension to dwelling (kitchen/family room and alterations to window).		

### **3. Publicity:**

- Neighbour Notification Letter – 2 Properties

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

### **4. Representations:**

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

- No public representations.

### **5. Consultations:**

#### **5.1. Highways Land Drainage:**

This site is not in a flood zone, although the rear of the garden is just in Flood Zone 3, EA website, and Flood Zone 2 on the DCC SFRA map. There will be no need for flood resilience measures or safe access routes.

The LLFA generally requires the treatment and reduction of surface water. This can be achieved by using tree pits, rain gardens or permeable paving.

**THE USE OF SuDS MUST BE A CONDITION OF ANY APPROVAL.**

**5.2. Built Environment:**

Comments on revisions:

A Heritage Statement and amended plans have been submitted. My earlier concerns have not been addressed so comments remain broadly the same. Please see updated comments below.

Designated Heritage Assets affected

12 Weirfield Road is located to the west and just outside the Derwent Valley Mills World Heritage Site (DVMWHS) which runs along the river but is within the buffer zone of the DVMWHS (it's immediate setting). It is located within the setting, as part of significance, of a number of highly graded listed buildings on the Darley Abbey Mills Site including grade II\* north complex of buildings, grade I South Complex including Long Mill and West Mill and the grade II listed Mill Managers House although when the trees are in leaf the views to and from the application site (intervisibility) is reduced. The grade II Church of St Matthew is located to the west and there are glimpsed visual links (inter-visibility) between the listed buildings on the Mills site and the church. The site is outside the Darley Abbey Conservation Area the boundary of which runs along the cycle path adjacent to the river at the properties garden boundary but there are views from within the conservation area to the site area and across this to the Church on Church Lane which is also within the conservation area. These are all designated heritage assets, within the National Planning Policy Framework (2023).

Impact of proposals on Heritage Assets and comments

A heritage statement of significance incorporating a Heritage Impact Assessment has now been submitted.

This application is for a loft conversion to create an additional bedroom / office space to 12 Weirfield Road. The proposal has been slightly amended but still includes two rooflights to the front elevation and a very large incongruous flat roofed dormer with windows to the rear which impacts physically and visually most on the rear roof slope. Although there are trees on the River Derwent's edge on the mill site and between the river and the rear of the property there is concern that there are glimpsed views from the DVMWHS, and from the Darley Abbey Mills site (including views from highly graded listed buildings especially Long and West Mill) and the visual impact which will be more severe in winter months when trees lose their leaves. It is noted that from views from the bridge and Darley Abbey Mills show that in the winter months the row of properties (including this one) has the backdrop of the tower of the listed Church of St Matthew behind them. The church was constructed 1818-19 (and later extended) at the expense of Walter Evans Family who owned and developed much of the Darley Abbey Mills site and built the associated settlement for workers within the rural landscape. The link between the Mills site and the church, both within the conservation area, therefore, is an important one, DVMWHS attribute and one which was a part of the resulting settlement, industrial and cultural landscape and its OUV (outstanding universal value). In the views from the Mills site and the bridge it is mainly the rear elevations of the eastern Weirfield Road properties that are seen as the Church Lane properties are not easily seen from pedestrian level beyond them. The applicant highlights that the view to the church and the rear roof of Weirfield Road is not a UNESCO monitored view,

## **Committee Report Item No: 6.5**

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however, there are only a small number monitored views over the whole site and these are not a definitive list of views and do not contain all those into or out of the DVMWHS, a conservation area or those from listed buildings.

It is noted that there are two smaller dormers to the rear roof slope of number 10, next door, and a much smaller flat roofed dormer to number 6 nearby on Weirfield Road. In both cases these are much smaller than the one proposed. It was previously suggested that a substantial reduction in size and design to the proposed dormer was needed. This would be two separate single window width pitched roof dormers which sit higher up the roof slope, like those at next door property would be preferred. It would also provide a matching approach to the rear roof slope for both properties. It is noted that further changes would mean a change in stair design, internal configuration and reduce the space to the loft bedroom. This has been investigated and there has been a slight increase in height of dormer by moving it away from the eaves and up to the ridge, a change to one window instead of two and an incorporation of a stair with a winder at the top. Looking at the proposals there are still concerns about the dominance and size of the dormer in glimpsed views, when the leaves have shed their leaves in winter months or if there are any works to trees e.g., are coppiced etc.

There is concern about the resulting harm which is indirect harm to setting rather than physical harm to heritage assets. The harm is caused by the size and form of the rear dormer in relation to the setting of the DVMWHS and its OUV, the setting (as part of significance) of a number of listed buildings on the Darley Abbey Mills site and to St Matthew's Church as well as views into and out of the Darley Abbey Conservation Area. There is a degree of harm to the setting of these designated heritage assets (as part of their significance) in terms of these glimpsed views. There are also concerns on design grounds in terms of its character and the form and scale etc in its context.

### Policies

The Planning (listed building and conservation areas) Act 1990 section 66 as regards the statutory duty regarding listed buildings is relevant here. As is E18 and E19 of the saved Local Plan Review (2006), Heritage Policy CP20 DVMWHS policies AC9 and AC10, Design policy CP4 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and 202. There is a degree of indirect 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 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal.

### Recommendation

Concern about size and design of large flat roofed dormer. Suggest reduction in size and changes to design.



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

Thank you for consulting on this application. There will be no archaeological impact from these proposals and I have no objection.

## **6. Relevant Policies:**

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

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

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

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP20	Historic Environment

#### **Saved CDLPR Policies**

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

[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. Heritage and Visual Impact**

#### **7.2. Residential Amenity**

#### **7.3. Archaeological Implications**

#### **7.4. Flood risk and Drainage**

#### **7.5. Conclusion**

### **7.1. Heritage and Visual Impact**

The Local Plan - Part 1 policy CP20 seeks the protection and enhancement of the City's historic environment, including listed buildings and Conservation Areas. CP20 states that "Development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted."

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraphs 199 and 200 of the NPPF advise that:

- great weight should be given to the asset's conservation;
- the more important the asset the greater weight should be given;
- the significance of an asset can be harmed through alteration, destruction or development within its setting;
- harm or loss requires clear and convincing justification.

Taking into account the above policy context the Conservation Officer has indicated that, as result of the proposed installation of the rear dormer and front skylight windows, there would be visual harm caused in relation to the setting of the DVMWHS and its

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OUV, the setting of listed buildings on the Darley Abbey Mills site and St Matthew's Church as well as the setting of the Darley Abbey Conservation Area. Particular concern is raised in respect of visibility of the rear dormer throughout the winter months when coverage from foliage would not be as effective. Natural screening of the proposal will certainly be afforded by tree cover throughout much of the year. It is also the case that the scale of the proposal, associated with the alteration to the roof of a single residential property, is small in the context of the wide vistas seen from relevant viewpoints, and even more so given the distance of the application property from the identified heritage assets on the east side of the river. It is also a relevant consideration that the rear dormer proposal is designed to not extend above the highest ridge of the roof of the property and therefore will be seen substantially against the backdrop of the outline of the existing roof.

Although the concerns relating to impact on the significance of heritage assets have been taken into consideration, in regard to heritage policies in the National Planning Policy Framework I would class this harm to be less than substantial. Para 202 states. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). The public benefits in this case would largely include the creation of an improved/extended residential accommodation with improved thermal efficiency for the current occupiers of the property. Whilst these benefits would be largely private, there is a public dimension in terms of the overall improvement of the city's housing stock.

The proposed dormer has also been reduced in size through the life of the application and an improved window arrangement upon this element adopted, which goes some way to improving the overall appearance of the proposal. Overall, I am satisfied that the proposed amendments to the dormer extension have been reasonably justified therefore, my opinion is that in this case, the public benefits of the proposal would outweigh the identified harm to heritage assets and would therefore meet the heritage tests set out in para. 202 of the NPPF. The proposed works are adequately justified to secure the building's optimum viable use as a residential property.

### **7.2. Residential amenity**

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

Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the provisions of saved policy H16 Housing Extensions which also requires the creation of a "satisfactory living environment" which in turn is supported by the NPPF, which states that "planning

policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

In relation to the impacts on residential amenity, the proposed rear dormer would not result in any material adverse impact by way of massing, overshadowing or overlooking implications in respect of neighbouring properties on Weirfield Road, due to the size, design and position of the extension on the building. In respect of the proposed skylight windows to the front elevation, these are permitted development. Taking this into consideration I am satisfied that the proposal meets criteria set out in adopted policies CP3 and CP4 of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies GD5 and H16 of the adopted City of Derby Local Plan Review.

### **7.3. Archaeological Implications**

In regard to archaeological implications the proposed works would be undertaken upon the roof of the existing property, therefore no physical ground works would be required in this case. The archaeological consultee has raised no objections to the scheme therefore I have no further comment to add. Overall, I am satisfied that the proposal meets with the intentions of saved Policy E21 of the adopted City of Derby Local Plan Review.

### **7.4. Flood risk and Drainage**

Further to consultation with the Land Drainage Officer, the rear garden is located within Flood Zones 2 and 3 and therefore at medium to high risk of flooding from the River corridor. The extensions and alterations proposed are all to the roof of the dwelling so, it is considered that there would be no requirement for flood resilience measures resulting from this proposal. There is a request for the treatment and reduction of surface water which can be achieved by way of suitable informative notes to the applicant. Overall, I am satisfied that the proposal meets with the intentions of Policy CP2 of the Derby City Local Plan Review.

### **7.5. Conclusion**

Overall the proposed dormer extension to the dwelling house would result in less than substantial harm to the significance of nearby heritage assets. The fact the dormer will be seen substantially against the backdrop of the existing roof of the property and against trees along the river side and neighbouring houses, there would be limited views from the opposite river bank in Darley Abbey Mills, which are some distance from the site, the impact on the significance of heritage assets would be very limited. It is considered that the benefits of the proposal would outweigh this harm in seeking to secure the optimum viable use of the dwelling in enhancing the housing stock of the city. The proposal reasonably satisfies the requirements Local Plan Policies when taken as a whole and meets the over arching tests in the NPPF in relation to heritage and design.

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

**8.1. Recommendation:**

To grant planning permission with conditions.

**8.2. Summary of reasons:**

The proposed dormer extension to the dwelling house would result in less than substantial harm to the significance of nearby heritage assets. The fact the dormer will be seen substantially against the backdrop of the existing roof of the property and against trees along the river side and neighbouring houses, there would be limited views from the opposite river bank in Darley Abbey Mills, which are some distance from the site, the impact on the significance of heritage assets would be very limited. It is considered that the benefits of the proposal would outweigh this harm in seeking to secure the optimum viable use of the dwelling in enhancing the housing stock of the city.

**8.3. Conditions:**

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

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

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

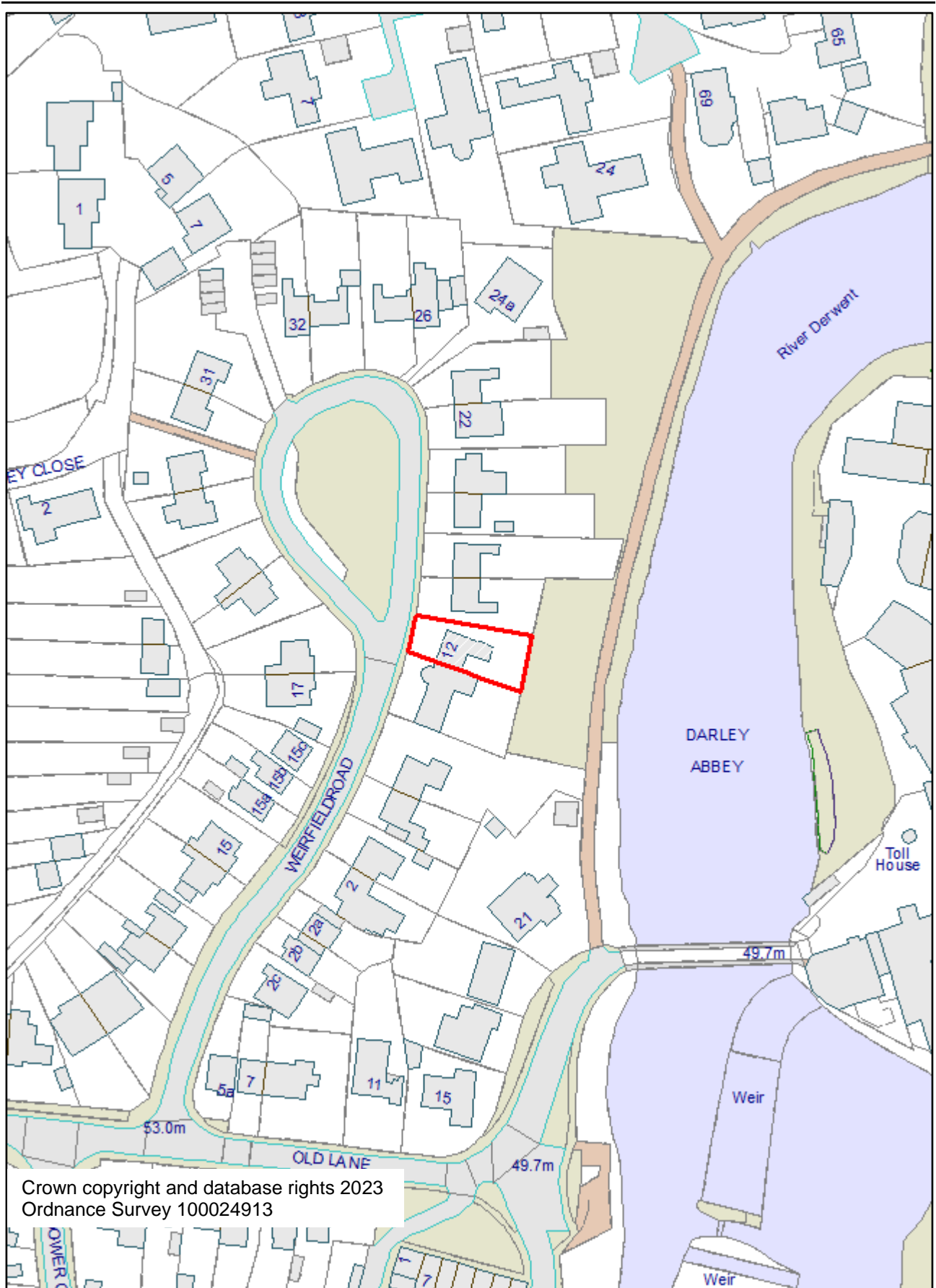
**Reason:** For the avoidance of doubt.

**8.4. Informative Notes:**

The applicant is advised to aid the reduction and treatment of surface water run-off, which can be achieved by the use of tree pits, rain gardens, etc. Please refer to: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7730/flood\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf) for details.

**8.5. Application timescale:**

The application has passed the target date for determination and an extension of time date has been agreed for the 20 December.





## Delegated decisions made between Between 01/11/2023 and 30/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/01807/DISC	Compliance/Discharge of Condition	187 Warwick Avenue Derby DE23 6HN	Erection of four flats in a three storey building (Use Class C3) - Discharge of conditions 4 (landscaping), 5 (surfacing of parking/turning) and , 6 (visibility splay) 7 (dropped kerb), 8 (surface water drainage) and 9 (inwards opening gates) of previously approved application code No. 20/00207/FUL	Approval	02/11/2023
21/02050/FUL	Full Application	7 Twin Oaks Close Derby DE23 4EH	Single storey side extension to dwelling house (enlargement of living space)	Approval	09/11/2023
22/00142/ADV	Advertisement Consent	Stratstone BMW Sir Frank Whittle Road Derby DE21 4RZ	Display of various signage	Approval	09/11/2023
22/00246/FUL	Full Application	133 Normanton Lane Derby DE23 6LF	Two storey side and single storey rear extensions to dwelling house (living room, wet room, dining room, two bedrooms, bathroom, en-suite and enlargement of kitchen/dining area) and installation of a dormer to the rear elevation to form rooms in the roof space (two bedrooms and shower room)	Approval	22/11/2023
22/00381/CAT	Works to Trees in a Conservation Area	18 - 19 Iron Gate Derby DE1 3GP	Felling of a Fig tree within the City Centre Conservation Area	Raise No Objection	15/11/2023
22/00587/FUL	Full Application	Land Adjacent To 119 Old Chester Road Derby DE1 3SA	Demolition of outbuilding. Erection of a dwelling house (Use Class C3)	Application Withdrawn	08/11/2023
22/00995/FUL	Full Application	414 Burton Road Derby	Erection of front boundary wall and gates	Approval	17/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
22/01189/ADV	Advertisement Consent	Bus Shelter Adjacent To The Corn Exchange Albert Street Derby	Display of one internally illuminated double sided digital display screen	Application Withdrawn	09/11/2023
22/01190/ADV	Advertisement Consent	Bus Shelter Adjacent To Becket Well Victoria Street Derby	Display of one internally illuminated double sided digital display screen	Application Withdrawn	09/11/2023
22/01233/FUL	Full Application	Land On The West Side Of Vicarage Road Mickleover Derby	Change of use of barns into 3 no. dwellings, together with erection of 6 dwellings and associated ground works	Approval	09/11/2023
22/01685/OUT	Outline Application	Land Off Infinity Park Way Derby	Outline permission with all matters reserved for a business park including employment uses in Classes B8 (storage and distribution use), B2/E(g)(iii) (general industrial and light industrial use), E(g)(ii) (research and development use), E(g)(i) (Office use) and C1 (hotel) together with a public house and 'drive thru' café. Provision of supporting infrastructure including: roads, foot/cycle paths, drainage works, landscaping, wildlife enhancement measures and related engineering works including watercourse improvements and movement of materials	Approval	02/11/2023
22/01870/FUL	Full Application	45 Dale Road Spondon Derby DE21 7DG	Two storey side and front extension to dwelling house and erection of entrance gates	Approval	14/11/2023
23/00224/FUL	Full Application	Middleton House 27 St Marys Gate Derby DE1 3JR	Conversion of existing caretakers lodge including a new rear extension into a dwelling house (Use Class C3)	Approval	09/11/2023
23/00247/FUL	Full Application	638 Burton Road Derby DE23 6EL	Extension and alterations to outbuilding to form workshop, sauna and annexe accommodation, and erection of boundary fence	Approval	23/11/2023
23/00226/FUL	Full Application	8 Iron Gate	Change of use from combined retail and bistro	Approval	24/11/2023



Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 3AL	(E(a) and E(b)) to mixed use including retail, restaurant, offices and 8no. market flats (uses E(a), E(b), E(c) and C3). Works include renovation and repair to building envelope, layout alterations, partial demolition works to rear of no. 8, provision of new entrances and glazing to rear and rooftop extension at second floor. Formation of 8 residential units (Use Class C3)		
23/00227/LBA	Listed Building Consent- Alterations/Demo	8 Iron Gate Derby DE1 3AL	Renovation and conversion works to Listed Building including change of use from combined retail and bistro (E(a) and E(b)) to mixed use including retail, restaurant, offices and 8no. market flats (uses E(a), E(b), E(c) and C3). Works include renovation and repair to building envelope, removal of internal partitions, fixtures and fittings, layout alterations, partial demolition works to rear of no. 8, provision of new entrances and glazing to rear and rooftop extension at second floor.	Approval	17/11/2023
23/00567/FUL	Full Application	Plot D2 Infinity Park Way Derby	Erection of a warehouse/industrial unit (Use Classes B2/B8) together with gatehouse, plant, external yard, parking, servicing, photovoltaics, SuDs drainage and landscaping, engineering works, new site accesses and part of the A50 link road and associated roundabout	Approval	23/11/2023
23/00595/FUL	Full Application	39 Harriet Street Derby DE23 8EQ	Change of use of ground floor from residential (Use Class C3) to commercial, business and service (Use Class E) including installation of a new shop front	Refused	13/11/2023
23/00597/FUL	Full Application	67 Church Lane Darley Abbey Derby DE22 1EX	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	Approval	24/11/2023
23/00617/DISC	Compliance/Discharge of Condition	Derby High School Hillsway	Formation of additional car park, relocation of netball and tennis courts to playing field and	Approval	13/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Littleover Derby DE23 3DT	erection of refectory and Art and Design Building - Discharge of condition 8 (materials) of planning permission 22/00623/FUL		
23/00694/FUL	Full Application	217 Upper Dale Road Derby	Installation of an extraction flue system	Approval	16/11/2023
23/00758/VAR	Variation of Condition	10 Manor Road Chellaston Derby DE73 6RB	Two storey side and rear and single storey rear extensions to dwelling house (garage, bathroom, playroom, utility room, kitchen/diner, two bedrooms, two en-suites, wardrobe and bathroom) with rooms in the roof space (gym, bathroom and storage) and installation of a replacement bay window to the front elevation - Variation of condition 2 of previously approved planning permission 05/17/00656 to amend the approved plans - change to roof design to facilitate the loft conversion	Approval	24/11/2023
23/00744/FUL	Full Application	42 Cornhill Derby DE22 2FS	Demolition of existing kitchen annex with outside toilet. Extension to add a new integral single garage with blocking off of existing garage door and replacement with a window on the front elevation. Extended single storey living space to the rear including relocated kitchen and living space with garden room. Associated landscaping to the rear.	Approval	21/11/2023
23/00764/OUT	Outline Application	Land Adjacent To Darren Bywater Dental Care 2 Main Avenue Derby DE22 2EF	Erection of a building for health and/or medical professional services (Use Class E)	Application Withdrawn	23/11/2023
23/00747/FUL	Full Application	39 Harriet Street Derby	First floor rear extension to dwelling house - retrospective application	Refused	15/11/2023
23/00916/ADV	Advertisement Consent	Pavement Adjacent To Substation Bold Lane Derby	Display of one internally illuminated double sided digital display screen	Refused	14/11/2023
23/00926/FUL	Full Application	6 Arridge Road Derby	Two storey side and rear and single storey side extensions to dwelling house (porch,	Approval	23/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 6HQ	covered way, utility, bedroom, en-suite and enlargement of family space and bedroom) and installation of render		
23/00944/FUL	Full Application	45 Abbey Street Derby DE22 3SJ	Erection of small animal housing, storage area, boundary wall and re roofing of existing cattery building	Approval	02/11/2023
23/00695/FUL	Full Application	315 Duffield Road Derby DE22 2DF	Demolition of dwelling house. Erection of a replacement dwelling house (Use Class C3) with detached garage and formation of a new vehicular access	Refused	20/11/2023
23/00449/FUL	Full Application	607 Burton Road Derby DE23 6EJ	Demolition of existing dwelling, erection of replacement dwelling and associated site layout and ground works	Approval	02/11/2023
23/01014/FUL	Full Application	97 Worcester Crescent Derby DE21 4HH	Two storey side and rear and single storey rear extensions to dwelling house	Approval	06/11/2023
23/01031/FUL	Full Application	8 Crich Avenue Derby DE23 6ES	Two storey side and rear extensions to dwelling house (dining area, enlargement of kitchen/living area, drawing room, shower room and two bedrooms) and formation of rooms within the roofspace (two bedrooms and bathroom)	Refused	06/11/2023
23/01011/FUL	Full Application	Oakwood Junior School Holbrook Road Derby	Enlargement and alterations to car park to form additional car parking spaces	Approval	16/11/2023
23/01069/FUL	Full Application	36 Longbridge Lane Derby DE24 8UJ	Change of use from B2 & Sui Generis to E (Commercial)	Approval	22/11/2023
23/01074/FUL	Full Application	186 Uttoxeter Old Road Derby DE1 1NF	Change of use from a six bedroom house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis) including installation of rear dormers	Approval	09/11/2023
23/01075/FUL	Full Application	188 Uttoxeter Old Road Derby	Change of use from a six bedroom house in multiple occupation (Use Class C4) to a seven	Approval	09/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 1NF	bedroom (nine occupant) house in multiple occupation (Sui Generis) with a single storey rear extension and installation of dormers to the rear elevation		
23/01076/ADV	Advertisement Consent	Bus Shelter Albert Street Derby	Display of one internally illuminated double sided digital display screen	Approval	14/11/2023
23/01077/FUL	Full Application	31 Shelley Drive Derby DE24 9GW	Single storey front and rear extensions to dwelling house (study, porch, wet room and lounge/dining area)	Refused	16/11/2023
23/01079/FUL	Full Application	Flat 2 Chellaston Road Derby DE24 9AE	Sub-division of existing apartment to form one additional apartment (Use Class C3) Including installation of new windows, doors and roof lights	Refused	24/11/2023
23/01019/FUL	Full Application	161 Swarkestone Road Derby DE73 6UD	Single storey rear extension to dwelling (kitchen/diner and utility) including alterations to the roof to form rooms within the roof space (two bedrooms and bathroom)	Approval	24/11/2023
23/01100/FUL	Full Application	14 Foxglove Drive Derby DE21 2TH	Two storey front extension to dwelling house (enlargement of garage, hall and bedroom)	Approval	06/11/2023
23/01103/FUL	Full Application	St Clares School Rough Heanor Road Derby DE3 9AZ	Erection of two storey teaching block together with existing school refurbishment, extensions to multi-use games area and associated car parking and landscaping works.	Approval	23/11/2023
23/01110/FUL	Full Application	1065 London Road Derby DE24 8PZ	Change of use from 7 bedroom, 7 person HMO (Sui Generis) to (Sui Generis) 7 bedroom, 11 occupant HMO (Sui Generis)	Approval	01/11/2023
23/01116/FUL	Full Application	149 Littleover Lane Derby DE23 6JL	Erection of two storey side/rear extension and single storey front extension (kitchen, two bedrooms, wet room and sitting room.)	Approval	24/11/2023
23/01122/FUL	Full Application	345 Baker Street Derby DE24 8SJ	Two storey and single storey rear extensions to dwelling house (kitchen/dining area and bedroom)	Approval	24/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01127/VAR	Variation of Condition	25 Elgin Avenue Derby DE23 3SE	Two storey side and single storey front and rear extensions to dwelling house (bedroom, W.C., porch, living space, kitchen/dining area, utility, two en-suites and enlargement of two bedrooms) - Variation of condition 2 of previously approved planning permission 20/00218/FUL to amend the approved plans to allow alterations to the front elevation and the fenestration	Approval	15/11/2023
23/01065/FUL	Full Application	18 Hardwick Street Derby DE24 8BA	Demolition of existing building and erection of a two storey building comprising of two flats (Use Class C3)	Refused	24/11/2023
23/01144/FUL	Full Application	34 Albany Road Derby DE22 3LW	Demolition of existing garage and store. Two storey side and rear and single storey side extensions to dwelling house together with installation of new windows to the side elevations	Approval	02/11/2023
23/01084/TPO	Works to a tree with a TPO	5 Owlswick Close Derby DE23 3SS	Crown reduction to a maximum of 3m, crown clean and crown lifting to provide 3m clearance of Ash tree protected by Tree Preservation Order No 30	Approval	15/11/2023
23/01125/TPO	Works to a tree with a TPO	10 St Georges Close Derby DE22 1JH	Crown reduction to a maximum of 8m in height and 2m lateral spread of two Lime trees protected by Tree Preservation Order no's 236 and 286	Approval	09/11/2023
23/01117/FUL	Full Application	4 Mill Hill Road Derby DE23 6SF	Single storey rear extension to dwelling house (bedroom) and amendments to previously approved two storey rear extension	Approval	24/11/2023
23/01153/FUL	Full Application	190 Dale Road Spondon Derby DE21 7DL	Two storey and single storey side and rear extensions to dwelling house (porch, office, utility, kitchen/family room, bedrooms and bathroom)	Approval	01/11/2023
23/00619/FUL	Full Application	Ukrainian Orthodox Church Of St George Shaftesbury Crescent Derby	Change of use from a place of worship (Use Class F1) to ten apartments (Use Class C3) including installation of replacement windows, new windows and roof lights	Approval	21/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 8NA			
23/01097/TPO	Works to a tree with a TPO	6 Courtland Gardens Derby DE24 0LJ	Crown reduction by 2 metres and crown thinning by 10% of 4 Yew trees protected by Tree Preservation Order No 282	Approval	09/11/2023
23/01155/FUL	Full Application	36 Otter Street Derby DE1 3FB	Erection of replacement front boundary treatment	Approval	22/11/2023
23/00987/TPO	Works to a tree with a TPO	44 And 46 Dewchurch Drive Derby DE23 1XP	Crown reduction by 4m in height and 2m lateral spread of three Chestnut trees, four Sycamore trees and one additional tree protected by Tree Preservation Order no. 217	Approval	22/11/2023
23/01089/FUL	Full Application	509 Uttoxeter New Road Derby DE22 3ND	Change of use to 9 bedroom HMO (Use Class Sui Generis) together with two storey side and rear extension and formation of rooms in roof space	Application Withdrawn	20/11/2023
23/01150/TPO	Works to a tree with a TPO	The Walnuts Old Hall Road Derby DE23 6GG	Removal of branches from Lime tree stem protected by Tree Preservation Order No's. 37 and 186 - works to be carried out annually for a ten year period	Approval	22/11/2023
23/01148/FUL	Full Application	Go Outdoors Ltd Ascot Drive Derby DE24 8GW	Change of use of retail unit to self-storage depot and car repair garage along with siting of storage containers	Approval	15/11/2023
23/01187/FUL	Full Application	324 Sinfin Lane Derby DE24 9HU	Extension and alterations to outbuildings to form annexe accommodation	Approval	08/11/2023
23/01188/FUL	Full Application	Unit 1 172 Harrington Street Normanton Derby DE23 8PA	Single storey extension to commercial unit	Refused	06/11/2023
23/01197/TPO	Works to a tree with a TPO	3 Thorndon Close Derby DE3 0LL	Crown raise to 3.5m and crown reduction by 1.5m of a Beech tree protected by Tree Preservation Order no. 22	Approval	23/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01198/FUL	Full Application	52 Colwyn Avenue Derby DE23 6HG	Single storey rear extension to dwelling house and installation of a dormer to the side elevation	Approval	24/11/2023
23/01181/FUL	Full Application	3 Grove Bank Duffield Road Derby DE1 3BD	Installation of two dormer windows to the rear elevation	Approval	15/11/2023
23/01200/TPO	Works to a tree with a TPO	2 Tiber Close Derby DE24 0TQ	Lateral crown reduction by 2m of an Oak tree protected by Tree Preservation Order no. 563	Approval	23/11/2023
23/01208/TPO	Works to a tree with a TPO	Gatekeepers Cottage Mickleover Manor Derby DE3 0SH	Reduction of North West canopy of a Sycamore tree overhanging Cumbria Walk by a maximum of 3m and crown lift to give 4m canopy clearance above the highway ground level of a Sycamore tree protected by Tree Preservation Order no. 305	Approval	28/11/2023
23/01210/CAT	Works to Trees in a Conservation Area	2 Siddals Lane Derby DE22 2DY	Felling of a Beech tree within the Allestree Conservation Area	Raise No Objection	08/11/2023
23/01217/FUL	Full Application	19 Woodstock Close Derby DE22 2LP	Single storey rear extension to dwelling house (sitting area and enlargement of kitchen)	Approval	22/11/2023
23/01219/TPO	Works to a tree with a TPO	Wilton Lodge 38 Keats Avenue Derby DE23 4ED	Crown reduction by 1.5-2m and removal of dead wood of a Copper Beech tree protected by Tree Preservation Order no. 153	Approval	23/11/2023
23/01218/CAT	Works to Trees in a Conservation Area	43 Camp Street Derby DE1 3SD	Pollarding of Oak and Purple Plum trees and cutting back of branches 1m east beyond the power cable (an approximate 2.5m lateral reduction of the west side of the canopy) of a Damson tree within the Little Chester Conservation Area	Raise No Objection	15/11/2023
23/01221/TPO	Works to a tree with a TPO	Electricity Sub-Station Cathedral View Derby (adjacent To 12 Farley Road)	Cutting back of overhanging branches to the boundary line of 12 Farley Road of an Ash tree protected by Tree Preservation Order no. 246	Approval	15/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01222/CLE	Lawful Development Certificate -Existing	13 Salisbury Street Derby DE23 6SL	Use of the dwelling house for supported living for a maximum of three young adults and associated staff (Use Class C3)	Approval	22/11/2023
23/01223/FUL	Full Application	48 Arthur Street Derby DE1 3EG	Installation of replacement windows to the front elevation	Approval	28/11/2023
23/01224/FUL	Full Application	Land Between 25 And 27 Highfield Road Derby	Erection of a dwelling house (Use Class C3)	Refused	06/11/2023
23/01230/FUL	Full Application	25 Friday Lane Derby	Single storey side/rear extension to dwelling house (covered area, utility and living space)	Approval	09/11/2023
23/01231/FUL	Full Application	13 West Park Road Derby DE22 1GG	Formation of new gable to the front elevation and installation of render	Approval	01/11/2023
23/01243/FUL	Full Application	4 Lorraine Close Derby DE24 9EX	Installation of canopies, access ramps and erection of a pergola with raised patio area	Approval	06/11/2023
23/01245/CAT	Works to Trees in a Conservation Area	16 South Street Derby DE1 1DS	Felling of Silver Birch and Conifer trees within the Friar Gate Conservation Area	Raise No Objection	10/11/2023
23/01246/FUL	Full Application	Northcliffe House Meadow Road Derby DE1 2BH	Change of use from light industrial and warehouse (Use Classes E(g) and B8) to mixed use light industrial, warehouse and general industry (Use Classes E(g), B8 and B2)	Approval	17/11/2023
23/01248/FUL	Full Application	65 Highfield Lane Derby DE21 6PH	Two storey front/side and single storey front and rear extensions to dwelling house (porch, living room, kitchen/dining area, bedroom and en-suite) together with engineering works to the front garden to form driveway	Approval	02/11/2023
23/01254/ADV	Advertisement Consent	Unit 3 College Park Normanton Road Derby	Display of various signage	Approval	06/11/2023



Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01256/FUL	Full Application	12 Bryony Close Derby	Installation of an air source heat pump	Approval	23/11/2023
23/01258/TPO	Works to a tree with a TPO	Abbey Lodge Student Village Lonsdale Place Derby	Crown reduction by 1.5m of Beech and Thorn trees protected by Tree Preservation Order no. 68	Approval	06/11/2023
23/01267/FUL	Full Application	5 West Bank Avenue Derby DE22 1AQ	First floor rear and single storey front (above existing garage) and rear extensions to dwelling house (studio, living/kitchen/dining space and bedroom), installation of a rear dormer, front retaining wall and hardstanding to the front garden	Approval	16/11/2023
23/01274/FUL	Full Application	86A Haven Baulk Lane Derby DE23 4AE	Change of use of hair and beauty salon (Use Class E/Sui Generis Use) to education centre (Use Class F1(a))	Approval	10/11/2023
23/01276/FUL	Full Application	482 Duffield Road Derby DE22 2DJ	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, sitting room, wet room, utility, pantry, kitchen/dining area, two bedrooms, en-suite and bathroom) with rooms in the roof space and formation of a raised patio to the rear elevation	Approval	16/11/2023
23/01277/FUL	Full Application	37 Keats Avenue Derby DE23 4EE	Front, side and rear extensions to dwelling house including installation of new roof, new boundary treatment, landscaping and associated ground works	Approval	30/11/2023
23/01178/TPO	Works to a tree with a TPO	Rosehill Methodist Sports Club Littleover Lane Derby DE23 6JL	Felling of an Ash tree protected by Tree Preservation Order no. 37	Approval	27/11/2023
23/01279/FUL	Full Application	12 Moor End Derby	Single storey side extension to dwelling house (enlargement of kitchen/sitting area)	Approval	07/11/2023
23/01282/FUL	Full Application	7 Beech Walk Derby DE23 6AZ	Erection of outbuilding (garden office and gym) - retrospective application	Approval	08/11/2023
23/01283/FUL	Full Application	4 Gisborne Crescent	Single storey side extension to dwelling house	Approval	07/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE22 2FL	(garage and enlargement of kitchen)		
23/00827/FUL	Full Application	26 Briar Lea Close Derby DE24 9PB	Demolition of existing garage/outbuilding. Single storey front, side and rear extensions to dwelling house (porch, W.C., home/gym, office and kitchen)	Approval	06/11/2023
23/01285/FUL	Full Application	562 Nottingham Road Derby DE21 6QL	Single storey rear extension to dwelling house (sun room)	Approval	09/11/2023
23/01287/FUL	Full Application	10 Herald Grove Derby DE73 5WE	First floor rear extension to dwelling house (enlargement of bedroom)	Approval	17/11/2023
23/01288/FUL	Full Application	1 Seagrave Close Derby DE21 2HZ	Single storey side and rear extensions to dwelling house (garage, W.C., boot room and enlargement of living space)	Approval	09/11/2023
23/01191/TPO	Works to a tree with a TPO	4 Sorchestun Lane Derby DE73 5BD	Crown reduction by 2-3m and removal of lowest branch of an Ash tree protected by Tree Preservation Order no. 427	Approval	27/11/2023
23/01290/FUL	Full Application	85 Sherwin Street Derby	Single storey rear extension to dwelling house	Approval	13/11/2023
23/01292/FUL	Full Application	5 Shearwater Close Derby DE23 1WH	Single storey side and rear extensions to dwelling and installation of a dormer	Approval	13/11/2023
23/01293/TPO	Works to a tree with a TPO	New Oakwood Lodge Morley Road Derby DE21 4TB (Trees At The Rear Of 12 And 14 Clipstone Gardens)	Various works to trees protected by Tree Preservation Order no. 225	Approval	24/11/2023
23/01298/TPO	Works to a tree with a TPO	1 Kraft Gardens Derby DE21 6YW	Crown raise to 4m and crown reduction by 2m of a Copper Beech tree, reduction of the branches overhanging 59 Lime Grove by 2m of an Ash tree and removal of dead wood of a Spruce tree protected by Tree Preservation Order no. 397	Approval	27/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00814/FUL	Full Application	Burley Lodge Burley Hill Derby	Erection of outbuilding (garage), fence and gates	Approval	30/11/2023
23/00815/LBA	Listed Building Consent- Alterations/Demo	Burley Lodge Burley Hill Derby DE22 2ET	Erection of outbuilding (garage), fence and gates. Internal alterations to include formation of a porch, installation of a log burning stove and W.C.	Approval	30/11/2023
23/01261/FUL	Full Application	16 Stockwell Drive Derby DE22 4NW	Installation of two new windows to the first and second floor side elevation - retrospective application	Approval	14/11/2023
23/01305/FUL	Full Application	14 Haywood Close Derby DE24 0TB	Single storey extension to rear of dwelling house	Approval	13/11/2023
23/01307/FUL	Full Application	5 Castleton Court Derby DE24 0DR	Single storey rear extension to dwelling house (bedroom and shower room)	Approval	14/11/2023
23/01182/FUL	Full Application	90 Green Lane Derby DE1 1RT	Change of use from dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis). Roof alterations to include a 'wrap-around' dormer addition to the rear of the property.	Refused	16/11/2023
23/01302/ADV	Advertisement Consent	The Condor 1 Springwell Square Derby DE1 1FB	Display of one internally illuminated fascia sign and two externally illuminated projecting signs	Approval	16/11/2023
23/01313/FUL	Full Application	36 Longbridge Lane Derby DE24 8UJ	Change of use from motor vehicle garage and MOT testing facility (Use Classes B2 and Sui Generis) to storage and distribution (Use Class B8) and offices (Use Class E(g))	Approval	16/11/2023
23/01320/FUL	Full Application	2 South Avenue Darley Abbey Derby DE22 1FB	Single storey rear extensions to dwelling (kitchen and conservatory)	Approval	16/11/2023
23/01325/CLP	Lawful Development Certificate -Proposed	8 Charterstone Lane Derby	Single storey rear extension (kitchen/dining/living area)	Approval	16/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 2FF			
23/01327/TPO	Works to a tree with a TPO	5 Thatch Close Derby DE22 1EA	Re-pollarding of a Lime tree to previous pollard points protected by Tree Preservation Order No 154 - works to be maintained for a period of ten years	Approval	24/11/2023
23/01328/FUL	Full Application	123 Normanton Lane Derby DE23 6GR	Single storey front and side and two storey rear extensions to dwelling house	Refused	17/11/2023
23/01330/TPO	Works to a tree with a TPO	10 Yarwell Close Derby DE21 4SW	Crown reduction to a maximum of 2m and removal of deadwood, crown thinning to a maximum of 10% to be carried out every three years for a maximum ten year period and removal of epicormic growth to be maintained for a period of ten years of a Lime tree protected by Tree Preservation Order No 129	Approval	27/11/2023
23/01331/FUL	Full Application	4 Hayford Place Derby DE22 3SL	Single storey rear extension to dwelling house (lounge and bedroom)	Approval	20/11/2023
23/01335/FUL	Full Application	12 Beechwood Crescent Derby DE23 6GU	Single storey rear extension to dwelling house (living space and bathroom)	Approval	21/11/2023
23/01338/CAT	Works to Trees in a Conservation Area	37 Arthur Street Derby DE1 3EG	Felling of a Palm tree and crown reduction by 2m of a Magnolia tree within the Strutts Park Conservation Area	Raise No Objection	23/11/2023
23/01334/ADV	Advertisement Consent	Unit 3 St Modwen Park Andressey Way Derby	Display of one internally illuminated fascia sign and other ancillary signage	Approval	23/11/2023
23/01340/CLP	Lawful Development Certificate -Proposed	9 Kingsclere Avenue Derby DE21 2QH	Use of dwelling house for the care of a maximum of three children by professional carers.	Approval	22/11/2023
23/01344/NONM	Non-Material Amendment	21A North Avenue Mickleover Derby	Two storey side extension to dwelling house (hall and office) - Non-material amendment to previously approved planning permission	Approval	07/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE3 9HX	23/00781/FUL to change the external finish from render to brick		
23/01346/CAT	Works to Trees in a Conservation Area	78 Belper Road Derby DE1 3EN	Various works to trees within the Strutts Park Conservation Area	Raise No Objection	23/11/2023
23/01347/FUL	Full Application	59 Willowcroft Road Derby DE21 7FP	Single storey rear extension to dwelling house (bedrooms, office and living space)	Approval	22/11/2023
23/01348/FUL	Full Application	79 Stepping Lane Derby DE1 1GL	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis)	Approval	22/11/2023
23/01349/FUL	Full Application	12 Heron Way Derby DE3 9XA	Single storey rear extension to dwelling (enlargement of kitchen/living space)	Approval	22/11/2023
23/01351/FUL	Local Council Own Development Reg 3	731 Harvey Road Derby DE24 0EH	Single storey rear extension to dwelling house (lounge and kitchen)	Approval	23/11/2023
23/01352/FUL	Full Application	6 Liston Drive Derby	Installation of cladding to the rear elevation	Approval	22/11/2023
23/01353/FUL	Full Application	31 Wilmington Avenue Derby DE24 0JD	Single storey side and rear extensions to dwelling house (canopy and shed) - retrospective application	Approval	23/11/2023
23/01354/CAT	Works to Trees in a Conservation Area	4 Beech Court Derby DE21 7TP	Crown thin by 20% and cutting back of branches to give 2m clearance of the building of a Sycamore tree within the Spondon Conservation Area	Raise No Objection	27/11/2023
23/01235/TPO	Works to a tree with a TPO	3 Porters Lane Derby DE21 4FZ	Cutting back of branches of two Oak trees on the garden side by 2m, removal of one dead branch and reduction of one lower limb by 2m of a Sycamore tree protected by Tree Preservation Order no. 11	Approval	29/11/2023
23/01362/NONM	Non-Material Amendment	Land Adjacent To 125 Oaklands	Demolition of stairwell and store room	Approval	23/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Avenue Derby DE23 2QL	building. Erection of six flats (Use Class C3) in a three storey block - Non material amendment to previously approved permission 19/01746/FUL to fenestration of windows to comply with Part O (overheating assessment)		
23/01366/FUL	Full Application	130A Radbourne Street Derby DE22 3BU	Conversion of a double garage into a residential accommodation (Annexe) Use Class C3 - retrospective application	Approval	29/11/2023
23/01364/ADV	Advertisement Consent	Units 7 And 8 Raynesway Park Drive Derby	Display of non-illuminated fascia signs	Approval	30/11/2023
23/01372/TPO	Works to a tree with a TPO	Coney Grey South Drive Darley Abbey Derby	Crown reduction by 5m of a Silver Birch tree protected by Tree Preservation Order No. 506	Approval	28/11/2023
23/01377/CLP	Lawful Development Certificate -Proposed	485 Baker Street Derby DE24 8SN	Change of use from dwelling house (Use Class C3) to a house in multiple occupation for six occupants (Use Class C4)	Approval	28/11/2023
23/01379/FUL	Full Application	15 Countisbury Drive Derby DE21 2PA	Two storey side and single storey rear extensions to dwelling house (garage, utility, dining/family space, bedroom and en-suite)	Approval	25/11/2023
23/01381/FUL	Full Application	6 Leveret Close Derby	Single storey front/side extensions to dwelling house (canopy, hallway, study and bathroom)	Approval	29/11/2023
23/01384/NONM	Non-Material Amendment	5 Fremantle Road Derby DE3 9HW	Installation of a dormer to the front elevation - Non-material amendment to previously approved planning permission 23/01066/FUL to change the front dormer windows to french doors with juliet balconies	Approval	06/11/2023
23/01387/FUL	Full Application	28 Greenland Avenue Derby	Single storey rear extension to dwelling house	Approval	25/11/2023
23/01332/CAT	Works to Trees in a Conservation Area	60 Belper Road Derby DE1 3EN	Re-pollarding of four Lime trees - to re-pollard once every 3 year for a period of 10 years and height reduction by 3m of Laurel and Bay trees and then maintain height at 2.5m above	Raise No Objection	27/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			ground level - to be carried out as and when required to maintain the height within the Strutts Park Conservation Area		
23/01400/FUL	Full Application	14 Arridge Road Derby DE21 6HQ	Single storey side/rear extension to dwelling house (W.C. and sun room)	Approval	25/11/2023
23/01401/ADV	Advertisement Consent	2 Albion Street Derb	Display of various signage	Approval	28/11/2023
23/01406/PNRH	Prior Approval - Householder	4 Bonsall Avenue Derby DE23 6JW	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	22/11/2023
23/01410/NONM	Non-Material Amendment	4 Field Lane Alvaston Derby DE24 0GP	Single storey side extension to dwelling house (utility, W.C. and enlargement of kitchen/dining area) - Non-material amendment to previously approved planning permission 23/00627/FUL to include an additional door	Approval	14/11/2023
23/01411/FUL	Full Application	33 Mayfield Road Derby DE21 6FX	Single storey rear extension to dwelling (kitchen/dining/living space) with mezzanine level in the roof space and side facing dormer.	Approval	25/11/2023
23/01397/FUL	Full Application	Aida SAS Uk City Road Derby DE1 3RP	Temporary permission for a 1-year period for a scaffolding structure for the purposes of building inspections, condition surveys, stunt training and film-making within a Conservation Area	Approval	20/11/2023
23/01422/FUL	Full Application	220 Uttoxeter Road Derby DE3 9AB	Two storey front extension to dwelling house (enlargement of porch and bathroom)	Approval	27/11/2023
23/01433/FUL	Full Application	44 Chelwood Road Derby DE73 5SJ	First floor rear extension to dwelling house and loft conversion	Approval	27/11/2023
23/01431/FUL	Full Application	Shop 2 Camden Street Derby	Single storey rear extension to beauty salon and alterations to the front elevation	Approval	27/11/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3NR			
23/01451/PNRH	Prior Approval - Householder	14 Cambridge Street Normanton Derby DE23 8HG	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	25/11/2023
23/01455/FUL	Full Application	1 Iona Close Derby DE24 9LF	Single storey side and rear extensions to dwelling (porch, hall, three bedrooms, bathroom and kitchen/dining area) and erection of boundary fence	Approval	27/11/2023
23/01459/FUL	Full Application	48 West Drive Derby DE3 0EU	Single storey side/rear extension to dwelling house	Approval	27/11/2023