PLANNING CONTROL COMMITTEE
28 May 2020

ITEM 8

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

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

5.1 None.

Other options

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

Financial and value for money issues

7.1 None.

Legal implications

8.1 None.

Other significant implications

9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	19/05/2020
Other(s)	Ian Woodhead	19/05/2020

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

Appendix 1

Planning Control Committee 28/05/2020
Items to be Considered Index

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 – 5	19/01733/FUL	27 Arnold Street Derby	Single storey side/rear extension to dwelling house (kitchen/dining space)	**To grant** planning permission with conditions.
2	6 – 10	19/01734/FUL	27 Etwall Street Derby	Single storey side/rear extension to dwelling house (kitchen/dining area)	**To grant** planning permission with conditions.
3	11 – 16	20/00296/PNRT	Land In Front Of Shops Ladybank Road Derby	Installation of 20m monopole and associated equipment cabinets	**Prior Approval is required** and to be **granted**.
4	17 – 35	05/18/00771	Land Off Phoenix Street Derby	Erection Of A New Building Providing 202 Residential Apartments (Use Class C3) Including Ancillary Floor Space Together With Associated Car Parking, Servicing, Site Infrastructure And Landscaping	**To refuse** planning permission.

Committee Report Item No: 1

Application No: 19/01733/FUL **Type: Full Planning Application**

1. Application Details

1.1. Address: 27 Arnold Street, Derby

1.2. Ward: Mackworth

1.3. Proposal:
Single storey side/rear extension to dwelling house (kitchen/dining area)

1.4. Further Details:
Web-link to application:
https://eplanning.derby.gov.uk/online-applications/plan/19/01733/FUL

Brief description
This application seeks permission to extend a terraced dwelling. The property is within a dense residential area mainly populated by back to back terraced rows. It is situated between 25 and 29 Arnold Street and backs onto Cobden Street dwellings. The property has a long rear garden, some 22m long, and 5m wide. This is typical of properties on the eastern side of Arnold Street but is relatively large compared to many terraced dwellings in the vicinity.

The dwelling is in a run down state internally and the garden is overgrown. It has an outdoor toilet and store in the rear garden area, abutting the rear of the house. At present, the boundary with 25 Arnold Street is partially open and 25 Arnold Street appears to be undergoing some form of renovation with open sides to the outdoor toilet and store and much discarded building material in the garden area. 29 Arnold Street has a flat roof single storey extension at the rear and there is fencing running along the shared boundary.

The proposal is for a single storey extension at the rear of the house. The extension would project some 0.6m beyond the rear of the existing outside store and would wrap around the existing store/toilet and kitchen area filling in the gap between the side of these parts of the house and the boundary with 25 Arnold Street. The extension would have French doors at the rear and two velux windows, one in each side facing roof plane. The extension would have a pitched roof, some 2.7m to eaves and 3.5m to ridge.

The extension is shown as being a kitchen/lounge/diner. I note that the proposed floor plans suggest that the extended house would be set out as a house of multiple occupation, but the application form states that the application is for extensions to the existing dwelling house.

2. Site History

Application No:	19/01663/CLP	**Type:**	Lawful Development Certificate - Proposed
Decision:	Approved	**Date:**	20/01/2020
Description:	Installation of two dormer window to the rear elevation and two roof lights to the front elevation		

3. Publicity:

Neighbour Notification Letter – 4 letters

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

4. Representations:

The application has attracted one letter of concern from a local Councillor. The letter also applies to another application (27 Etwall Street) and expresses concern that the extension would be overly large and would have a detrimental impact upon the surrounding area and neighbourhood and have adverse effect on character of the property. The garden space would also be reduced with impact on green credentials. Any increase in occupancy would be of concern and could lead to additional cars parking.

5. Consultations:

No consultations have been undertaken.

6. Relevant Policies:

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

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

CP3	Placemaking Principles
CP4	Character and Context

Saved CDLPR Policies

GD5	Amenity
H16	House Extensions

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

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. Overview

7.2. Impact upon visual amenities

7.3. Impact upon residential amenities

7.1. Overview

The proposal is for an extension to a dwelling house. The submitted floor plans do show the extended house set out in a way that would resemble a house of multiple occupation but the application is made for a domestic extension to the rear of the dwelling. As such, considerations of whether a house of multiple occupation is acceptable in this location are not relevant to determining this application. Instead, it is appropriate to consider whether the proposal is acceptable in terms of its impact upon residential and visual amenities. I note the recent approval of a Lawful Development Certificate (19/01663) for works to the roof of the building but is entirely separate from this current application.

7.2. Impact upon visual amenities

Saved policy H16 require that house extensions respect the scale, character and appearance of the dwelling itself and the street scene. The principle of good design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places). The proposed extension would not be visible in the street scene. In terms of the impact upon the house itself, I am satisfied that the extension would be an appropriate addition in terms its scale, character and appearance. It would not be overly long when considered in proportion and scale to the existing house and the existing outdoor toilet and store. Being single storey in height and leaving some 21m of rear garden area, I do not think that the extension would appear cramped in the garden area, rather it would be a relatively modest addition to the dwelling house and certainly not an unusual addition to this type of mid- terraced dwelling.

7.3. Impact upon residential amenities

Saved policies H16 and GD5 require that house extensions respect residential amenities of neighbouring properties. The new windows to the rear elevation and rooflights would not introduce significant new views over the neighbouring houses at 25 and 29 and I am satisfied that privacy of adjacent residents would be adequately

maintained. The extension would be some 2.7m in height to eaves and whilst it would abut the boundary with 25 Arnold Street, I am satisfied that there would not be unreasonable loss of light or overbearing effects of massing, particularly when considering that a 2m fence or wall could be erected along this (currently) open boundary without any planning permission.

In view of the above, I see no justification for refusing this application.

8. Recommended decision and summary of reasons:

8.1. Recommendation:
To grant planning permission

8.2. Summary Of Reasons:
The proposed extension to dwelling house is considered acceptable in scale, design and appearance with respect to its impact upon residential and visual amenities.

8.3. Conditions and Reasons

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, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Reason: For the avoidance of doubt.

3. Development shall be carried out in facing materials to match, as closely as possible the facing materials on the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Application timescale:
The 8 weeks target date for the application was 13/02/2020 and the agent has agreed to extend the time frame until 05/6/2020

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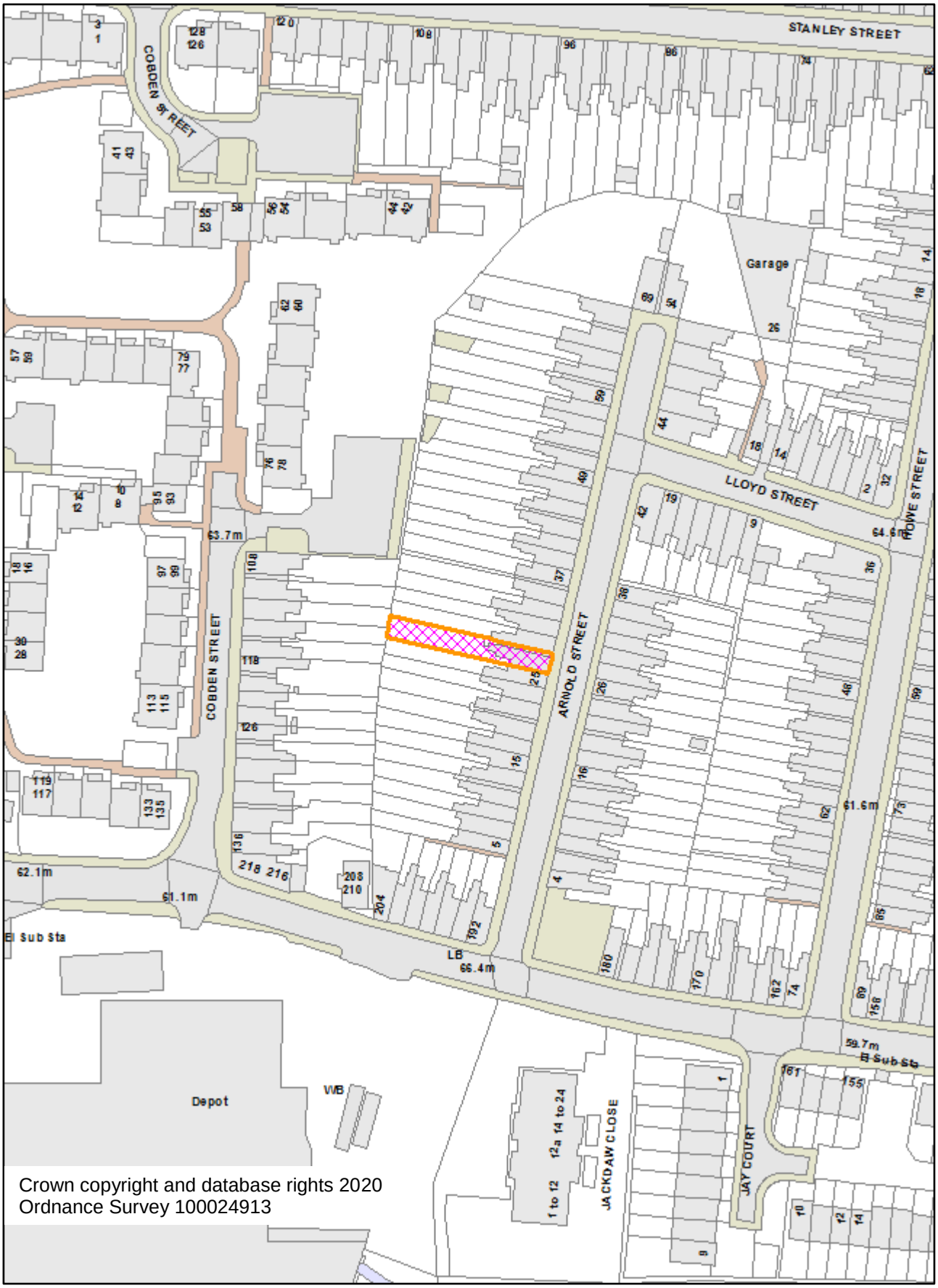
Committee Report Item No: 1

Application No: 19/01733/FUL **Type: Full Planning Application**



Committee Report Item No: 2

Application No: 19/01734/FUL **Type: Full Planning Application**

1. Application Details

1.1. Address: 27 Etwall Street, Derby

1.2. Ward: Mackworth

1.3. Proposal:
Single storey side/rear extension to dwelling house (kitchen/dining area)

1.4. Further Details:
Web-link to application:
https://eplanning.derby.gov.uk/online-applications/plan/19/01734/FUL

Brief description
This application seeks permission to extend a mid- terraced dwelling. The property is within a residential area, close to a variety of commercial uses and near to the vacated Quarndon Electrics site which has permission (not yet implemented) to convert office space into 10 flats.

The terraced dwelling already has a small single storey pitched roof extension on the rear elevation. Other properties in the local area also have various small rear extensions. 25 Etwall Street also has a rear facing dormer and a single storey rear extension.

The narrow rear garden is separated from neighbouring properties by fencing and has a pedestrian access (shared with 25 Etwall Street) from the main road.

The rear of the property can be seen from the courtyard area of the Quarndon Electronics site.

The proposal is for a single storey extension at the rear of the dwelling. The L-shaped extension would wrap around the rear of the existing house, extending some 3.5m beyond the rear most part of the existing dwelling. This would be some 1.7m longer than the existing lean-to. The extension would fill the width of the rear garden. Parapet walls would be built either side of the extension would be some 3.4m in height. The ridge height would be some 3.6m. There would be a velux rooflight in either side facing roof plane and French doors on the rear elevation. The extension is shown as being a kitchen/diner. I note that the proposed floor plans suggest that the extended house would be set out as a house of multiple occupation, but the application form states that the application is for extensions to the dwelling house.

2. Relevant Planning History

Application No:	19/01604/CLP	**Type:**	Lawful Development Certificate - Proposed
Decision:	Approved	**Date:**	20/01/2020
Description:	Installation of a dormer window to the rear elevation and two roof lights to the front elevation		

3. Publicity:

Neighbour Notification Letter – 4 letters

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

4. Representations:

The application has attracted one letter of concern from a local Councillor. The letter also applies to another application (27 Arnold Street) and expresses concern that the extension would be overly large and would have a detrimental impact upon the surrounding area and neighbourhood and on the character of the property. The reduction in garden space would also impact on green credentials. Any increase in occupancy would lead to additional cars parking. There is also concern about the impact of additional windows/ dormers on privacy of nearby residents.

5. Consultations:

No consultations have been undertaken

6. Relevant Policies:

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

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

CP3	Placemaking Principles
CP4	Character and Context

Saved CDLPR Policies

GD5	Amenity
H16	House Extensions

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

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. Overview

7.2. Impact upon visual amenities

7.3. Impact upon residential amenities

7.1. Overview

The proposal is for an extension to a dwelling house. The submitted floor plans do show the extended house set out in a way that would resemble a house of multiple occupation but the application is made for a domestic extension. As such, considerations of whether a house of multiple occupation is acceptable in this location are not relevant to determining this application. Instead, it is appropriate to consider whether the proposal is acceptable in terms of its impact upon residential and visual amenities. I note the recent approval of a Lawful Development Certificate (19/01604) for works to the roof of the building but is entirely separate from this current application.

7.2. Impact upon visual amenities

Saved policy H16 require that house extensions respect the scale, character and appearance of the dwelling itself and the street scene. The principle of good design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places). The proposed extension would not be visible in the street scene. In terms of the impact upon the house itself, I am satisfied that the extension would be an appropriate addition in terms its scale, character and appearance. It would fill the width of the garden but would not be overly long and being single storey in height and leaving some 7.5m of rear garden area, I do not think that the extension would result in too much reduction of the garden area.

7.3. Impact upon residential amenities

Saved policies H16 and GD5 require that house extensions respect residential amenities of neighbouring properties. I note that the Quarndon Electronics site may at some point be converted into residential use but I am satisfied that there would still be sufficient distance between the properties, moreover the proposed extension would not introduce significant new views into neighbouring properties and I am satisfied that privacy of nearby residents would adequately maintained. The

extension would be some 3.5m in height to eaves and whilst it would abut the boundaries with neighbouring properties, I am satisfied that there would not be unreasonable loss of light or overbearing effects of massing to those neighbours.

In view of the above, I see no justification for refusing this application.

8. Recommended decision and summary of reasons:

8.1. Recommendation:
To grant planning permission

8.2. Summary of Reasons:
The extension to dwelling house is considered acceptable in scale, design and appearance with respect to its impact upon residential and visual amenities.

8.3. Conditions and Reasons

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, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Reason: For the avoidance of doubt.

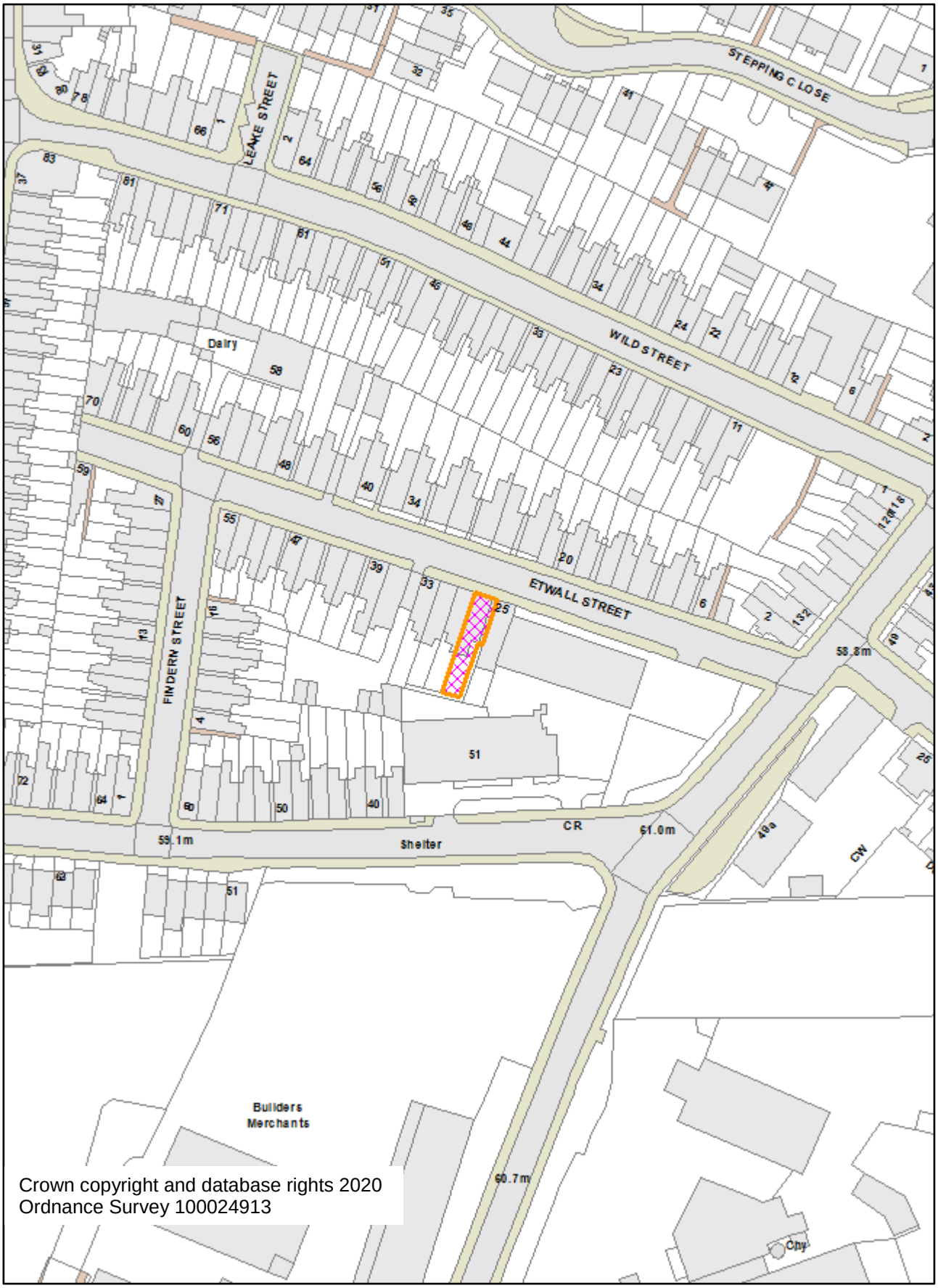
3. Development shall be carried out in facing materials to match, as closely as possible the facing materials on the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Application timescale:
The 8 weeks target date for the application was 13/02/2020 and the agent has agreed to extend the time frame until 05/06/2020.

Committee Report Item No: 2

Application No: 19/01734/FUL **Type: Full Planning Application**



Committee Report Item No: 3

Application No: 20/00296/PNRT **Type: Prior Approval - Telecommunications**

1. Application Details

1.1. Address: Land in front of shops, Ladybank Road, Mickleover

1.2. Ward: Mickleover

1.3. Proposal:
Installation of 20m monopole and associated equipment cabinets

1.4. Further Details:
Web-link to application:
https://eplanning.derby.gov.uk/online-applications/plan/20/00296/PNRT

Brief description
This application is proposing a new 20m high monopole and associated equipment cabinet. It would be situated within a grass verge in front of a row of shops on Ladybank Road. The site would be close to the junction with Draycott Drive. The monopole and equipment would be erected some 2.4m back from the road with the equipment cabin occupying a space adjacent to a young tree. The pole would be some 0.4m wide at the base, rising to 0.6m wide at the top. It would carry equipment to enable 5G coverage of the local area.

The site is to the north of a small car park serving the row of shops which has accommodation above. Local land levels on the Ladybank Road estate undulate with some areas being much higher than others. The site is at a higher level, with land to the north sloping down sharply. An area of open space lies to the north, containing many established and matures trees. A Pubic House lies further to the north and at a lower level than the site. Silverhill Primary School lies to the east of the site and there are dwellings located in all directions around the site. The nearest dwellings are 150 Ladybank Road - a bungalow and dwellings on the corner of Ladybank Road and Draycott Drive in addition to accommodation above the shops. Apart from 150 Ladybank Road and accommodation above the shops, other dwellings are not orientated to directly face the proposed site.

There is an existing monopole (not 5G capable) within the street scene.

2. Relevant Site History

Application No:	06/10/00808	**Type:**	Prior Approval – Telecommunications
Decision:	Raise No Objection	**Date:**	20/08/2010
Description:	Erection Of Replacement Of 14.7M High Monopole With Antennae And Equipment Cabinet		

Application No:	01/06/00164	**Type:**	Prior Approval – Telecommunications
Decision:	Raise No Objection	**Date:**	17/03/2006
Description:	Erection Of 12.5M High Monopole And 2 No. Equipment Cabinets		

3. Publicity:

Neighbour Notification Letter – 18 letters

Site Notice

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

4. Representations:

Two objections have been received including from the local ward Councillors. Concerns are as follows:

- The new mast would be unsightly and overly dominant.
- The equipment would undermine local plans for a new pedestrian crossing and planting proposals.
- Lack of knowledge about the implications of the technology would cause health concerns that would affect business at the local shops.
- There has not been a proper assessment of the scope for mast sharing.

5. Consultations:

5.1. Highways Development Control:

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

Observations:
These observations are primarily made on the basis of information shown on submitted application drawing '300 Rev A'

Drawing "300 Rev A" shows that the plant is to be located within an area of 'verge' between Ladybank Road and the service road to the front of the shops and will not have any significant impact to the public highway.

Note for Applicant

1. Ladybank Road is a "permit street" under the New Roads and Streetworks Act.

2. This means that construction and maintenance works along Ladybank Road are subject to separate authorisation by the Councils Streetworks Manager.

3. In practice, this means that such works are likely to be subject to controls in respect of working hours and appropriate traffic management.

6. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a sustainable economy
CP23	Delivering a sustainable transport network

Saved CDLPR Policies

GD5	Amenity

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Overview

7.2. Design

7.3. Siting

7.4. Comments on other matters raised

7.1. Overview

This is a Prior Approval application for 5G telecommunications works. This type of application seeks a determination as to whether the proposed telecommunications equipment is appropriate in terms of its siting and appearance.

7.2. Design

The proposed site is within an already built up residential area, opposite an area of open space. The site occupies a position that is close to existing commercial and residential properties. There is an existing mast within close proximity of the site, albeit this is a shorter installation that does not provide 5G communications.

There is little doubt that a new 20m high telecommunications mast will have some impact upon a street scene. It is unlikely that such a mast could be screened so as to be entirely unobtrusive. Whilst the proposed mast and associated equipment would be an obvious addition to the Ladybank Road street scene, and viewed from surrounding areas, there are several factors that, in my opinion, would help to ensure that the proposed siting would be appropriate. The trees on the open space opposite the site would help to screen the proposed equipment from areas to the north. This would be advantageous as land levels drop in a northerly direction and the trees would help to ensure that the monopole would not be unreasonably dominant from the north. In the immediate vicinity of the site, the monopole would be clearly visible; however the majority of local dwellings do not directly face the site. Those that do (150 Ladybank Road and accommodation above the row of shops) would have a more direct view but on balance, I consider that the visual impact would not tolerable. The full height of the pole would also be less appreciable from locations close to the site, compared to locations further away.

7.3. Siting

The proposed site is within an existing grass verge. Our Highways Team has raised no objections in terms of highways safety or pedestrian obstruction in this case. As such, I am satisfied that the proposed site it suitable in this regard.

The proposed site would be close to another mast and whilst it would be desirable to achieve mast sharing, technical information submitted with the application indicates that this is not possible due to the type of equipment being proposed. I am of the view that the verge can accommodate the proposed equipment without being overly cluttered. The fact that the site is in front of a row of commercial properties, rather than dwellings in view would help to ensure that the new installation would not appear to be entirely incongruous.

7.4. Other matters

I note the objections to the proposal. Matters pertaining to the safety and health implications of the equipment are not for consideration in this application and the submission includes the 'ICNIRP certification' relating to safety and health issues. In my view, any project for local beautification could be designed around the scheme and could in fact help to screen part of the equipment.

No highways concerns have been raised in terms of a potential crossing near the site and the application has been submitted with evidence explaining why mast sharing is not appropriate in this case. Whilst mast sharing might be beneficial in terms of design issues, I have no evidence to doubt this technical justification.

In view of the above, I see no justification for refusing this application.

Committee Report Item No: 3

Application No: 20/00296/PNRT **Type: Prior Approval - Telecommunications**

8. Recommended decision and summary of reasons:

8.1. Recommendation:

Prior Approval is required and to be **Granted** for the proposed telecommunications development.

8.1. Summary of Reasons:

The proposed telecommunications equipment is a reasonable form of development, in terms of its siting and appearance, given the overall character of the street-scene in this location.

8.2. Informative notes:

1. Ladybank Road is a “permit street” under the New Roads and Streetworks Act.

2. This means that construction and maintenance works along Ladybank Road are subject to separate authorisation by the Councils Streetworks Manager.

3. In practice, this means that such works are likely to be subject to controls in respect of working hours and appropriate traffic management.

8.5. Application timescale:

Although these determinations are time bound to a 56 day decision (otherwise prior approval is deemed to be granted) the agent has agreed an extension of time until 5 June.

Committee Report Item No: 3

Application No: 20/00296/PNRT

Type: Prior Approval - Telecommunications

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Ordnance Survey 100024913

Committee Report Item No: 4

Application No: DER/05/18/00771 **Type: Full Planning Application**

1. Application Details

1.1. Address: Land off Phoenix Street, Derby ["The Landmark"]

1.2. Ward: Arboretum

1.3. Proposal:
Erection of a new building providing 202 residential apartments (use class C3) including ancillary floor space together with associated car parking, servicing, site infrastructure and landscaping

1.4. Further Details:
Web-link to application:
https://eplanning.derby.gov.uk/online-applications/plan/05/18/00771

Brief description
Members may recall that this application was debated at the previous Planning Control Committee meetings on 10 January and 14 February last year at which the Committee resolved to grant planning permission, subject to the execution of a satisfactory planning obligation. The decision of the Committee was contrary to officer advice which was to refuse permission. This report brings together and updates those reports with the additional points that Committee need to take into account to determine this proposal.

The web-links to previous reports from 10 January and 14 February committee meetings are provided. Members are directed to refer to these reports which provide the detail of the matters for consideration and the specific advice of the officers and consultees.

10/01/2019 –
https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=136872430

14/02/2019 –
https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=137533023

14/02/2019 Update –
https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=137658612

Members were advised at that time that DCMS were considering notifying the UNESCO World Heritage Committee on Cultural World Heritage Sites ("WHS") of the application and it was suggested awaiting the outcome of that consultation.

Since the committees resolution negotiations have been ongoing with the developer over the S106, which are now resolved.

In the interim, following the DCMS notification, WHS have submitted undercover of a letter dated 29 August 2019 a "Technical Review" carried out by the International Council on Monuments and Sites (ICOMOS) for consideration by the Council as set out in 4.2 and 4.3 of this report.

ICOMOS is a highly regarded cultural and heritage organisation providing guidance on best practice in the conservation and management of cultural sites and has a

special role as adviser to the UNESCO World Heritage Committee on cultural World Heritage Sites ("WHS").

Whilst the substance of the matters raised in the ICOMOS technical review have already been considered, it would be remiss not to take account of the views of ICOMOS and those of WHS, which may well have a bearing on the weight given to those matters. It is therefore open to the Committee to review their earlier decision in the light of the submissions and advice from the WHS and ICOMOS and accordingly it is felt appropriate to refer this matter back to committee for its further consideration.

In response to the ICOMOS technical review the applicant has provided 3 further submissions entitled, ICOMOS review, Heritage and townscape methodology and latterly Analysis of ICOMOS technical review. These have received publicity and consultation responses.

This report therefore provides Members of the Committee with an updated assessment of the application taking account submissions by the WHS and ICOMOS and other relevant matters.

In considering whether to refer this matter back to Members for consideration Counsel's advice was sought. As part of that advice the barrister raised concerns as to the adequacy of the reasons given by the Committee for rejecting the officer's advice and advises that should members, having considered the matters raised in this report, remain minded to grant permission against the officer's recommendation they will need to fully address the following points: :

a. Explain why it rejects the assessment of harm on the Outstanding Universal Value (OUV) of the Derwent Valley World Heritage Site (DVMWHS) and other designated heritage assets in the advice which had been given by appropriate and specialist bodies and individuals.

b. Acknowledge that it understands such harm is a matter of very considerable weight in accordance with the case law on the statutory duties in s66 of the Planning (Listed Buildings and Conservation) Act 1990 (LBA90) in respect of the listed buildings and in national and local policy.

c. Acknowledge that it understands that a finding of "less than substantial harm" is not to be confused with a "less than substantial objection" to the grant of planning permission.

d. Explain why the public benefits are of such great weight. For example, why is the social and economic benefit of delivering 202 flats so pressing on a site which could deliver some of these benefits with a lesser number of flats in a revised scheme?

Since the matter was last considered an additional issue of evacuation safety has emerged, as the previous plans have been found to be inaccurate indicating trees and pedestrians on the carriageway. Those earlier plans could not have legally been

implemented. The applicant has sought to remedy this with the provision of suitable revisions including a pedestrian walkway from the evacuation bridge linking into Causey Bridge.

Members should also note my comments in the officer opinion at pages 9 to 11 updating the position on housing supply in light of the emerging position in Amber Valley.

The Officer recommendation remains to refuse to grant planning permission for the reasons set out in section 8 of this report.

2. Publicity:

Further Site Notice publicity has been prompted

Statutory Press Advert

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

3. Representations:

The application has attracted two further letters of concern raising issues about:

- overspill car parking and that the development will not be able to accommodate any extra demand given only 24% on site provision (47 spaces for 201 flats)
- The photographs in Latham's Technical Review show the incongruous nature of the proposed multi-storey building on such a prominent site so close to our cathedral.
- its domineering height, the building is of no architectural merit, the composite cladding does not even reflect the local brick vernacular
- This was an opportunity for an architect to construct a building which fitted in with its surroundings in terms of scale and architectural appearance which would embellish our beautiful city, would also have encouraged others to invest in Derby, and which would have shown respect to Derby people who have such pride in Derby.
- For 25 years the politicians and regional authorities have forced Derby to adopt policies which have so destroyed the city centre.
- Our city centre has huge potential, but unless radical changes in policy are implemented the damage will continue.

4. Consultations:

Web-links to specific consultee responses have been included within the sections.

4.1. MHCLG:
Prior to the receipt of the WHS and ICOMOS submission responded to the statutory notification following the previous committee resolution, the Secretary of State had decided not to call in this application. He was content at that time that it should be determined by the local planning authority, if Members are minded to grant in the light of the WHS and ICOMOS it will need to be referred back to the MHCLG.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142076877

4.2. ICOMOS:
The ICOMOS letter in broad terms, expresses its continuing concern at the piecemeal division of planning jurisdiction over four separate local authorities, with the Board of the WHS only holding an advisory role. In light of the fact that permission for 'The Landmark' could be granted despite objections from the Board, Historic England and the City's Planning Officer, they believe that this concern remains relevant.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142081591

4.3. ICOMOS technical review:
https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142082374
This concludes with anxiety that the concerns of the City of Derby's Planning Officer, Heritage England and the Board for the Derwent Valley Mills World Heritage Site Partnership have not led to a City of Derby Planning Committee decision against the development, despite clear indications that the development would affect the Outstanding Universal Value of the property.

ICOMOS advises in conclusion as follows:

1. The concerns of Heritage England and the Derwent Valley Mills World Heritage Site Partnership regarding both the development and the Integrated Impact Assessment conducted are valid and grounds exist for these to be addressed;

2. Based on an assessment of the information available to ICOMOS, the proposed development would have a significantly negative impact on the Outstanding Universal Value of the Derwent Valley Mills World Heritage property and <u>should not proceed</u>;

3. Should the proponent or the City of Derby wish to further pursue the development of the project, a full Heritage Impact Assessment – following the 2011 *ICOMOS Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* – needs to be undertaken by a suitable qualified professional and include a rigorous Visual Impact Assessment, before any further decisions can be made or the project further pursued. This full Heritage

Impact Assessment should include definition of attributes of the Outstanding Universal Value to assess the impact of such a proposed development on the Outstanding Universal Value of the World Heritage property. This assessment of attributes should include their setting, which includes the contribution of the urban typology and morphology of Derby as well as the larger landscape around the property. Such an assessment should also address cumulative impacts and their magnitude on the setting of the Derwent Valley Mills World Heritage property, taking the Biohouse project into consideration;

4. ICOMOS further advises that should a new Heritage Impact Assessment, including Visual Impact Assessment, be commissioned, the State Party should be invited to submit such documentation to the World Heritage Centre for review by the Advisory Bodies, before adopting its conclusions.

4.4. Derwent Valley Mills World Heritage Partnership:
Their advice and objection concludes that whilst the principle of development on this site is not considered to be wholly unacceptable it would, as it stands, amount to a degree of harm on the OUV of the DVMWHS amounting to less than substantial harm as defined in the NPPF.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=143307740

4.5. Conservation Area Advisory Committee:
Awaited

4.6. Highways Development Control:
Raise no objections to the amended means of escape subject to technical details being secured by condition

4.7. Land Drainage and Flood Defence:
Suggest conditions as the latest re-consultation only relates to the World Heritage Site.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=147238126

4.8. Conservation Officer:
https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=143618157

Response concludes that:
The NPPF para. 132 states that 'when considering the impact of a proposed development on the significance of the heritage asset, great weight, should be given to the asset's conservation. The more important the asset the greater weight should be.' This designated heritage asset is internationally important so one of the most important in the World. This means that the greatest weight should be given when considering the impact of the proposal on the DVWHS.

In my view the visual intrusiveness of this building in terms of its size, height, bulky scale and dominant massing of this proposal will have a negative adverse harmful

impact on the city's skyline, upon designated heritage assets including the outstanding universal value (OUV) of the Derwent Valley World Heritage Site (DVMWHS). It is considered that the proposals would have an intrusive visual presence when viewed in approaches to and from the DVMWHS and diminish the understanding of the historic settlement of Derby and its integral relationship with the DVMWHS. This means that there will be a harmful impact on the setting of the DVMWHS and its OUV.

This proposal would have a seriously harmful impact on the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site, harmful impact upon the significance of a number of other designated heritage assets (which includes their settings) including listed buildings which are Nationally Important buildings which are grade I, II* and II as well as the city skyline as a whole, the Nottingham Road Conservation Area, City Centre Conservation Area and undesignated heritage assets such as locally listed buildings.

In terms of the levels of harm on heritage assets stated in the NPPF this can be defined as a high level of harm (but not physical harm) so this is classed as less than substantial under para 196 (NPPF, 2018). Therefore the Development Management Officer, under paragraph 196, has to weigh up the large amount of harm (demonstrated above) against any public benefits of the proposal.

It is a big concern that the UNESCO letter, and attached ICOMOS technical review, has been received highlighting such concern on the proposals.

Recommendation: Strongly object to this proposal on Heritage grounds.

4.9. Environmental Services (Health – Pollution):

This re-consult relates solely to updated heritage details and on that basis, our original comments remain unchanged

4.10. Strategic Housing and Regeneration and Major Projects:

Support the application and concluded that in the absence of any major legal protection for the WHS from sites abutting the WHS, recognising the efforts of the applicant and their consultants to mitigate the impacts of the development, noting that the OCOR scheme is an allocated housing and employment programme and that The Landmark scheme commits a significant number of houses to the overall OCOR target, we see no reason why the application should not be recommended for approval, consistent with the previous decision of the Planning Control Committee.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=143279818

4.11. Historic England:

In maintaining their objection, recommend that the ICOMOS objections are given due consideration in determining the application. For the avoidance of doubt, following consultation on this application in 2018 Historic England has regularly raised

concerns about the assessment of impact and visualisations provided by the applicant in our written advice.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142495723

4.12. Derbyshire County Council Archaeologist:
We have no additional comments to make, however please refer back to our earlier correspondence in relation to the archaeological input which is required in relation to the scheme, should it proceed.

4.13. Police Liaison Officer:
None of the additional detail impacts upon community safety matters, nor any previous comments, consequently I have nothing to add.

5. 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
CP5 Regeneration of Communities
CP6 Housing Delivery
CP7 Affordable and Specialist Housing
CP12 Centres
CP16 Green Infrastructure
CP19 Biodiversity
CP20 Historic Environment
CP24 Transport Infrastructure
AC1 City Centre Strategy
AC2 Delivering a City Centre Renaissance
AC5 City Centre Environment
AC7 The River Derwent Corridor
AC8 Our City Our River

AC9 Derwent Valley Mills World Heritage Site
MH1 Making It Happen

Saved CDLPR Policies

GD5 Amenity
H13 Residential Development – General Criteria
E12 Pollution
E13 Contaminated Land E17 Landscaping Schemes
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:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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

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

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

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

6. 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.

6.1. Overview

6.2. Principle of Development

6.3. Heritage Policy and Guidance

6.4. Further information

6.5. Planning Balance

6.1 Overview

Members are directed to Part 7 of the officer's opinion and advice in the first report (pages 62-87) which in 7.1 to 7.8 identifies the main material considerations and sets out in Part 8 the four reasons for recommending refusal which was considered at the committee meeting in January 2019 and the subsequent meeting in February 2019. Subject to the comments in this report and the subsequent reports of February 2019 those considerations, opinions and advice remain as set out in those reports.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=136872430

The Committee resolved at the 10 January 2019 meeting to:

> "…reject the officer recommendation to refuse the application in regards to the proposed reasons for refusal 1 and 2 in the report, in that Committee considered that the public benefits of the development would outweigh the less than substantial harm to the heritage assets and that the design and form of the development was acceptable and of sufficient quality, and to further resolve that the Committee would be minded to grant planning permission subject to the applicant overcoming the reasons 3 and 4 for refusal in the report (relating to flooding and the loss of trees) and subject to the agreement of the S106 and appropriate conditions. It was agreed to have the matter reported back to the Planning Control Committee for final determination

The referred to reasons 3 and 4 was subsequently overcome as explained in the in the committee and report and addendum considered by Committee on the 14 February.

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=137533023

https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=137658612

While the matters of the application were considered previously, the weight that the Committee gave to the adverse impact on the OUV of the DVMWHS is material to its decision. Whether that weight might change now that the Committee knows of the ICOMOS response is a matter that also needs to be considered.

6.2. Principle of Development

The previous reports refer to housing land supply and I need to refresh that advice in the light of emerging changes in Amber Valley.

The Core Strategy sets a target for the delivery of 2,200 new homes in the city centre over the plan period (2011-2028). This target includes a need for around 1,000 new homes outside the strategic allocations of Castleward and the Former DRI which form part of the wider city centre. This means that around 1,000 new homes are expected be provided broadly within or around the inner ring road area of the CBD.

By April 2020 there had been 1154 completions on such sites with under 8 years left in the local plan period. There are further sites in the city centre which can contribute to the city centre target, including the Becketwell scheme which is a regeneration

priority, has a developer on board and is the subject of an outline planning application for a residential led scheme.

These dwelling targets are minimum targets based on the NPPF and Government's aspiration to significantly boost the supply of housing. It is highly relevant that the city is unable to meet all of its housing needs within its boundaries over the local plan period and has exported over 5,000 dwellings of its need to be provided in other local authority areas. A further material consideration is the NPPF requirement for local authorities to maintain a five year supply of deliverable housing sites. New dwellings provided can contribute to both the local plan citywide dwelling target and the five year supply.

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

However, AVBC has withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the 'standard method' which takes no account of the unmet need in Derby which it had agreed to meet by 2028.

Derby City Council has made representations to AVBC that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley.

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

The contribution of the Landmark scheme to housing delivery is a material benefit to be weighed in the planning balance by Members in determining the current application. As set out above, the withdrawal of Amber Valley's Local Plan suggest that additional weight should be given to the NPPF requirement to boost the supply of housing in Derby. Whilst this weight would not extend to approving schemes that are unacceptable or other reasons, it is an additional consideration to weigh in the balance.

Since Members last considered this application, the housing supply position in the City has moved on significantly. The City centre continues to experience an upturn in permissions and delivery, with good progress made on the delivery at the former DRI

and Castleward sites. Outside of these key sites 1,154 out of the 1,000 dwelling target for the remainder of the City Centre has already being reached.

Furthermore, the Council has received a positive Housing Delivery Test result at 113% for the last three years and, at April 2019, maintained a robust 5 year supply of deliverable housing sites, meaning that the tilted balance in the 'presumption if favour of sustainable development', set out in the NPPF, is not invoked.

That being said, the Council welcomes opportunities to promote 'city living' generally and the city centre has also been designated as a Housing Zone. There is an aspiration to enhance the residential offer in the city centre to create a more vibrant atmosphere in the daytime and evening.

6.3. Heritage Policy and Guidance

Whilst this is a matter that members previously have considered, in light of the submissions by the WHS and ICOMOS it is open for members to review the weight that they gave to the adverse impact on the OUV of the DVMWHS.

The NPPF states that *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."* (Para 184).

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." (Para 193).

"Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."* (para 194b).

Historic England guidance on Tall Buildings dates from 2007 and was updated in 2015. This stated that *whilst tall buildings can make a positive contribution to city life, by virtue of their size and widespread visibility they can also seriously harm the historic character of places. It highlights the importance of carefully considering historic context and protecting the historic environment and the need for high-quality design, as well as the need for sustainable development.*

A consultation on Tall Buildings advice was issued in March 2020 but this remains in consultation. In particular the advice note now gives much greater emphasis to the importance of a plan-led approach when considering tall buildings. The draft says that a heritage impact assessment will be required for applications which may affect a World Heritage Site and references National Planning Practice Guidance which refers to the International Council on Monuments and Sites Heritage Impact Assessment guidelines.

Historic England has updated their Advice Note in response to recent changes in the National Planning Policy Framework (NPPF) and recent good practice. It offers useful guidance to those involved with the planning and design of tall buildings: *'Well-designed tall buildings can be positive additions to towns and cities when thought is given to their location, but we see many ill-considered proposals that would harm their surroundings. With London and major towns and cities throughout the UK receiving large numbers of applications every year, we have updated our advice on planning for tall buildings so it reflects our recent experience and restates the need for new buildings to offer a meaningful response to the history and character of our cities.' Duncan Wilson CE, Historic England*

Tall buildings by their very nature will have a visual impact that needs to be thoroughly considered. Individually or cumulatively the visual presence or prominence of tall buildings can cause harm to the significance of heritage assets and their setting, even when located further away.

Heritage assets are sources of distinctiveness, meaning and quality of a place. As a shared resource of cultural identity they need to be managed carefully and nurtured for the benefit of future generations. Positive conservation of heritage values should enable cities to respond to social, economic and technological change in a manner that allows change to sustain and reinforce these values.

The height and scale of development should respect, respond and contribute to characteristic places, building on their heritage and the values associated with them. The impact and design of a tall building, in respect of heritage assets in its immediate and wider surrounding, needs to be assessed, understood and guided by an experienced heritage expert.

Tall buildings must be carefully sited so as not to have an excessive intrusive impact on the historic environment and to damage historic settings.

World Heritage sites and their buffer areas, registered parks and gardens and their settings, conservation areas, and Grade I and II* listed buildings in most cases will be highly sensitive to tall buildings.

Recognised local views, vistas or panoramas that show a heritage asset in its setting are also particularly vulnerable to damaging intrusion by insensitive tall or massive-scale development. Harmful impact from intrusion of a tall building for example could include an altered sense of scale, undermining the relationship of built form to the sky or landscape, or detract from the colour, materiality and form that typify what is special about an historic place, and what essentially contributes to its heritage value.

6.4. Further information

In reply and response to the ICOMOS submission following your February resolution the applicant has provided additional commentary which has been subject to a

further round consultation. Those consultation responses are reported above and the applicant's assessment can be viewed in full on the web site.

In summary the World Heritage Centre in transmitting the ICOMOS Technical Review is advising that:

- There are valid objections and concerns from statutory bodies
- That the proposal would have a 'significantly negative impact' on the Outstanding Universal Value of the World heritage Site and 'should not proceed'
- A full Heritage Impact assessment (HIA – including an adequate Visual Impact Assessment) should be conducted in line with ICOMOS Guidance noting that previous assessments are believed to have methodological failings.

In response to this criticism the applicant has itemised the Heritage Townscape methodology correspondence, provided a letter of rebuttal concluding that *'The Assessment and the application as a whole have at no point suggested that the scheme will not result in visual and heritage impacts and further assessment of the same scheme is unlikely to alter its impact regardless to the techniques employed.*

The impacts of the scheme on the historic environment were considered and reflected in the balance within the informed and democratic planning committee decision.'

And latterly a 32 page analysis of the ICOMOS technical review https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142697144

Which concludes that: *The ICOMOS Technical Review does not provide any additional material beyond that which was presented by officers, consultees and the applicant to the Planning Committee which recommended approval.*

The ICOMOS concluding recommendations are either unsubstantiated and un-evidenced or simply a repetition of comments made previously by consultees focused solely on the historic environment (and therefore unable to objectively consider the positive aspects of the development).

There are clearly a difference in views between the applicant and the professional responses from specialist 'historical bodies' in terms of impact on historical assets particularly the DVMWHS which the Committee will need to understand and weigh in the balance.

6.5. Planning Balance

Members are specifically directed to paragraphs 7.2, 7.3 and 7.8 of the January report which set out a detailed assessment of the impacts on the relevant heritage assets, the socio economic benefits of the scheme and explains the overall planning balance.

Save in relation to my comments relating to mitigating for the loss of trees and in relation to protection of the plant room (on page 87), which as previously outlined have been adequately addressed, my comments and conclusions set out in those paragraphs remain as stated**.** In particular having considered the further submissions by the WHS and ICOMOS and the applicant's responses to such I am satisfied that the proposal will result in 'less than substantial harm' to the setting of the Derwent Valley Mills World Heritage Site and associated buffer zone, as well as other heritage assets described, namely the Nottingham Road and City Centre Conservation Areas, The Grade I Cathedral, Grade II Silk Mill and Bakewell Gates, Grade II Magistrates Court, Grade II St Mary's Bridge House, Grade II* St Mary's Bridge, Grade I St Mary's Bridge Chapel, Grade II* St Mary's Church, Grad I St Helens House, Grade II Town and Goods Shed, Grade II Church House and Grade II Queen Street, Grade II Old Dolphin Public House, Grade II 1 & 3 College and the TA Centre, Council House, Compton House, Exeter Arms Public House and Exeter House as detailed in paragraph 7.2 of the January report (see in particular the penultimate paragraph on page 75).

My concern on the impact on these heritage assets not only remains but in particular to the World Heritage Site and its buffer zone, finds further support from the views expressed by the WHS and ICOMOS.

Consistent with my previous advice this development proposal will lead in the context of the NPPF, to less than substantial harm to the significance of the designated assets as previously detailed, including the World Heritage Site and should therefore be refused unless there are identifiable public benefits that would clearly outweigh the harm to those assets.

It is perhaps worth noting that for a finding of "less than substantial harm" there clearly has to be a finding that there is some degree of harm, which as stated I am satisfied there is, and it is also important not to confuse the finding of 'less than substantial harm' with there being less than substantial objection to the proposal.

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF provides that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

World Heritage Sites and grade I and II* listed buildings are heritage assets of the highest significance World Heritage Sites being assets which are internationally recognised to have Outstanding Universal Value.

In terms of the overall planning balance the heritage assets affected have a very high cultural value at international, national and local level. I remain particularly concerned that there would be a significant negative impact on the Outstanding Universal Value of the DVMWHS including the grade II listed Derby Silk Mill.

I believe that there would be a negative visual impact and consequently harm on the OUV of the DVMWHS. Maintaining the integrity of the relationship of the historical industrial landscape is integral to the maintenance of the OUV of the WHS. Damaging the visual amenity of the cultural landscape and the broader setting flies in the face of supporting the OUV.

This significant concern is compounded by the absence of a Heritage Impact Assessment (including an adequate Visual Impact assessment) in line with the 2011 ICOMOS guidance. This lacuna means a very limited view of the attributes that may be affected by the proposal, does not base its assessment on the attributes that contribute to the OUV and makes no reference to the predefined list of attributes for the WHS by the DVMWHSP.

Assessment of potential impacts of the development is therefore incomplete, its methodology inconsistent, it does not address the magnitude of impact, fails to contribute to a holistic assessment of impact and does not provide a solid verifiable base for assessment of the impact of the proposal on the OUV of the WHS.

Members will be aware of the emerging draft of the Tall Building study and I do need to emphasise that this is a draft and carries little planning weight at this stage, and Members should not attempt to base any decision on the findings of the study. That said there are a number of general principles that might be familiar that I would like to draw attention to where tall buildings should:

- Be of the highest quality architectural design and appearance – *'Tall buildings should be more than simple extrusions of a standard floorplan, but their architecture should articulate its base, shaft and top as discrete yet interconnected parts……Tall buildings should be designed to express elegance, proportionality and verticality in a form that is consistent from every angle. To that end, generally slab blocks and bulky forms should be avoided'.*

- Support intensification and mix of uses – *'Where a tall buildings is proposed, applicants must demonstrate that it is the only way to deliver a required intensification of activities and mix of uses'*

- Be part of a plan-led and place making approach – *'Speculative proposals for tall buildings on smaller sites that do not fit with an agreed wider vision for a place can lead to a fragmented townscape, an illegible skyline, weaken distinctiveness and image of place and undermine regeneration'.*

- Have a clear purpose as a landmark or to increase densities – '*Tall buildings are only a means to an end, not an end by themselves. As such they will have to have a clearly defined and justified purpose'*

- Protect and enhance heritage assets and their setting, and protected landscape characteristics – *'Tall buildings in the wrong places can cause significant and irrevocable damage to the significance of heritage assets by intruding into their*

setting and being overbearing or detracting from the appreciation of a heritage asset and its values'. The NNPF provides that any harm to or loss of the significance if a designated heritage assets to require clear and convincing justification and where such is 'less than substantial harm' requires the public benefits to outweigh that harm.

Members are referred to the January report pages 75 to 79 which details the socio economic benefits of the scheme and the conclusions reached at paragraph 7.8. It remains my view in terms of the balance that the public benefits suggested as arising from this scheme, particularly given the value and significance of these assets and noting also the concerns of the WHS and ICOMOS would not outweigh the harm to the heritage assets and accordingly should be refused.

I remain of the view that the proposal is not in accordance with the development plan and for the reasons 1 and 2 outlined in my report to you in January 2019 and supported by the subsequent ICOMOS assessment, alongside all the objections on Heritage grounds, in the balance of the decision-makers scales I cannot however arrive at a recommendation for you that is not to refuse the application as set out below.

Taken from the legal advice we have received there are key points that will need addressing if the committee is minded to grant permission:

1. Do members accept officer's advice that the proposal will result in less than substantial harm to the identified heritage assets?
   - If not will need to explain in relation to the specific heritage assets affected why you have rejected that advice and the advice of the specialists bodies
   - Now need to be clear not to confuse less than substantial harm with less than substantial objection

2. Members will need to recognise that that harm is a matter of very considerable weight - particularly in the context of the heritage assets being of highest significance and of international significance

3. In arriving at their decision Members will need to explain why and what public benefits have such weight to outweigh the harm

Notwithstanding the WHS strong objection, before we could issue such a permission we are obliged to refer the application back to the secretary of state for his consideration specifically with regard to the change in circumstances and the additional correspondence received since the MHCLG response in March.

Committee Report Item No: 4

Application No: DER/05/18/00771 **Type: Full Planning Application**

7. Recommended decision and summary of reasons:

7.1 Recommendation:

To refuse planning permission

7.2 Reasons:

1. The proposal is marred by the absence of a Heritage Impact Assessment (including an adequate Visual Impact assessment) in line with the 2011 ICOMOS guidance. This lacuna means a very limited view of the attributes that may be affected by the proposal, does not base its assessment on the attributes that contribute to the OUV and makes no reference to the predefined list of attributes for the WHS by the DVMWHSP. Assessment of potential impacts of the development is therefore incomplete, its methodology inconsistent, it does not address the magnitude of impact, fails to contribute to a holistic assessment of impact and does not provide a solid verifiable base for assessment of the impact of the proposal on the OUV of the WHS. The proposal is therefore contrary to adopted policies of the Derby City Local Plan Part 1: Core Strategy, saved policies of the adopted City of Derby Local Plan Review and the overarching guidance of the National Planning Policy Framework.

2. In the opinion of the Local Planning Authority the proposed development, by virtue of its scale, overwhelming mass, height and external appearance would be significantly harmful to the significance and setting of the following heritage assets; Derwent Valley Mills World Heritage Site, Nottingham Road Conservation Area and City Centre Conservation Area, Cathedral Church of All Saints (Grade I), St Marys Bridge (Grade II*), Chapel of St Mary on the Bridge (Grade I), St Mary Bridge House (Grade II), Silk Mill Industrial Museum (Grade II) Magistrates Court (Grade II), along with the TA Centre and Compton House, which are locally listed buildings. The proposal fails to preserve or enhance these heritage assets and would cause harm. The proposal is therefore contrary to section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990, paragraphs 124, 127, 130, 184, 192, 193, 194, 196 and 197 of the National Planning Policy Framework, adopted policies CP3, CP4, CP20, AC5 and AC9 of the Derby City Local Plan - Part 1: Core Strategy and saved policies GD5, E18 and E19 of the adopted City of Derby Local Plan Review. The harm caused to the significance of the designated and non-designated heritage assets in regards to the heritage policies in the National Planning Policy Framework is considered to be “less than substantial harm” and, whilst there are public benefits that would arise from the proposed development, these are not considered to outweigh the harm that would be caused.

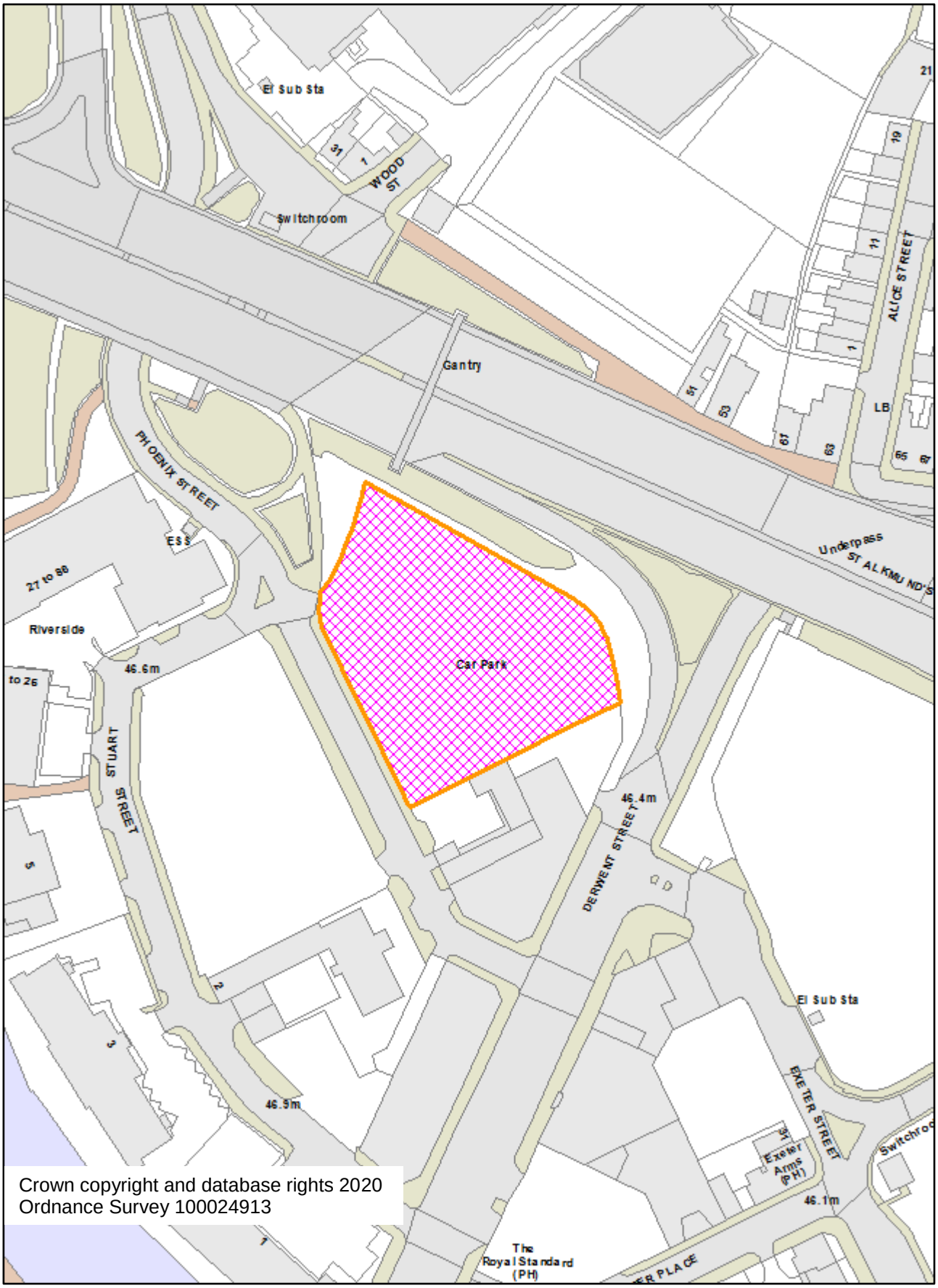
3. In the opinion of the Local Planning Authority the proposed development, by virtue of its scale, overwhelming mass, height and external appearance would not be a high quality form of overall design and would be detrimental to the townscape of the city and surrounding street scenes. The proposal is therefore contrary to adopted policies CP3, CP4 and AC5 of the

Derby City Local Plan Part 1: Core Strategy and saved policy GD5 of the adopted City of Derby Local Plan Review.

7.3 S106 requirements where appropriate if the application were to be approved:
The previously agreed and drafted S106 Agreement remains on hold pending the reassessment of this updated application.

Committee Report Item No: 4

Application No: DER/05/18/00771 **Type: Full Planning Application**



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Derby City Council

Delegated decisions made between Between 01/02/2020 and 29/02/2020

Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
03/18/00313	Full Application	Middleton House 27 St. Marys Gate Derby	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping.	Approval	19/02/2020
18/01795/RES	Reserved Matters	Site Of 50 Sitwell Street Spondon Derby DE21 7FG	Residential development (four dwellings) - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/03/17/00333	Refused	20/02/2020
18/01923/FUL	Full Application	St Osmunds Church London Road Derby DE24 8UW	Enlargement of the existing car park	Approval	14/02/2020
19/00234/FUL	Full Application	919 London Road Derby DE24 8PW	Two storey rear extension to dwelling house (enlargement of kitchen, bedroom and bathroom) and installation of a dormer to the rear elevation to form rooms in the roof space (bedroom and bathroom)	Approval	28/02/2020
19/00404/FUL	Full Application	20 Lonsdale Place Derby DE22 3LP	Demolition of existing building, regrading of site and erection of ten blocks of student accommodation (82 bedrooms)	Approval	07/02/2020
19/00508/LBA	Listed Building Consent - Alterations	Land At The Rear Of Riverside Chambers And Cathedral View Full Street Derby	Erection of a 75 metre flood defence wall with hard landscaping and associated works	Approval	20/02/2020

To view further details of any application, please note the Application Number and go to www.derby.gov.uk/eplanning

ENCLOSURE

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00673/FUL	Full Application	The School House Business Centre London Road Derby DE24 8UQ	Single storey extension to offices (store room)	Approval	24/02/2020
19/00832/FUL	Full Application	Derwent House Old Chester Road Derby DE1 3SA	Retention of the erection of an outbuilding (summer house/garden room)	Approval	13/02/2020
19/01040/FUL	Full Application	94 Palmerston Street Derby DE23 6PF	Two storey side and single storey front and rear extensions to dwelling house (porch, kitchen/dining room, covered way and two bedrooms) and formation of rooms in the roof space including the installation of rear dormers (two bedrooms, study and shower room) - amendment to previously approved planning permission Code No. 18/01761/FUL to include an addtional rear dormer window	Approval	24/02/2020
19/01045/FUL	Full Application	12 Kingsway Park Close Derby DE22 3FP	Erection of a multi-purpose sports hall and swimming pool building (Use Class D2)	Refused	26/02/2020
19/01207/DISC	Compliance/Discharge of Condition	38 - 40 St Peters Street Derby DE1 1SH	Change of use of part of the first floor and the second and third floors from offices (use class B1) to flats in multiple occupation (use classes C4 and Sui Generis) including installation of replacement windows and rear door together with the installation of five additional windows and a canopy - Discharge of condition 6 of previously approved application Code No. No. 18/01700/FUL	Discharge of Conditions Complete	04/02/2020
19/01308/FUL	Full Application	Land On The North Side Of Keats Avenue Derby (adjacent To 10 Keats Avenue)	Erection of a dwelling house and detached garage (Use Class C3)	Approval	28/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01311/FUL	Full Application	8 Briar Close Derby DE21 6ZD	Erection of an outbuilding (garage)	Approval	19/02/2020
19/01328/TPO	Works to a tree with a TPO	21 St Georges Close Derby DE22 1JH	Re-pollarding of two Poplar trees protected by Tree Preservation Order No. 288	Approval	03/02/2020
19/01329/TPO	Works to a tree with a TPO	Ashford House 23 St Georges Close Derby DE22 1JZ	Re-pollarding of 12 Poplar trees protected by Tree Preservation Order no. 288	Approval	05/02/2020
19/01334/FUL	Full Application	9 Bailey Street Derby DE23 6SD	Two storey and single storey rear extensions to dwelling house (kitchen, wc. lobby and bedroom)	Approval	18/02/2020
19/01335/FUL	Full Application	Normanton Road Gospel Hall Normanton Road Derby DE23 6UR	Change of use from non-residential institution (Use Class D1) to retail (Use Class A1)	Approval	14/02/2020
19/01409/FUL	Full Application	150 Swarkestone Road Derby DE73 5UD	Installation of two dormer windows to the existing outbuilding to form a garage/studio	Approval	14/02/2020
19/01424/FUL	Full Application	Rear Gardens Of 136 - 148 Swarkestone Road Swarkestone Road Derby	Substitution of house type to plot 6	Approval	19/02/2020
19/01466/TPO	Works to a tree with a TPO	Epworth House 3 Stuart Street Derby DE1 2EQ	Cutting back of branches to give 3m clearance of the building of two Sycamore trees protected by Tree Preservation Order no. 166	Approval	10/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01487/DISC	Compliance/Discharge of Condition	20 Swarkestone Road (Lidl) Derby DE73 5UA	Demolition of existing buildings and structures and erection of (Use Class A1) retail shop, car parking and servicing areas, access and associated works - discharge of condition 6 of previously approved permission DER/02/18/00176	Discharge of Conditions Complete	28/02/2020
19/01493/DISC	Compliance/Discharge of Condition	Land Corner Of Uttoxeter Road And Limes Avenue Mickleover Derby	Demolition Of The Existing Commercial Units. Erection Of Eight Commercial Units (Use Classes A1, A2, A3, A4, D1 And Beauty Treatment Salon) - Discharge of condition 7 of previously approved application Code No. 03/18/00477	Discharge of Conditions Complete	05/02/2020
19/01504/FUL	Full Application	Burdett Lodge Hostel 6 Bass Street Derby DE22 3BR	Installation of replacement windows	Approval	19/02/2020
19/01509/FUL	Full Application	494 Nottingham Road Derby DE21 6PF	Single storey rear extension to hot food takeaway, installation of a new shop front, extraction flue and an air conditioning unit and engineering works to the rear garden area to form a new staircase - retention of amendments to previously approved planning permission Code No. 08/18/01185 to amend the position of the extraction flue, condensor unit, bin store and rear steps and amend the finish of the extension to render	Approval	28/02/2020
19/01522/FUL	Full Application	Rolls Royce PLC Wilmore Road Derby DE24 9HZ	Erection of fuel day tank and associated bund and pump house	Approval	28/02/2020
19/01529/DISC	Compliance/Discharge of Condition	75 Rose Hill Street Derby DE23 8FZ	Installation of a replacement roof covering and rain water goods - Discharge of conditions 3, 4 & 7 of previously approved planning	Discharge of Conditions Complete	17/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			application code No. 19/00173/LBA		
19/01531/FUL	Full Application	41 Corn Market Derby DE1 2DG	Installation of roller shutters	Approval	28/02/2020
19/01538/FUL	Full Application	6 Charnwood Street Derby DE1 2GT	Change of use from a seven bedroom house in multiple occupation to an eight bedroom house in multiple occupation (Sui Generis Use)	Approval	28/02/2020
19/01553/FUL	Full Application	63 Wardwick Derby DE1 1HJ	Retention of change of use from financial and professional services (Use Class A2) to a tattoo parlour (Sui Generis Use)	Approval	12/02/2020
19/01558/FUL	Full Application	28 - 32 Iron Gate Derby DE1 3GL (The Standing Order)	Formation of a beer garden including installation of a retractable canopy, timber frame and fencing	Approval	28/02/2020
19/01565/FUL	Full Application	Land At The Side Of 2 Brentford Drive Derby DE22 4BN	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	06/02/2020
19/01588/RES	Reserved Matters	Land North Of Allan Avenue/Pritchett Drive Littleover Derby DE23 4AX	Erection of a maximum of 80 dwellings and associated drainage and highway Infrastructure - approval of reserved matters pursuant to outline planning permission Code No. 12/14/01678 and reserved matters application Code No. 08/18/01313 - alteration to layout of six plots.	Approval	28/02/2020
19/01591/FUL	Full Application	16 Golf Close Derby DE23 4TL	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	20/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01602/FUL	Full Application	Garage Court Crompton Street Derby	Demolition of 18 garages. Erection of a three storey building containing six apartments (Use Class C3) with associated access, parking and amenity space	Approval	11/02/2020
19/01619/FUL	Full Application	46 Whitehurst Street Derby DE24 8LG	Erection of an outbuilding (garage) and boundary fence and gates	Refused	24/02/2020
19/01646/FUL	Full Application	16 Sedgemoor Way Derby DE23 3YX	Two storey side and rear extensions to dwelling house (w.c., study, two en-suites and enlargement of living room, dining/sitting area, utility, bathroom and two bedrooms)	Approval	12/02/2020
19/01669/FUL	Full Application	24 Vicarage Road Chellaston Derby DE73 6SD	Two storey and single storey rear extensions to dwelling house (lounge,, bedroom and enlargement of kitchen)	Approval	04/02/2020
19/01670/FUL	Full Application	34 Hartington Way Derby DE3 9BG	Two storey side and single storey side and rear extensions to dwelling house (garage, utility, w.c., living/dining area bedroom, en-suite and enlargement of kitchen)	Approval	28/02/2020
19/01672/FUL	Full Application	19 St Thomas Road Derby DE23 8RF	Single storey rear extensions to shop (store, lobby and enlargement of store)	Approval	20/02/2020
19/01680/FUL	Full Application	128 Shardlow Road Derby DE24 0JS	Formation of a vehicular access	Approval	26/02/2020
19/01681/TPO	Works to a tree with a TPO	2 Swanmore Road Derby DE23 3SD	Crown reduction by two metres and crown lift by 6 metres and the annual removal of epicormic growth up to 6 metres for a period of 10years of a Lime tree protected by Tree Preservation Order No. 30	Approval	03/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01682/FUL	Full Application	Precision Casting Facility Rolls Royce PLC Wilmore Road Derby DE24 9HZ	Extension of PCF car park to the southeast to provide an additional 202 spaces, together with fencing and earthworks.	Approval	24/02/2020
19/01692/ADV	Advertisement Consent	Unit 10 Wyvern Retail Park Wyvern Way Derby DE21 6NZ (Mcdonald's Restaurant)	Display of five internally illuminated freestanding digital signs and one internally illuminated digital booth screen	Approval	06/02/2020
19/01698/FUL	Full Application	72 Radbourne Street Derby DE22 3HB	Change of use from a dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis Use) including a single storey rear extension, raising of the roof height, hip to gable roof alteration, installation of a rear dormer and roof lights	Refused	19/02/2020
19/01701/FUL	Full Application	Morrisons Wheatcroft Way Derby DE21 4RY	Erection of a windscreen repair/replacement pod and car body and wheel repair pods	Approval	26/02/2020
19/01706/FUL	Full Application	Sports Ground Brayfield Road Derby	Erection of 10m high netting	Approval	07/02/2020
19/01718/ADV	Advertisement Consent	Mcdonalds 187 Osmaston Park Road Derby	Display of five internally illuminated freestanding digital signs and one internally illuminated digital booth screen	Approval	06/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01719/FUL	Full Application	18 Kingsmuir Road Derby DE3 0PY	Single storey side extension to dwelling house (annexe accommodation)	Approval	06/02/2020
19/01726/VAR	Variation of Condition	Derby Grammar School Rykneld Road Derby DE23 4BX	Demolition of classroom building. Erection of a new classroom building and felling of four trees protected by Tree Preservation Order no. 78 - variation of conditions 2 and 3 of previously approved planning permission Code No. 19/00785/FUL to amend the location, internal layout , external elevations and materials of the building	Approval	20/02/2020
19/01731/FUL	Full Application	Mickleover Golf Club Uttoxeter Road Derby DE3 5AD	Formation of an access off Belfry Close, car park, member's kiosk, remodelling of the 18th green and associated drainage and landscaping works	Refused	05/02/2020
19/01732/FUL	Full Application	Land Adjacent To 48 Cummings Street Derby	Erection of four dwelling houses (Use Class C3)	Approval	24/02/2020
19/01735/FUL	Full Application	1 Kirkstead Close Derby DE21 2HN	First floor side and single storey rear extensions to dwelling house (lounge/dining area and bedroom)	Approval	06/02/2020
19/01737/FUL	Full Application	39 Links Close Derby DE24 9PF	Single storey side and rear extensions to dwelling house (study and kitchen) and erection of outbuilding (garden store)	Approval	24/02/2020
19/01738/FUL	Full Application	5 South Avenue Littleover Derby DE23 6BA	Two storey side extension to dwelling house (living and dining areas, garage, w.c., utility, two bedrooms, three en-suites and enlargement of entrance hall and bedroom), raising of the roof height to form rooms in the roof space (two bedrooms with en-suites), installation of a canopy to the front elevation and erection of front boundary gates	Approval	03/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01739/FUL	Full Application	638 Burton Road Derby DE23 6EL	Two storey and first floor side and single storey rear extensions to dwelling house (living space, store, three bedrooms and two wet rooms) and installation of a canopy to the front elevation	Approval	03/02/2020
19/01743/FUL	Full Application	Car Dealership Stadium View Derby DE24 8JG	Alterations to car dealership to include extension to showroom and alterations to the external appearance, car parking and landscaping	Approval	06/02/2020
19/01746/FUL	Full Application	Land Adjacent To 125 Oaklands Avenue Derby DE23 2QL	Demolition of stairwell and store room building. Erection of six flats (Use Class C3) in a three storey block	Approval	14/02/2020
19/01747/VAR	Variation of Condition	Land South Of Mansfield Road Breadsall Hilltop Derby (Between Porters Lane And Lime Lane)	Erection Of 250 Dwellings and Formation of Highways, Public Open Space, Drainage Attenuation Area and Landscaping - Approval of Reserved Matters under previously approved Outline Permission Code No. DER/04/15/00449 - variation of condition 4 of previously approved planning permission Code No. DER/03/17/00283 in connection with tree protection	Approval	27/02/2020
19/01749/FUL	Full Application	6 Taplow Close Derby DE3 0RP	Single storey side extension to dwelling (hall, corridor, utility, shower room and bin store) and installation of two dormer windows to the front elevation, a rear dormer and a first floor side elevation window to form rooms in the roof space (two bedrooms and bathroom)	Approval	05/02/2020
19/01750/FUL	Full Application	49 High Street Chellaston Derby DE73 6TB	Change of use from financial and professional services (Use Class A2) to chiropractic clinic (Use Class D1)	Approval	26/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01752/FUL	Full Application	74 Vestry Road Derby DE21 2BN	Installation of an ATM and external security shutter	Refused	14/02/2020
19/01753/ADV	Advertisement Consent	74 Vestry Road Derby DE21 2BN	Display of three internally illuminated ATM signs	Approval	07/02/2020
19/01756/FUL	Full Application	1 Countisbury Drive Derby DE21 2PA	First floor side extension to dwelling house (bedroom)	Approval	28/02/2020
19/01757/FUL	Full Application	The Close Snelsmoor Lane Derby DE73 6TQ	Two storey side and single storey rear extensions to dwelling house (living/kitchen area, swimming pool, bedroom and en-suite) and installation of dormers to the rear elevation and timber and concrete cladding	Approval	11/02/2020
19/01759/FUL	Full Application	Mackworth Petrol Filling Station Kingsway Derby DE22 4AA	Retention of single storey side extensions to petrol station (retail space and storage), provision of seven parking spaces and relocation of ATM	Approval	11/02/2020
19/01761/FUL	Full Application	52 Burlington Way Derby DE3 9BD	Two storey and first floor side extensions to dwelling house (garage, bedroom and en-suite)	Approval	24/02/2020
19/01762/DISC	Compliance/Discharge of Condition	6 Leopold Street Derby DE1 2HD	Change of use from doctors surgery/residential (Use Classes D1 and C3) to an 18 bedroom house in multiple occupation (Sui Generis Use) including the installation of replacement windows and new roof lights - Discharge of condition nos 6 and 7 of previously approved permission 19/00822	Discharge of Conditions Complete	03/02/2020
19/01767/FUL	Full Application	34 Pear Tree Road	Change of use from retail (Use Class A1) to a	Approval	18/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6PY	mixed use of restaurant/cafe and hot food takeaway (Use Classes A3 and A5) including installation of an extraction flue		
19/01768/FUL	Full Application	24 Winslow Green Derby DE21 6US	Single storey side/rear extension to dwelling house (dining/family room, shower room and utility)	Approval	12/02/2020
19/01769/FUL	Full Application	471 - 473 Burton Road Derby DE23 6FQ	Change of use of part of building from retail (Use Class A1) to cafe (Use Class A3) including installation of a new shop front and entrance door and re-configuration of front parking area	Approval	19/02/2020
19/01770/PNRT	Prior Approval - Telecommunications	Telecommunication Mast At Rear Of 29-31 Ashbourne Road Derby DE22 3FQ	Removal of one existing equipment cabinet and the installation of one replacement equipment cabinet, one additional meter cabinet and ancillary development	Prior Approval Approved	19/02/2020
19/01771/FUL	Full Application	55 Suffolk Avenue Derby DE21 6ES	Single storey rear extension to dwelling (dining space and enlargement of kitchen)	Approval	10/02/2020
19/01772/FUL	Full Application	128 Brisbane Road Derby DE3 9JW	Two storey side and rear extensions to dwelling house (store, shower room, kitchen/dining area, two bedrooms, bathroom and en-suite) and installation of an oriel window to the side elevation	Approval	14/02/2020
19/01775/FUL	Full Application	15 Dennis Close Derby DE23 4BP	Two storey rear, first floor side and single storey front and rear extensions to dwelling house (porch, two en-suites and enlargement of kitchen, lounge, dining area and two bedrooms)	Approval	25/02/2020
19/01780/FUL	Full Application	37 Bonsall Avenue Derby	Two storey side and two storey and single storey rear extensions to dwelling house	Approval	18/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 6JX	(garage, kitchen/dining area, utility, two bedrooms and bathroom) and installatio of a canopy to the front elevation		
19/01782/CAT	Works to Trees in a Conservation Area	27 And 29 Arthur Street Derby DE1 3EF	Felling of a Pine tree within the Strutts Park Conservation Area	Approval	12/02/2020
19/01789/FUL	Full Application	31 Evans Avenue Derby DE22 2EL	Single storey front/side extension to dwelling house (porch and bike store)	Approval	18/02/2020
19/01793/FUL	Full Application	65 Peet Street Derby DE22 3RF	Change of use from a three bedroom house in multiple occupation (Use Class C4) to a five bedroom house in multiple occupation (Use Class C4) and a studio flat (Use Class C3) including a single storey rear extension and installation of a dormer to the rear elevation	Approval	18/02/2020
19/01798/FUL	Full Application	24 Green Avenue Derby DE73 6TE	Single storey front, side and rear extensions to dwelling house (study, shower room, utility room, canopy and enlargement of porch and kitchen)	Approval	18/02/2020
19/01799/FUL	Full Application	29 East Street Derby DE1 2AL	Installation of a new shopfront	Approval	18/02/2020
19/01801/FUL	Full Application	8 Blenheim Drive Derby DE22 2LB	Single storey side/rear extension to dwelling house (boot room/utility and enlargement of kitchen)	Approval	18/02/2020
19/01805/FUL	Full Application	34 Briarwood Way Derby DE23 2TA	Enlargement of outbuilding	Approval	20/02/2020
20/00003/FUL	Full Application	38 St Peters Churchyard Derby	Change of use of ground floor from retail (Use Class A1) to offices (Use Class B1(a))	Approval	20/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 1NN			
20/00006/FUL	Full Application	138 Kedleston Road Derby DE22 1FX	Enlargement of a vehicular access	Approval	25/02/2020
20/00012/DEM	Demolition - Prior Notification	Haddon Court, Brook Street And Burleigh Court, Nuns Street Derby DE1 3PF	Demolition of two storey building comprising of two separate wings	Approval	20/02/2020
20/00013/FUL	Full Application	11 Welland Close Derby DE3 0RZ	Single storey front extension to dwelling house (lobby and w.c.)	Approval	28/02/2020
20/00015/FUL	Full Application	22 Otter Street Derby DE1 3FB	Installation of a dormer to the rear elevation	Refused	25/02/2020
20/00018/FUL	Full Application	London Road Community Hospital London Road Derby DE1 2QY	Installation of a Florence Nightingale memorial with paved area, stone clad wall and seating area	Approval	28/02/2020
20/00020/FUL	Full Application	72 Fairfield Road Derby DE23 6PH	Single storey rear extension to dwelling house (wet room, sleeping area, and enlargement of kitchen) - amendments to previously approved planning permission Code No. 19/000803/FUL to increase the length of the wet room	Approval	20/02/2020
20/00029/FUL	Full Application	30 Queen Street Derby DE1 3DS	Change of use from retail (Use Class A1) to cafe/restaurant (Use Class A3) including the installation of an extraction duct to the rear elevation	Approval	26/02/2020
20/00041/DISC	Compliance/Discharge of Condition	59 Wardwick Derby	Change of use of the first and second floors from offices (use class B1) to a seven bed flat	Discharge of Conditions Complete	17/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE1 1HJ	in multiple occupation (sui generis use) together with a single storey rear extension (entrance lobby) - Discharge of condition nos 3, 4 and 6 of previously approved permission 18/01801		
20/00055/ADV	Advertisement Consent	154 - 156 Burton Road Derby DE1 1TQ	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	24/02/2020
20/00061/CAT	Works to Trees in a Conservation Area	24 Kedleston Road Derby DE22 1GU	Crown reduction by 2m, removal of two branches of Mulberry tree and crown reduction by 3m of Goat Willow tree within the Strutts Park Conservation Area	Approval	26/02/2020
20/00077/NONM	Non-Material Amendment	403 Duffield Road Derby DE22 2EQ	Two storey side extension to dwelling house (garage, cloak room, sitting room, two bedrooms and shower room) - non material amendment to previously approved planning permission 08/17/01025 to amend window details	Approval	18/02/2020
20/00081/DISC	Compliance/Discharge of Condition	Land West Side Of Ascot Drive (behind 619 - 697 Osmaston Road and Adjacent To Ascot Drive Fire Station), Derby	Extension of existing Fire Station to form a new Police Station including formation of car parking and associated landscaping - Discharge of condition 17 of previously approved application code No. 19/00049/FUL	Discharge of Conditions Complete	17/02/2020
20/00099/PNRH	Prior Approval - Householder	27 Dairy House Road Derby DE23 8HN	Single storey rear extension (projecting beyond the rear wall of the original house by 4.65m, maximum height 3.9m, height to eaves 2.9m) to dwelling house	Prior Approval Not Required	24/02/2020
20/00106/DISC	Compliance/Discharge of Condition	Land At Side 40 South Avenue Littleover Derby DE23 6BB	Erection of a dwelling house (Use Class C3) and associated ground works - Discharge of condtion no 3 of previously approved permission 19/01644	Discharge of Conditions Complete	17/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00108/CAT	Works to Trees in a Conservation Area	4A Siddals Lane Derby DE22 2DY	Partial Removal of a Beech hedge within the Allestree Conservation Area	Application Withdrawn	03/02/2020
20/00114/PNRH	Prior Approval - Householder	39 Chain Lane Derby DE3 9AL	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	24/02/2020
20/00129/DISC	Compliance/Discharge of Condition	Land South Of Mansfield Road Breadsall Hilltop Derby (Between Porters Lane And Lime Lane)	Erection Of 250 Dwellings And Formation Of Highways, Public Open Space, Drainage Attenuation Area And Landscaping - Approval Of Reserved Matters Under Previously Approved Outline Permission Code No. DER/04/15/00449 - Discharge of condition 2 of previously approved application code No. 03/17/00283	Discharge of Conditions Complete	03/02/2020
20/00130/PNRH	Prior Approval - Householder	33 Royal Hill Road Derby DE21 7AH	Single storey rear extension (projecting beyond the rear wall of the original house by 4.1m, maximum height 3.7m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	25/02/2020
20/00132/DISC	Compliance/Discharge of Condition	1 Morledge Derby DE1 2AX	Change Of Use From Multi Function Business Hub (Sui Generis Use) To Financial And Professional Services (Use Class A2) - Discharge of condition 4 of previously approved application code No. 03/18/00350	Discharge of Conditions Complete	28/02/2020
20/00133/DISC	Compliance/Discharge of Condition	Land Adjacent To 26 Portreath Drive Derby	Residential development (one dwelling) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to previously approved outline planning permission Code No. 19/00121/RES - Discharge of condition 2 of previously approved application code No. 19/00946/OUT	Discharge of Conditions Complete	03/02/2020
20/00136/DISC	Compliance/Discharge of Condition	Land To North Side Parcel Terrace Derby	Erection of 2 no. units (Use Class B1(c), B2 & B8 (with ancillary Trade Counter Use), formation of car parking area and associated	Discharge of Conditions Complete	17/02/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			infrastructure - Discharge of condition 10 of previously approved application code No. 18/01840/FUL		
20/00146/DISC	Compliance/Discharge of Condition	39 - 40 Iron Gate Derby DE1 3GA	Removal of stud walls and installation of new partition walls - Discharge of condition 3 of previously approved application code No. 19/01452/LBA	Discharge of Conditions Complete	25/02/2020