



Derby City Council

PLANNING CONTROL COMMITTEE
6 April 2023

ITEM 8

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

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

5.1 None.

Other options

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

Financial and value for money issues

7.1 None.

Legal implications

8.1 None.

Climate implications

9.1 None.

Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	28/03/2023
Other(s)	Ian Woodhead	28/03/2023

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

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8.2	24 - 37	22/01338/LBA	16 - 17 Friar Gate Derby	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations	To grant planning permission with conditions.
8.3	38 - 58	22/01413/FUL	Public Open Space And Car Park Adjacent To Stockbrook Street Recreation Ground Stockbrook Street Derby (access Off Spring Street)	Erection of nine dwelling houses (Use Class C3) with parking and access road and four parking spaces for the recreation ground	To grant planning permission with conditions.
8.4	59-69	23/00009/FUL	52 Burnside Street Derby	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (nine occupant) house in multiple occupation (Sui Generis)	To grant planning permission with conditions.

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Application No: 22/01337/FUL

Type: Full Application

1. Application Details

1.1. Address: 16 -17 Friar Gate, Derby

1.2. Ward: Arboretum

1.3. Proposal:

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

1.4. Further Details:

Web-links to application:

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

Brief description

Members will recall that this application was deferred at the Planning Control Committee meeting on 15 December 2022, to allow for the agent / applicant to further consider concerns raised regarding the intensity of use and impact of the proposed two storey extension on the use of the rear yard and on the adjacent building on George Street, which is occupied as a yoga studio.

A statement to respond to Member's concerns and revised layout plan have been submitted to support the application. A further Daylight & Sunlight Report and Internal Daylight Report have been submitted to assess the impacts of the apartment building on daylight to the adjacent buildings on George Street and on daylight to the proposed apartments in the listed building and in the rear yard.

This additional information has been the subject of a full renotification of neighbours and third parties and further comments have been received in response.

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

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

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

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formation of small sections of internal walls, door openings, kitchen and bathroom fittings. External alterations would only involve the roof of the building, in the form of new conservation rooflights.

A two storey extension to the rear yard of the site is proposed to form 2 one bed apartments. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first floor level.

Revisions have been made to the bin storage arrangement in the rear yard, on a revised site layout, which has been submitted with the supporting statement. The residential units would use two 1100l bins adjacent to the rear yard access onto George Street. The siting of the commercial bins for the restaurant and the yoga studio business have been amended, such that they would now be located within a timber gated enclosure at the southern end of the yard. The restaurant bins would comprise two 1100l bins in a timber enclosure and the yoga studio would have two 660l bins abutting the wall of the building. The resident's cycle store for 4 cycles would be sited alongside the George Street access.

The application is supported by Design, Access and Heritage Statement, Flood Risk Assessment, Archaeological Desk Assessment and Structural Condition report and has been supplemented by Daylight and Sunlight Assessments, which are available to view on line.

2. Relevant Planning History:

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

3. Publicity:

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

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

4. Representations:

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

48 objections have been received to the planning application.

Two further objections have been received, in response to the additional information which has been submitted. One raises concerns about overlooking and lack of daylight to the two apartments and recommends that a BRE daylight assessment be undertaken. Two daylight assessments have now been received.

The second, raises concern that the proposed apartment building, is over development and over bearing of the adjacent building on George Street, relating to loss of light and overlooking; siting and number of bins within the yard and fire escape egress.

The main issues raised to the original proposals were as follows:

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

5. Consultations:

5.1. Highways Development Control:

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

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

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recommended 10m distance for collection by refuse but the application states that these can be wheeled to the to the kerbside as required.

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

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

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

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

Recommendation:

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

5.2. Conservation & Heritage Advisory Committee:

Not considered by the committee.

5.3. Built Environment:

Revised comments to additional information received on 13 March 2023:

The amended information submitted since the last consultation response has been reviewed and due to minor changes to fence and gates within the courtyard we have no further comments to those already made.

Revised comments received on 5 December 2022:

Designated Heritage Assets affected:

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

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Impact of proposals on Heritage Assets and comments:

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

External works

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

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

- Suggest it is investigated whether the listed boundary wall can be repaired rather than completely re-built. There does not seem to be a structural report to justify this work. Suggest one is submitted (current structural report doesn't seem to include its assessment). If justified suggest reuse of existing bricks and use of an appropriate lime mortar. Note clarification in letter that all measures will be taken to retain and repair the boundary wall in situ, but no drawing changes have been made. It states wall to be rebuilt. Would prefer retention of existing wall.
- The historic stone setts in this area are particularly fine. Suggest therefore that any that are disturbed are reused upon the site or kept for future use. Suggest consideration of a condition if mindful to grant permission.
- There will be a need for careful material choices if you are minded to grant permission for the bin/fence enclosures. Suggest consideration of a condition if mindful to grant permission.
- Further details to ensure new rooflights are conservation type and details of AOV suggested if you are minded to grant permission for the bin/fence enclosures.
- Precise details of locations of helibars/appropriate stainless steel ties (supported by a structural engineers report), vents and flues etc to be submitted via condition should you be minded to grant permission after amendments suggested in the consultation have been undertaken.

Internal works

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

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

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

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

Policies

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

Recommendation:

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

5.4. Environmental Services (Health – Pollution):

Noise

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

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

The site is located in close proximity to a busy road and in an area where there are a number of restaurants and takeaways. The external noise levels are likely to be high and a suitable sound insulation scheme would need to be submitted to demonstrate

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that a good level of acoustic amenity will be provided. No details regarding noise have been submitted at this stage.

In addition, there will be noise produced internally from the restaurant business which should also be considered. It appears that the plant equipment will remain in the same location on the second floor, but it would be advisable to review the impact of noise and odour on the proposed residential areas from the commercial kitchen extraction system and the flue outlet.

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

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

Conclusions and Recommendations

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

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

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

Contaminated Land

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

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

5.5. Highways (Land Drainage):

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

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

5.6. Resources and Housing (HMO):

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

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

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

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

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

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

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

5.7. Derbyshire County Council Archaeologist:

Revised comments received on 1 November 2022:

The applicant has submitted a very good Desk Based Assessment of the site which advises the potential for below ground medieval and post-medieval archaeology to

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be impacted by the development. This impact however can be offset by the implementation of an archaeological watching brief, undertaken during any below ground works. These works could be secured by attaching a suitable condition to planning which might read.

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

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

6. Relevant Policies:

6.1. Relevant Policies:

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

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

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

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development - General Criteria

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H14	Re-use of Underused Buildings
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses Within Buildings of Architectural or Historic Importance
E21	Archaeology

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF

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paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of the Development/Use

7.2. Design and Amenity

7.3. Heritage Impacts

7.4. Highway Impacts

7.5. Environmental Impacts

7.6. Conclusion

7.1. Principle of the Development/Use

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

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

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

In principle, the proposed residential uses would be acceptable within the city centre, including on upper floors of frontage buildings and where they would not result in the loss of other city centre uses. In this case, the existing restaurant use is being retained within the principal listed building and would not be directly impacted by the proposed residential units. In policy terms, residential uses are appropriate in the city centre, which is a highly sustainable location, through Policies AC1 and AC2 of the DCLP1. The delivery of new housing would also accord with the intentions of saved Policies H14, H13 and Policy CP6, although given the proposals relate to the use of a listed building in the Conservation Area, the residential uses would only be acceptable provided that the heritage tests in the NPPF are satisfactorily met.

7.2. Design and Amenity

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

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

The first and second floors of the listed building at 16-17 Friar Gate have previously been occupied as residential apartments, associated with former uses of the building and the proposal is to form 3 apartments and a 6 bedroom HMO.

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

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

Revisions have been made to those third floor bathrooms to reduce the height of the pods and allow more of the roof space to be viewed.

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

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

Prior to the December committee meeting Members carried out a site visit to the rear yard off George Street, to view the siting and impacts of the proposed new build apartments on the yard and the adjacent building.

Since the application was considered at the committee meeting, the agent has supplied a response to the concerns raised by Members, in relation to servicing of the rear yard and amenity of existing and future occupants.

In relation to fire safety and means of escape, the development as a whole would be required to comply with fire safety requirements which are dealt with through the relevant Building Regulations.

The agent states that in addition to existing occupiers, only the residents of the apartments would use the yard as means of escape and that the "*design is fully compliant with Part B of Building Regulations*" and that "*the escape route is more than adequate*", such that the development would meet fire safety requirements. In relation to the width of the egress for bins and fire escape, with the apartment building in situ, the minimum width shown on the layout plan would be 1.575 metres.

The agent's response states that "*the narrowest width is compliant with Part B of the Building Regulations and neither poses a concern for escape purposes, nor will be reduced by bin storage (as the storage of bins is accounted for in the dimensions). For reference, according to Table 2.3 in Approved Document B2, 1500mm is sufficient for 300 persons to simultaneously evacuate a building. To accommodate the number of persons actually escaping along this route, only 850mm clear width is required.*"

The agent states that the residential development as a whole, is proposed to be managed by a property management company, for maintenance of the properties, including common spaces and external areas.

In relation to bin storage, the layout and siting for each of the occupiers of the site, within yard has been amended and clarified on the revised plan. The statement confirm that the required number of bins has been reviewed and the current use is 2 1100l bins for the restaurant and 2 660l bins for the yoga studio.

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These would be screened behind a new timber enclosure and gates separated from the residential units. 2 1100l bins would provide sufficient waste removal for all of the residential users, to be sited adjacent to the yard access. The dimensions of the 1100l bins are given as 1375mm length and 1085mm width.

The proposed cycle storage for the scheme is at the northern end of the yard adjacent to George Street and has four cycle spaces. The statement advises that the two tier storage racks are proposed, "*which are a common, popular solution and do not require lifting of bicycles onto wall-mounted racks.*"

In regard to amenity space for the new residential units, the statement confirms that no private amenity space would be provided for this development. The rear yard has shared access with the existing users of the site, which are the restaurant and the George Street, yoga studio, so there is no scope to provide outdoor space for residents. This is typical of most city centre residential properties, particularly apartments, given the limited space available for such uses. Given its location, the lack of outdoor amenity space, would not undermine the amenities enjoyed by future residents on the site.

The new building would form two apartments over two floors and their floor areas, which would exceed the minimum national space standards. The agent has confirmed that each of the one bed units provide some 38-41 sq metres of floorspace.

Window openings would be large in size and all be south and east facing. The building would be in close proximity to the adjacent two storey building, which is occupied as a yoga studio and positioned to the northern end of this existing building.

In response to concerns raised about access to daylight for both the yoga studio and the two new apartments, as a result of the siting and form of the new building, the agent has commissioned two daylight assessments carried out under BRE guidance. One assesses the impact of the development on natural daylight to neighbouring properties on George Street and the second assesses the level of daylight to the principal rooms of the proposed apartments and HMO.

The report relating to the impacts on daylight to nearby properties, considers the loss of light which would arise from the siting of the apartment building close to the adjacent George Street building. There are 10 windows in total fronting onto the rear yard and the report indicates that 6 of these openings are to the studio room, with 3 of these windows seeing a substantial loss of light from the development. These 3 openings also have security bars and obscure panels to the glazing, which will currently limit daylight and reduce the likelihood of being overlooked. The remaining windows show minimal or no adverse impacts from loss of daylight.

The report summary concludes "*that all relevant windows and rooms within the two properties assessed meet of the BRE planning guidance for daylight and sunlight.*" Based on this assessment, it is considered unlikely that the yoga studio building would see any undue loss of light or loss of privacy from the proposed residential use.

The report relating to daylight levels for the new apartments, considers all of the proposed units, including those to be formed in the listed building. Overall, the

daylight levels to the units within the listed building are considered tolerable, given that the rooms are existing and have previously been in residential use. The ground floor flat in the new building is assessed as having low light levels, due to its proximity to the adjacent building.

It comprises an open plan living and kitchen space and separate bedroom. The assessment concludes that *“a design decision has been made to keep this space open plan as it is felt that, despite the lower measured daylight performance, overall this results in a more pleasant living space for the occupier.* The limited daylight levels to the ground floor unit, would impact on the living environment of the future occupants, although I note that the open plan layout of the living space would help to mitigate for the lower light level. This must be weighed against benefits of housing delivery in this is highly sustainable, city centre location within the conservation area and the viability of the scheme to develop the historic buildings for residential use.

The agent’s statement considers that the new apartment building is an essential component to make the scheme viable, as this element would make a significant contribution to the investment required to carry out the conversion and repairs to the listed building. The development is therefore felt to be necessary to ensure the long-term sustainability of the heritage asset.

The provision of a small apartment building in the rear yard of this listed property, is acknowledged to be a constrained form of development on a tight space, surrounded by other commercial, leisure and residential uses and the merits of the additional apartments, having regard for the daylight impacts are considered to be finely balanced.

However, the delivery of new housing weighs heavily in favour of this residential proposal, which on balance is considered to be a high quality scheme, in terms of design, form and the reuse of heritage assets and which would bring an important listed building in the city centre back into a viable residential use.

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

7.3. Heritage Impacts

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

The Conservation Officer considers that there are benefits resulting from the proposed conversion and reuse of the upper floors of the Grade II listed building for residential use. However, there is also harm to the significance and fabric of the

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building from removal of walls, plan form, formation of doorways and other interventions. There is also considered to be harm to Friar Gate Conservation Area from the new build extension and proposed rebuilding of boundary wall. Further clarification was also sought for fire and noise protection measures, to be used in the listed building, to form the new residential units. Additional information has been supplied to address these requirements and is accepted, subject to conditions.

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

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

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

The relevant Local Plan policies are Policy CP20 of the adopted DCLP1 and saved Policies E20, E19 and E18 of the CDLPR. The harm to the significance of the heritage assets, caused by the proposed intervention works to the upper floors of the listed building and development of a new residential building in the rear yard, is contrary to the intentions of the adopted Local Plan policies.

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

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

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

7.4. Highways Impact

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

Third party concerns have been raised about the proposed amendments to bin storage and collection from the rear yard. Bin storage areas are proposed within the rear yard, for the new residential units, the existing restaurant and the adjacent building on George Street. Bin collection would be via the existing gate access onto George Street, which is currently used for servicing the existing occupiers. There is existing bin storage within the yard and the proposal is to amend and increase the storage for the new residences. The Highways Officer has not raised any concerns about the bin storage arrangement subject to a management plan for bin collection being agreed through condition.

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

7.5. Environmental Impacts

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

Noise - The site is in the city centre with a restaurant on the ground and first floor and is surrounded by various bars, takeaways and restaurants in this part of Friar Gate, which generate late night activity and noise, likely to have an impact on any residents occupying this building. Future residents would therefore be exposed to a high level of external noise from traffic and night-time activity. In addition, there will be noise

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and smells generated from the restaurant use in the building, via existing flues and equipment, which also may lead to disturbance for future occupants. An air source heat pump is also proposed to be located alongside the new residential building and would be potentially an additional source of noise disturbance.

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

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

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

7.6. Conclusion

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

Overall the proposal would accord with the Policies of the adopted Local Plan when taken as a whole and the over-arching design guidance in the NPPF.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

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

8.3. Conditions:

1. Standard condition (3 year time limit)

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

2. Standard condition (Approved plans)

Reason: For avoidance of doubt

3. Before commencement of works on the apartment building to the rear yard off George Street, a construction management plan with details of working hours, siting of compound and parking and measures to minimise noise and dust emissions, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard amenities of nearby properties and in interests of highway safety.

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

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

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

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

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

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Reason: To ensure archaeological remains are recorded and analysed.

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

Reason: To safeguard amenities of future residents.

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

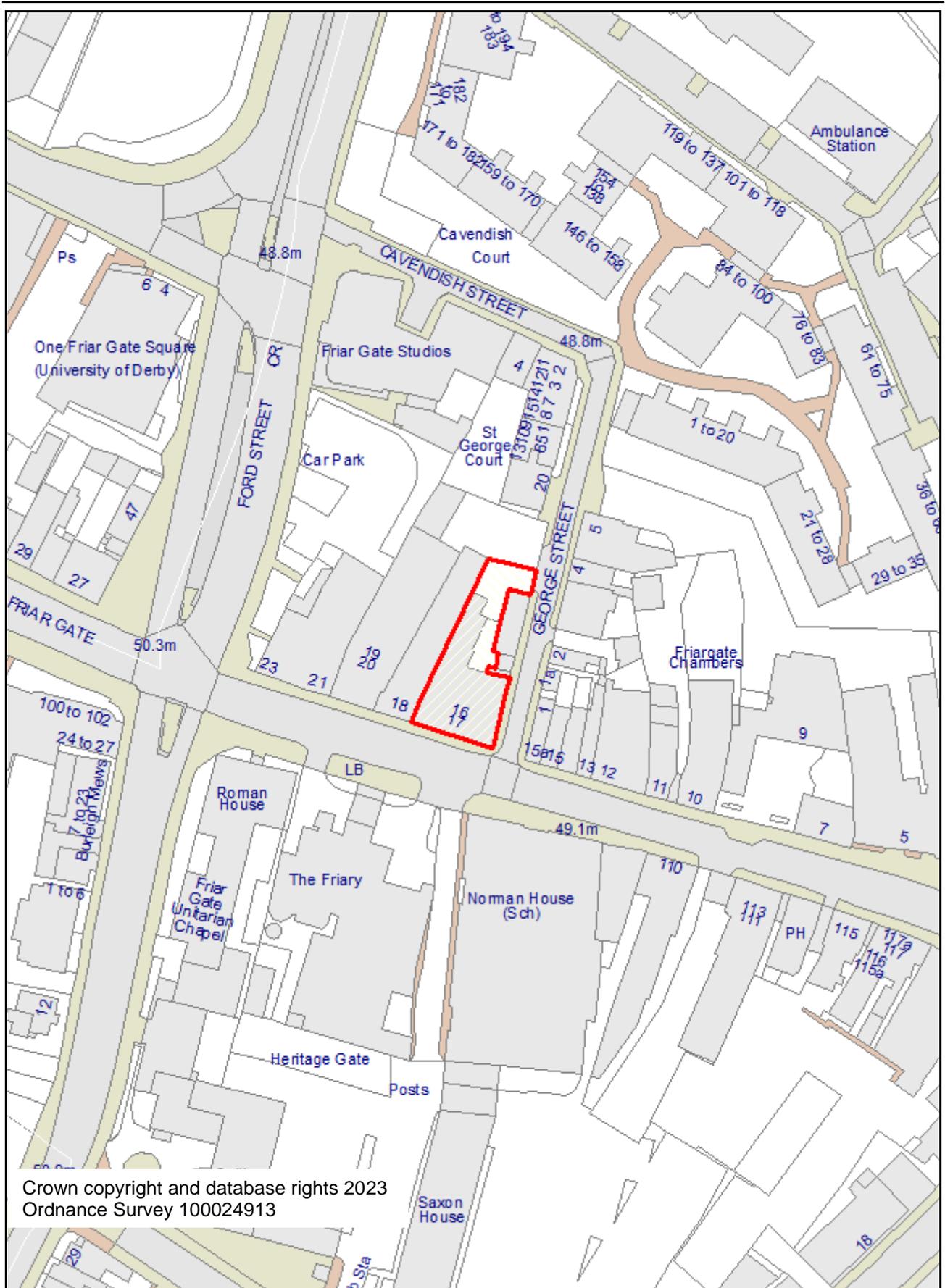
Reason: Visual amenity to preserve character of the local area.

8.4. Informative Notes:

Housing Standards Informatives

8.5. Application timescale:

Extension of time to be agreed until 19 December 2022.



Committee Report Item No: 8.2

Application No: 22/01338/LBA

**Type: Listed Building
Consent**

1. Application Details

1.1. Address: 16- 17 Friar Gate, Derby

1.2. Ward: Arboretum

1.3. Proposal:

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

1.4. Further Details:

Web-link to application:

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

Brief description

Members will recall that this application was deferred at the Planning Control Committee meeting on 15 December 2022, to allow for the agent/ applicant to further consider concerns raised regarding the intensity of use and impact of the proposed two storey extension to the rear yard and on the adjacent building on George Street, which is occupied as a yoga studio. A statement to respond to Member's concerns and revised layout plan have been submitted to support the application.

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

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

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

A two storey extension to the rear yard of the site is also proposed to form 2 one bed apartments. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first

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floor level. Servicing arrangements for the residential units are proposed to be amended within the rear yard, with a resident's cycle store and bin store to be sited alongside the George Street access. Further bin storage is proposed within the yard for the restaurant use.

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

2. Relevant Planning History:

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

3. Publicity:

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

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

4. Representations:

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

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

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

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5. Consultations:

5.1. Conservation Area Advisory Committee:

Not considered by the committee.

5.2. Built Environment:

Revised comments to additional information received 13 March 2023:

The amended information submitted since the last consultation response has been reviewed and due to minor changes to fence and gates within the courtyard we have no further comments to those already made.

Designated Heritage Assets affected:

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

Impact of proposals on Heritage Assets and comments:

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

External works

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

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

- Suggest it is investigated whether the listed boundary wall can be repaired rather than completely re-built. There does not seem to be a structural report to justify this work. Suggest one is submitted (current structural report doesn't seem to include its assessment). If justified suggest reuse of existing bricks and use of an appropriate lime mortar. Note clarification in letter that all measures will be taken to retain and

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repair the boundary wall in situ, but no drawing changes have been made. It states wall to be rebuilt. Would prefer retention of existing wall.

- The historic stone setts in this area are particularly fine. Suggest therefore that any that are disturbed are reused upon the site or kept for future use. Suggest consideration of a condition if mindful to grant permission.
- There will be a need for careful material choices if you are minded to grant permission for the bin/fence enclosures. Suggest consideration of a condition if mindful to grant permission.
- Further details to ensure new rooflights are conservation type and details of AOV suggested if you are minded to grant permission for the bin/fence enclosures.
- Precise details of locations of helibars/appropriate stainless steel ties (supported by a structural engineers report), vents and flues etc to be submitted via condition should you be minded to grant permission after amendments suggested in the consultation have been undertaken.

Internal works

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

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

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suites on the plan form, installation of services and especially the location and installation of ensuite to bedroom 5 seems very harmful. Space is very tight, with limited head height, within the attic. Maintain that preference is not converted and ensuites added on this floor, however, understand there may be other considerations. Proposal amended so that the two ensuite shower rooms be pods rather than full height which will have less of a visual impact within these rooms. It is explained that the pods are proposed to be fully reversible, however, there will be holes in walls etc made for drainage, vents etc. It will be important to obtain details on how they are proposed to be constructed so they are 'reversible' and require 'minimal intervention'.

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

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

Policies:

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

Recommendation:

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

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5.3. Development Control Archaeologist:

Revised comments 1 November 2022:

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

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

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

6. Relevant Policies:

6.1. Relevant Policies:

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

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

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Status of the listed building

7.2. Proposed works

7.3. Heritage Impacts

7.4. Conclusion

7.1. Status of the listed building

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

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

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

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

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

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

7.2. Proposed works

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

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principally to the roof, through insertion of 3 conservation rooflights to rear and roof vents.

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

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

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

Since the application was considered at the December committee meeting, the agent has supplied a response in February to the concerns raised by Members, in relation to servicing of the rear yard and amenity of existing and future occupants. The submitted statement, specifically deals with compliance with fire safety regulations, storage of bins and cycles and provision of a high quality living environment and impacts on daylight to the adjacent building, which is occupied as a yoga studio. The issues arising from the additional statement are dealt with in the report for the planning application 22/01337/FUL.

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

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

7.3. Heritage Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

7.4. Conclusion

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

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

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

It is therefore recommended that Listed Building Consent be granted for the proposals, subject to recommended conditions.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant Listed Building Consent with conditions.

8.2. Summary of reasons:

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

8.3. Conditions:

1. Standard condition (3 year time limit)

Reason: As required by relevant legislation

2. Standard condition (Approved plans)

Reason: For avoidance of doubt

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

Reason: To preserve character of conservation area

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

Reason: To preserve character of conservation area

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

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

6. Details of conservation rooflights to be agreed before installation

Reason: To preserve character of the listed building.

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

Reason: To preserve character of the listed building.

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

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

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

Reason: To preserve the character of the listed building.

8.4. Application timescale:

Extension of time to be agreed until 19 December 2022.

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Application No: 22/01413/FUL

Type: Full Application

1. Application Details

1.1. Address: Public open space and car park at Stockbrook Street Recreation Ground, Spring Street, Derby

1.2. Ward: Abbey

1.3. Proposal:

Erection of nine dwelling houses (Use Class C3) with parking and access road and four parking spaces for the recreation ground

1.4. Further Details:

Web-link to application:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=22/01413/FUL>

Brief description

Full permission is sought for residential development on land which is public open space and a small car park and forms part of the Stockbrook Street Recreation Ground to the south of Spring Street.

The site is a rectangular area of land, at the eastern end of the public open space and is an area of relatively level grassland, with two groups of mature trees. About a third of the site is a public car park, accessed from Spring Street. The recreation ground extends to the west, along Stockbrook Street up to Moss Street and includes play facilities, community centre and boxing academy, which won't be affected by the proposed development. The open space is within a residential area, which comprises two storey, Victorian terraced housing and post-war Council housing, which lies close to the city centre. Victorian properties on Farm Street and May Street back onto the development site.

The development would result in a loss of small area of public open space and the existing car park. The removal of 12 trees on the site is also proposed to form the development.

The proposal is to develop the site with 9 two storey dwelling houses, comprising 5 x 2 bed and 4 x 4 bed units. There would be four pairs of semi-detached and one detached unit. These would be sited in a row along the eastern boundary with Farm Street with one unit on the May Street boundary. The houses would each have private rear gardens. A new access road would also be formed to serve the houses from Spring Street, with one parking space for each dwelling and four visitor spaces and cycle parking provided.

The proposed dwellings would be managed as affordable housing units.

The application is supported various technical documents, including a Phase I Contamination Desk Study, Drainage Assessment, Design and Access Statement and Tree Survey. An additional Arboricultural Impact Assessment and Method Statement, Open Space Assessment, Ecological Impact Assessment and Tree Protection Plan were submitted during the life of the application.

2. Relevant Planning History:

None of relevance.

3. Publicity:

- Neighbour Notification Letter – 22 letters
- Site Notice

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

4. Representations:

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

27 objections (including one from Cllr Graves), 1 neutral comment and 1 supporting comment have been received to the application. They raise the following issues which are summarised below:

Objections:

- Loss of park / open space
- Increase pressure on local facilities, doctors and schools
- Increase in traffic and noise for existing local residents
- Park is important facility for wellbeing of residents in this inner city area
- Loss of trees and wildlife from the park
- Loss of privacy and light to neighbouring residents
- Precedent for the rest of the city.

Other comments:

- Car park currently used for fly tipping and anti-social behaviour, so removal is a benefit
- Provision of new social housing.

5. Consultations:

5.1. Highways Development Control:

Updated revised comments received on 29/11/2022:

These observations are primarily made on the basis of submitted revised plan XXXX-ARC-00-00-DR-A-010001 Rev P2; and should be read in conjunction with the observations previously made.

In its response of 16/09/2022, Highway Authority support for the proposals has previously been established.

In highway terms, the re-consultation proposals appear to involve the removal of more trees, and the provision of an area for cycle parking together with a proposed “raised speed table or traffic calming measure” at the access onto Spring Street.

Taking the latter; this is not strictly necessary; although the Highway Authority will require the extension of the footway fronting the site; making the driveway one which has a footway crossover to gain access rather than the ‘bellmouth’ access shown.

This will indicate priority to pedestrians over motor vehicles and is appropriate given the location of the site adjacent to the public open space; and will be dealt with as part of the process for highways works and falls outside of the planning process.

Whilst noting proposals for cycle and visitor spaces, noted as being for the recreation ground. I would draw to the attention of the Local Planning Authority that the cycle parking is not in a particularly secure location and may not therefore be used in practice, and that there is no guarantee that the ‘visitor’ parking spaces will be kept clear and retained for purpose.

Recommendation:

The Highway Authority has No Objection to the proposals, subject to the suggested conditions.

5.2. Highways (Land Drainage):

There is no flooding on this site. It will be necessary, however, to reduce and treat the surface water run-off. A storage tank is proposed for this purpose but there are large green areas in front of the houses which could, and should, be used as rain gardens. There is no point deliberately making the opportunity for bare patches on the verge.

5.3. Environmental Services (Health – Pollution):

Land Contamination:

I note the submission of a Phase I Geo-Environmental Desk Study in support of the application (M-EC Ltd, Ref: 27417-GEO-0401, Dated: July 2022). I can comment on the Study as follows.

Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than within a land contamination context.

In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report

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surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase I Study

As the title suggests, the study is desk-based in nature and therefore no intrusive sampling is included. The report appropriately follows relevant guidance and standards and provides a conceptual model for the proposed development.

The report identifies that the site was used historically as a brick works, until around 1914. The main sources of possible contamination identified in the study are contamination associated with the former brickworks processes, an electrical substation and risks associated with made ground likely to be present on site. The report recommends that a Phase II Intrusive Investigation is undertaken to confirm the underlying geology, the extent of any contamination which may be present on site and the possible existence of ground gas risks to the development.

Conclusions and Recommendations:

The submitted Phase I Geo-Environmental Desk Study and its associated conclusions and recommendation are accepted.

Given the recommendations for further intrusive investigations on site, should planning permission be granted, the Environmental Protection Team would recommend the attachment of conditions to the consent.

5.4. Natural Environment (Tree Officer):

Revised comments received on 27/03/2023 following receipt of updated Open Space Assessment:

The revised Open Space Assessment version 4 quite rightly states that the trees proposed to be removed are not protected. We do not normally protect our own trees as we are deemed to be good managers of trees and it is not usually expedient to formally protect our own trees. This does not mean that they are not worthy of formal protection.

- It is acknowledged that the revised Open Space Assessment version 4 commits to the creation of a robust Biodiversity Enhancement & Management Plan (BEMP). It is a shame that the biodiversity enhancement is being driven by the proposed development. We should be aspiring to enhance our public open spaces without the requirement to lose a portion of public open space to facilitate enhancement.
- I still have concerns that the removal of trees 10 through to 18 will expose the remaining adjacent trees to the west (in particular 19 and 20). It is possible that further trees would need to be removed following the removal of trees 10 through to 18. This has not really been addressed in the AIA. Any additional trees that are required to be removed would need to be mitigated for in an amendment to the BEMP. Of note whilst the removal of tree 5 is also adjacent to trees the sparse/open form of the tree means its influence on the adjacent tree (trees 2-4) is somewhat reduced.
- The indicated CEZs are not a true reflection on how the fencing panels could be installed to form the CEZ.

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Conclusion

- It is clear from the revised Open Space Assessment version 4 that there is a commitment to increase biodiversity and plant mitigatory trees. If delivered the BEMP would be in accordance with core policies Policy CP2 - (Responding to Climate Change), Policy CP16 – (Green Infrastructure) and Policy CP19 –(Biodiversity).
- I still have concerns regarding the loss of public open space and existing trees however the commitment to BEMP (if delivered) will increase biodiversity and canopy cover which would unlikely happen without development. If it is considered, taking into account the BEMP, that the loss of POS and trees is acceptable it must be conditioned that a final AMS including (TPP) is submitted and approved prior to any development (including ground preparation).
- A landscape plan and schedule must be conditioned to be submitted and approved. The landscape plan and schedule would need to tie into the BEMP.
- A net increase in canopy cover must be achieved (to be shown on the landscape plan and schedule). For mitigatory trees a projected tree canopy after 15 years of being planted would be reasonable to use to calculate canopy cover net gain.
- Trees to be planted within the hard landscaped must show target soil volumes and actual soil volumes provided. It is likely that engineered tree pits incorporating soil cells will need to be utilised to provide adequate soil volumes. Incorporating SUDS elements into engineered tree pits could help establishment of tree and reduce watering commitments. This must be explored.

Updated comments received on 31/01/2023 following receipt of Arboricultural Impact Assessment:

- The submission of the BS5837 documents is welcomed.
- The AIA states that 12 trees need to be removed to facilitate the development. Of all the trees proposed to be removed only one tree (T6 Cat – C) is an open grown tree. The remaining trees are part of groups. There is a danger that when you remove trees on the edges of groups the new edge trees will not thrive as suddenly, they are exposed and may need to be removed prematurely.
- Abbey Ward has the 2nd largest canopy cover percentage (19.9%). But this is still considered to be insufficient. We should be aspiring to 30% canopy cover.
- The plans show 7 trees to be planted in mitigation.
- Indicative tree species have not been shown. It is noted that tree species would dictate the soil volume required. Tree species would need to ensure that the tree selected follows, the wider area, 10-20-30 rule (10% of any one species, 20% of any one genus, and 30% of any family).
- SUDs elements have not been considered to be incorporated into tree pits. This is an oversight in my opinion and should be explored. (Especially conceding that one tree is shown to be planted over an attenuation tank.
- Due to the indicated tree planting locations, I doubt that the proposed trees would replicate the canopy proposed to be lost.

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- I do acknowledge that for many years Derby Homes has contributed to the green infrastructure of the city by funding tree planting on its sites.
- I am concerned that once the POS is lost it is essentially lost forever. If the main driver for this is to reduce ASB then could the car park be closed and plant more trees to increase canopy cover and biodiversity?

Whilst I understand the ASB issues I am mindful that residents that live on Farm Street would be deprived of views across the POS.

- The TPP fencing locations to create the CEZs are not realistic. The fencing to form the CEZ must be set out as the actual fencing panels would allow.

Conclusion:

- I do object to the proposed development on the grounds of tree loss.
- I am mindful of the reasons for the proposed development (ASB behaviour and housing requirements).
- If it is recommended to approve the proposed development then it must be conditioned that a final AMS including (TPP) is submitted and approved prior to any development (including ground preparation).
- A landscape plan and schedule must be submitted and approved.
- A net increase in canopy cover must be achieved (to be shown on the landscape plan and schedule). They will need to plant more trees.
- Incorporating SUDs elements into tree pits must be considered.
- Trees to be planted within the hard landscaped area must show target soil volumes and soil volumes available.

5.5. Environmental Services (Parks):

The existing park layout and usage does appear unsatisfactory, likely leading to a need for frequent call outs, both reactively and in terms of planned maintenance. I can see the scheme indicates that this corner of the park is likely not an area of quiet enjoyment or use for sport and attracts significant ASB. I would think this fairly modest development does have significant potential to improve the park.

- The loss of parking seems unlikely to be of detriment to the good functioning of this urban park space. Most users will walk, park on the roadside or commute through.
- The scheme would appear to result in the loss of something like 8 established trees. Given the need to provide urban cooling, biodiversity, build climate resilience and provide the space for enjoyment and contact with nature I would concur that the new tree planting should be commensurate and exceed this number to allow for losses and the loss of amenity during their establishment. Guidelines on numbers of new trees to replace established trees vary. The new planting could be species that provide year-round interest and that cope well with I'm assuming having some possibly having their crowns lifted to enable sightlines. They might benefit from being protected with suitable tree cages so

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that they are less likely to be snapped and vandalised during the 10-20 years of their establishment.

- Is there an opportunity to provide other specimen trees and perhaps seating elsewhere on the site to provide shade and amenity for people in the park in the future to help with justifying the loss of land?
- As you suggest attention needs to be given to a scheme of engineering to prevent vehicle trespass onto the park from either the existing or the new proposed road. This could be through combination of features such as bollards with associated tree planting that will establish and provide a future barrier that may provide a sufficient barrier on their own once the engineered solution reaches the end of its lifespan. For that setting bollards would be appropriate. In other settings I've seen good use of large natural stones, fencing with associated low hedges, SUDS style arrangements and Ha-Has (a low fence or wall which creates barrier, whilst maintaining an open view) which are attractive. All provide good sightlines and good security. I would suggest though that cost will probably bring it back to bollards, I suspect they would be in keeping with any existing measures around the park and surrounding area
- The range of mitigating measures includes bat boxes, which seems a standard suggestion. However, if there is no existing bat activity or roosts, they may not be viable. Especially given the increase in lighting that the housing will bring. Of course, great to see their inclusion as an extra, however, if the presence of bats is unlikely then perhaps another measure or more planting might be considered.
- The proposed end property's fence line might create a small quiet corner, tree planting should be positioned to ensure that mowing equipment can reach into the corner to keep the space maintained and easy to inspect.
- An additional option would be to consider an area of relaxed mowing immediately by the new road barriers to soften the edge and provide a green buffer? Something Parks and Streetpride could consider later?

Could the scheme, once finalised, be assessed for its impact on the existing site maintenance regime. I suspect this will be a minor consideration and could be resolved during the build and planting phase but is there an opportunity here for those currently managing the land, both in term of parks, Streetpride and whoever responds to the ASB etc to check for any 'future proofing'. This might help keep maintenance time and needs for different equipment to a minimum.

- Will the works during the build phase need any additional land, is there a risk of overspill of contractors leading to issues of compaction or disturbance that needs to be accounted for?

5.6. Derbyshire Wildlife Trust:

Updated revised comments received on 24/03/2023:

I have reviewed the (revised) open space assessment and I note that this has taken on board my comments sent to the Council on 10th February 2023. I also note that the location for the grassland enhancement area will need to be agreed with the Council. The loss of the trees on site is a significant impact locally and any scope for

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the retention of additional trees should be investigated. For example it is not clear why tree 19 (*Prunus avium*) needs to be removed as it is located outside of the development footprint. I do note, however, that 2 of the more mature trees are Ash (*Fraxinus excelsior*) and may well succumb to ash dieback in the near future and another tree is a Raywood ash that has lost 25% of its crown (Tree Survey, July 2022). The remaining 'mid' age trees affected are an Aspen and two Hawthorns. There are in addition a number of younger trees present including one Field Maple and three Oak. Whether there is scope to relocate the younger trees is unclear, but we would like to see that option considered by the applicant.

It is essential that the proposals for planting new trees are deliverable. The exact location for the planting of new trees has yet to be agreed so the Council will need to be confident that there is the space nearby to accommodate replacement trees and shrubs. We would strongly support the planting of additional trees and shrubs over and above the number that will be lost to address the loss of the trees on site.

Some of the consultation responses outlined above have been updated as a result of ongoing discussions about the proposal and earlier comments are included on the application web pages which can be accessed via the link at the start of this report.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

- CP1a Presumption in favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP7 Affordable and Specialist Housing
- CP16 Green Infrastructure
- CP17 Public Green Space
- CP19 Biodiversity
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development - General Criteria
- E13 Contaminated Land

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

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https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

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

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of residential development

7.2. Impact on Open Space

7.3. Design and Amenity

7.4. Highways Impact

7.5. Environmental Impacts

7.6. Conclusion

7.1. Principle of residential development

The proposal is residential development of 9 dwellinghouses, to be sited on a section of public open space at Stockbrook Street Recreation Ground, off Spring Street, within a residential area characterised by two storey terraced housing and Council housing. The development would provide social housing, in the form of 2 and 4 bedroom houses to meet a need for such accommodation in this part of the city. The site currently has a small car park for users of the open space and two groups of mature trees.

The site is designated in the Local Plan as Open Space and records indicate that the site is contaminated due to its former use as a brickworks and because the site was previously used as landfill.

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The proposed housing would contribute to a wider need for housing delivery in the city, given that Policy CP6 is out of date and there is no longer a five year supply of housing. In this policy context the primary consideration in determining this application focusses around the tilted balance and whether there are any adverse impacts arising from the development that would *significantly* and *demonstrably* outweigh the benefits.

The site is part of existing public open space and the loss of the open space, to develop new housing must be considered under the requirements of Policy CP17. The Derby City Local Plan – Part 1: Core Strategy (DCLP1) recognises that there is a significant need for affordable housing in the city and the provision of 9 affordable homes, weighs heavily in favour of the proposed development and meets the overall housing provisions in the NPPF.

Policy CP7 sets out the Council's commitment to meeting needs for affordable and specialist housing and will seek to ensure that identified needs are met through a range of mechanisms. The policy continues by stating that the Council will *'seek opportunities to release public sector land and particularly land owned by the Council in order to provide sites for the delivery of new Council Housing and affordable homes'*.

For these reasons, the principle of the proposed housing development, must be considered under Policy CP17, due to the loss of public open space, although the scheme would deliver new affordable housing, which would be in line with the intentions of DCLP1 Policies CP6 and CP7 and CDLPR Policy H13.

7.2. Impact on Open Space

The application site is situated on Stockbrook Street Recreation Ground which is classified as a Neighbourhood Park and is approximately 5.3ha in area. Consequently, the requirements of Policy CP17 come into play. This states that the Council will:

"only permit the loss or change of use of green space or playing pitches in circumstances where:

- 1. an assessment has been undertaken which has clearly shown the public green space, buildings or land to be surplus to requirements; or*
- 2. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- 3. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or*
- 4. the development will be ancillary and in scale to the public green space, sport or recreation facility and complement the use or character of the space."*

Only one of the criteria above has to be satisfied to fulfil the requirements of the policy. An Open Space Assessment has been submitted with the application, which has been revised during the life of the application in order to justify the loss of open space in line with the intentions of Policy CP17.

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The Council's Open Space Study splits Derby into five distinct Analysis Areas and this application falls within the Central Analysis Area; an area, when compared to the Local Plan standard of 3.8 hectares per 1000 people, has a deficit of open space. Stockbrook Recreation Ground is classified as a Neighbourhood Park and is considered to be of average quality but highly valued by the local community. In summary, the park received high scores for maintenance, personal security, lighting, the provision of seats and bins and the inclusion of a play area and MUGA. It also received positive comments because the park included a car park. A car park will be removed as part of the proposal, although there are two other car parks served off Stockbrook Street. It received a medium score for biodiversity value but scored poorly for controls to prevent illegal use. On-the-whole, the Study concluded that the park met the needs of all members of the community which ensured the high community value score. On-the-ground surveys and GIS data also indicated that the park also fills a gap in the provision of Amenity Green Space.

Overall, the Open Space study considered that the park is in an area of deficit, is of average quality and is valued by the community. Only a small part of the park is being considered for development, amounting to around 2700 sq. metres or 5% of the total open space and this site is of a lower quality due to the area of hardstanding and its loss will not create a gap in provision. Having said that the site does contain a grassed area and a number of mature trees.

The applicant has submitted an Open Space Assessment, which has been revised during the application, in order to demonstrate compliance with Policy CP17. The assessment recognises that the loss of open space would have an impact on local provision, although a mitigation package is proposed which focuses on biodiversity and habitat improvements in the rest of the park, by provision of species rich grassland and additional tree planting (described in more detail in Section 7.5).

The applicant is seeking to demonstrate that the proposal would be replaced by open space of better quality (criterion 2), although this does not meet the intentions of the policy, because the development is for housing and the scheme would not provide any new provision of open space to compensate for the loss of part of the park. Whilst biodiversity enhancements to the retained open space are being proposed, this does not amount to equivalent or better provision of quantity or quality, as required by the policy.

The applicant has also not been able to show that the land is surplus to requirements and therefore no longer required as part of the open space (criterion 1), since it forms part of the recreation ground. The proposal would therefore not meet any of the criteria in the Policy CP17, required to justify the removal of public open space.

However, the tilted balance for delivery of new housing comes into play for this application, which would deliver 9 homes to address an affordable need in this area of the city. It must, therefore, be considered whether the delivery of new housing in this part of the city, outweighs the loss of open space in this peripheral part of the Stockbrook Street Recreation Ground.

In weighing up the loss of the open space, against the benefits of the development, it is noted that about a third of the site is given over to a hard standing car park and this area of the park, lies on the periphery of the open space at its eastern end. It does

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not include any other public facilities other than the car park. Google streetview suggests that the car park is also not well used by visitors to the park. The Council's Parks team have highlighted their concerns with this part of the park, which arise from anti-social activity in this location and include persistent fly tipping problems and drug use. Other than clearing away detritus and liaising with the Public Protection Officers, the Parks team have not had the resources to undertake more permanent solutions, such as CCTV cameras, to improve this area of the park.

The Parks team do not raise any objections to the proposed development of this area of open space for affordable housing and recommend planting in the rest of the open space as mitigation for its removal.

Having regard for the maintenance issues with this area of the park, the delivery of affordable housing would amount to a considerable benefit in terms of addressing a local housing need and the provision of a high-quality development, which would address the park, with the units fronting onto the open space thereby improving surveillance of the park in this location. The package of proposed biodiversity enhancement measures, to mitigate for the loss of existing trees and provide improved grassland habitat are also welcomed and would result in a net gain in biodiversity in the retained parkland.

These benefits must be weighed in favour of the development in the tilted balance, against the removal of the public open space for the delivery of affordable housing.

In my opinion and judgment the application is finely balanced. This is a result of the protection of public open space assets across the city afforded by Policy CP17, but members need to be mindful of the public benefits that the proposal would deliver, in the form of modern, well-designed, affordable housing and the context of the tilted balance policy position - as explained in Part 6.2.

It is considered that the proposal would provide a high-quality housing scheme, to meet a local housing need and also address a social problem within the existing park, which the Parks Team don't have the resources to fully resolve. The proposed biodiversity enhancements within the park would also make a positive contribution to the retained open space and mitigate for the removal of existing trees and habitat. Therefore, on balance, it is considered that the benefits of the proposed development are significant and would outweigh the loss of this area of open space in the Stockbrook Recreation Ground.

7.3. Design and Amenity

Policies CP3 and CP4 of the DCLP – Part 1 and saved Policy H13 of the City of Derby Local Plan Review seek high quality design and efficient use of land in residential development. The proposed housing development is considered to fulfil these requirements of the Local Plan policies.

There would be four pairs of semi-detached units and one detached unit at the end of the access, comprising five 2 bed and four 4 bed dwellings. Each dwelling would have one private parking space to front and a rear garden. The new dwellings would back onto two storey, Victorian terraced housing plots on Farm Street and May Street. To the north of the site there are post war Council houses and flats, accessed from Spring Street. Stockbrook Recreation Ground extends to the west of the site

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and comprises of grassland and groups of trees, with a hard surfaced path from the end of Spring Street through the open space.

The proposed layout of the nine, two storey dwellings would front onto the proposed access road, formed off Spring Street and the plots would all face towards the park and the retained trees, giving a better surveillance of the open space. This would also help to improve security and reduce the level of anti-social activity, which is currently understood to be an issue in this location, around the car park. The dwellinghouses would be of a traditional design, with a more modern elevational treatment. They would all have brick and render facades and tiled rooflines, with dark coloured window and door joinery.

There would be slight variations in the appearance of the facades and the end detached dwelling would have a more contemporary form and elevational treatment with an elongated roofline and projecting element to the front elevation. An array of solar panels is also proposed on the front roof slope of each dwelling house. Overall, the proposed house types and the layout of the new housing is considered to relate well to the rest of the park and to be of a high-quality design and form, which would contribute positively to the character of the surrounding residential area.

Saved Policies H13 and GD5 both require development to safeguard amenity of both existing and future residents. The impacts of the development on existing residential properties surrounding the site would not be unduly harmful. The proposed house plots would be sited to the rear of dwelling houses on Farm Street and May Street, which have relatively short rear gardens. The proposed semi-detached dwellings have rear gardens 9-10 metres depth and there would be around 18 – 20 metres between rear elevations of the new dwellings and those existing houses on Farm Street. Land levels are relatively flat and boundary fencing is proposed to rear curtilages, such that there would not be any undue overlooking or massing impacts on the residents of Farm Street. The end dwelling house which would back onto the rear gardens of terraced properties on May Street, would have an unusual, shaped plot, with a side garden and short rear curtilage. The building would be around 16 metres from the rear elevations of the terraced houses on May Street. There would be some massing effect from the width of the rear façade, although there would only be one bathroom window at first floor, so minimal overlooking would result to the neighbouring properties.

Principal windows would be primarily on the front and the side elevations. Overall, the impacts on residential amenity to nearby dwellings on Farm Street and May Street would, in my opinion, be limited.

The proposed dwelling houses would provide affordable family accommodation to meet an identified housing need in the city. The house types are considered of a reasonable size in term of floorspace provision and the principal rooms all have access to a good level of natural daylight, which would not be unduly overlooked. The proposed layout would provide surveillance of the access road and the public open space beyond the site. I am, therefore, satisfied that the proposals would provide a high-quality living environment for the future occupants of the development and overall, the amenity requirements of saved Policy H13 and GD5 would be satisfactorily met.

7.4. Highways Impact

The proposed development of the open space would require the removal of a small hard surfaced car park, which is for visitors and served off Spring Street. The car park does not appear to be well used and the Council's Parks team have confirmed that it is currently subject to anti-social behaviour.

The new homes would be served by a new access road and turning head to be formed onto Spring Street. It would be 5.5 m width and have 2 m footways. Each of the 9 dwelling houses would have one parking space and will have electric vehicle charging provision. Four visitor spaces would also be provided with cycle parking for users of the open space. Cycle and bin storage for the houses, would be to the rear gardens of each property.

The site is close to the city centre and accessible for bus transport and walking, so it is considered to be a sustainable location. The Highways Officer considers that there is sufficient parking to be provided for the development in this location.

The Highways Officer warns that the provision of cycle parking for park users, which is to be sited alongside the access road is not in a particularly secure location and may not be used for this purpose. For this reason, they will not be required to be secured through a planning condition on this occasion and the provision is at the discretion of the applicant.

The revised proposal includes a raised footway crossing at the access onto Spring Street. This would give priority to pedestrians over motor vehicles and highways colleagues consider that this is appropriate, given the site is on the edge of public open space.

Overall, the traffic generation resulting from the development would be very limited and the Highways Officer has no objections to the proposals on highway safety grounds. Subject to the recommended conditions, I am satisfied that the transport objectives in Policy CP23 of the DCLP1, would be satisfactorily met by the development.

7.5. Environmental Impacts

Biodiversity/ Ecology and Trees

The site is currently public open space and a car park. The green space, which forms the application site, comprises of mown grassland and two groups of mature trees. An Ecological Impact Assessment (revised during the life of the application), Arboricultural Impact Assessment and Arboricultural Method statement have been submitted to assess the biodiversity value and significance of the open space and trees on the site.

In relation to loss of parkland, the ecology assessment recommends that biodiversity enhancement measures are implemented, through improvements to 0.25 ha of grassland in the retained park, although the precise location of the improvements are still to be confirmed with the Council's Parks team. These works are intended to deliver a more species rich grassland, which would then be managed to increase wild flowers and insects.

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The applicant has agreed to provide these improvements to grassland habitat within the park, in conjunction with the Council's Parks team. Derbyshire Wildlife Trust (DWT) considers that an enhancement of an area of grassland of this size, to become species rich, would compensate fully for the development of the proposed area of open space, for housing.

Other measures to safeguard protected species are also recommended by DWT, to provide nest boxes for bats and birds as part of the development and a lighting strategy to safeguard wildlife.

The provision of the enhancement measures for grassland habitat and other biodiversity mitigation measures would be secured through suitable planning conditions and this would ensure that the requirements of Policy CP19 for Biodiversity are satisfactorily met.

In relation to impacts on trees in the park, there would be 12 trees to be removed overall to form the development. The Tree Officer has expressed some concerns about the loss of trees and the provision of adequate replacement trees within the development and the wider park, to mitigate for the loss. In response, the revised open space assessment proposes to provide additional tree planting within the park, through a landscape planting scheme and Biodiversity Environmental Management Plan. These would be secured through planning conditions. The Tree Officer accepts that there is a commitment to increase biodiversity and plant mitigatory trees within the recreation ground, which must deliver a net increase in tree canopy cover and biodiversity enhancement. Tree planting within the development would require engineered tree pits, to the front of the house plots, to ensure the trees thrive.

The provision of new trees as mitigation for those removed, would compensate for the number of trees removed and provide a net increase in tree planting to be implemented as part of a landscaping plan and tree schedule. This would adequately mitigate for the tree removal resulting from the development and provide biodiversity benefits and increase the overall tree canopy within the park. Overall, I am satisfied that the tree mitigation would meet the requirements of Policy CP16 to enhance green infrastructure in the Stockbrook Street Recreation Ground.

Flood risk and drainage

The site lies within Flood Zone 1 and is therefore at a low risk of flooding. An outline drainage strategy has been submitted with the application,

Subject to an acceptable surface water drainage scheme being implemented, the flood risk requirements of Policy CP2 would satisfactorily be met by this proposal.

Land Contamination

A Phase I contamination desk study report has been submitted in support of the application and deals with any potential site contamination issues on the site. The land has been identified as being previously occupied by a brick works in the 19th Century, so there is potential for it to be contaminated. A Phase II ground investigation is therefore recommended to be carried out and a possible remediation strategy may be needed. The Environmental Health Officer is satisfied with the findings in the report and recommends planning conditions to secure further site

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investigation of the site. This will ensure minimum risk to future occupiers of the development. This would address the requirements of saved Policy E12 of the CDLPR.

7.6 Conclusion

The proposed development of affordable housing in this residential area close to the city centre would deliver new, high quality housing provision, which contributes to the city's housing supply and would meet a specific need for affordable housing.

The loss of part of the public open space in the Stockbrook Street Recreation Ground, is contrary to DCLP1 Policy CP17.

However, given the city has a significant housing need, when considered in the tilted balance policy context, the benefits arising from the delivery of new, high quality, affordable housing and would also address a specific social problem in this part of the open space and provide enhancements to biodiversity and tree planting within the park. The proposed housing development is therefore, on balance, considered to be acceptable in this location.

The development would therefore accord with the Development Plan when taken as a whole and the overarching guidance in the NPPF which promotes well designed housing, with no significant adverse effects on residential or visual amenity, biodiversity, flood risk, site contamination or on the local highway network.

A recommendation for planning permission with conditions is therefore given. The conditions listed below are in an abbreviated format and will be fleshed out before any final decision is issued.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed development of new affordable housing in this residential area close to the city centre would deliver new, high quality housing provision, which contributes to the city's housing supply and would meet a specific need for affordable housing. The loss of part of the public open space in the Stockbrook Street Recreation Ground, is contrary to DCLP1 Policy CP17.

However, given the city has a significant housing need, when considered in the tilted balance policy context, the benefits arising from the delivery of new, high quality, affordable housing and would also address a specific social problem in this part of the open space and provide enhancements to biodiversity and tree planting within the park. The proposed housing development is therefore, on balance, considered to be acceptable in this location.

The development would therefore accord with the Development Plan when taken as a whole and the overarching guidance in the NPPF which promotes well designed housing, with no significant adverse effects on residential or visual amenity, biodiversity, flood risk, site contamination or on the local highway network.

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8.3. Conditions:

1. Standard condition (3 year time limit)

Reason:

2. Standard condition (Approved plans)

Reason: For avoidance of doubt

Pre-commencement

3. A construction management plan shall be submitted and approved in writing, to include measures to prevent contamination of the highway, parking for deliveries, for construction personnel, delivery times and routing of vehicles associated with construction.

Reason: To minimise impacts on the highway network and on residential amenity.

4. Construction detail for approved internal road layout and access at adjoining public highway, gradients, surfacing and lighting, shall be submitted and approved in writing before commencement of works.

Reason: In interest of highway safety.

5. Where Phase I report has identified contamination on site, a Phase II investigation shall be carried out to assess risk to users and report shall be submitted and agreed in writing. A remediation strategy shall then be submitted to and agreed in writing to identify measures to mitigate the contamination.

Reason: To minimise risks to human health

6. Details of a surface water drainage strategy for the development to include SuDs features shall be submitted to and approved in writing.

Reason: To ensure suitable drainage features are included and minimise flood risk for occupants.

7. AMS and Tree Protection measures shall be submitted to and approved in writing for the site and trees which are off-site but may be affected by the development and the recommendations shall be implemented in accordance with the approved details, before works commence.

Reason: To safeguard and protect trees and vegetation from impacts of the development.

Pre-occupation

8. The measures recommended in Remediation strategy shall be implemented in full and Validation Report subsequently produced to demonstrate that measures have been carried out and submitted and agreed in writing.

Reason: To minimise risks to human health

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9. Details of external materials and boundary treatment for the development shall be submitted and agreed in writing and development carried out in accordance with such details.

Reason: To ensure appearance of development is in keeping with character of the local area.

10. Parking areas shall be constructed with provision to prevent discharge of surface water onto public highway in accordance with details to be submitted and agreed in writing.

Reason: To prevent surface water from being deposited on the public highway.

11. Development shall not be brought into use until existing site access that has been made redundant, is reinstated as footway in line with details to be submitted and agreed.

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

12. A landscaping scheme for the development, to include details of mitigation tree planting on the retained public open space, species and location of planting and tree pit details and planting schedule to be submitted and agreed in writing.

Reason: To provide satisfactory environment and mitigation for removal of green infrastructure.

13. A Biodiversity Enhancement and Management Plan shall be submitted and agreed in writing to enhance and manage biodiversity value of grassland habitat adjacent to development site and include; description and location of 0.25ha of grassland to be enhanced and managed, management actions for the grassland; provision of integrated swift bricks on the dwellinghouses.

Reason: To provide and manage biodiversity features.

14. Development shall be carried out in accordance with the biodiversity mitigation measures recommendations in Section 5.4 of the submitted Ecological Impact Assessment (December 2022).

Reason: To provide biodiversity enhancement measures within the development.

15. Detailed lighting strategy shall be submitted and approved in writing, to safeguard bats and other nocturnal wildlife and include details of luminaries, locations and mitigating features.

Reason: To safeguard protected species from excessive illumination.

8.4. Informative Notes:

N1. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to be provided in

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Type: Full Application

accordance with Highway Control's requirements of Derby City Council acting as Highway Authority.

Correspondence with Highway Authority should be addressed to:-
HighwaysDevelopmentControl@derby.gov.uk

N2. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of an appropriate Agreement and bond under the Highways Act 1980. Such an agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

Correspondence with Highway Authority should be addressed to:-
HighwaysDevelopmentControl@derby.gov.uk

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

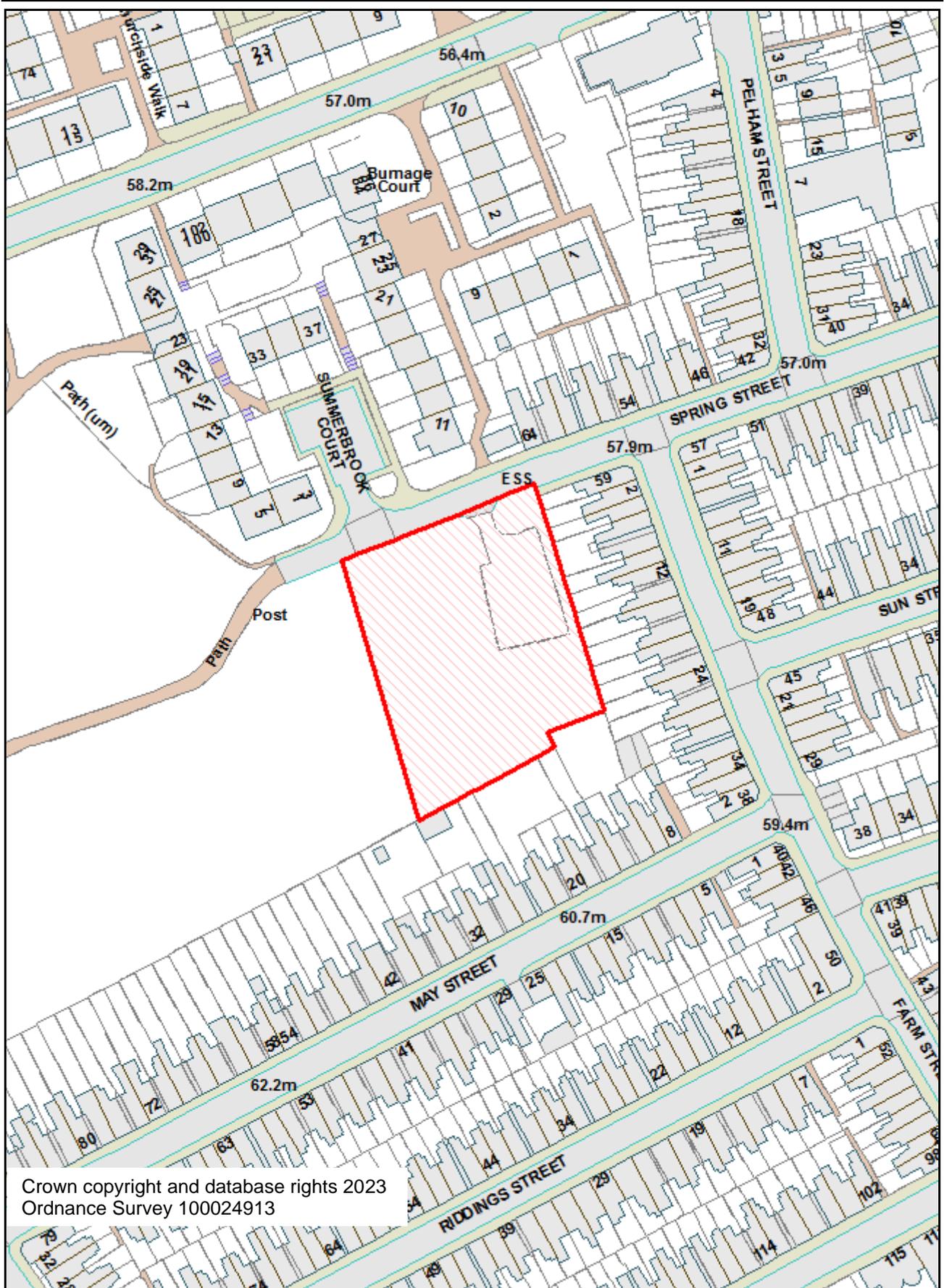
N4. Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980.

The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. Contact StreetPride; maintenance.highways@derby.gov.uk tel 0333 2006981

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

8.5. Application timescale:

The 8 week target date has expired and there is an agreed extension of time for decision until 20 January 2023. A further extension of time date will be agreed with the applicant.



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Ordnance Survey 100024913

1. Application Details

1.1. Address: 52 Burnside Street, Derby

1.2. Ward: Alvaston

1.3. Proposal:

Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (nine occupant) house in multiple occupation (Sui Generis)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00009/FUL>

The Site and Surroundings

The application property is a traditional, mid-terraced dwelling which is located along the southern side of Burnside Street, Alvaston, a short walk from London Road. The development along Burnside Street is residential in character and predominantly comprised of traditional terraced houses with some later infill developments. Only a few of the houses have access to off-street parking provision and many of the houses rely on on-street car parking.

The property is currently in use as a 6-bed house in multiple occupation (HIMO). It has already been extended by the addition of a loft conversion and a single storey side extension. Both have been completed under the property's permitted development rights. An additional single storey rear extension has been added to the rear of the house. This element of the development was previously granted permission under a prior approval application ref:22/00496/PNRH in May 2022.

Neither the planning or the HIMO Register indicate that there are any other properties along Burnside Street that are, or have been, in multiple use.

The Proposal

This proposal seeks permission for the conversion of this 6-bed HIMO to a "sui generis" large 6-bedroom (9 occupant) HIMO. No external works are proposed.

The proposal would comprise of the following accommodation:

- Ground floor – 2 double occupancy (2 person) bedrooms with en-suites and cooking facilities provided in rooms (measuring 18 sqm each); and a communal kitchen area (11 sqm).
- First Floor - 1 double occupancy bedroom, and 1 single occupancy bedroom with en-suites and cooking facilities provided in rooms (measuring 18 sqm and 15 sqm).
- Second Floor - 2 single occupancy bedrooms. Both with en-suites and 1 with cooking facilities provided in rooms (measuring 14 sqm and 10 sqm).
- Externally a shared rear garden area would be provided.

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No off-street parking is provided to serve the property. At the present time the applicant suggests that none of the occupants own vehicles, as many are from overseas and work in close proximity to the house, although it is acknowledged that this may not always be the case.

2. Relevant Planning History:

Application No:	22/00496/PNRH	Type:	Prior Notification
Decision:	PAA	Date:	04/05/2022
Description:	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3m, height to eaves 3m) to dwelling house		

3. Publicity:

- Neighbour Notification Letter - 4
- Site Notice

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

4. Representations:

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

Five objections have been received in response to the consultation carried out on the application, these include objections from Councillor Graves and Councillor Kus. The objections raise concerns about the lack of parking in the area, the potential impact on on-street parking and the impact on the character of the area. The Councillors objections are reproduced in full below.

Cllr Graves – *'I wish to object to this application. The original HMO was for 6 people. This application is dishonest in that they clearly intended to get the HMO set up and then apply for an increase in tenant numbers. Had they applied for 9 people initially the objections would have been immense and possibly the application would have been refused. It is time that Derby had a general view on the rising numbers of HMOs especially in the Alvaston area'.*

Cllr Kus – *'I like to object to the 23/00009/FUL Full Application. Burnside St. The proposed 9 person HMO will worsen the parking issues that the compacted street already has. Residents have issued concerns over parking and the increase traffic on the street and surrounding streets this would cause. There are already a large*

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number of HMOs in the area proximity, which is causing problems (such as outlined above). This is another example why section 4 needs to be implemented'.

5. Consultations:

5.1. Highways Development Control:

Observations:

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

Drawing Number BS/No52/PA/001 Rev A ~ Existing Floor Plans

Drawing Number BS?no52/PA/002 Rev A ~ Proposed Floor Plans

Application Form

Amendment to Application Form ' maximum number of occupants.

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

Residential Car Parking Research, (Queen's Crown Copyright, 2007)

Burnside Street is not subject to any waiting restrictions, at the time of the Case Officer visit (14:30hrs on a weekday) the street was heavily parked, although some on-street parking was available.

The property is apparently already in occupation by six residents. In highway terms therefore, the only change is occupation by three more residents.

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

This shows that for a 1 room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles. As such, it could be argued that there will be no additional vehicles associated with the change in occupancy.

In reality this may be the case, although equally a number of the new occupants may also have a vehicle.

Taking the figure of 0.3 vehicles discussed above; would equate to (approximately) 1 further vehicle, this is by no means a 'given'.

The site does not contain off-street parking provision with residents needing to park any vehicles within the unrestricted on-street parking. Burnside Street, like many urban residential streets suffers from on-street parking congestion on both sides which impedes two-way flows. The result being that drivers have to rely upon 'give and take' to allow each other to pass.

However, the site is in a sustainable location, within 5 minutes walking distance to the /Local District Centre and amenities; and is in close proximity to local transport links.

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I do note from the proposals that there appears to be no cycle parking provision proposed as a means of offsetting any lack of parking and of encouraging sustainable travel.

The Local Planning Authority may wish to consider requiring such provision in accordance with its published standards.

Para 111 of the National Planning Policy Framework states that

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

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

Whilst the scheme would potentially increase demand for parking spaces, it is the view of the Highway Authority that would not be possible to argue that three additional occupants within the dwellings would lead to 'unacceptable impacts' to highway safety or a severe cumulative impact upon the adjacent highway network.

5.2. Resources and Housing (HIMO):

I have read through the application and studied the proposed plans. The property has adequately sized bedrooms and, as all rooms are either en-suite or self-contained bathroom provision is satisfied. There are 5 studio apartments that have kitchen facilities and one en-suite room whose occupier must use the communal kitchen/diner on the ground floor. Although all occupiers could use the communal kitchen it will almost exclusively be used by the occupier of en-suite second floor bedroom 5. There will be enough room to dine in this kitchen therefore resulting in adequate kitchen/dining space for the 1 remaining tenant. To summarise there is therefore sufficient kitchen and bathroom provision.

The existing occupation is for 6 households and 6 persons with all rooms being single. The planning application is to make 3 of the self-contained rooms into doubles thereby increasing the occupation to 9 persons. The amenity and space guidelines for 2 person bedrooms with cooking facilities provided in the bedrooms is a minimum of 18 square metres. The proposed double rooms are ground floor bedrooms 1 and 2 which are 18 square metres and the first floor bedroom 4 which is also 18 square metres. All rooms are within guidelines so there is no issue with space requirements and no issue with increasing the occupation of the HMO to 9 persons.

All relevant fire safety standards, to include protected escape routes where necessary, must be applied in the installation. The kitchenettes in rooms 1, 2, 3, and 6 are sited in such a manner that will not compromise escape in case of fire and/or because of adequate and conveniently positioned fire escape windows. I need to comment about the position of the kitchen in bedroom 4 as it is adjacent to the entrance door so any occupier trying to escape would have to leave very close to the most likely cause of a fire. I would recommend a similar layout in room 4 to room 6 to avoid this potential problem. This would also make access to the escape window easier as the proposed plan indicates that the fire escape window would be located above the sink. Kitchens are the primary source of fires so relevant interlinked heat

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detection must be included in these rooms. I would recommend adequately sized escape windows in all first floor rooms to enhance fire safety. As bedrooms 5 and 6 are on the second floor escape windows are not an option so the escape route down the staircase must be protected by solid and substantial walls that will give a minimum of 30 minute fire protection. All doors should be self-closing FD30 fire doors. The plans do not show a basement but should there be one interlinked fire detection must be extended to this area of the property and must include fire boarding for the basement ceiling and stairs with a self-closing fire door at the entrance.

LACORS provide a comprehensive guide on fire safety in buildings and this can be downloaded for guidance although I am sure the applicant is already aware of what is required.

Each bedroom must allow for at least 6.51 square metres liveable space not including en-suites as this is the legal minimum. From the measurements provided it appears that liveable space in all bedrooms will be greater than this figure. The communal kitchen/dining area is designated for certain numbers of users so sufficient amenities and adequate space should be provided for expected usage and this also appears to be the case as there will only be one main user.

The main issues to comment upon are, therefore, the installation of compliant fire detection to include adequately protected escape routes, sufficient space within each bedroom, and sufficient amenities in the communal areas.

The plans submitted do not raise any issues from a housing standards perspective

6. Relevant Policies:

6.1. Relevant Policies:

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

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

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

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development – General Criteria

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

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https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf

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

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

6.2. Applications involving the provision of housing:

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

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

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of the Development

7.2. High quality living environment

7.3. Impact on residential Amenity/Character.

7.4. Highways/Parking Issues

7.5. Conclusion

7.1. The Principle of the Development

There are no site-specific policy constraints in this location. The proposal would increase variety and maximise the efficient use of the site contributing to housing delivery in line with the intentions of local plan policy H13 and policy CP6 of the Derby City Local Plan – Part 1(Core Strategy). As a result, there are no 'in principle' concerns with the proposal, particularly taking into account the City's housing supply position and the need to consider the tilted balance. Subject to a detailed assessment of its ability to create a high quality living environment, impact on amenity, and any parking/highway issues, the proposal is considered to be acceptable.

7.2. High quality living environment

The proposed conversion shows six bedrooms, the three largest being double occupancy rooms, all with en-suites and most with cooking facilities. All the bedrooms have full sized windows and achieve the required minimum floor space standards for HIMO's. No objections have been raised by the Housing Standards Officer. The proposed floor kitchen/dining room provides a satisfactory communal facility and a shared rear garden area would be retained for use by the occupants. Overall, it is considered that the proposed conversion provides an appropriate standard of living accommodation for future residents in compliance with saved Local Plan policies GD5 and H13.

7.3. Impact on Residential Amenity/Character

The site is located within a dense urban area and the dwelling is already operating lawfully as a 6-person HIMO under permitted development rights. Although there may be some modest increase in comings and goings, it is considered that the additional impact on neighbour amenity from three extra occupants is unlikely to be so severe as the warrant refusal of the application. No external alterations are proposed, such that the proposal would not have an adverse impact on the visual amenities of the locality, and the change of use would not, in my view, represent a substantial change to the overall character of the property or the character of the wider area. In this regard the development is considered to reasonably comply with saved policy GD5 of the Local Plan Review and Policy CP6 of the Derby City Local Plan – Part 1.

7.4. Highways/Parking Issues

Due to the terraced nature of the housing stock along much of Burnside Street it is acknowledged that many residents rely on on-street parking in the area. The potential impact on parking and the possible increase in traffic have been raised as an issue in several of the objection letters received. Whilst there would be some potential increase in demand for parking spaces along Burnside Street, it is the view of the Highway Authority that it would not be possible to argue that three additional occupants within the dwellings would lead to 'unacceptable impacts' to highway safety or a severe cumulative impact upon the highway network. The property is also located in a sustainable location, within 5 minutes walking distance to the Alvaston District Centre and other local amenities; and in close proximity to local transport links along London Road. As such is it a location where the use of more sustainable modes of transport should be encouraged and where car free development would be difficult to resist. The proximity of shops, services and transport facilities would also substantially reduce the necessity for any future occupiers to own individual cars.

In view of this, although the objections in this regard have been noted and fully considered, I feel it would be very difficult to demonstrate that the small incremental increase in parking demand which could potentially arise, would be materially harmful to highway safety or result in any significant congestion issues in the area. Or that any increase in parking would give rise to on-street parking detrimental to public amenity, especially considering the fact that the application site lies in a sustainable location where there are opportunities to travel other than by car. As a result, I conclude that the proposal would not conflict with saved Policy GD5 of the Local Plan

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Review, or Policy CP23 of the Derby City Local Plan – Part 1. It is understood that some cycle parking provision already exists at the property. However, it is recommended that precise details of the nature and location cycle parking, as well as its future retention, are controlled by condition to encourage the use of more sustainable means of transport.

7.5 Conclusion

The proposed intensification of the residential use of this property would increase the variety and amount of housing delivery in line with the intentions Policies H13 and CP6; policies which are given additional weight due to the housing supply position and the need to consider the tilted balance approach. The proposal meets all the Council's housing standards, regarding room sizes and a satisfactory quality of living accommodation is proposed. The proposal is also considered to be acceptable in terms of its impact on the character of the area and the residential amenity of neighbouring properties. Although objections have been received, in this instance, it is considered that the proposal would not cause any overriding adverse impact on parking and/or highway safety in the locality; and there are considered to be no significant and demonstrable adverse impacts, that would outweigh the benefits of the proposal. Consequently, the proposal is considered to be in compliance with key Core Strategy Policies CP3, CP4, CP6 and CP23, and Saved Local Plan policies GD5 and H13 and the over arching guidance in the NPPF.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed intensification of the residential use would increase the variety and amount of housing delivery in this part of the city. The proposal meets all the Council's housing standards, regarding room sizes and a satisfactory quality of living accommodation is proposed. The proposal is also considered to be acceptable in terms of its impact on the character of the area and the residential amenity of neighbouring properties. Although objections have been received, in this instance, it is considered that the proposal would not cause any overriding adverse impact on parking and/or highway safety in the locality; and there are considered to be no significant and demonstrable adverse impacts, that would outweigh the benefits of the proposals.

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

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

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

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Drawing No's: 85/No52/PA/002 Rev: A and 85/No52/PA/003 Rev: A

Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used as a 9-person House In Multiple Occupation and for no other purpose. Only the ground floor bedrooms and first floor rear bedroom shall be used as dual occupancy rooms.

Reason: This use only is permitted and other uses or a more intensive use, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 may not be acceptable to the Local Planning Authority in this location because of the potential impact on the amenities of the surrounding area, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. The proposal shall not be brought into use until provision of cycle parking at the property has been made available for use.

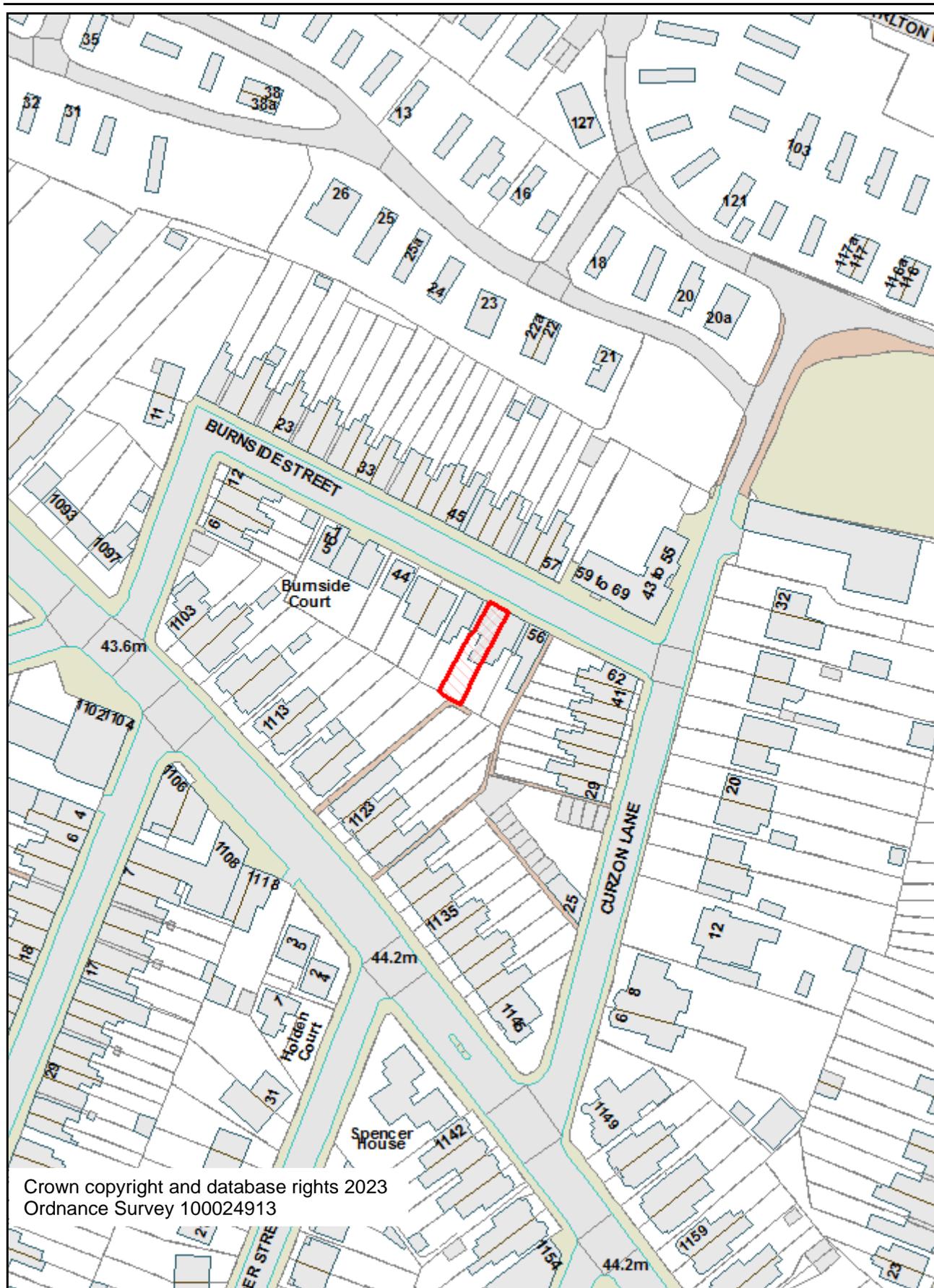
Reason: To promote sustainable travel, to ensure the provision and availability of adequate cycle parking and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

8.3. Informative Notes:

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

8.4. Application timescale:

The 8-week determination period expired on the 8th March 2023. This application was referred to Planning Committee due to a call-in request by Cllr Graves. An Extension of Time has been agreed until the 14th April 2023.





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



Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01064/DISC	Compliance/Discharge of Condition	Site Of Former Sports Centre Moorways Sports Complex Moor Lane Derby DE24 9HY	Erection of a leisure centre (Use Class D2) including a 50M swimming pool, leisure water including water slides, fitness suite, studios and other complementary uses with associated parking, drainage and related infrastructure. Demolition of store. - Discharge of condition nos 3 and 9 of previously approved permission 19/01206	Discharge of Conditions Complete	26/01/2023
20/01406/DISC	Compliance/Discharge of Condition	Middleton House 27 St Marys Gate Derby DE1 3JR	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 - Discharge of condition nos 3, 5, 6, 7 and 8 of previously approved permission 03/18/00313	Discharge of Conditions CLOSED	27/01/2023
20/01412/DISCLB	Compliance/Discharge of Condition LB	Derby City Council Middleton House 27 St Marys Gate Derby DE1 3JR	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 - Discharge of condition nos 3, 7, 8, 9, 10, 12, 13 and 15 of previously approved permission 03/18/00314	Discharge of Conditions CLOSED	27/01/2023
20/01592/DISC	Compliance/Discharge of Condition	Becketwell, Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those	Discharge of Conditions Complete	27/01/2023

			fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access - Discharge of condition nos 5, 6, 12, 18, 19, 20 and 21 of previously approved permission 19/01245/OUT		
20/01627/DISC	Compliance/Discharge of Condition	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public quare with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access - Discharge of condition Nos 5 and 19 of previously approved permission 19/01245/OUT	Discharge of Conditions Complete	25/01/2023
21/00013/DISC	Compliance/Discharge of Condition	Former Rolls Royce Car Park Dunstall Park Road Derby	Erection of 6 Buildings to form 14 X Mixed B1/B8 Units - Discharge of condition no 6 of previously approved permission 05/17/00604	Discharge of Conditions CLOSED	27/01/2023
21/00326/DISC	Compliance/Discharge of Condition	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public quare with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable	Discharge of Conditions Complete	25/01/2023

			block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access - Discharge of conditions 5.1-5.2, 7.1-7.2, 8.1-8.2, 9, 10.1 -10.2, 13.1-13.2, 15.1-15.2, 16, 23.1, 24, 25.1 and 26.1 of planning permission 19/01245/OUT		
21/01532/FUL	Full Application	24 Saltburn Close Derby DE21 4GG	Erection of outbuildings (garage with mud room and storage) and alterations to hardstanding area	Approval	19/01/2023
21/01661/DISC	Compliance/Discharge of Condition	Fireplace Design Centre Wyvern Way Derby DE21 6PS	Demolition of existing retail unit. Erection of a retail unit (Use Class A1), landscaping, revised parking and access and associated works - Discharge of condition no 10 of previously approved permission 19/01582/FUL	Discharge of Conditions CLOSED	27/01/2023
21/01791/TPO	Works to a tree with a TPO	Brookside Kedleston Street Derby DE1 3JY	Various works to trees protected by Tree Preservation Order no. 209	Application Withdrawn	19/01/2023
21/02060/ADV	Advertisement Consent	Sinfin District Centre Arleston Lane Derby DE24 3DS	Display of various signage	Approval	27/01/2023
21/02081/DISC	Compliance/Discharge of Condition	18 Agard Street Derby DE1 1YS	Demolition of 18 Agard Street. Erection of student accommodation comprising 32 Apartments, together with the making good of the rear of No 42 Friar Gate and Installation of an external fire escape. Erection of separate bin, cycle store and electricity sub-station and setting out of parking and landscaping - Discharge of conditions 10, 11, 12, 14, 20 and 21 of planning permission 21/00571/FUL	Discharge of Conditions Complete	04/01/2023

21/02104/DISC	Compliance/Discharge of Condition	Bramble House Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping - Discharge of conditions 18, 20 and 22 in respect of Phases B and C only of planning permission 20/00072/FUL	Discharge of Conditions Complete	27/01/2023
21/02122/FUL	Full Application	36 Windmill Meadow Derby DE21 7SZ	Two storey & single storey rear extensions to dwelling house (studio and enlargement of lounge/dining room and bedroom)	Approval	17/01/2023
22/00053/FUL	Full Application	66 Chestnut Avenue Mickleover Derby DE3 9FS	Three storey and single storey rear extensions to dwelling house, installation of a dormer to the rear elevation and a new window to the second floor side elevation to form rooms in the roof space (two bedrooms, bathroom, shower room and enlargement of kitchen)	Approval	05/01/2023
22/00068/LBA	Listed Building Consent - Alterations	6 Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	20/01/2023
22/00070/LBA	Listed Building Consent - Alterations	8 Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	20/01/2023
22/00075/LBA	Listed Building Consent - Alterations	6A Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	17/01/2023
22/00080/LBA	Listed Building Consent - Alterations	5 Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	17/01/2023
22/00093/LBA	Listed Building Consent - Alterations	12 The Square Darley Abbey Derby DE22 1DY	Installation of flood resilience measures	Approval	17/01/2023
22/00095/LBA	Listed Building Consent - Alterations	9 Darley Street Derby	Installation of flood resilience measures	Approval	20/01/2023

		DE22 1DX			
22/00096/LBA	Listed Building Consent - Alterations	9A And 10 Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	20/01/2023
22/00260/FUL	Full Application	2 Hill Square Derby DE22 1DW	Installation of replacement windows and doors	Approval	13/01/2023
22/00344/DISC	Compliance/Discharge of Condition	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access. - Discharge of condition 14.1 of planning permission 19/01245/OUT	Discharge of Conditions Complete	24/01/2023
22/00356/DISC	Compliance/Discharge of Condition	Land Adjacent To The Old Hall Burton Road Derby DE23 6EH	Erection of 14 dwellings with access, parking, layout, landscaping and associated ground works - Discharge of condition 16 of planning permission 21/00064/FUL	Discharge of Conditions Complete	31/01/2023
22/00501/DISC	Compliance/Discharge of Condition	Former Buzz Bingo Foresters Park Centre Sinfin Lane Derby DE23 8AG	Change of use of bingo hall (Sui Generis) to retail (Use Class E) and associated external alterations, construction of external plant compound, reconfiguration of car park and site access and associated landscaping - Discharge of condition 5 of planning permission 21/00182/FUL	Discharge of Conditions CLOSED	27/01/2023
22/00568/FUL	Full Application	220 Osmaston Road Derby	Demolition of the former hotel building and erection of residential apartment buildings	Refused	26/01/2023

		DE23 8JX	consisting of 42 units (Use Class C3) and associated ground works		
22/00885/FUL	Full Application	1 Abbey Yard Derby DE22 1DS	Demolition of existing garage and erection of a new garage. Installation of replacement windows, new door, windows and roof lights	Approval	30/01/2023
22/00886/LBA	Listed Building Consent - Alterations	1 Abbey Yard Derby DE22 1DS	Alterations to existing garage and erection of a new garage. Installation of replacement windows, new door, windows and roof lights and minor internal works	Approval	27/01/2023
22/01050/FUL	Full Application	18 Calvin Close Derby DE24 0HX	Single storey side extension to dwelling - retrospective application	Approval	29/01/2023
22/01111/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of condition 22.1 in respect of phase 3 of planning permission 21/02197/VAR	Discharge of Conditions Complete	18/01/2023
22/01205/FUL	Local Council Own Development Reg 3	Ravensdale Infant And Nursery School Devonshire Drive Derby DE3 9HE	Retention of six temporary parking spaces previously approved under application 20/01546/FUL (Erection of temporary school accommodation with a temporary access and additional parking area)	Approval	23/01/2023
22/01279/FUL	Full Application	37 Corn Market Derby DE1 2DG	Change of use of first and second floors from restaurant (Use Class E) to form two apartments (Use Class C3)	Approval	20/01/2023
22/01280/LBA	Listed Building Consent - Alterations	37 Corn Market Derby DE1 2DG	Alterations in association with the change of use of first and second floors from restaurant (Use Class E) to a flat in multiple occupation	Approval	20/01/2023

			(Use Class C4) and two apartments (Use Class C3) and ground floor alterations		
22/01296/FUL	Full Application	12 Boulton Lane Derby DE24 0GE	Formation of a vehicular access	Approval	12/01/2023
22/01329/RES	Reserved Matters	Land At The Rear Of 12 Snelston Crescent Derby DE23 6BL (access Off Eastwood Drive)	Residential development (one dwelling - Use Class C3) - approval of reserved matters of appearance, access, landscaping, layout and scale under outline permission Code no. 22/00174/OUT	Approval	20/01/2023
22/01364/FUL	Full Application	Progressive Buildings 25 - 33 Babington Lane Derby DE1 1SX	Change of use of ground floor from Use Class E unit to 16 flats (Use Class C3)	Approval	24/01/2023
22/01394/FUL	Full Application	22 Crown Walk Derby DE1 2NP	Installation of nine condensing units to the service area roof	Approval	16/01/2023
22/01454/FUL	Full Application	32 St Andrews View Derby DE21 4LH	Single storey side extension to dwelling house	Approval	25/01/2023
22/01468/FUL	Full Application	Patterdale Old Hall Avenue Littleover Derby DE23 6EN	Demolition of existing dwelling house. Erection of two dwelling houses (Use Class C3) and associated ground works	Approval	31/01/2023
22/01477/DISC	Compliance/Discharge of Condition	Land Adjacent To 16 Halifax Close Derby DE21 4GT (Access Via Old Mansfield Road)	Erection of two dwelling houses (Use Class C3) - Discharge of conditions 6 and 8 of planning permission 19/00885/FUL	Discharge of Conditions Complete	27/01/2023
22/01478/FUL	Full Application	241 Uttoxeter New Road Derby DE22 3LJ (Access Of Rowditch Avenue)	Erection of four apartments (Use Class C3)	Approval	16/01/2023
22/01481/FUL	Full Application	75 Sancroft Road Derby	Two storey side and single storey front and rear extensions to dwelling house (porch,	Refused	20/01/2023

		DE21 7ET	W.C., workshop, living space, bedroom, en-suite and balcony)		
22/01490/FUL	Full Application	11 Woodthorne Avenue Derby DE24 9FJ	Single storey side and rear extensions to dwelling house (boot room, shower room and kitchen)	Approval	19/01/2023
22/01498/FUL	Full Application	6 Pear Tree Road Derby DE23 6PY	Installation of an extraction flue to the rear elevation	Approval	11/01/2023
22/01508/FUL	Full Application	Former Go Outdoors Ltd Ascot Drive Derby DE24 8GW	Demolition of existing buildings. Erection of a small unit storage / warehouse park (Use Class B8) with access; hard and soft landscaping; boundary treatments; technical room and associated works	Approval	13/01/2023
22/01542/FUL	Full Application	17 Edale Avenue Mickleover Derby DE3 9FY	Two storey side extension and single storey front, side and rear extensions to dwelling house (storage, kitchen, bedroom and en-suite)	Approval	25/01/2023
22/01548/FUL	Full Application	19 Strathmore Avenue Derby DE24 0FX	Erection of an outbuilding (shed)	Approval	06/01/2023
22/01601/FUL	Full Application	3 Hasgill Close Derby DE21 2PE	First floor side extension to dwelling house (bedroom and en-suite)	Approval	17/01/2023
22/01628/FUL	Full Application	91 Western Road Mickleover Derby DE3 9GQ	Erection of an outbuilding to be used as a cattery to accommodate 12 individual units (Sui Generis)	Approval	11/01/2023
22/01636/FUL	Full Application	593 Nottingham Road Derby DE21 6RT	Two storey and single storey rear extension to dwelling house (dining/living space and bedroom) and installation of a new window to the first floor side elevation	Approval	30/01/2023
22/01639/FUL	Full Application	30 Glossop Street Derby DE24 8DU	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen and bedroom)	Approval	11/01/2023

22/01647/FUL	Full Application	15 Hopton Close Derby DE21 4PR	Single storey rear extension to dwelling house (wetroom and bedroom)	Approval	20/01/2023
22/01690/FUL	Full Application	23 Kirkistown Close Derby DE24 0SW	Single storey side/rear extension to dwelling house (kitchen/dining area) and installation of a pitched roof to the existing single storey garage building - amendment to previously approved permission 21/01967/FUL to include 3 additional windows in the kitchen	Approval	19/01/2023
22/01691/CLP	Lawful Development Certificate -Proposed	29 Woodford Road Derby DE22 4EG	Single storey extension to dwelling (kitchen, WC/ and shower room)	Approval	04/01/2023
22/01695/FUL	Full Application	128 Birchover Way Derby DE22 2DA	Two storey side and single storey rear extensions to dwelling house (Lounge, study, utility, enlargement of kitchen/family room, bedroom, dressing room and ensuite)	Approval	26/01/2023
22/01699/TPO	Works to a tree with a TPO	Nuffield Hospital Rykneld Road Derby DE23 4SN	Various works to trees protected by Tree Preservation Order No 18	Approval	10/01/2023
22/01704/FUL	Full Application	6 Burlington Way Derby DE3 9BA	Change of use from dwelling house (Use Class C3) to residential childrens home (Use Class C2)	Approval	04/01/2023
22/01712/FUL	Full Application	4 Elmtree Avenue Derby DE24 8ET	Erection of 1.5m high fence and gates	Approval	10/01/2023
22/01717/ADV	Advertisement Consent	Land Between Pioneer Way And Sinfin Lane Derby DE24 9SE	Display of two free standing pylon signs and three illuminated building mounted signs	Approval	13/01/2023
22/01720/TPO	Works to a tree with a TPO	50 Station Road Chellaston Derby DE73 5SU	Crown reduction by 3m of Atlas Cedar protected by Tree Preservation Order No 422	Approval	04/01/2023

22/01721/FUL	Full Application	Car Park Kingsway Retail Park Kingsway Derby DE22 3FA	Erection of Electric Vehicle Charging Hub and associated infrastructure	Approval	24/01/2023
22/01725/FUL	Full Application	60 Marylebone Crescent Derby DE22 4JW	Erection of 1.8m high fence to front and side of dwelling.	Approval	04/01/2023
22/01726/FUL	Full Application	5 Vetchfield Close Derby DE24 3LD	First floor extensions to dwelling house to side and rear (3 bedrooms)	Approval	04/01/2023
22/01728/FUL	Full Application	1 Selkirk Street Derby DE21 6GL	Single storey extension to dwelling house (lounge/diner)	Approval	04/01/2023
22/01729/FUL	Full Application	9 Hatfield Road Derby DE24 0BU	Single storey extension to dwelling house (bedroom and wetroom)	Approval	04/01/2023
22/01734/TPO	Works to a tree with a TPO	Derby High School Hillsway Littleover Derby DE23 3DT	Various works to trees protected by Tree Preservation Order no's 30 and 72	Approval	10/01/2023
22/01737/FUL	Full Application	Land At The Rear Of 56 Field Rise Derby DE23 1DW (access Off Rowley Lane)	Erection of a dwelling (Use Class C3)	Application Withdrawn	12/01/2023
22/01743/PNRT	Prior Approval - Telecommunications	Highway Verge Belmore Way Derby	Erection of a 20m high monopole, equipment cabinets and ancillary development	Approval	04/01/2023
22/01746/FUL	Full Application	24 Albany Road Derby DE22 3LW	Two storey side and rear and single storey rear extensions to dwelling house (garage, W.C., utility, living/dining area, bedroom and enlargement of bedroom) and installation of a dormer to the rear elevation to form rooms in the roof space (bedroom and en-suite)	Approval	06/01/2023

22/01755/FUL	Full Application	28 Bangor Street Derby DE21 6GT	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	20/01/2023
22/01756/DISC	Compliance/Discharge of Condition	43 - 47 Falcon Way Derby DE24 3DF	Demolition of existing building. Erection of four dwelling houses (Use Class C3) - Discharge of conditions 5 (materials), 6 (boundary treatment) and 11 (landscaping) of planning permission 21/00998/FUL	Discharge of Conditions Complete	23/01/2023
22/01758/FUL	Full Application	1 Ash Close Derby DE22 2JF	Single storey front and side/rear extensions to dwelling (porch, garden room and utility)	Approval	10/01/2023
22/01760/PNRT	Prior Approval - Telecommunications	Highway Verge The Pentagon Derby	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	17/01/2023
22/01761/PNRT	Prior Approval - Telecommunications	Highway Verge London Road Derby (Adjacent Junction With Lichfield Drive)	Erection of a 15m monopole, equipment cabinets and ancillary development	Approval	17/01/2023
22/01762/FUL	Full Application	26 Alstonfield Drive Derby DE22 2XF	Erection of an outbuilding (garden room)	Approval	17/01/2023
22/01764/TPO	Works to a tree with a TPO	129 Derby Road Chellaston Derby DE73 5SB	Various works to trees protected by Tree Preservation Order No's 96 and 260 to be maintained for a ten year period	Approval	13/01/2023
22/01769/FUL	Full Application	26 Briar Lea Close Derby DE24 9PB	Demolition of existing garage/outbuilding. Two storey side and rear and single storey rear extensions to dwelling house (porch, shower room, gym/office, kitchen, bedroom, cinema room and bathroom)	Refused	23/01/2023
22/01770/VAR	Variation of Condition	18 King Alfred Street Derby	Change of use from Offices (Use Class B1) to three residential units (Use Class C3),	Approval	24/01/2023

		DE22 3QJ	extensions and alterations to include infilling of the covered way - Variation of condition 2 of planning permission 20/00855/FUL to amend the approved plans		
22/01778/FUL	Full Application	377 Duffield Road Derby DE22 2DN	Single storey side/rear extension to dwelling (sitting room)	Approval	12/01/2023
22/01783/FUL	Full Application	1 Rushcliffe Avenue Derby DE21 6NW	Single storey front extension to dwelling house (porch)	Approval	24/01/2023
22/01785/FUL	Full Application	63 Reginald Road South Derby DE21 6NG	Single storey side extension to dwelling house (W.C. and enlargement of kitchen)	Approval	20/01/2023
22/01787/VAR	Variation of Condition	136 Swarkestone Road Derby DE73 5UD	Two storey side and rear extensions to dwelling house (garage, lounge, kitchen/sitting/dining area, three bedrooms and en-suites), single storey front extension with rooms in the roof space (garage, bedroom and en-suite) and formation of a raised patio area to the rear elevation - Variation of condition 2 of previously approved planning permission 21/00031/FUL to amend the internal layout and design of the front elevation gable window	Approval	20/01/2023
22/01789/FUL	Full Application	2 Beechley Drive Derby DE21 2LP	Single storey side and side/rear extensions to dwelling house (sitting room, bedroom, en-suite and utility)	Approval	17/01/2023
22/01791/FUL	Full Application	Land On The North East Side Of Phoenix Street Derby DE1 2ER	Installation of two ring main units and associated works for a temporary period of 18 months	Approval	09/01/2023
22/01794/FUL	Full Application	152 - 156 Abbey Street Derby DE22 3SS	Change of use of office building to form two flats in multiple occupation (flat 1 - maximum of seven occupants and flat 2 - maximum of eight occupants) - Sui Generis use	Refused	24/01/2023
22/01796/TPO	Works to a tree with a TPO	7 Lindford Close	Cutting back of branches overhanging the	Approval	24/01/2023

		Derby DE21 4TA	garden/patio by 2m of an Oak tree protected by Tree Preservation Order No. 11		
22/01797/VAR	Variation of Condition	129 Station Road Mickleover Derby DE3 9FN	Alter garden room flat roof to pitched roof - Variation of condition 2 of previously approved planning permission 21/01822/FUL to reduce the height of the outbuilding	Approval	17/01/2023
22/01799/FUL	Full Application	72 Cordelia Way Derby DE73 5AR	Single storey rear extension to dwelling house (utility and enlargement of kitchen/dining area/snug)	Approval	18/01/2023
22/01800/FUL	Full Application	45 St Chads Road Derby DE23 6RQ	First floor side/rear extension to dwelling (bedroom, dressing area and shower room)	Refused	18/01/2023
22/01801/FUL	Full Application	31 Nevinson Drive Derby DE23 1GX	First floor front extension to dwelling house (landing with glazed atrium) and installation of a canopy to the front elevation	Refused	18/01/2023
22/01802/DISC	Compliance/Discharge of Condition	Land North West Of Blackmore Street Derby DE23 8AX (adjacent To The Akaal School)	Erection of 36 bungalows (Use Class C3) and associated access, open space and ground works - Discharge of conditions 5, 6 and 7 (site contamination) of planning permission 21/02214/FUL	Discharge of Conditions Complete	13/01/2023
22/01803/FUL	Full Application	Five Lamps 25 Duffield Road Derby DE1 3BH	Various works to external drinking area including installation of an enclosed canopy, open canopy and installation of doors	Approval	29/01/2023
22/01805/FUL	Full Application	12 Northwood Avenue Derby DE21 6JJ	Single storey rear extension to dwelling (kitchen/dining/lounge area)	Approval	18/01/2023
22/01807/FUL	Full Application	58 Grange Avenue Derby DE23 8DG	Single storey rear extension to dwelling house (kitchen/dining/living space) and formation of a raised patio area	Approval	12/01/2023
22/01813/FUL	Full Application	20 Wilson Street Derby DE1 1PG	Reinstatement of roof and installation of a dormer window to the rear elevation	Approval	12/01/2023

22/01815/FUL	Full Application	16 St James Road Derby DE23 8QX	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (ten occupant) house in multiple occupation (Sui Generis)	Approval	20/01/2023
22/01818/ADV	Advertisement Consent	2 Prospect Place Derby DE24 8HG	Display of various signage	Approval	18/01/2023
22/01819/FUL	Full Application	8 Melton Avenue Derby DE23 1FY	Two storey side extension to dwelling house (study, W.C., utility, bedroom and bathroom) together with roof alterations including installation of a rear dormer to form rooms in the roof space (bedroom and en-suite)	Refused	20/01/2023
22/01821/PNRH	Prior Approval - Householder	48 Dexter Street Derby DE23 8LL	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.5m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	10/01/2023
22/01824/CLP	Lawful Development Certificate -Proposed	34 Anthony Drive Derby DE24 0FZ	Formation of a vehicular access and hardstanding area	Approval	20/01/2023
22/01831/TPO	Works to a tree with a TPO	Land Between Boundary And South East Side Of Rykneld Road Derby DE23 4AN (adjacent To 6 Middleton Mews)	Pruning of the canopy, as and when required, to provide 2m canopy clearance to the building (6 Middleton Mews) of an Oak tree protected by Tree Preservation Order no. 516	Approval	25/01/2023
22/01832/TPO	Works to a tree with a TPO	Brookside Kedleston Street Derby DE1 3JY	Various works to trees protected by Tree Preservation Order no. 209	Approval	25/01/2023
22/01834/FUL	Full Application	9 Fairway Close Derby DE22 2PD	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, shower room, utility, bedroom, en- suite and enlargement of kitchen/dining area) and installation of a canopy to the front elevation	Approval	25/01/2023
22/01835/FUL	Full Application	43 Sherwin Street	Change of use to an eight bedroom (eight	Approval	20/01/2023

		Derby DE22 1GP	occupant) house in multiple occupation (Sui Generis) - retrospective application		
22/01836/CAT	Works to Trees in a Conservation Area	42 Friar Gate Derby DE1 1DA	Felling of two trees within the Friar Gate Conservation Area	Raise Objection	18/01/2023
22/01841/TPO	Works to a tree with a TPO	32 And 32A Morley Road Derby DE21 4QU	Remove epicormic growth annually, Crown lift to 4m and Crown reduce back to previous reduction points (both once every 4-5 years) of five Lime trees protected by Tree Preservation Order no. 496	Approval	26/01/2023
22/01844/FUL	Full Application	22 Darley Park Road Derby DE22 1DB	Single storey side and rear extensions to existing outbuilding to form home office space	Approval	26/01/2023
22/01845/FUL	Full Application	27 Ladybank Road Derby DE3 0NU	Two storey side and single storey rear extensions to dwelling house (utility, shower room, kitchen and two bedrooms)	Approval	23/01/2023
22/01852/FUL	Full Application	101 Rykneld Road Derby DE23 4AJ	Two storey rear extension to dwelling house (dining/sitting room and enlargement of bedroom)	Approval	26/01/2023
22/01854/NONM	Non-Material Amendment	90 Normanton Road Derby DE1 2GH	Demolition of three buildings. Erection of a three storey commercial building to create planning class use E(d) indoor recreation, E(b) sales of food and drink and retention of the existing Use Class E(a,b,c). Re-cladding and installation of a new window to rear block and alteration to elevational treatment. - Non-material amendment to previously approved planning permission Code No. 21/01036/FUL to allow alterations to the front and side elevations to gain pedestrian access to rear	Approval	20/01/2023
22/01856/FUL	Full Application	3 Hollies Road Derby DE22 2HX	Erection of single storey outbuilding - retrospective application	Approval	23/01/2023
22/01859/FUL	Full Application	52 Haven Baulk Avenue Derby DE23 4BJ	Demolition of Existing Dwelling and Erection of Replacement Two Storey Dwelling with associated ground works	Approval	31/01/2023

22/01862/DISC	Compliance/Discharge of Condition	Rear Of 30-36 Green Lane Derby (Access From Becket Well Lane)	Demolition of extension to the stable block building. Discharge of Condition 3 (CEMP) of previously approved application No. 22/01387/FUL	Discharge of Conditions Complete	11/01/2023
22/01863/CAT	Works to Trees in a Conservation Area	35 Kedleston Road Derby DE22 1FL	Crown reduction to a maximum of 1.5m of a Pear tree within the Strutts Park Conservation Area	Raise No Objection	24/01/2023
22/01866/FUL	Full Application	43 Hill Crest Road Derby DE21 6FJ	Single storey rear extension to dwelling (lounge/dining room and bathroom) and erection of outbuilding (storage) - retrospective application with extension roof design changed to part hipped/part flat roof	Refused	20/01/2023
22/01872/FUL	Full Application	154 Dairy House Road Derby DE23 8HP	Single storey rear extension to dwelling house (shower room)	Approval	31/01/2023
22/01883/PNRH	Prior Approval - Householder	45 Pulborough Gardens Derby DE23 3UE	Single storey rear extension (projecting beyond the rear wall of the original house by 4.76m, maximum height 2.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	09/01/2023
22/01884/TPO	Works to a tree with a TPO	Gatekeepers Cottage Mickleover Manor Derby DE3 0SH	Crown reduction by 10m in height and 5m lateral spread of a Sycamore tree protected by Tree Preservation Order no. 305. Reduction to be maintained for a period of ten years	Approval	26/01/2023
22/01891/FUL	Full Application	77 Brayfield Road Derby DE23 6GT	Demolition of garage/store. Single storey side and rear extensions to dwelling house (utility and kitchen/diner) with raised patio	Approval	29/01/2023
22/01903/FUL	Full Application	19 Haven Baulk Lane Derby DE23 4AA	Two storey front and single storey rear extensions to dwelling house (bathroom, dining/family space and enlargement of hall)	Approval	29/01/2023
22/01910/FUL	Full Application	15 Moorway Lane Derby DE23 2FR	First floor side and rear and single storey rear extensions to dwelling house (kitchen/dining area, three bedrooms and en-suite)	Approval	27/01/2023
22/01917/DISC	Compliance/Discharge of Condition	Market Place Derby	Erection of ice rink (Use Class F2d) and theatre (Sui Generis use) marquees to operate for a temporary period (46 Days In Any 12	Finally disposed of	19/01/2023

			Month Period) - Discharge of conditions 3 and 4 of planning permission 22/01606/FUL		
22/01918/FUL	Full Application	9 Islay Road Derby DE24 9LG	Two storey side extension to dwelling house (hall, utility, study, sitting room and two bedrooms)	Approval	31/01/2023
22/01921/CAT	Works to Trees in a Conservation Area	8B The Green Mickleover Derby DE3 0DE	Removal of the five lowest limbs of a Pine tree overhanging 5 Ivy Court within the Mickleover Conservation Area	Refused	20/01/2023
22/01923/PNRH	Prior Approval - Householder	200 Chellaston Road Derby DE24 9EA	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.65m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	11/01/2023
22/01925/FUL	Full Application	1 Marston Close Derby DE23 2NW	Two storey side extension to dwelling house (living space, bedroom and en-suite)	Approval	25/01/2023
22/01929/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of conditions 18 and 19 in respect of Phase 7, Plot 9 of planning permission 21/02197/VAR	Discharge of Conditions Complete	18/01/2023
22/01940/PNRH	Prior Approval - Householder	97 Worcester Crescent Derby DE21 4HH	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 4m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	26/01/2023
22/01944/FUL	Full Application	4 Grasmere Crescent Derby DE24 9HS	Single storey side and rear extensions to dwelling house (kitchen/dining area and W.C.)	Approval	26/01/2023

22/01948/NONM	Non-Material Amendment	'Becketwell', Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT - Non-material amendments to previously approved planning permission 20/01076/RES to include alterations to ground floor layout and cycle store location, include a ramp and amend doorways, the sub-station and roof level equipment	Approval	11/01/2023
22/01954/NONM	Non-Material Amendment	97 Sunnyhill Avenue Derby DE23 1JS	Two storey side extension to dwelling house (car port, two bedrooms, bathroom, utility and enlargement of bedroom) - Non-material amendment to previously approved planning permission 21/02073/FUL to increase the size of the single storey element	Approval	11/01/2023
22/01970/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1, C1, C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access. - Non-material amendment to previously approved planning permission 19/01245/OUT to amend geometry and treatment of the Colyear Street and Becket Well Lane loop	Approval	11/01/2023

23/00012/FUL	Full Application	16 Beechwood Crescent Derby DE23 6GU	Alterations to windows and doors	Refused	29/01/2023
23/00024/DISC	Compliance/Discharge of Condition	No 1 The Orthodontic Specialists 1 Station Road Mickleover Derby DE3 9GH	Two storey side and rear extensions to dental practice including relocation of air conditioning units - Discharge of condition 3 (contamination) of planning permission 22/01404/FUL	Discharge of Conditions Complete	19/01/2023
23/00032/DISC	Compliance/Discharge of Condition	19 Uplands Avenue Derby DE23 1GE	Two storey side/rear extension to dwelling house (utility, W.C., kitchen, bedroom, ensuite and bathroom). Erection of outbuildings (office annexe and garage) - Discharge of condition 4 (biodiversity) of planning permission 22/01134/FUL	Discharge of Conditions Complete	27/01/2023



**Delegated decisions made between
01/02/2023 and 28/02/2023**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00014/DISC	Compliance/Discharge of Condition	Land Adjacent 2 Pear Tree Road Derby DE23 6PY	Erection of retail unit (Use Class A1) with four apartments above (Use Class C3) - Discharge of conditions 3,4,5,6,7,8 & 9 of previously approved application code No. DER/03/18/00365	Discharge of Conditions CLOSED	02/02/2023
20/00167/DISC	Compliance/Discharge of Condition	Convent Of Mercy 11 Bridge Gate Derby DE1 3AU	Refurbishment, change of use to Use Class D1 together with internal and external alterations to include formation of meeting room, offices, creche and associated garden play space - Discharge of condition nos 7 and 8 of previously approved permission 19/01156	Discharge of Conditions Complete	02/02/2023
20/00733/DISC	Compliance/Discharge of Condition	104 Belper Road Derby DE1 3EQ	Demolition of garage. Single storey side and single storey rear extensions to dwelling house (garage and enlargement of kitchen/dining area), basement level and landscaping works to the rear elevation - Discharge of condition no 3 of previously approved permission 18/01805	Discharge of Conditions CLOSED	02/02/2023
20/00775/DISC	Compliance/Discharge of Condition	8 Sherwood Avenue Littleover Derby DE23 1NF	Demolition of Dwelling and Erection of a Replacement Dwelling (Use Class C3) - Discharge of condition nos 3, 4, 5, 7 and 11	Discharge of Conditions CLOSED	02/02/2023
20/01098/DISC	Compliance/Discharge of Condition	Land Adjacent To 17 Avondale Road Normanton Derby	Demolition of existing Industrial Buildings (Use Class B1) and erection of replacement structures, for use for Vehicle Repair Workshop, Vehicle Storage and Ancillary Offices. - Discharge of condition nos 4, 8, 9 and 10 of previously approved planning permission 09/17/001143	Discharge of Conditions CLOSED	02/02/2023
21/01002/FUL Page 1 of 17	Full Application	85 Littleover Lane	Two storey side and rear and single storey	Refused	22/02/2023

		Derby DE23 6JH	rear extensions to dwelling house including enlargement of roof to form room in roofspace		
21/01456/PNRT	Prior Approval - Telecommunications	Highway Verge Nottingham Road Spondon Derby (adjacent To Junction With Haling Way)	Installation of 18m high street pole together with wrap-around cabinet and 3 further additional equipment cabinets.	Finally disposed of	28/02/2023
21/01523/FUL	Full Application	234 Stenson Road Derby DE23 1JL	Demolition of bungalow. Erection of replacement dwelling house (Use Class C3)	Approval	14/02/2023
21/01544/PNRIA	Prior Approval - Commercial to Resi	421 Boulton Lane Derby DE24 9DL	Change of use from retail (Use Class E) to residential (Use Class C3)	Approval	28/02/2023
21/01993/FUL	Local Council Own Development Reg 3	1 And 2 Darley Street Derby DE22 1DX	Installation of replacement doors and the painting and rendering of walls in connection with flood resilience works	Approval	09/02/2023
21/01994/FUL	Local Council Own Development Reg 3	11 And 12 Darley Street Derby DE22 1DX	Installation of replacement doors and the painting and rendering of walls in connection with flood resilience works.	Approval	10/02/2023
21/01995/FUL	Local Council Own Development Reg 3	The Paper Mill Darley Street Derby DE22 1DX	Installation of replacement doors as part of flood resilience measures	Approval	21/02/2023
22/00022/DISC	Compliance/Discharge of Condition	Becketwell Development Land Macklin Street Derby DE1 1LF	Demolition of unretained buildings and structures, renovation and alterations to retained building, erection of a performance and entertainment venue, service yard, vehicular and pedestrian access, highway infrastructure amendments, landscaping, public realm, and associated works - Discharge of condition 17 of planning permission 21/01312/FUL	Discharge of Conditions Complete	17/02/2023
22/00044/DISCLB	Compliance/Discharge of Condition LB	Derby City Council Middleton House	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3).	Discharge of Conditions CLOSED	13/02/2023

		27 St Marys Gate Derby DE1 3JR	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 - discharge of conditions 12 and 13 of previously approved permission 03/18/00314		
22/00065/LBA	Listed Building Consent - Alterations	2 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	27/02/2023
22/00066/LBA	Listed Building Consent - Alterations	5 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	27/02/2023
22/00076/LBA	Listed Building Consent - Alterations	2 Poplar Row Derby DE22 1DU	Installation of flood resilience measures	Approval	28/02/2023
22/00085/LBA	Listed Building Consent - Alterations	6 West Row Derby DE22 1DN	Installation of flood resilience measures	Approval	22/02/2023
22/00144/FUL	Full Application	Remit Group Wincanton Close Derby DE24 8NB	Erection of a workshop building - retrospective application	Approval	10/02/2023
22/00399/FUL	Full Application	1 Fiskerton Way Derby DE21 2HQ	Two storey and single storey side/rear and first floor side/rear extensions to dwelling house (hallway, utility, gym, two bedrooms with en-suites and roof terrace/balcony) and installation of render	Approval	08/02/2023
22/00417/FUL	Full Application	39 Cromford Road Derby DE21 4JS	Extensions to dwelling house (garage, cloakroom, 3 bedrooms, bathroom and enlargement of kitchen/dining room)	Approval	03/02/2023
22/00867/FUL	Full Application	Arboretum Primary School Corden Street Derby DE23 8GP	Erection of single storey permanent modular building. (classroom, quiet area, toilet/changing facilities and a store).	Approval	03/02/2023

22/01010/FUL	Full Application	357 Burton Road Derby DE23 6AH	Two storey front and side and single storey rear extensions to dwelling house (hall, garage, orangery, bedroom and en-suite) together with roof alterations including raising of the roof height and installation of dormers to form rooms in the roof space	Approval	09/02/2023
22/01097/FUL	Full Application	42 Parcel Terrace Derby DE1 1LY	Single storey extensions to garage	Approval	10/02/2023
22/01114/FUL	Full Application	6 Lavender Row Derby DE22 1DF	Single storey rear extension to dwelling house and installation of replacement windows	Approval	01/02/2023
22/01115/LBA	Listed Building Consent - Alterations	6 Lavender Row Derby DE22 1DF	Single storey rear extension to dwelling house, internal alterations and installation of replacement windows	Approval	01/02/2023
22/01158/FUL	Full Application	1 Renals Street Derby DE23 6SJ	Raising of the roof height and roof alterations to include installation of a rear dormer to form rooms in the roof space (bedroom and shower room)	Approval	20/02/2023
22/01179/FUL	Full Application	48 Belper Road Derby DE1 3EN	Installation of replacement windows and door to the front elevation	Approval	03/02/2023
22/01203/FUL	Full Application	Land Adjacent To 38 Keats Avenue Derby DE23 4ED	Erection of a dwelling house and car port (Use Class C3)	Approval	15/02/2023
22/01229/FUL	Full Application	11 Highfield Gardens Derby DE22 1HT	Two storey side and single storey rear extensions to dwelling house (office, W.C., external store, dining room and bedroom) together with alterations to front elevation to form entrance area	Approval	16/02/2023
22/01289/FUL	Full Application	115 Alvaston Street Derby DE24 0PA	Installation of decking, raised patio area and timber boundary fence (retrospective application)	Approval	08/02/2023
22/01309/FUL	Full Application	72 Boulton Lane Derby	Two storey side extension to dwelling house with dormer	Approval	17/02/2023

		DE24 0FE			
22/01347/DISC	Compliance/Discharge of Condition	468 Kedleston Road Derby DE22 2NE	Extensions And Alterations To Bungalow To Form A Dwelling House With Rooms In The Roof Space And Erection Of A Detached Garage - Discharge of condition 4 of planning permission 12/17/01656	Discharge of Conditions Complete	03/02/2023
22/01373/FUL	Full Application	Dewhurst 3 Lens Road Derby DE22 2NB	Installation of a dormer and raising of ridge height (retrospective application)	Approval	16/02/2023
22/01385/FUL	Full Application	60 Merchant Avenue Derby DE21 7NA	Single storey rear extension to dwelling house (kitchen/dining/sitting area)	Approval	20/02/2023
22/01497/FUL	Full Application	1 Clover Close Derby DE21 7QY	First floor side extension to dwelling house (home office/store/hobby room)	Refused	23/02/2023
22/01503/LBA	Listed Building Consent - Alterations	Former Derbyshire Royal Infirmary Site London Road Derby DE1 2QY	Relocation of Queen Victoria statue, removal and infill of two former brick openings in the stone boundary wall.	Approval	22/02/2023
22/01504/FUL	Full Application	Former Derbyshire Royal Infirmary Site London Road Derby DE1 2QY	Formation of a pedestrian stepped entrance to access Pepperpot North, relocation of Queen Victoria statue, removal and infill of two former brick openings in the stone boundary wall.	Approval	27/02/2023
22/01543/FUL	Full Application	16 Beech Avenue Derby DE24 0DX	Two storey side and rear extensions to dwelling house (lounge, sitting room, wet room, garage, bathroom, two bedrooms and enlargement of bedroom)	Approval	14/02/2023
22/01583/FUL	Full Application	37 Anglers Lane Derby DE21 7NT	Single storey rear extension to dwelling house (living space) and enlargement of raised patio area	Approval	17/02/2023
22/01588/DISC	Compliance/Discharge of Condition	Surface Car Park Liversage Street/ John Street	Erection of 94 dwellings (Use Class C3) and associated works - Discharge of condition 7 of	Discharge of Conditions Complete	28/02/2023

		Derby DE1 2LD	planning permission 20/00684/FUL		
22/01595/DISC	Compliance/Discharge of Condition	The Old Hall 5 Orchard Street Derby DE3 0DF	Erection of an outbuilding (garage) and garden room - Discharge of condition no's 3 and 4 of planning permission 20/01148/FUL	Discharge of Conditions CLOSED	21/02/2023
22/01596/FUL	Full Application	Derby Arboretum Arboretum Square Derby DE23 8FN	Erection of a Changing Places toilet facility pod	Approval	10/02/2023
22/01662/DISC	Compliance/Discharge of Condition	Sir Peter Hilton Court Agard Street Derby DE1 1RG	Erection of an academic building (part five and part seven storey), with associated ancillary uses, accessible parking, infrastructure and hard and soft landscaping - Discharge of conditions 6, 13 and 19 of planning permission 22/00421/FULPSI	Discharge of Conditions Complete	13/02/2023
22/01675/FUL	Full Application	Unit 15a Sawley Park Nottingham Road Derby DE21 6AS	Change of use from storage (Use Class B8) to training centre (Use Class F)	Approval	28/02/2023
22/01680/FUL	Full Application	326 Kedleston Road Derby DE22 2TE	Single storey front, side and rear extensions to dwelling house (porch, garage, laundry room and family/dining area)	Approval	08/02/2023
22/01684/FUL	Full Application	28 Blagreaves Lane Derby DE23 1FH	Erection of boundary wall/gate and outbuilding - retrospective application	Approval	17/02/2023
22/01694/DISCLB	Compliance/Discharge of Condition LB	Museum And Art Gallery The Strand Derby DE1 1BS	Replacement of roof materials and rainwater goods, associated repairs to roof, addition of two internal accessible WCs and internal accessibility improvements - Discharge of condition 3b of previously approved permission 22/00582/LBA	Discharge of Conditions Complete	28/02/2023
22/01701/VAR	Variation of Condition	267 Normanton Road Derby	Sub-division and part change of use of ground floor retail unit (Use Class E) to form a hot	Refused	13/02/2023

		DE23 6UT	food takeaway (Sui Generis Use) including retention of the installation of a new shop front and an extraction flue - variation of condition 3 to amend opening hours of previously approved permission 20/01534/FUL		
22/01702/FUL	Full Application	14 Lens Road Derby DE22 2NB	Two storey front extension to dwelling	Approval	13/02/2023
22/01705/FUL	Full Application	16 St Matthews Walk Derby DE22 1FF	Single storey side and rear extension to dwelling (2 bedrooms, bathroom, utility and enlargement of living room/dining room)	Approval	28/02/2023
22/01710/FUL	Full Application	15 Porters Lane Derby DE21 4FZ	Single storey side extension (playroom and home office)	Approval	22/02/2023
22/01713/DISC	Compliance/Discharge of Condition	Derby Triangle Wyvern Way Derby	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved. - Discharge of condition 27 Verification Report (Phases 0,1 and 2) of previously approved application code No. 19/00491/OUT	Discharge of Conditions Complete	06/02/2023
22/01733/FUL	Full Application	72 Brackensdale Avenue Derby DE22 4AE	Two storey and first floor side extensions to dwelling house to (car port, bedroom and ensuite)	Approval	17/02/2023
22/01741/FUL	Full Application	Ground Floor Victoria Chambers 30 - 32 St Peters Churchyard Derby DE1 1NN	Change of use of part of ground floor from a barbers (Use Class E) to one flat (Use Class C3)	Refused	11/02/2023
22/01753/FUL	Full Application	Land At The Rear Of Burleigh Mews 102 Friar Gate	Erection of two apartments (Use Class C3)	Application Withdrawn	22/02/2023

		Derby DE1 1EX			
22/01766/FUL	Full Application	37 Bishops Drive Derby DE21 2BA	Formation of a vehicular access	Approval	17/02/2023
22/01767/FUL	Full Application	Old Canal Farm Sinfin Moor Lane Derby DE73 5SP	Siting of a static caravan for ancillary use incidental to the main dwelling house and equine business - retrospective application	Approval	10/02/2023
22/01780/VAR	Variation of Condition	Land Off Hudson Way Derby DE24 8HS	Retention of change of use to public car park for temporary period (two years) - Variation of condition 1 of previously approved planning permission 20/00748/VAR to allow the car park use for an additional two years	Approval	06/02/2023
22/01790/FUL	Full Application	79 Wiltshire Road Derby DE21 6EY	Single storey rear extension to dwelling house (enlargement of kitchen/dining area) and installation of external insulation/render to all elevations	Approval	03/02/2023
22/01792/FUL	Full Application	8 Beech Avenue Derby DE24 0DX	Erection of an outbuilding (office, games room and shower room) - retrospective application	Approval	22/02/2023
22/01795/FUL	Full Application	29 St Albans Road Derby DE22 3JJ	Two storey side and rear extensions to dwelling house (hall, W.C., two bedrooms, bathroom and enlargement of kitchen/dining area)	Approval	01/02/2023
22/01811/FUL	Full Application	Eagle Market Morledge Derby DE1 2AZ	Change of use of part of the existing Eagle Market from retail (Use Class E) to indoor go-karting, drinking establishment, family entertainment and amusement centre (Use Class E/Sui Generis)	Approval	03/02/2023
22/01816/FUL	Full Application	67 Chapel Lane Spondon Derby DE21 7JT	Single storey front, side and rear extension to dwelling house (W.C., garage, bedroom and enlargement of hall and lounge)	Approval	27/02/2023
22/01817/FUL	Full Application	Bamfords Auctioneers	Change of use from auctioneers (Sui Generis)	Approval	14/02/2023

		Chequers Road Derby DE21 6EN	to a health and fitness centre (Use Class E(d))		
22/01829/FUL	Full Application	20 Mayfield Road Derby DE21 6FW	Extensions to dwelling (kitchen and breakfast/family room) and formation of rooms in the roof space (bedroom and shower room)	Approval	14/02/2023
22/01839/FUL	Full Application	27 Greenland Avenue Derby DE22 4AQ	Erection of an outbuilding (garage and hobby room)	Approval	21/02/2023
22/01849/FUL	Full Application	46 Stewart Close Derby DE21 7EG	Installation of dormers to the front and rear elevations to form rooms in the roof space (four bedrooms and bathroom)	Approval	17/02/2023
22/01855/FUL	Full Application	Lindenwood 39 Penny Long Lane Derby DE22 1AX	Single storey extension to dwelling house, installation of replacement roofline, changes to fenestration and application of new materials including timber cladding and standing seam metal roof	Approval	22/02/2023
22/01857/FUL	Full Application	15 Etwall Road Derby DE3 0DL	First floor side extension, and new gable frontage. Two storey and single storey rear extension.	Approval	02/02/2023
22/01867/FUL	Full Application	50 Blagreaves Avenue Derby DE23 2NS	Two storey side and rear and single storey front and rear extensions to dwelling house	Approval	28/02/2023
22/01873/FUL	Full Application	19 Kingsley Road Derby DE22 2JL	Single storey rear extension to dwelling (kitchen/dining. day room and enlargement of lounge)	Approval	02/02/2023
22/01876/FUL	Full Application	Land Adjacent To Becketwell Development Land Macklin Street Derby DE1 1LF	Minor expansion of public realm improvement works	Approval	03/02/2023
22/01877/PNRT	Prior Approval - Telecommunications	Pavement Ladybank Road Derby	Erection of a 15m high monopole, equipment cabinets and ancillary development	Refused	01/02/2023

(adjacent To Royden Close)

22/01886/FUL	Full Application	94 Curzon Street Derby DE1 1LP	Change of use from dwelling house (Use Class C3) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	11/02/2023
22/01890/FUL	Full Application	1 Folkestone Drive Derby DE24 0HT	Two storey side and single storey front and side extensions to dwelling house (porch, kitchen/diner and bedroom)	Approval	03/02/2023
22/01892/FUL	Full Application	3 Onslow Road Derby DE3 9JJ	Single storey rear extension to dwelling house (kitchen/dining area) and formation of a patio area	Approval	01/02/2023
22/01904/TPO	Works to a tree with a TPO	Land At Porters Lane Derby (Tree At The Rear Of 6 Stonesby Close)	Crown clean, removal of basal growth, previous cut branches back to the stem, removal of a limb on the N/W side and a secondary branch to give 5m clearance of the garden of a Turkey Oak tree protected by Tree Preservation Order no. 124	Approval	08/02/2023
22/01920/PNRH	Prior Approval - Householder	134 Drewry Lane Derby DE22 3QU	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	03/02/2023
22/01922/FUL	Full Application	5 Babington Lane Derby DE1 1SU	Change of use of part of ground floor and the first floor from retail (Use Class E) to a 16 bedroom house in multiple occupation (Sui Generis) including installation of a dormer, roof top privacy fence and alterations to windows and doors	Application Withdrawn	10/02/2023
22/01924/FUL	Full Application	241 Clarence Road Derby DE23 6LU	Change of use from motor vehicle garage (Use Class B2) to mixed use, motor vehicle garage and MOT testing facility (Use Classes B2 and Sui Generis)	Approval	24/02/2023
22/01927/FUL	Full Application	35 Foremark Avenue Derby DE23 6JQ	Single storey side and rear extensions to dwelling house (covered way, home office, wet room and kitchen/dining area)	Approval	16/02/2023

22/01936/FUL	Full Application	36 Longbridge Lane Derby DE24 8UJ	Change of use from storage and distribution (Use Class B8) to motor vehicle garage and MOT testing facility (Use Classes B2 and Sui Generis)	Approval	22/02/2023
22/01938/LBA	Listed Building Consent - Alterations	Darley Abbey Mills Weir Footbridge Adjacent To Darley Street Derby	Re-fixing of metal footbridge piers to the weir	Approval	10/02/2023
22/01941/DISC	Compliance/Discharge of Condition	Surface Car Park Liversage Street/ John Street Derby DE1 2LD	Erection of 94 dwellings (Use Class C3) and associated works - Discharge of condition 11 (external lighting) of planning permission 20/00684/FUL	Discharge of Conditions Complete	28/02/2023
22/01942/CLP	Lawful Development Certificate -Proposed	Unit 7 Meteor Centre Mansfield Road Derby DE21 4SY	Use of the unit as a gym (Use Class E)	Approval	10/02/2023
22/01945/FUL	Full Application	21 West Bank Road Derby DE22 2FY	Two storey side and single storey rear extensions to dwelling house (store, bedroom, en-suite and enlargement of kitchen/living space)	Approval	27/02/2023
22/01946/FUL	Full Application	3 Elms Garden Derby DE23 6EF	Single storey rear extension to dwelling house (living space)	Approval	13/02/2023
22/01947/FUL	Full Application	28 Bank View Road Derby DE22 1EJ	Single storey front extension to dwelling house (shower room and enlargement of hall and sitting room)	Approval	15/02/2023
22/01949/FUL	Full Application	129 St Chads Road Derby DE23 6RN	Two storey and single storey rear extensions to dwelling house (kitchen/living/dining space, bedroom and enlargement of bedroom) including installation of a new first floor side elevation window	Approval	14/02/2023
22/01952/CLP	Lawful Development Certificate -Proposed	6 Edwinstowe Road Derby DE21 2HL	Single storey side extension to dwelling house	Approval	03/02/2023
22/01956/VAR	Variation of Condition	73 Highfield Lane	Two storey rear and single storey front and	Approval	08/02/2023

		Derby DE21 6PJ	rear extensions to dwelling house with raised patio area - Variation of conditions 2 and 3 of planning permission 22/01164/FUL to change the external materials and amend the approved plans		
22/01958/FUL	Full Application	40 Parkside Road Derby DE21 6QQ	Single storey rear extension to dwelling house (kitchen, utility and canopy) - retrospective application	Approval	15/02/2023
22/01960/DISC	Compliance/Discharge of Condition	Derby Triangle Wyvern Way Derby	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved. - Discharge of condition 29 (piling details) of planning permission 19/00491/OUT	Discharge of Conditions Complete	13/02/2023
22/01961/VAR	Variation of Condition	Racecourse Playing Fields St Marks Road Derby DE21 6AL	Extension of changing pavilion, upgrade of the existing 3G Football Pitch, three New AGP's, upgrade and extension to surface car park, associated hard and soft landscaping, realignment of existing car park access off St. Mark's Road, replacement of existing external play area. - Variation of conditions 2, 4, 8, 9 and 18 of previously approved planning permission 22/00701/FUL to amend the approved plans	Approval	20/02/2023
22/01962/FUL	Full Application	163 St Thomas Road Derby DE23 8RH	Change of use from dwelling house (Use Class C3) to retail (Use Class E (a)) with flat above (Use Class C3), installation of a new shop front and roller shutters together with a rear external staircase (re-positioned) to facilitate first floor access	Approval	20/02/2023
22/01966/FUL	Full Application	13 Roehampton Drive Derby	First floor front extension to dwelling house (enlargement of bathroom)	Approval	15/02/2023

		DE22 4EE			
22/01972/FUL	Full Application	48 Chestnut Avenue Chellaston Derby DE73 6RW	Single storey side extension to dwelling house (garage)	Approval	28/02/2023
22/01974/CLP	Lawful Development Certificate -Proposed	4 Regal Gate Derby DE73 5NS	Single storey rear extension to dwelling house	Approval	20/02/2023
23/00002/FUL	Full Application	57 Uttoxeter Road Derby DE3 9GF	Erection of an outbuilding (garage)	Refused	06/02/2023
23/00003/CAT	Works to Trees in a Conservation Area	Southbank 3A The Hollow Mickleover Derby DE3 0DG	Cutting back of lower branch overhanging the neighbouring property by 4m of a Willow tree within the Mickleover Conservation Area	Raise No Objection	15/02/2023
23/00013/CAT	Works to Trees in a Conservation Area	43 Otter Street Derby DE1 3FD	Removal of one branch overhanging 45 Otter Street and reduction of four branches of a Sycamore tree within the Strutts Park Conservation Area	Raise No Objection	15/02/2023
23/00014/NONM	Non-Material Amendment	40 West Avenue Derby DE1 3HR	Installation of a dormer window and rooflights to the rear elevation and two new windows in the gable end - Non-material amendment to previously approved planning permission 20/01276/FUL to amend the size and position of the roof lights	Approval	01/02/2023
23/00015/FUL	Full Application	10 Little Woodbury Drive Derby DE23 3UN	Two storey and first floor side and single storey front and rear extensions to dwelling house (porch, living room/dining area, shower room, bedroom and en-suite), installation of a canopy to the front elevation and erection of boundary wall	Approval	11/02/2023
23/00019/FUL	Full Application	11 Keats Avenue Derby DE23 4EE	Single storey side/rear extension to dwelling house (enlargement of dining space)	Approval	06/02/2023

23/00020/TPO	Works to a tree with a TPO	Land Adjacent To 15 And 25 Highfields Park Drive Derby	Various works to trees including maintenance works to be carried out every three years over a ten year period protected by Tree Preservation Order no's. 45 and 308	Approval	22/02/2023
23/00021/FUL	Full Application	106 Swarkestone Road Derby DE73 5UD	Single storey side/rear extension to dwelling house (utility, shower room and enlargement of kitchen)	Approval	06/02/2023
23/00022/PNRT	Prior Approval - Telecommunications	Highway Verge South Side Of Junction Of Duffield Road / Ferrers Way Derby	Erection of a 20m high monopole, equipment cabinets and ancillary development	Approval	27/02/2023
23/00023/ADV	Advertisement Consent	69 Prince Charles Avenue Derby DE22 4BG	Display of one internally illuminated fascia sign	Approval	22/02/2023
23/00031/FUL	Full Application	11 Melton Avenue Derby DE23 1FY	Two storey extension to dwelling house (utility room, shower room, two bedrooms, bathroom and enlargement of kitchen)	Approval	06/02/2023
23/00034/FUL	Full Application	University Of Derby Enterprise Centre Bridge Street Derby DE1 3LB	Change of use of first floor from conference facilities to an Enterprise Centre (educational use), including alterations to the fenestration and installation of external louvres	Approval	27/02/2023
23/00039/CAT	Works to Trees in a Conservation Area	9A The Hollow Mickleover Derby DE3 0DG	Felling of a Willow tree within the Mickleover Conservation Area	Raise No Objection	20/02/2023
23/00043/PNRH	Prior Approval - Householder	52 Station Road Mickleover Derby DE3 9GJ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	03/02/2023
23/00045/FUL	Full Application	52 Vicarage Avenue Derby DE23 6TP	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis)	Refused	11/02/2023

23/00047/CLP	Lawful Development Certificate -Proposed	26 Highfield Road Derby DE22 1GZ	Change of use from dwelling house (Use Class C3) to a house in multiple occupation for a maximum of six occupants (Use Class C4)	Approval	27/02/2023
23/00055/FUL	Local Council Own Development Reg 3	17 Naseby Close Derby DE3 0QU	Single storey rear extension to dwelling (living space)	Approval	11/02/2023
23/00061/FUL	Full Application	26 Kendon Avenue Derby DE23 1LB	Single storey side and rear extensions to dwelling house (rear conservatory and storage/utility and w.c) (Retrospective application), and proposed enlargement of garage (front extension)	Approval	28/02/2023
23/00063/FUL	Full Application	63 Kitchener Avenue Derby DE23 8AJ	Two storey side and rear and single storey front extensions to dwelling house (porch, lounge, utility, kitchen, two bedrooms, bathroom and en-suite)	Approval	28/02/2023
23/00065/PNRH	Prior Approval - Householder	35 Garth Crescent Derby DE24 0GX	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 3m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	11/02/2023
23/00080/CAT	Works to Trees in a Conservation Area	166 Duffield Road Derby DE22 1BH	Crown lift to 4m above garden ground level, removal of deadwood, epicormic growth and crossed branches of a Lime tree within the Strutts Park Conservation Area	Raise No Objection	20/02/2023
23/00081/PNRH	Prior Approval - Householder	11 Cockayne Street South Derby DE24 8JT	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	20/02/2023
23/00082/FUL	Full Application	30 Maple Avenue Derby DE23 1QD	Two storey side and single storey rear extensions to dwelling house (two bedrooms, wet room, en-suite and enlargement of kitchen/dining area and sitting room)	Approval	28/02/2023
23/00089/PNRH	Prior Approval - Householder	48 Parkside Road Derby DE21 6QS	Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	22/02/2023

23/00097/PNRH	Prior Approval - Householder	69 Belgrave Street Derby DE23 6ST	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	20/02/2023
23/00104/PNRH	Prior Approval - Householder	142 St Albans Road Derby DE22 3JP	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.9m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	22/02/2023
23/00105/NONM	Non-Material Amendment	115 London Road Derby DE1 2QS	Change of use from restaurant (Use Class E) to a 12 bedroom (17 occupants) house in multiple occupation (Sui Generis) - Non-material amendment to previously approved planning permission 22/01346/FUL to change the proposal from 17 occupant to 19 occupants	Approval	28/02/2023
23/00109/DISC	Compliance/Discharge of Condition	Progressive Buildings 25 - 33 Babington Lane Derby DE1 1SX	Change of use of ground floor from Use Class E unit to 16 flats (Use Class C3) - Discharge of conditions 3 (construction management plan) and 5 (travel plan) of planning permission 22/01364/FUL	Discharge of Conditions Complete	13/02/2023
23/00117/FUL	Full Application	7 Muirfield Drive Derby DE3 9YA	Change of use from a dwelling house (Use Class C3) to a children's care home for a maximum of three children (Use Class C2)	Application Withdrawn	21/02/2023
23/00119/ADV	Advertisement Consent	Costa Coffee Foresters Park Centre Sinfin Lane Derby DE23 8AG	Display of various signage	Approval	07/02/2023
23/00137/PNRT	Prior Approval - Telecommunications	Britannia Mill Mackworth Road Derby DE22 3BL	Installation of a 30m high lattice tower with 12 antennas, dishes, equipment cabinets and ancillary development	Application Withdrawn	07/02/2023

