



Derby City Council

Mr George Machin  
GraceMachin Planning & Property  
2 Hollowstone  
The Lace Market  
Nottingham  
NG1 1JH

## Planning Application Decision

### Town and Country Planning Act 1990

---

#### Part 1: Application Details

**Application No:** 19/01082/FUL (please quote in correspondence)  
**Location:** 12 Dexter Street, Derby, DE23 8LL  
**Proposal:** Change of use from three flats (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis Use)

---

#### Part 2: Decision

Permission is **granted** subject to the conditions in Part 5

---

#### Part 3: Reason for Decision

The proposal has been considered against the following Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

The proposal is considered acceptable in Planning Policy terms in regards to design, visual amenity and residential amenity.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and, whilst no amendments to the scheme were necessary in this case, it has been determined in a positive fashion.

---

#### Part 4: Relevant Policies

##### City of Derby Local Plan Review Saved Policies

GD5      Amenity  
H13      Residential Development - General Criteria

##### Derby City Local Plan Part 1 (Core Strategy) Policies

CP1A      Presumption in Favour of Sustainable Development

---

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS  
[derby.gov.uk](http://derby.gov.uk)

To view Derby City Council Privacy Notices please visit [derby.gov.uk/privacy-notice](http://derby.gov.uk/privacy-notice)



CP2 Responding to Climate Change  
CP3 Placemaking Principles  
CP6 Housing Delivery  
CP23 Delivering a Sustainable Transport Network

---

## Part 5: Conditions

### General Conditions:

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

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

2. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Reason: For the avoidance of doubt.

### Plan Type: Plan Ref – Rev:

Floor Plans - Proposed PRO19\_01(04) 002

Site plans

### Pre Occupation Conditions:

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

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

4. Unless otherwise agreed in writing by the Local Planning Authority the House in Multiple Occupation shall accommodate no more than 7 residents at any time.

Reason: For the avoidance of doubt, as the proposed internal accommodation and bedroom sizes are limited in floor area and to safeguard the residential amenities of future residents, in accordance with saved policies GD5 and H13 of the adopted City of Derby Local Plan Review.

---

Signed: 

Paul Clarke  
Authorised Officer of the Council

Date: 24/09/2019

---

## **Part 6: Informative Notes to Applicant**

1. The consent granted will result in alterations to a building which may need renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the unit numbers, location in relation to existing land and property, and the placement of front doors or primary means of access.
  
2. In order to obtain an HMO licence the property should be adequately managed and free of significant hazards under the Housing Health and Safety Rating System (HHSRS). This will include the provision and maintenance of suitable fire precautions, which are not yet noted on the plans. This Authority will generally use the LACORS guidance when making an assessment of fire safety in residential property. It is assumed that an appropriate and sufficient fire detection and alarm system will be installed within the property, as well as an adequate protected means of escape.

The applicant should contact Housing Standards in regards to the level of amenities (particularly cooking facilities) required as well as the relevant fire safety matters.

---

## Notes

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse your application for the proposed development, or non-material amendment to a proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Please note, only the applicant possesses the right of appeal.
- Further information on how to appeal and the deadlines for different types of applications can be found at [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

### Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

E-mail: [developmentcontrol@derby.gov.uk](mailto:developmentcontrol@derby.gov.uk)

Website: [www.derby.gov.uk/environment-and-planning/planning/](http://www.derby.gov.uk/environment-and-planning/planning/)

