



Derby City Council

Mr George Machin  
GraceMachin Planning & Property  
5 Malin Hill  
Plumptre Square  
Lace Market  
Nottingham  
NG1 1JK

## Planning Application Decision

### Town and Country Planning Act 1990

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#### Part 1: Application Details

**Application No:** 18/01813/OUT (please quote in correspondence)  
**Location:** Land At The Side And Rear Of 104 And 106 Radbourne Street, Derby, DE22 3BU  
**Proposal:** Residential development (one dwelling)

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#### Part 2: Decision

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

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#### 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.

There is an adequate amount of space for a single-storey dwelling to be accommodated on the site. This would have adequate amenity space and no overriding adverse impact on neighbour's amenities. The detailed layout and relationship to neighbours will need to be fully assessed at reserved matters stage. The proposed in-out access arrangement will maximise visibility for vehicles entering the highway and no objections have been raised regarding the amended access arrangements.

In dealing with this application the City Council has worked with the agent in a positive and proactive manner and has secured appropriate and proportionate improvements to the scheme which relate to the access arrangements.

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#### Part 4: Relevant Policies

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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)



## 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
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP23	Delivering a Sustainable Transport Network
CP16	Green Infrastructure

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### Part 5: Conditions

#### General Conditions:

1. Approval of the details of the layout, appearance, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. This outline permission is for one single-storey dwelling only. 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) no windows shall at any time be placed in the roof slopes of the building hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy 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 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.

<b>Plan Type:</b>	<b>Plan Ref – Rev:</b>	<b>Date received:</b>
Location Plan		29/11/2019
Block plans	106RSD/2018/BP1 Rev Revised access	18/12/2019
Other	Artists Impression	29/11/2019

**Pre Commencement Conditions:**

5. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- o Parking of vehicle of site operatives and visitors
  - o routes for construction traffic
  - o hours of operation
  - o method of prevention of mud being carried onto highway pedestrian and cyclist protection
  - o proposed temporary traffic restrictions
  - o arrangements for turning vehicles
  - o location of areas for materials storage and site compound

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**Pre Occupation Conditions:**

6. The development hereby permitted shall not be brought into use until the circulatory vehicle access arrangements shown on the approved plan are put into place. The access arrangements shall then be retained for the lifetime of the development.

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

7. The development hereby permitted shall not be brought into use until the access arrangement has been appropriately signed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such signage shall then be retained and maintained throughout the lifetime of the development.

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

8. No part of the development hereby permitted shall be brought into use until each access is surfaced in a bound material for a minimum distance of 5.5 m to the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

9. The building hereby permitted shall not be occupied until the landscaping and hard surfacing proposals approved under the reserved matters application have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

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

10. The building hereby permitted shall not be occupied until a scheme of boundary treatment for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and retained.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

**Management Conditions:**

11. Any gates at the access points shall open inwards only, be set back 5.5 metres from the highway boundary and be erected in accordance with details which have been first submitted to and approved in writing by the local planning authority. The approved gates shall then be retained for the life of the development.

Reason: To enable a vehicle to stand clear of the highway whilst any gates are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway, 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.

12. 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) no extension or enlargement (including additions to roofs) shall be made to the dwelling house hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason: The further extension of this dwelling or erection of detached building requires detailed consideration to safeguard 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.

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Signed:



Paul Clarke

Authorised Officer of the Council

Date: 14/01/2019

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

1. The consent granted will result in the construction of a new building which needs naming and numbering. To ensure that the new address is 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 plot, location in relation to existing land and property, and the placement of front doors or primary access.
  2. Refuse collection operatives will not enter the site to collect, as the proposed dwelling would be in excess of 25m from the highway. Additionally, any bins left on the footway adjacent to no.104 would interfere with visibility splays for emerging vehicles. It is recommended therefore that the occupants place any bins within the access point adjacent to no. 108.
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## 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)
- 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/)