

Applications to be Considered

SUMMARY

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

- 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.

OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 43	02/18/00176	Site of Rose and Crown PH and St. Ralph Sherwin Centre, Swarkestone Road, Chellaston.	Demolition of existing buildings and structures and erection of (Use Class A1) retail store, car parking and servicing areas, access and associated works	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	44 - 114	07/16/00924	Bio House, Derwent Street, Derby.	Demolition of existing office buildings and the erection of a new building providing 105 apartments, ground floor commercial unit (A1, A2, A3) and car parking, including associated works, flood defence and a new substation.	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
3	115 - 134	11/17/01432	Former Rolls Royce Works, Nightingale Road, Sinfen.	Erection of 406 dwellings with associated car parking and landscaping together with refurbishment of 5 existing dwellings	For Members' consideration and further instruction.
4	135 - 140	10/17/01371	3 Chester Avenue, Allestree.	Two storey and single storey rear extensions to dwelling house (living space and bedroom)	To grant planning permission with conditions

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5	141 - 150	01/18/00002	53 Chambers Street, Derby.	Sub-division and two storey side and single storey rear extensions to form four flats (Use Class C3)	To grant planning permission with conditions
6	151 - 156	11/17/01418	16 Harriet Street, Derby.	Change of use from one dwelling to four flats (Use Class C3) including installation of a new window	

Committee Report Item No: 1

Application No: DER/02/18/00176

Type: Full Planning Application

1. Application Details

1.1. Address: Site of the Rose and Crown PH and the St Ralph Sherwin Centre, Swarkestone Road, Chellaston.

1.2. Ward: Chellaston

1.3. Proposal:

Demolition of existing buildings and structures and erection of retail store (Use Class A1), car parking and servicing areas, access and associated works.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/02/18/00176>

Web-link to previous application (under code DER/12/15/01570) for member's reference:

<https://eplanning.derby.gov.uk/online-applications/plan/12/15/01570>

Brief description

The site of the proposal comprises approximately 0.71 ha of land fronting Swarkestone Road. The site is currently occupied by the Rose and Crown PH (and associated garden and buildings) and the St. Ralph Sherwin Centre (place of worship) and the associated parking area.

The majority of the site is allocated as part of the Chellaston District Centre and for reference the boundaries of the District Centre are shown on the Ordnance Survey base at the end of this report.

To the immediate north of the site is the Corner Pin Public House, with fencing and vegetation demarking the boundary; to the east is the A514 carriageway; to the south are the grounds and buildings of Chellaston Academy; to the west is the Bowling Club and pavilion and beyond to the north-west are residential properties on Station Road. The Rose and Crown PH building is a part two storey part single storey structure which fronts Swarkestone Road. The St. Ralph Sherwin Centre is an angular block shaped mono-pitched roof building set back from the highway, with a side blank brick gable facing Swarkestone Road. Two separate existing car parks occupy the site serving both the Public House and place of worship. Land levels are relatively flat across the site. The existing buildings would be demolished to accommodate the proposed development.

Tree Preservation Order (TPO) 585 covers three individual trees, two groups and one area of trees within the curtilage of the Rose and Crown PH and the St. Ralph Sherwin Centre. The site is not located within a Conservation Area. The tree stock includes a group comprising 1 Willow tree, 2 Oak trees, 1 Beech tree, 1 Rowan tree, 3 Ash trees and 1 Cherry tree situated to the rear of the Rose and Crown PH, adjoining an outdoor seating area. A group of 6 Hornbeam trees are situated on the boundary between the St. Ralph Sherwin Centre and the Chellaston Academy. A group of Ash and Damson trees are situated on the boundary between the St. Ralph Sherwin Centre and Rose and Crown PH.

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The submission

In addition to a package of drawings and plans the application is accompanied by a suite of documents which include:

- Draft Section 106 Agreement Heads of Terms
- Design and Access Statement
- Tree Survey
- Arboricultural Impact Assessment and associated reports
- Noise Assessment
- Noise Assessment update letter
- Ecological Appraisal
- Phase II Bat Survey
- Heritage Statement
- Planning Statement
- Phase I and Phase II Site Investigation
- Draft Local Labour Agreement
- Transport Assessment
- Statement of Community Involvement

The proposal

Members will be familiar with the proposed re-development of this site and the previous application which was debated at the meeting in July 2017. Planning permission was refused for that scheme for the reasons included below.

1. In the opinion of the Local Planning Authority the proposed development would create, by virtue of the excessive footprint of the building, the sub-standard architectural design of the building and the poor overall layout of the car park, an unacceptable form of development in design terms that would be distinctly out of character with the Chellaston District centre. As such, the proposal is contrary to policies CP3 and CP4 of the adopted Derby City Local Plan Part 1: (Core Strategy), saved policy GD5 of the adopted City of Derby Local Plan Review and the guidance in paragraph 56 of the National Planning Policy Framework which attaches great importance to the design of the built environment.

2. In the opinion of the Local Planning Authority the proposed development would create, by virtue of the proposed single point of access to the site and the relationship of that access to the neighbouring Chellaston Academy, an unacceptable form of development in terms of vehicle and pedestrian safety on the public highway, particularly at peak times when pupils and others are travelling to and from Chellaston Academy. As such, the proposal is contrary to policy CP23 of the adopted Derby City Local Plan Part 1: (Core Strategy) and the guidance in paragraph 32 of the National Planning Policy Framework which requires development proposals to provide safe and suitable access to sites for all people.

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Details of the application are available via the web-link in Part 1.4.

An appeal against that decision has been lodged and the format is a Public Inquiry to be hosted in late September. Members will recall that Councillor Care was nominated as the Council's witness given that the refusal was against the Director's recommendation. This is normal Council practice. An initial case conference has been hosted with the Council's Barrister and the Council's statement of case has been sent to the Planning Inspectorate in accordance with the initial stages of the appeal timetable. This application has, therefore, been 'twin tracked' with the appeal process.

Full planning permission is sought for the construction of a single retail unit covering approximately 1,950sqm gross external floor area with a proposed net sales area of approximately 1,265sqm. The applicant is the 'deep discount' retailer Lidl UK and the 'deep discount' retail philosophy is addressed in the submitted Planning Statement.

The proposed retail store itself would be positioned to the south of the site with its main elevations fronting both the proposed car park and Swarkestone Road. The proposed footprint of the building would accommodate a large rectangular sales area and the north-eastern corner would accommodate the main entrance which would include 'wrap-around' glazed curtain walling along the majority of the eastern elevation. This part of the proposed building would sit beneath a projecting canopy which would provide shelter for mobility scooter parking and other storage. The north-western corner of the proposed building would house the delivery bay component which would project forward of the main elevation.

The proposed roof design would include a shallow mono-pitch with a maximum height at the front of the store of approximately 6.55m sloping down to approximately 5.5m at the rear of the building. The proposed elevations would comprise glazed curtain walling for the main entrance which would return around the side elevation facing Swarkestone Road. The proposed north elevation would be dressed with horizontal timber cladding sat on a brick plinth for a section extending some 29m in length. The remainder of the north elevation would be clad in grey horizontal panels in white. Upper level grey panelling would be included to provide a continuous band around the building.

The applicant indicates that they seek to operate the proposed retail store between the hours of 07:00 - 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays and Bank Holidays. The development, once operational, would employ between 25 and 40 full-time and part-time staff members.

In summary the revisions to the scheme following the previous refusal are as follows:

- A 3m wide footpath along the frontage to Swarkestone Road to enhance pedestrian safety
- The removal of two existing additional trees subject to TPO that are located on the Swarkestone Road frontage in order to enhance visibility splays and increase pedestrian visibility
- A dedicated, safe pedestrian route through the car park from the north towards the store entrance

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- A dedicated, safe pedestrian route towards the store entrance from the south
 - A reduction in the scale of the proposed building
 - Revised elevational treatment to the building
 - Adjustments to the proposed package of improvements to the highway network
 - Minor alterations to the proposals to account for the above revisions

2. Relevant Planning History:

Application No:	DER/12/15/01570	Type:	Full Planning Application
Decision:	Refused (reasons included in Part 1.4)	Date:	25/07/2017
Description:	As current application		

3. Publicity:

Neighbour Notification Letters sent to surrounding properties

Site Notice displayed near the site

Statutory Press Advert in the Derby Telegraph

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

4. Representations:

As with the previous application highlighted in part 2, this application has generated a large number of comments from neighbours and other interested parties. At the time of writing the report there are 350 representations in objection to the application and 46 representations in support of the application.

Ward Councillors Grimadell and Ingall object to the proposed development and indicate that their grounds of objection expressed in relation to the previous application remain in place. They consider that the proposal is not in keeping with the current street scene, it will increase traffic on what is already a busy road, it will cause issues with children crossing the roads on the way to school and it will create a high level of light pollution.

The representations are summarised in bullet point format below for member's consumption. The representations can also be accessed via the web-link in Part 1.4.

Summary of representations in objection

- Building not in keeping with rest of village, which would be destroyed, dividing the community
- Building will detract from the setting of nearby Listed Corner Pin PH
- More trees will be felled, and this will lead the centre of the village with few trees
- Store is not required as another low cost supermarket is located nearby

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- The store will have a negative impact on the other shops in the village, which would ultimately lead to its downfall
 - Despite amendments from previous application there remains a concern regarding the safety of children accessing the school site
 - The site entrance is too close to the school entrance. As the school has a large and rising population the level of risk to the children is unacceptable
 - The demolition of the Rose and Crown PH is a loss to the community, and it is an asset of community value and the only PH in Chellaston with disabled access
 - The proposal will lead to an increase in congestion on the A514 which is already a cause for concern, particularly with large delivery lorries
 - The store will add to congestion in the village as it will attract shoppers from other areas
 - Children coming from school will probably still walk along the pavement and not use the dedicated walkway
 - The building is too big for the site
 - The building would be sited on the 'Bonnie Prince' estate
 - The building is very large by Chellaston standards, the proposed changes to the choice of materials will not mask the bulk of the store
 - There is potential for accidents as vehicles move across the carriageway of Swarkestone Road
 - No account has been taken of the impact on High Street which is very narrow
 - Statutory consultees have made assumptions on the revised scheme and comments rely upon the previous application comments provided
 - There are errors on drawing numbers and details on the drawings
 - Land would need to be transferred from Lidl to DCC to achieve adoption/maintenance
 - There is no dedicated drop off space adjacent to the store entrance for disabled people
 - The application makes no mention of cycling to and from the academy.
 - Drainage details were only added to the website after the closure of the public consultation
 - The drainage details supplied can be at best described as 'incompetent' as they are missing information or contain inaccurate information
 - Further crossings for pedestrians would be helpful to reduce congestion
 - Customers will not walk to Lidl as it is a shop where a 'major shop' can be done, not just top-up shops, so the level of traffic has been underestimated

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- The additional traffic generated by recently built and proposed new housing has not been fully assessed
 - The Lidl is not required because an Aldi has already been built nearby
 - The current district centre is well set out in terms of architectural style and the new proposal will turn this into an industrial wasteland
 - The changes to the design since the last application are only cosmetic
 - The store will dominate the street scene
 - The proposed monstrosity will create traffic chaos
 - The additional traffic generated will add to pollution
 - Other local businesses will suffer and ultimately close through loss of business. This will lead to dereliction and vandalism in the area
 - The proposed development is not wanted. If the Councillors vote in favour against the wishes of the community this is undemocratic and would be an act of corporate fascism
 - There are already two warden crossing places on the road which impact on traffic flow. Does the Council not have guidelines for high schemes which generate a high volume of traffic in close proximity to schools? Traffic numbers are already excessive, how does traffic modelling data justify the new development
 - The Council is seeking to reduce pollution from vehicles, yet this scheme will generate more traffic. Have the pollution impacts of this development been considered
 - The proposed 3m wide footway will have very little impact for the safety of pedestrians
 - The addition of the safe pedestrian route may result in the car parking spaces on site being reduced
 - People visiting the store will not walk to do their shopping
 - The store could be built on Infinity Park Way where there is less congestion
 - Teenagers walking to and from the school will not be observant of surrounding traffic as they are distracted by mobile phones etc
 - The city is awash with shops and retails outlets but there are few good community pubs like the Rose and Crown
 - The Rose and Crown is the only pub in the area with a good outside play area for children
 - Drainage problems already exist on the A514 in periods of heavy rain. The propose development will make this worse
 - Lidl will have scant regard for the community as a whole unlike other traders in the village

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- Chellaston should remain a community with a picturesque main road and social dwellings which is safe to walk and drive through. A supermarket should not be allowed to take centre stage
 - Traffic modelling is incorrect/inaccurate
 - The development is motivated by greed
 - The mass of the development will overshadow the surrounding area and result in a loss of character and amenity for residents
 - The Rose and Crown is a pub of some history and this will be lost
 - If built the development may result in the loss of employment in other existing retail outlets impacted by the development
 - Deliveries to the store by large vehicles will make the weigh restriction already in place meaningless because it is difficult to enforce
 - The additional traffic generated in an already congested area will impact upon the ability of the emergency services to get to cases in time
 - The Corner Pin Pub is badly run and often closed. The Rose and Crown is well run and its loss will be felt in the community
 - Sixth formers from the school may park in the library car park as the land by the Ralph Sherwin Centre will not be available to them, preventing library users from accessing it
 - It is inappropriate to refer to Chellaston as a 'town'. It is a village as this gives a misleading impression of the area
 - Loss of the Rose and Crown, which hosts many social events, will have a detrimental effect on the well-being of older people as these social activities help to combat loneliness which has a significant impact on health and well-being

Summary of representations in support

- New application shows willingness to address issues raised by Committee in previous refusal as the revised design has made changes to overcome the reasons for refusal
- The current unregulated parking and accesses are far more dangerous than the proposed one access point
- Having the store in this location will reduce trips/traffic congestion as parents will combine shopping with picking up children
- Chellaston is in need of more good retail outlets – fewer people will need to travel in cars out of the area if retail provision is improved
- The store will be of real benefit to the local area
- This application, which addresses the reasons for refusal should be approved to avoid a costly public inquiry
- The new store will bring diversity and jobs to the area

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- The new store will bring cheaper shopping to the area which will benefit residents who can't get out of Chellaston
 - The existing shops in the area are either small or expensive so this new store will provide more choice
 - The increase in the number of houses in the area means the existing retail provision is inadequate
 - The vitality and viability of the Chellaston District Centre will be enhanced. Local businesses will benefit from the increased footfall. The 90 min free car parking period will allow people to visit other shops nearby – currently car parking is difficult and dangerous
 - Proposed road safety measures will improve highway safety. The current right turn causes hold-ups and delays
 - The unregulated nature of parking and turning currently is dangerous for children walking to and from school. The new highway layout better manages traffic flow and will improve safety for pedestrians
 - There is no harm to residential amenity
 - The bowls club will benefit from guaranteed access and controlled parking
 - The rear part of the church site is often very muddy and this is the only vehicular access to the bowls club. Currently the site is often subject to fly tipping and 'dubious activities'. This will all be improved by the development
 - The current church building is dilapidated so the new store would improve the appearance of the area
 - The site is currently ugly, abused and in need of redevelopment
 - Lidl has guaranteed to provide proper access to the bowls club and allow use of the car park. This will secure the position of a well-used community sports facility. This shows a gesture of community spirit by the company
 - The revised proposals will turn this area Chellaston into a tidy well-lit area under the control of a responsible company
 - The design of the new store is in keeping with the modern library opposite and an improvement on the appearance of the pub and church which are eyesores
 - There will be no detrimental impact on the exposed timber wall of the Corner Pin (Listed Building) – this building has already been defaced by the addition of security cameras, cables and signage
 - Removing the public house will reduce the possibility of drivers in the area whose abilities have been impaired by the consumption of alcohol

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5. Consultations:

5.1. Chellaston Neighbourhood Planning Forum:

The Chellaston Neighbourhood Planning Forum (CNPF) is a statutory consultee for applications where the location falls within the Chellaston Neighbourhood Planning Area.

The CNPF commented on the previous application by Lidl Supermarkets (REF: DER 12/15/01570) and made the following observations:

- The proposed building was inappropriate both in respect of its size and its location
- The development would create traffic pressures which could not be mitigated
- The development would create unacceptable hazards for Chellaston Academy children walking to and from school
- The development would not only have a major visual impact on the street scene but also there would be the loss of the visual amenity of the large number of trees to be removed.

In summary, the CNPF concluded that the building was not appropriate for the chosen site and the applicant had not addressed the problems that the development was likely to create.

The CNPF notes that, in this new application, cosmetic changes have been made to the appearance of the store, the footway along the A514 has been widened and a new walkway has been proposed to pass through the car-park. However, the store will still dominate the street-scene and, as the number of parking spaces remains almost the same as previously proposed, it is expected that the amount of traffic that it will generate will be the same as previously envisaged, which the road network in the area will not be able to absorb despite the proposed road widening.

The CNPF considers that it is totally inappropriate to place a large supermarket next to the Chellaston Academy which is due to increase in size to over 2000 students in the next few years. This is due to safety concerns for children crossing the car-park entrance/exit which would mean a high risk of accidents when they are walking to and from school.

The loss of a further two trees in the new proposal on top of those already earmarked for removal is against the CNPF policy that trees should be retained wherever possible, particularly when protected by a TPO, in order to maintain the environment of the area.

5.2. Conservation Area Advisory Committee:

The application was presented to the meeting of Conservation Area Advisory committee at its meeting on 8 March and the comments provided in relation to the previous application were re-iterated. These are...

...The committee recommends refusal on the grounds that the loss of a building which complements a nearby listed building adversely affects the street scene.

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5.3. Built Environment:

4 Swarkestone Road

The application site is adjacent to NHLE ref 1229612 No 4 Swarkestone Road, a small Grade II listed cottage with exposed cruck frame visible in the south gable. Although the frame is thought to date from the 1600s, it is a remnant of a now demolished building and embedded within the wall of a later cottage, probably of C18 construction. No 4 now forms part of the Corner Pin public house, with the cruck frame facing the application site and immediately adjacent to the road. Development on this site will therefore affect the setting of the listed building.

The Rose & Crown

The Rose & Crown public house is not on either the statutory or local list, and does not lie within a conservation area. It is of brick construction, with elements dating from the late C18-early C19, and possibly earlier. These have been largely obscured by C20 extensions, albeit of an appropriate form, and the building forms a group with No 4 and the Corner Pins as a remnant of the historic street scene on Swarkestone Road.

The application is accompanied by a detailed Heritage Appraisal, which analyses the survival of historic features internally and externally. The buildings have been substantially altered both internally and externally in the C20, and it is conceded that the building is not of sufficient historic interest to merit inclusion on the local list. However, it does have historic form and character which provides context to the setting of the adjacent Grade II listed No 4, as well as having evidential value for potential evidence of earlier historic structures.

The Development

The Rose & Crown and The Corner Pin are the sole survivors of the historic street scene on Swarkestone Road, being otherwise surrounded by later C20 development of widely varying character. Demolition of the Rose & Crown would remove the surviving historic neighbours of No 4, which contribute to its setting and the understanding of its former historical context. It is noted however, that the buildings are not necessarily contemporary with No 4 and the original setting of the cruck-framed building, and that demolition would open up views of the cruck frame in more distant approaches from the south along Swarkestone Road. Nevertheless their replacement with a car park and standard modern retail building would be detrimental to the setting of No 4 overall.

The listed building currently has a sense of enclosure created by the historical north wall of the Rose & Crown and some boundary trees. Previous concerns with the boundary treatment have been addressed by the introduction of a 1.1m high brick wall on the northern site boundary, which would maintain the existing historic enclosure to the rear of the Corner Pin group and create a better sense of separation between the two sites.

Subject to materials, this would be an enhancement of the immediate setting and curtilage boundary of the listed building.

However despite some revisions to the entrance bay in the north-east corner, the current proposal would remain a large-scale utilitarian building, with few concessions

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to context, and combined with the large expanse of car parking, it is considered that it would not make a positive contribution to the wider setting of the listed building.

Conclusion

The Rose & Crown has evidential value as a historic building, and NPPF paragraph 141 accepts that such loss could be mitigated by recording prior to demolition. However that would not address the harm to the setting of the adjacent listed building and notwithstanding the terms of the 2017 decision, the in-principle conservation objection to the scheme therefore remains.

Harm to the setting of a listed building is contrary to Local Plan Review policy E19, the NPPF and S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the harm would amount to 'less than substantial' in NPPF terms, so paragraph 134 accepts that it must be weighed against the other public benefits of the development.

5.4. Highways Development Control:

The following comments are provided in response to the latest planning application (DER/02/18/00176) presented by Lidl and seeks to highlight the differences between the current and original proposals. The latest proposals are shown on Drg No A-PL-003 Rev B. It should be noted that the original highway comments remain relevant and are included below in *italics* under the heading 'previous consultation response under code no DER/12/15/01570'.

Differences between the current and original proposals.

Transport Assessment

Background Traffic

The table below shows that there is relatively little difference between the traffic counts undertaken in 2015 and 2018 as peak hour traffic can potentially vary up to 10% per day:

Time	Direction of Travel on A514 at High St traffic signals	Traffic Count Nov 2015	Traffic Count Jan 2018	Difference
Fri (17-18)	S/B	757	756	-1
	N/B	599	640	+41
Sat (12-13)	S/B	583	584	+1
	N/B	510	555	+45

Development Traffic

Store Size – The current application proposes a slightly smaller food store than that considered by planning committee. In terms of transport assessment the reduction in the size of the store theoretically reduces the traffic generation in direct proportion to the reduction in floor area. However, as the original highway comments explain, actual traffic generation at discount food stores can vary considerably depending on their location and proximity to other similar stores.

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Parking Provision – The current transport assessment (TA) reports that **113** parking spaces are being provided plus **6** spaces for disabled drivers. However, Drg No A-PL-003 Rev B shows **99** parking spaces plus **8** parent/toddler spaces a total of **107** plus **6** spaces for disabled drivers. Parking spaces for mobility scooters are also indicated and **4** Sheffield cycle hoops. The earlier application proposed **115** parking spaces including 6 disabled spaces and 6 parent and child spaces. Consequently the current proposal includes 2 less parking spaces.

Sustainable Transport Modes – as a consequence of the assessment of the original application the Council asked Lidl to widen the footway across the store frontage to 3m to seek to accommodate the pedestrians at school peak times. Drg No 106747-102 Rev A shows that Lidl have accepted this request and is now proposing to undertake this widening. The widening of the footway will be addressed as part of the Section 278 agreement governing the off-site works, should the development proceed.

The latest application also includes a new pedestrian access at the northern end of the car park adjacent the new refuge being provided as part of the off-site highway improvements. The footpath extends through the car park linking the new store to the Co-op and Library.

Store Vehicular Access - Drg No 106747-2102 Rev A shows the latest proposals for the site access and off-site highway improvements, which are considered acceptable subject to the S278 process.

Road Safety - Road Safety audits will be carried out as part of the S278 process.

Conclusion – The conclusion generally remains the same as that given in the highway comments for the previous application. Therefore should you be minded to approve the above proposal it is recommend any consent should be subject to the following conditions and notes:

Suggested Conditions:

The proposed development shall not become operational unless or until the following have been provided in accordance with details to be submitted to and approved in writing by the LPA:

1. The highway improvements including the proposed vehicular access, ghost island and widened footway as shown on Drg No 106747-102 Rev A bearing the name Systra;
2. The car and cycle parking and servicing areas as shown on Drg No A-PL-003 Rev C bearing the name Lidl;
3. A travel plan;
4. The reinstatement of any access made obsolete by the development.

Notes to Applicant – The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 641876 for details. Please note that under the provisions of

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S278 Highways Act 1980 (as amended) commuted sums may be payable in respect of all S278 works.

Previous consultation response under code no DER/12/15/01570

Introduction

The proposal seeks full planning approval for the development of a 2,312sqm Gross Floor Area (GFA) Lidl Discount food store. The proposed store is Lidl's new format and is significantly larger than existing discount stores in Derby. By way of comparison, the Nottingham Road Lidl Store is 1576sqm GFA, making this proposed development approximately 46% larger. The proposed store is well located within the Chellaston District Centre. There is other nearby discount food stores at:

<i>Store name and Location</i>	<i>Distance from Lidl Chellaston</i>
<i>Co-op – Swarkestone Road, Chellaston</i>	<i>adjacent</i>
<i>Tesco – Swarkestone Road, Chellaston</i>	<i>210 metres</i>
<i>Proposed Aldi, Swarkestone Road, Chellaston adjacent to the A50 – South Derbyshire App No: 9/2016/1208</i>	<i>700m</i>
<i>Co-op – Swarkestone Road, Chellaston</i>	<i>1.7 miles</i>
<i>Aldi – Coleman Street, Alvaston</i>	<i>2.5 miles</i>
<i>Lidl – Nottingham Road, Chaddesden</i>	<i>5.9 miles</i>
<i>Aldi – Southmead Way, City Centre</i>	<i>4.5 miles</i>
<i>Aldi – Nottingham Road, Chaddesden</i>	<i>5.8 miles</i>

National Planning Policy Framework (NPPF)

Set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used, as it is the NPPF that will be considered by an Inspector should the application be determined by the Secretary of State.

Paragraph 32 of the NPPF says:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

The following comments are provided in the context of the above guidance from NPPF:

Transport Assessment (TA)

When assessing a new development it is standard industry practice to consider existing traffic (background traffic) i.e. traffic on the road at present, plus the future

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traffic from any committed development, plus trip making by all modes generated by the development.

Committed development can include developments with planning permission or development allocated in a current local plan. This also includes infrastructure improvements such as T12 and these elements of the transport assessment process are considered in greater detail below.

Background Traffic

At the time that the scope of transport assessment (TA) for the above was being considered the new link road between the A50 and Wilmore Road called T12 was under construction. The modelling for T12 showed that the new route would remove traffic from the A514, however as the new route was not open the actual impact of the new road was unknown. Therefore to seek to ensure the proposed store was considered in a robust manner the developer was advised to assess the proposed store without T12 in place i.e. using existing traffic levels on the A514. Then, to make allowance for future development, growth was applied to the surveyed flows by applying a local traffic growth rate for Derby (TEMPO 7).

Whilst the above application has been being considered the T12 link road has opened providing the opportunity to understand the actual impact of the new road on the A514, albeit the new road has only been open for a relatively short period and therefore traffic patterns may still be changing. To seek to understand if the background traffic flows used in the modelling are robust DCC have compared current observed flows on the A514 (17/18 March 2017) obtained from the MOVA controlled traffic signals at High Street. The results are shown below.

Background Traffic: Comparison of Nov 2015 to March 2017				
Day/Time	Direction of Travel on A514 at High St. traffic signals	Traffic Count 13/14 Nov 2015	Mova Count 17/18 March 2017	Difference
Fri 16-17	S/B	783	679	-104 (15%)
	N/B	589	529	-60 (11%)
Fri 17-18	S/B	757	645	-112 (17%)
	N/B	599	597	-2
Fri 18-19	S/B	623	629	+6
	N/B	455	501	+46 (10%)
Sat 12-13	S/B	583	669	+86 (15%)
	N/B	510	504	-6
Revised survey Figures from the Systra tech note dated				
	Direction of Travel on A514 at High St traffic signals	Survey flows from the revised TA Note	Mova Count March 2017	Difference
Fri	S/B	771	645	-126
	N/B	594	597	+3
Sat	S/B	629	669	+40
	N/B	564	504	-60

(N.B. The figures entitled 'Revised survey Figures from the Systra tech note' are the figure that have been modelled but differ from the actual survey data. The reason is unknown.)

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The results generally show there has been a reduction in southbound traffic on the A514 between 1600-1800 hrs, which is probably explained by Rolls Royce employees using T12 to get to the A50. The results for the northbound flows are mixed but does not show a reduction in the Friday development peak hour 1700 to 1800 which has been modelled. On Saturday the southbound flows have increased and the northbound flows stayed the same.

Development Traffic

Foodstore Trip Generation

It is industry standard practice to obtain predicted development related traffic generation figures from a national data base of traffic surveys called 'TRICS'. At Derby we request that 85th percentile trip rates are extracted from TRICS to provide a robust assessment. The Council made the applicant aware of surveys it had undertaken which indicated that the trips rates for discount food stores as shown in TRICS may be underestimating the level of trip generation produced by this type of development. This view came from experience of a recently completed Aldi on Coleman Street, which opened in April 2015. To seek to validate trip rates at another similar development proposal the Council undertook a survey at the Coleman Street store, the result of the survey was so surprising that other pm peak traffic surveys were undertaken at other discount food stores in the area.

The results of those surveys are shown below, and demonstrate that discount food stores observed trip rates are significantly higher when compared to those shown in TRICS (highlighted in yellow).

Name of the Store	Friday pm peak trip rate per 100sqm GFA	
	In	Out
Aldi Coleman Street, Derby (1859sqm GFA)	9.09	10.22
Lidl Nottingham Road, Derby (1576sqm GFA)	6.28	5.96
Lidl Beeston, Nottingham (1810sqm GFA)	6.57	6.63
Lidl Arnold, Nottingham (2461sqm GFA)	3.738	3.576
Proposed Lidl Swarkestone Road (2,312sqm GFA)	4.238	4.758
	Tuesday pm peak trip Rate	
Aldi Coleman Street Derby	9.93	8.7

It is considered the increased trip rates may be because the status and popularity of discount food retailers has surged in recent years, becoming brand leaders. This has influenced shopping habits where shoppers have moved away from traditional large food stores to smaller discount food retailers such as Lidl and Aldi.

DCC advised Lidl's consultants Systra of their findings in a technical note dated 5th October 2016. Systra responded by undertaking their own comparative traffic generation survey at Lidl's food store in Arnold Nottingham. The Arnold store was considered to be comparable in size and location to the proposed Chellaston food store. The Arnold store is approximately 2,461sqm of GFA, 149sqm GFA bigger than the proposed Chellaston food store.

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Lidl undertook surveys at Arnold on Friday 21st and Saturday 22nd October 2016 of all arrival and departures during the peak periods of 1600-1900 (Friday) and 1000-1400 (Saturday). The results shown below:

Lidl Arnold GFA 2461sqm Surveyed 21/22 Oct 2016	Friday pm peak trip rate per 100sqm GFA	
	In	Out
	3.738 (4.238)	3.576 (4.758)
	Sat peak trip rate per 100sqm GFA	
	In	Out
	4.795 (7.529)	3.941 (8.101)

The surveyed results are lower than the trip rates used to assess the Chellaston store, which are shown in brackets in the table above. The Arnold store is located on the A60 Mansfield Road, a major route into Nottingham City Centre. The access is adjacent a major 4 armed staggered signalised junction which is difficult to access. This means any traffic wishing to enter the Arnold store will have to cross 3/4 lanes of traffic. This is equally difficult for exiting right turners who also have to cross 3 or 4 lanes of traffic. Consequently, the low trip rates could be influenced by the difficult access to the site.

Comparison of trip rates at different stores is difficult because the actual level of traffic produced by a particular trip rate depends on the size of the store. Therefore below is a comparison of the actual number of trips generated by each of the surveyed stores when compared to the trip generation that has been assessed for the proposed Chellaston store.

Name of the Store	Friday pm peak trips	
	In	Out
<i>Aldi Coleman Street, Derby</i>	169	190
<i>Lidl Beeston, Nottingham</i>	119	120
Proposed Lidl Swarkestone Road (2,312sqm GFA)	98	110
<i>Lidl Nottingham Road, Derby</i>	99	94
<i>Lidl Arnold, Nottingham</i>	92	88
	Tuesday pm trips	
<i>Aldi Coleman Street, Derby</i>	129	162
	Sat peak trips	
<i>Proposed Lidl Swarkestone Road (2,312sqm GFA)</i>	174	187

It can be seen from the above table that arrivals range from 92 to 119 trips in the peak hour and departures 94 to 120 (with the exception of Coleman Street, which sits well outside the range). The traffic numbers that have been used to assess the above site lie within these ranges and are above those for the store at Arnold.

Foodstore Trip Distribution

*During the PM peak the developer suggests that the split of trips departing at the access will be approximately **65** trips heading Northbound towards the High Street junction and **45** trips heading southbound towards the A50. The split of trips arriving at the access will be **82** trips traveling southbound from the High Street junction and*

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16 trips travelling northbound from the A50. It should be noted that during the Friday peak trading hours many of the trips visiting the above site are likely to be either diverted trips from people who are normally turning left into High Street or people who are passing the site.

Parking Provision and Servicing

The development seeks to provide 112 car parking spaces. This includes 6 disabled spaces and 6 parent and child spaces. DCC raised concerns with Lidl in their briefing note dated 5th October 2016 over whether the proposed level of parking provision is adequate to meet the demands for a store of this size. Particularly, when the level of parking proposed is comparable to the other smaller discount food stores in Derby (see surveyed sites below).

Currently the site provides unauthorised parking for Chellaston Academy sixth form students and the bowls club. Lidl have agreed to provide authorised parking to the bowls club by means of a valid permit system; however this could be revoked at any time as there is no guarantee in the future that Lidl won't revoke their agreement due to "operational reasons". Lidl have confirmed they will not be allowing parking for Chellaston Academy sixth form students.

Name of Store	GFA	No Spaces	Space/100sqm GFA
<i>Lidl Arnold Nottingham</i>	<i>2461</i>	<i>114</i>	<i>21.6</i>
<i>Lidl Chellaston</i>	2312	<i>112</i>	<i>20.6</i>
<i>Aldi Coleman Street Alvaston</i>	<i>1859</i>	<i>91</i>	<i>20.4</i>
<i>Lidl Beeston Nottingham</i>	<i>1660</i>	<i>100</i>	<i>16.6</i>
<i>Aldi Southmead Way</i>	<i>1577</i>	<i>106</i>	<i>14.9</i>
<i>Lidl Nottingham Road Derby</i>	<i>1576</i>	<i>89</i>	<i>17.7</i>

To seek to address the Council's concerns Lidl commissioned parking surveys and the parking surveys were carried out were on Friday 21st October 2016 and Saturday 22nd October 2016 on both days the surveys were undertaken from the hours of 8am to 9pm in line with the store opening hours. The food store in Arnold currently provides a total of 114 car parking spaces. The survey results demonstrated that parking occupancy levels did not exceed 50% and 40% respectively, indicating spare parking capacity at this store. Lidl consider the provision of 112 parking spaces can adequately accommodate the demands of the proposed store in Chellaston and is comparable with the surveyed Arnold food store. However the low demand for parking is directly related to the low trip rates at the store.

A tracking assessment was undertaken on the original layout as shown at Appendix F of the original TA. I am content the revised layout can be serviced adequately.

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Concerns have been raised about the displacement of vehicle who currently park in the existing car parks at the pub and church. The private car parks at the church and the pub are just that, private. If the site owners choose to sell their sites including the car parks then the users who have benefited from the use lose that benefit, with the exception of any agreement with Lidl as part of their acquisition of the development site. Under the terms of the legal agreement required to undertake the highway improvements the Council has the ability to require Lidl to fund traffic regulation order to address issues directly related to the development.

- ***the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;***

Sustainable Transport Modes

The site is well located in respect of sustainable modes of transport.

- ***safe and suitable access to the site can be achieved for all people; and***

The difficulty in providing access to the above site is the proximity of the traffic signals at the junction of the A514/High Street as traffic often queues back across the site frontage. One reason for this is that the lack of stacking space for vehicles turning right into High Street, consequently right turners can block drivers wishing to go ahead reducing overall capacity. This means that visitors to the store will have to access the store through queuing traffic at certain times.

The location of the access to the store was raised with Lidl at the pre-application stage. The Council suggested that the access to this site should be located as far from the High Street traffic signals as possible because of traffic blocking back from the traffic signals. Lidl's response was that they could not do this as the large format store they wished to place on the site could not fit on the site other than at the location proposed. The planning application was lodged with the access located approximately 65m from the High Street Traffic signals. However following further discussions with the applicant, Lidl revised the application relocating the access approximately 80m from the traffic signals, which is the location of the access being considered.

To seek to improve the space available for the right turning traffic into High Street, Lidl were asked to relocate the existing refuge further south to provide a long right turn lane. Lidl agreed to do this increasing the length of right turn lane to approx. 30m and would be able to store 5 vehicles. This longer right turn lane would significantly improve the operation of the signals throughout the day.

Another concern raised was the impact of drivers waiting to turn right into the store, particularly as has been pointed out above there will be times when the entrance to the store may be blocked by traffic queuing from the traffic signals. To address this concern Lidl were asked to undertake localised carriageway widening to form a 'ghost island' to provide a space for drivers wishing to turn right into the store to wait safely. The ghost island can hold approximately 5 cars. The ghost island will also assists drivers wishing to turn right out of the store as it provides them with a space to wait in the centre of the road thus allowing the right turn to be undertaken in two stages.

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A third concern is the proximity of the proposed development to Chellaston School, which is immediately to the south of the site. Twice a day significant numbers of children walk past the site. 'Manual for Streets' provides some advice about footway widths, see below:

*Para 6.3.22 "there is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the maximum unobstructed width for pedestrians should generally be 2m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as **schools and shops**.*

*Para 6.3.23 "Footway widths can be varied between different streets to take account of pedestrian volumes and composition. **Streets where pedestrians walk in groups or near schools or shops, for example need wider footways.** In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. **Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway.**"*

The Council asked Lidl to widen the footway across the store frontage to 3m to seek to accommodate the pedestrians at school peak times. The current plan of the access Drg No NW91354_006 currently shows the footway across the front of the site widened to 2.5m. However, Lidl have agreed that should the proposed store obtain planning permission they will work with the Council through the detailed design process to seek to provide a path as close to 3m as is possible (see condition below)

- ***improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.***

To seek to address the concerns raised above, Lidl have agreed to fund local widening scheme as shown on Drg No. NW91354_006. The improvement consists of widening the through lanes to 3.65m and providing a 3m wide ghost island (waiting space) in the centre of the road. As mentioned above the scheme also increases the length the right turn lane into High Street. It also provides a wider footway across the store frontage to accommodate pedestrians. The bus stop will also be relocated albeit the exact location is to be determined through the detailed process.

Conclusion

In general terms the above proposal is well located being within the Chellaston district centre. This affords the opportunity for linked trips with other shops within the centre. It is also likely that the car park will be used by shoppers visiting the centre. There are however a number of issues to be considered:

- *proximity of the site to the High Street traffic signal junction;*
- *proximity to Chellaston School;*
- *Uncertainty over the level of traffic generation.*

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The proximity of the access to the High Street traffic signals means that at certain times visitors will have to enter and leave the site through a queue of traffic blocking backing from the traffic signals. Albeit this manoeuvre currently happens at present.

The proximity to Chellaston School means twice a day significant number of school children will walk past the site.

To seek to address the above issues Lidl have agreed to fund a localised widening scheme to form a ghost island adjacent to the proposed access and also to lengthen the right turn lane at the traffic signals for driver wishing to turn right in to High Street. They are also proposing to widen the footway across the site frontage.

The above report shows that smaller discount foodstores have been surveyed and do attract significantly more traffic than is suggested by the applicant. It is not possible to know what the actual trip attraction will be at this store until the day it opens however if the store attracts the same level of trips that has been recorded at Coleman Street it is likely to result in some congestion in the vicinity of the store.

Should you be minded to approve the above proposal it is recommend any consent should be subject to the following conditions and notes:

Suggested Conditions:

- 1. No development shall take place on the application area unless or until details of the widening of the footway across the site frontage have been submitted to and approved in writing by the LPA. The footway shall be widened to 3m unless otherwise agreed by the LPA.*
- 2. The proposed development shall not become operational unless or until:*
 - a. the proposed vehicular access and ghost island, as shown on Drg No NW91354_006 have been constructed to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;*
 - b. The proposed car parking and servicing areas have been provided to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;*
 - c. secure cycle parking has been provided to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;*
- 3. A travel plan is in place the details of which have been submitted to and approved in writing by the LPA.*
- 4. Any access made obsolete by the development shall be reinstated to the satisfaction of the LPA in accordance with details to be submitted and approved in writing.*

Notes to Applicant

The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 641876 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums may be payable in respect of all S278 works.

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Additional Comments in response to amendments which have been received:

The following additional comments are provided in response to the latest revised proposal presented by Lidl. The original highway comments remain extant.

Reduction in Store Size - Lidl has revised the store type and are now seeking full planning approval for a store of 2,051sqm Gross Floor Area (GFA), which is a reduction of 261sqm GFA.

Traffic Generation - as a result of the reduction in GFA, the revised proposal is likely to reduce the two trips in the Friday PM peak by approximately 22 (-11 in and -13 out) and 41 (-20 and -21) in the Saturday peak.

Parking Provision - Lidl are proposing to increase availability by 3 spaces to 115. This includes 6 disabled spaces and 6 parent and child spaces.

Sustainable Transport Modes - The Council asked Lidl to widen the footway across the store frontage to 3m to seek to accommodate the pedestrians at school peak times. The current plan of the access Drg. No AD022-Rev B currently shows the footway across the front of the site widened to 2.5m. However, Lidl have agreed that should the proposed store obtain planning consent they will work with the Council through the detailed design process to seek to provide a path as close to 3m as is possible (see condition below) The widening of the footway will be addressed through the Section 278 agreement governing the off-site works.

Store Access - DCC requested that the alignment for inbound vehicles should not be directed towards the hatched area behind the disabled parking space. Lidl have revised their entrance in proximity for inbound vehicles by providing lining to guide vehicles to pass around the disabled parking hatching. DCC considered this acceptable. The latest access layout is shown on Drawing No NW91354_009 Rev A.

Drawing No NW91354_009 Rev A shows the latest proposals for the site access and off-site highway improvements. However as well as the footway mentioned above there are other matters that will be resolved through the S278 detailed design process, these are:

- 1. The bus stop will be relocated to the most appropriate location to minimise the disruption to through traffic, whilst at the same time ensuring the bus stop is well located for bus users;*
- 2. Lidl have agreed to undertake additional localised widening in front of the co-op and library to ensure as much as is possible, free flow for southbound traffic.*

Road Safety - Road Safety audits will be carried out as part of the S278 process.

5.5. Environmental Services (Health – Pollution):

Land Contamination

- 1. I note that the proposals and accompanying Phase I and Phase II Geoenvironmental Site Investigation (Remada Ltd, December 2015) have been commented on by the Environmental Protection Team previously under application ref: 12/15/01570 (see submitted comments of 17th February 2016).*

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2. The current proposals do not affect the conclusions of the earlier assessment and therefore do not affect our earlier comments. I would therefore reiterate our earlier conclusions which were:
- I would accept the report's conclusions based on the information provided, namely that "no further assessment is recommended for the purpose of risk of soil contamination to human health".
 - Whilst there does not appear to be any need for further site assessment or remediation, it may be prudent to require the submission of a validation report confirming that the recommended gas protection measures (in accordance with CIRIA CS2) have been incorporated into the development, before it is occupied.

Noise

3. You will recall a series of communications and reports regarding the assessment of noise arising from the proposals under previous application ref: 12/15/01570.
4. The previous concluding noise mitigation recommendations have been reproduced by the applicant as a submission with the current application, in a letter dated 2nd February 2018 (NoiseAssess Ltd, Ref: 11651.04.v1).
5. The current proposals do not appear to affect the earlier conclusions regarding noise and therefore the proposed mitigation should still be adequately protective.
6. I would therefore reiterate this Department's earlier conclusions, namely that "it would be hard to argue that the development would create a substantially greater impact upon local amenity from noise than the existing land use as a public house. The evidence appears to support this view and therefore, **provided that the proposed mitigation is implemented in full, there would be no justification under planning policy to refuse the application on noise amenity grounds**".
7. **Consequently, the Environmental Protection Team would recommend the attachment of a condition, should consent be granted, requiring the full implementation of all mitigation measures proposed in the NoiseAssess Ltd letter of 2nd February 2018 (Ref: 11651.04.v1). The measures should be implemented in full before the proposed supermarket development can begin operations.**

Construction Noise and Dust

8. **As for the previous application, the Environmental Protection Team would recommend a condition requiring the submission of a detailed Construction Management Plan, designed to mitigate the impacts arising from construction noise and dust.**

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5.6. Derbyshire County Council Archaeologist:

The proposal site is outside the historic core of Chellaston and appears to have first been developed during the mid-18th century with the development of the Rose and Crown pub. This building has been much altered subsequently and the applicant's heritage appraisal suggests that much of the existing fabric represents 20th century rebuilding, with however some earlier fabric surviving at the northern end. Because of the extent of this alteration it is difficult to make the case for the building to be considered a 'heritage asset' sensu NPPF chapter 12, with anything beyond the most minimal of local significance.

The site as a whole was not substantially developed beyond the Rose and Crown pub until the 20th century, thus remaining outside the medieval and post-medieval village. Historic map evidence suggests an orchard use, possibly associated with the Rose and Crown. There is consequently little potential for significant below-ground archaeological remains on the site.

In the light of the above observation I advise that the proposals will have minimal archaeological impact, and recommend that the policies at NPPF chapter 12 do not require the applicant to undertake any archaeological work.

5.7. Environment Agency:

No comments.

5.8. Derbyshire Wildlife Trust:

No comments.

5.9. Police Liaison Officer:

The application is a resubmission of refused application 12/15/01570, with some revisions, none of which in my view impact upon crime, disorder or community safety.

Consequently I've nothing to add to prior comments made initially on the 20.1.16 and subsequently the 3.8.16.

I would again ask that approval is conditional upon no further revision to boundary treatments, and the inclusion of general conditions requiring an approved external lighting scheme, and CCTV coverage of external areas to mitigate against the lack of a visual connection between the store interior and external grounds.

6. Relevant Policies:

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

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

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP12	Centres
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Highway Network

Saved CDLPR Policies

GD5	Amenity
E13	Contaminated Land
E17	Landscaping Schemes
E19	Listed Buildings and Buildings of Local Importance
E24	Community Safety
T10	Access for Disabled People

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

Members will be familiar with this site and the previous application which was debated at the meeting in July last year. Access to the previous report is available via the web-link in Part 1.4. As part of the officer opinion of that report there is reference to a letter challenging an earlier version of the report and its recommendation (scheduled for the meeting in May last year) which was submitted by Irwin Mitchell Solicitors on behalf of the Chellaston Residents Association. The letter from Irwin Mitchell was appended to the report as Appendix 1.

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For members benefit and particularly new members of this committee I would recommend that the content of the previous report is considered as part of the overall appraisal of this application.

Where necessary, I will also refer to the letter from Irwin Mitchell in this report given the nature of the proposed development and, in relation to the material considerations, the issues raised warrant due consideration. This has inevitably created some repetition and a lengthy report as a result. However, although case law indicates that committee reports should be written with a level of benevolence given member's local knowledge of sites, I'm sure that members will also appreciate that the level of detail is necessary to ensure that all issues are addressed in a pellucid manner.

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. Over-arching policy context

7.2. Access, parking and highway issues

7.3. Design, layout and residential amenity

7.4. Heritage issues

7.5. Trees and wildlife habitats

7.6. Other matters

7.1. Over-arching policy context

The site of the proposal comprises approximately 0.71 ha of land fronting Swarkestone Road. The site is currently occupied by the Rose and Crown PH (and associated garden and buildings) and the St. Ralph Sherwin Centre (church) and the associated parking area.

The majority of the site is allocated as part of Chellaston District Centre in the Derby City Local Plan – Part 1: Core Strategy and is therefore considered to be 'in-centre'.

The proposal seeks planning permission for the construction of a new retail unit (A1) covering approximately 1,950sqm of floorspace (gross) and is proposed to be occupied by the deep discount convenience retailer, Lidl. The net sales area of the store would be approximately 1,265sqm. Community facilities such as the St. Ralph Sherwin Centre are protected by Policy CP21 of the DCLP. Policy CP21 relates to community facilities and requires proposals to demonstrate lack of need, alternative provision or restructured provision.

Importantly, para 5.21.1 of the supporting text also acknowledges that 'public houses' can be considered as community facilities.

The Rose and Crown PH has been designated as an 'Asset of Community Value' (ACV) by the Council. This gives the community an opportunity to bid for the asset before it is disposed of by the current owners. Whilst not directly relevant to consideration against the provisions of Policy CP21, the ACV status does highlight the importance of the asset to the community and the need to robustly assess the proposal against that policy.

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In the submitted planning statement the applicant provides a policy justification for the loss of the two community facilities. In terms of the Rose and Crown PH, the applicant has argued that there are a range of community facilities available within easy walking distance of the proposal site, including other public houses and facilities providing a similar function. I agree with the applicant on this point and am satisfied that the 'function' provided by the pub can be adequately accommodated elsewhere in the locality. Whilst alternative locations may not be the preferred choice of patrons of the Rose and Crown PH, the over-riding function is the main consideration from a planning perspective. Therefore it is fair to conclude that the 'need' for the facility could be replaced by alternative provision in the local area, meeting the requirements of Policy CP21.

As part of the previous report members were informed that the Irwin Mitchell letter correctly makes reference to criteria (a) of Policy CP21 which deals with the loss of community facilities. The supporting text of Policy CP21 recognises that pubs can be regarded as a community facility – and therefore criteria (a) of CP21 applies.

Criteria (a) states that the Council will support the retention of existing facilities unless, 'there is no longer a need to retain the use, alternative provision is made or where we can assist strategic partners to renew or restructure their provision'.

In my opinion the 'need' for the facility could be replaced by alternative provision in the local area, thus meeting the requirements of Policy CP21. The Irwin Mitchell letter contends that this conclusion is flawed on the basis that the requirement of the policy is *only* to consider whether there is no longer a need.

I would argue that this is a misinterpretation of the policy, which allows for loss to be justified in three different ways. It does not require all three to be met, as demonstrated by the word 'or' being used at the end of the list.

The policy is in general a carry forward of the approach set out in Policy L12 of the adopted CDLPR, which is clear that there is an 'or' between the different criteria. Therefore, on the basis that the 'need' for a public house function can be met by other similar facilities in the area, the proposal is, in my opinion, consistent with Policy CP21.

The equalities implications of the loss of the Rose and Crown PH is a slightly separate issue to consistency with Policy CP21 as the policy is essentially concerned with the loss of the primary function of the building.

As part of the previous report members were informed that, in terms of equalities implications, the Irwin Mitchell letter states that the Rose and Crown PH is... 'the only venue [their emphasis] within the District Centre that properly caters for disabled people by having ground level wheelchair access, with wide doorways to facilitate entry and a large garden where families can relax and play with their children'. It is assumed that Irwin Mitchell refers only to eating / drinking venues in that context and, in any case, the other eating / drinking establishments in the area *should* be accessible, under the Equality Act 2010.

The Equality Act 2010 is civil law. It would mean an individual disabled person or someone associated with a disabled person would need to sue any business

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concerned in the County Court for failure to make any reasonable accessibility adjustment(s). It would then be up to the Judge to decide if they were breaching the Act.

I am advised by the Council's Lead on Equality and Diversity that the Rose and Crown PH is fully accessible and hosts features such as a disabled people's toilet, level access through the main entrance, an accessible garden and disabled people's parking bays.

In Chellaston there are other similar facilities nearby in the form of the Corner Pin PH, the former Royal British Legion ('R&R') and the Lawns Hotel. As part of the previous report members were advised about an application at the former British Legion ('R&R') site (under code no. DER/02/17/00167) for various alterations and extensions to the building. These included accessibility improvements and permission was granted conditionally on 24 July last year. Before that permission was granted the Council's Lead on Equality and Diversity visited the site to assess the facilities and to encourage the proprietors to meet the requirements of the Equality Act. Any further comments about improvements to that building will be reported orally at the meeting. The Lawns Hotel is not an accessible facility.

In terms of the St. Ralph Sherwin Centre, the applicant has confirmed that the land sale to Lidl... *'will enable the creation of a new place of worship on an alternative site within Chellaston, with terms having been agreed for a specific alternative site'*. Whilst not able to provide details on the precise location, they state that terms have been agreed. On this basis, the provisions of Policy CP21 are again satisfied.

On the basis that the proposed store is considered to be in-centre, the NPPF and local planning policies do not require compliance with the sequential and impact tests. However, Policy CP12 of the DCLP does seek to ensure that retail proposals located within centres are compatible with the general scale, role, character and function of the centre. In-centre locations are generally considered to be appropriate locations for retail development (in-principle), due to the potential for linked trips and accessibility of such locations by non-car borne travel. District Centres should serve relatively large residential catchments and generally do contain supermarkets of this scale, or in the case of Mickleover and Sinfin, even larger. Therefore, I am satisfied that the proposal is in-keeping with the role and function of the District Centre location.

Like many of Derby's suburbs, Chellaston is a former village that has gradually been enveloped into the built extent of the City. Importantly, Chellaston is a growing suburb both in terms of population growth, with land allocated at Fellowlands Way and Chellaston Fields / Holmleigh Way for new housing. Significant growth is also planned at Boulton Moor, both within the city and in South Derbyshire, which is well related to the Chellaston area via Snelsmoor Lane and High Street. The District Centre itself is centred around the historic centre of the village, split between two areas on Swarkestone Road and High Street. Whilst the centre of the former village has a number of statutory and locally listed buildings which make a positive contribution to the townscape, it is not a Conservation Area. Chellaston District Centre is one of the smallest District Centres within the hierarchy and has a more limited retail offer compared to other centres. The appropriateness of the scale of the proposal therefore needs to be considered in this context.

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In considering the issue of 'scale' it is necessary to deconstruct it into the component factors that can indicate whether the scale of a proposal is in-keeping with the context. These include the physical scale of the proposed building in terms of overall design and impacts on amenity and the highways implications related to the scale of floorspace proposed and the associated attractiveness as a retail destination. It is fair to say that this proposal would be significantly larger than any of the existing facilities currently within the centre, in terms of physical scale and its attractiveness as a retail destination. It will clearly become the 'anchor' store within the centre.

Operators such as Lidl generally operate in a very efficient manner, with the majority of floorspace being utilised for sales. However, in this case, approximately 685 sqm will be used for non-sales activities. The impact of the large gross floor area can in part be mitigated by the imposition of an appropriate condition limiting the net sales area of the store to 1,265sqm. However, this will only mitigate impacts in terms of potential trip generation and associated traffic impacts. It would not mitigate the visual impacts of the significant built form required to accommodate the gross floorspace.

It is recognised that this area of the city is not particularly well served by existing supermarkets and that a significant amount of expenditure generated in this area, 'leaks' into other areas of the city. It is generally more sustainable to try and ensure that expenditure is retained within the area it is generated, to avoid unsustainable travel patterns and associated congestion. Concerns about the overall scale of the store needs to be weighed against the clear benefits in terms of expenditure retention in the locality and the associated sustainability benefits of the proposal. The proposed store will clearly boost the performance and overall vitality and viability of the centre as a whole, increasing footfall and the free parking will provide opportunities for people to visit other stores and facilities within the centre. It will provide a new focus and anchor to the centre providing a scale of retail provision not currently provided in the immediate locality. It is also an appropriate location to serve some of the new residential development proposed in this area of the city.

The principle of a new shop, meeting local needs and located in a District Centre is strongly supported by both national and local planning policies. It will create a number of new jobs (an estimated 25-40) and will help to serve an area of the city that is not particularly well served in terms of convenience shopping provision. The proposal has the potential to arrest some leakage of expenditure and provide a more sustainable option, in terms of travel for a number of residents.

The applicant has demonstrated that the proposal is capable of meeting the requirements of Policy CP21 relating to the protection of community facilities. Ultimately, there are other public houses in the locality that can provide the same function as the one being lost. Therefore, the function will be replaced elsewhere. I am also satisfied that the land receipts provided by Lidl would facilitate the relocation of the St. Ralph Sherwin Centre.

The other main policy issues relate to detailed aspects of the proposal and these are addressed in the following parts of this element of the report.

As part of the previous report members were informed that the Irwin Mitchell letter raises the issue of 'alternative sites'. In that context Irwin Mitchell submit that...a

Local Planning Authority does not normally need to take into account alternative sites for a development. However, where there are alleged to be planning benefits associated with a development but also clear objections to it, an Authority may have to consider whether there is a more appropriate site for it (see *Trusthouse Forte Hotels limited v. Secretary of State for the Environment (1986) P&CR 239*). It is submitted on the basis of the above that this is the case where the harm which the development will cause to the setting of the listed building means that alternative sites should have been considered'.

In terms of the consideration of alternative sites, Irwin Mitchell fails to note that the majority of the site of the proposal is within the defined District Centre designation. The NPPF and newly adopted Local Plan are clear that District Centres are (in principle) appropriate locations for retail development and should be prioritised for such development over and above other locations. Where a proposal is considered to be 'in-centre' there is no requirement to carry out a sequential assessment to consider the merits of alternative sites. Moreover, no alternative sites have been put forward by the applicant or agent. The issue of harm and the impact of the proposed development on the setting of the adjacent listed building are also discussed in detail later in this report.

7.2. Access, parking and highways issues

This is a very important issue that has been looked at very carefully throughout the life of this application and the previous application. My colleagues have assessed the impact of the proposal in line with industry standard methodologies and have also assessed the operation of other similar retail shops within Derby and Nottingham. I would refer Members back to the detailed comments of my colleagues included earlier in this report which also embrace the comments from the previous application. Clearly, the issue of traffic generation and the safe operation of the proposed development in highways terms is a very important issue locally, particularly given the relationship of the proposed access to the High Street junction and the Chellaston Academy. The previous application was refused on highway safety grounds and the objectors' maintain strong concerns about this issue.

Improvements to pedestrian access connections into the site (from both the north and south) to the proposed main entrance of the store are included with this application, following the previous refusal, and these improvements are accompanied by the footway and carriageway improvements within the highway that formed part of the previous application. These are all illustrated on the coloured presentation plan. The highway improvements include the provision of a ghost island to serve site access / egress, the provision of an elongated right turn lane serving the High Street junction and the resultant improvements for through traffic that these features will provide at all times of the day. Footway improvements to specifically address the flow / volume of pedestrians across the site access to accommodate the movements of students and visitors to the Chellaston Academy and beyond have also been negotiated and are included on the layout plans.

My colleagues have very carefully considered the impact of this proposal on the local highway network. As per the previous report the concluding comments of colleagues are repeated below:

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In general terms the above proposal is well located being within the Chellaston district centre. This affords the opportunity for linked trips with other shops within the centre. It is also likely that the car park will be used by shoppers visiting the centre. There are however a number of issues to be considered:

- proximity of the site to the High Street traffic signal junction;
- proximity to Chellaston School (Academy);
- uncertainty over the level of traffic generation.

The proximity of the access to the High Street traffic signals means that at certain times visitors will have to enter and leave the site through a queue of traffic blocking backing from the traffic signals. Albeit this manoeuvre currently happens at present.

The proximity to Chellaston School (Academy) means twice a day significant number of school children will walk past the site.

To seek to address the above issues Lidl have agreed to fund a localised widening scheme to form a ghost island adjacent to the proposed access and also to lengthen the right turn lane at the traffic signals for drivers wishing to turn right in to High Street. They are also proposing to widen the footway across the site frontage.

The above report shows that smaller discount foodstores have been surveyed and do attract significantly more traffic than is suggested by the applicant. It is not possible to know what the actual trip attraction will be at this store until the day it opens however if the store attracts the same level of trips that has been recorded at Coleman Street it is likely to result in some congestion in the vicinity of the store.

Clearly, issues such as actual trip generation to the proposed store are still open to debate. However, following lengthy analysis across two applications, consideration of the sustainable 'in-centre' location of the proposal and associated negotiations to secure improvements to the highways component, there are no over-riding objections on highways grounds to the proposed development, in the context of local plan policy (principally Policy CP23) and central government guidance.

7.3. Design, layout and residential amenity

In considering the design of the proposal it is necessary to have regard to and give appropriate weight to the provisions of Policy CP3 (placemaking principles) and CP4 (character and context) in the adopted DCLP.

The proposed building would accommodate a largely rectangular footprint with a forward projecting element on the west side of the front, north facing elevation, to house the delivery bay.

The proposed roof design would include a shallow mono-pitch with a maximum height at the front of the store of approximately 6.55m sloping down to approximately 5.5m at the rear of the building. The proposed elevations would comprise glazed curtain walling for the main entrance which would return around the side elevation facing Swarkestone Road. The proposed north elevation would be dressed with horizontal timber cladding sat on a brick plinth for a section extending some 29m in length. The remainder of the north elevation would be clad in grey horizontal panels

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in white. Upper level grey panelling would be included to provide a continuous band around the building.

These changes to the elevations from the previous refusal are accompanied by the site layout improvements which provide greater pedestrian connectivity through the site which open up the main entrance to pedestrians, cyclists and mobility scooterists.

The proposed site layout includes 99 parking spaces plus 8 parent/toddler spaces. This provides a total of 107 plus 6 spaces for disabled drivers. Parking spaces for mobility scooters are also indicated and 4 Sheffield cycle hoops. The previous application proposed 115 parking spaces including 6 disabled spaces and 6 parent and child spaces. Consequently the current proposal includes 2 less parking spaces.

The proposed layout accommodates mainly peripheral landscaping within the site boundaries and an area of landscaping is included in the main body of the proposed car park to accommodate a pair of retained Oak trees. Boundary treatments for the site comprise of mix of fencing and acoustic barriers on the west and south facing boundaries with an open frontage proposed for the main Swarkestone Road boundary. A brick wall with coping is now proposed for the north facing boundary.

Certainly, in terms of scale and footprint, the proposed store would be substantial when compared to the scale and form of other buildings in the District Centre. Such a difference in scale and footprint is not in itself unacceptable; rather it is the effect on the character and appearance of the immediate area that requires justification. The proposed development could be considered compatible within the confines of the site because the site is situated between domestic scale buildings of varying designs, a large school, near a parade of shops and opposite a recreational space.

Moreover, while the main differences of the appearance of the building and facing materials – contemporary timber cladding and glazed curtain walling – the design of the building is functional and characteristic of modern food stores. Although the development would be fairly dominated by the on-site car parking, the provision of good quality surfacing, boundary treatment and planting would enhance the site and soften the appearance of the car parking area. Improvements to the site layout from the previous proposal would also facilitate ease of movement through the site for pedestrians and other non-car users. Overall, it is considered that the building would integrate into the District Centre context and the wider street scene and it is considered to accord with Policies CP3 and CP4 of the adopted DCLP.

The proposed building would be located some distance from the nearest residential properties along Station Road (the nearest dwelling at No.41 Station Road is over 40m away). The proposed northern end of the proposed car park layout would back onto the rear curtilages of Nos.15 and 17 Station Road, as the public house car park currently does. Given that the north-west corner of the site is already in use as a car park, the proposed re-configured car park would not, in my opinion, be unduly harmful in amenity terms.

The area between the proposed side, west facing, elevation of the building would accommodate some retained vegetation together with an external plant compound. The proposed compound would be surrounded by a 2.6m high acoustic barrier and a section of 2.4m high acoustic barrier is also included on part of the boundary

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adjacent to the proposed delivery bay. A section of 1.8m high acoustic barrier is included on part of the western site boundary and this would adjoin the proposed section of wall on the north boundary.

The neighbouring Chellaston Academy would be affected in terms of the physical presence of the proposed building adjacent to the school site. However, the hardstand games pitches beyond the western boundary and two storey school building beyond the southern boundary would not, in my opinion, be unacceptably harmed in amenity terms.

In view of this, it is considered that there would be no detrimental impact to residents or the school through loss of light, massing, or loss of privacy. Whilst the proposal would introduce a commercial noise source into the area, given the nature of the District Centre and the proximity to the A514, it is considered that the development would not be unduly detrimental in amenity terms. The proposal would reasonably comply with the requirements of saved policy GD5 of the adopted CDLPR in this respect.

Overall, the design improvements to the scheme essentially relate to a reduction in height of the proposed building, revisions to the palette of materials and improvements to the site layout for pedestrians and other non-car users. Some objectors suggest that these revisions fall well short of the mark and do not address the reason for refusal of the previous application. In my opinion and judgement the elevational changes would provide the proposed development with an improved frontage and relationship to Swarkestone Road and the site layout improvements would facilitate greater access and pedestrian priority through the site into the store.

7.4 Heritage issues

In the context of heritage issues and prevailing local and national heritage policy the application includes the same issues as the previous application, in terms of the demolition of the Rose and Crown PH and the associated impact on the setting of the Grade II listed No. 4 Swarkestone Road. In response to the previous application the Irwin Mitchell letter addressed the impact of the proposed development, in the context of heritage considerations and the decision making framework, in some detail.

The proposed development includes the demolition of the Rose and Crown PH. The Rose and Crown PH is not on either the statutory list or local list and does not lie within a conservation area. It is a brick-built pub, with some built elements dating from the late-18th to early-19th century, and possibly earlier. These have been largely obscured by 20th century extensions, although in an appropriate form retaining the basic character of the historic streetscene leading north along Swarkestone Road and forming a group with the Corner Pin Public House.

In accordance with the requirements of paragraph 128 of the National Planning Policy Framework (NPPF) the application is accompanied by a detailed Heritage Appraisal which was produced in December 2017. This analyses both the archaeological context of the site and the survival of historic features, both internally and externally within the Rose and Crown PH.

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The buildings have been substantially altered both internally and externally in the 20th century and it is agreed that the building is not of sufficient historic interest to merit inclusion on the local list. The application is also supported by a Planning Statement which assesses the policy context of the proposal and, in the context of heritage policy; the applicant assesses the impact of the proposal in relation to the adjacent listed building and provides a list of socio-economic benefits associated with the proposal.

Members will be aware that the site is adjacent to the Grade II listed No.4 Swarkestone Road, a small brick built cottage with exposed cruck frame visible in the south gable. Although the frame is thought to date from the 1600's it is a remnant of a now demolished building and embedded within the wall of a latter cottage, probably of 18th Century construction. That cottage now forms part of the Corner Pin PH, with the timber frame facing the application site and immediately adjacent to Swarkestone Road. Development on the application site will therefore have some impact on the setting of the listed building.

In considering the application decision makers must engage Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which 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 and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be "less than substantial" (as defined in the NPPF). Harm to the significance of designated heritage assets is a matter to which considerable importance and weight should be given in any planning balance. Causing 'less than substantial harm' is not to be equated with a 'less than substantial' objection to the grant of planning permission.

The proposal must also be considered under the adopted Local Plan – Part 1 (DCLP) policies and those saved Local Plan Review (CDLPR) policies which are still relevant. The Local Plan - Part 1 policy CP20 seeks the protection and enhancement of the city's historic environment, including listed buildings and Conservation Areas. CP20 states that "Development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted." CP20(c) requires development proposals which impact on heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale. Saved CDLPR policies E18 and E19 for the preservation and enhancement of Conservation Areas and buildings of historic importance continue to complement the new policy CP20.

Under saved CDLPR policy E19 proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

In term of general design principles, Local Plan – Part 1 policies CP2, CP3 and CP4 are relevant and saved policy GD5 of the adopted CDLPR are also applicable. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates

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positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. Saved policy GD5 is intended to protect the overall amenity of occupiers of nearby properties from unacceptable harm.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraph 132 of the NPPF advises that:

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

Guidance in the NPPF provides that proposed developments involving substantial harm to or loss of designated heritage assets in the case of grade II listed building should be exceptional, in the case of grade II* and grade I listed buildings should be wholly exceptional and in the case of other designated heritage assets such should only be permitted if either the loss or harm is necessary to achieve substantial public benefit that outweigh the loss or harm caused by the development or if the specific tests set out in paragraph 133 are met.

Where the harm to the designated asset is considered to be less than substantial, as is considered to be the case with this proposal, paragraph 134 of the NPPF provides that the "harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Paragraph 135 of the NPPF also requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance.

As part of the application process my colleague in the Built Environment Team states...

... The Rose & Crown and The Corner Pin are the sole survivors of the historic street scene on Swarkestone Road, being otherwise surrounded by later C20 development of widely varying character. Demolition of the Rose & Crown would remove the surviving historic neighbours of No 4, which contribute to its setting and the understanding of its former historical context. It is noted however, that the buildings are not necessarily contemporary with No 4 and the original setting of the cruck-framed building, and that demolition would open up views of the cruck frame in more distant approaches from the south along Swarkestone Road. Nevertheless their replacement with a car park and standard modern retail building would be detrimental to the setting of No 4 overall. The listed building currently has a sense of enclosure created by the historical north wall of the Rose & Crown and some boundary trees. Previous concerns with the boundary treatment have been addressed by the introduction of a 1.1m high brick wall on the northern site boundary, which would maintain the existing historic enclosure to the rear of the Corner Pins group and create a better sense of separation between the two sites.

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Subject to materials, this would be an enhancement of the immediate setting and curtilage boundary of the listed building.

However despite some revisions to the entrance bay in the north-east corner, the current proposal would remain a large-scale utilitarian building, with few concessions to context, and combined with the large expanse of car parking, it is considered that it would not make a positive contribution to the wider setting of the listed building.

In conclusion, my colleague recommends...

... The Rose & Crown has evidential value as a historic building, and NPPF paragraph 141 accepts that such loss could be mitigated by recording prior to demolition. However that would not address the harm to the setting of the adjacent listed building and notwithstanding the terms of the 2017 decision, the in-principle conservation objection to the scheme therefore remains.

Harm to the setting of a listed building is contrary to Local Plan Review policy E19, the NPPF and S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the harm would amount to 'less than substantial' in NPPF terms, so paragraph 134 accepts that it must be weighed against the other public benefits of the development.

As a result of considering the views of my Built Environment colleague about the impact of the proposed development on the setting of the adjacent listed building, the views of the public expressed during the application process and in the context of the applicant's supporting heritage analysis, I consider that the proposed development would result in 'less than substantial harm' to the setting of the adjacent listed building and therefore the significance of the heritage asset.

In the context of paragraph 134 of the NPPF the public benefits of the proposal that need to be weighed against the harm to the setting of the adjacent listed building, are as follows:

1. The provision of an accessible modern retail food store with on-site parking would increase consumer choice and competition in a highly sustainable location.
2. The proposal would create jobs and employment opportunities.
3. The proposal involves a range of associated off-site highways works, in terms of improved footway and carriageway improvements. These improvements would enhance this part of Swarkestone Road, near to the High Street junction, to the benefit of all users of this part of the public highway and the wider highway network.
4. The proposal would enable the Roman Catholic Church to relocate from the St. Ralph Sherwin Centre to another site in the area. The proposal would, therefore, facilitate a new place of local worship for parishioners and other users of the Church to enjoy.

In my opinion and judgment these constitute substantial socio-economic and cultural public benefits that should be attributed significant weight in the planning balance. These benefits, even when giving the harm to the significance of the Grade II listed building considerable importance and weight, would outweigh the harm of the

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proposed development to the setting of the adjacent listed building. The listed building would also continue to function as a public house, as it has done for many years.

I also weigh in the 'heritage' balance the demolition of the Rose and Crown PH.

In heritage terms, my judgment is that the proposal is strictly contrary to the policy in the local development plan (principally CP20 and E19c), but is, overall, in accordance with national heritage policy in the NPPF.

I am satisfied that, with regard to heritage considerations and the issue of impact / harm, the application has been properly assessed in line with the local planning authority's statutory duty and the framework of local and national planning policy.

In the light of the conclusions in this 'heritage' section of my report, I do not, as a matter of planning judgment, think it is reasonable or necessary to consider 'alternative sites' as a material consideration in this application as suggested in the Irwin Mitchell letter.

7.5 Trees and wildlife habitats

In terms of wildlife and protected species issues, DWT confirmed, as part of its final consultation response for the previous application, that it is satisfied that the supplementary Phase 2 report of May 2017, which includes the dusk and pre-dawn surveys carried out on 2 and 9 May 2017 respectively, addresses the test below:

Paragraph 99 of Circular 06/2005 states..."it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

In relation to this application DWT has not provided any comments.

In response to previous concerns about the impact of the proposed development on bio-diversity, the applicant has provided the following comments.

... Whilst DWT has previously expressed concern about the proposed development resulting in a net loss of biodiversity, Core Strategy Policy CP19 acknowledges that it is not always possible to deliver a net gain, stating that 'all development should ensure the protection, conservation, and where possible, enhancement of biodiversity'.

Nevertheless, it has been agreed that the contribution that the site currently makes towards biodiversity objectives is low. In order to maintain and enhance biodiversity value, it is proposed to retain existing trees and plant new species that support biodiversity. It is also proposed to erect artificial bat and bird boxes. Accordingly, the proposal will support habitat suitable to support roosting and foraging bats and nesting and feeding birds. These benefits can be secured by condition.

I am satisfied that the applicant has provided the necessary survey work to accompany the application. The Phase 2 bat survey remains valid given that it was

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completed less than 12 months ago and, in my opinion, there are no over-riding factors that need to be addressed beyond reasonable safeguarding conditions.

There are a number of the trees and groups of trees within the red line of the application site that are protected by a Tree Preservation Order. Ultimately, Policy CP16 seeks to ensure that any individual or groups of trees that contribute to the amenity of an area are retained and appropriate efforts have been made to retain existing trees where possible and that where loss is proposed, appropriate re-provision is implemented.

In order to contain the extent of building and car parking area, some protected trees are shown for removal. Further tree removal is proposed as part of this scheme to accommodate the extended 3m footway along Swarkestone Road and my colleague has inspected the site with the applicant's arborist to discuss landscaping options.

Further landscaping details may be available before the meeting but, even if not, this detail can be reasonably secured by condition.

While the tree officer raises concern about whether the retained trees can be incorporated into the proposed development, given the existing ground conditions, hard surfaces etc., there is no obvious reason why the trees shown for retention cannot be retained in principle. Tree Protection measures would also be in place to protect canopies and root protection areas. However, if it transpires that not all of the trees can be retained, the applicant could provide appropriate replacement planting by condition.

As with the previous application the proposed site layout plans the retention of trees labelled T9 and T10 (Oaks) within the main body of the proposed car park. However, it has not been possible to retain the Willow tree which is visually prominent, attractive and contributes to the visual amenity of the immediate surroundings. Even though it is located toward the centre of the existing car park, this tree is nevertheless visible from the public realm. Clearly a reasonable judgment is required, as to where to apportion greater weight to either the retention of the protected Willow tree or the wider benefits arising from the creation of a suitably designed layout of a retail store and extent of parking provision. Whilst this element is contrary to Policy CP16 it is considered that the Willow tree ought to be viewed as a *relative* constraint rather than as an *absolute* constraint to the redevelopment of this site and its removal, while noticeable and regrettable, can be justified in this case, in order to facilitate a good number of parking spaces and a logical / satisfactory car park layout. My colleague also considers that it would present ongoing issues with the retention of this particular species.

Elsewhere in the site, along the southern boundary a linear group of 6 Hornbeam trees exist which are protected under a TPO. They are shown for removal to facilitate the retail building in the location proposed. Currently, the site is generally open and so the trees are prominent from Swarkestone Road, as viewed either front on or from a north to south direction. Immediately behind this group of trees are a number of mature trees within the grounds of Chellaston Academy. Because of the number, maturity and density of trees, they would maintain the mature green verdant setting along this part of Swarkestone Road. If the building were to be positioned in front of the Hornbeams the trees would be obscured by the building and adjacent trees on

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the school grounds – this does not seem a sensible approach. Their retention is not viable with the proposed layout and subject to replacement planting the loss of these specific trees could be justified in this instance.

Moreover, a large swathe of trees and vegetation along the southern and western boundary are shown for removal, which is unprotected mixed species (Group G8). It is of limited public amenity value being located toward the rear of the site. The overall loss and retention of the trees is acceptable, given the proposed layout of the site and footprint and position of proposed building.

Overall, my judgment is that with the inclusion of appropriate planning conditions, the proposed development is broadly in accordance with policies CP16 and CP19 of the DCLP.

7.6. Other matters

Section 106

The application attracts a financial contribution through a Section 106 Agreement. The applicant has been provided the draft Heads of Terms, which include: A highways contribution towards the improvements and maintenance of traffic signals at the High Street / Station Road / Swarkestone Road junction and towards the provision of, or improvements to, public transport, cycling and pedestrian facilities on the A514; a public art contribution towards the provision of a public art scheme in the vicinity of the application site to attract pedestrians and cyclists towards Chellaston District Centre. Local employment (Local Labour Agreement) opportunities shall be secured through a suitably worded condition. Negotiations are still on-going surrounding s106 details and any updates will be reported orally at the meeting.

Flood risk and drainage

The site is located within flood risk zone 1, which is deemed as having a low probability of river flooding (a less than 1 in 1,000 annual probability). The Land Drainage Officer's comments have been noted, however, it is considered that the provision of surface water suitable drainage measures, including sustainable drainage features, such as permeable surfacing can be reasonably controlled through a suitably worded condition. This will ensure the development complies with saved policy CP2. Negotiations are still on-going surrounding SUDS details and any updates will be reported orally at the meeting.

Overall conclusion

This planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. I have therefore considered whether the application accords with the development plan taken as a whole.

As stated above, I am satisfied that the application accords with the policies in the development plan with the exception of CP20 and E19c on heritage assets. There will be some harm to the significance of a listed building caused by development in its setting. The policies in the development plan are 'pulling in different directions' and I have to reach an overall judgment. In doing so I bear in mind that any harm to the significance of a designated heritage asset is to be given considerable importance and weight. But I also bear in mind that in this case, that harm to heritage assets is outweighed by other public benefits which are in turn supported by development plan

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policy. Overall, my judgment is that the application is to be regarded as being in accordance with the development plan as a whole.

I have also considered whether 'other material considerations' ought to result in a decision other than in accordance with the development plan. I have noted that the NPPF is one such material consideration. In the context of the heritage issue, the proposal is in accordance with the NPPF because the less than substantial harm to the designated heritage asset is outweighed by public benefits and I conclude that the harm to the heritage asset has been clearly and convincingly justified. I have also weighed in the balance the loss of the Rose and Crown PH.

Paragraph 14 of the NPPF contains a presumption in favour of sustainable development. Proposals which accord with the development plan should be approved without delay. In my view this is not an application in which relevant policies in the development plan are out-of-date.

In summary the revisions to the scheme following the previous refusal of permission are as follows:

- A 3m wide footpath along the frontage to Swarkestone Road to enhance pedestrian safety
- The removal of two existing additional trees subject to TPO that are located on the Swarkestone Road frontage in order to enhance visibility splays and increase pedestrian visibility
- A dedicated, safe pedestrian route through the car park from the north towards the store entrance
- A dedicated, safe pedestrian route towards the store entrance from the south
- A reduction in the scale of the proposed building
- Revised elevational treatment to the building
- Adjustments to the proposed package of improvements to the highway network
- Minor alterations to the proposals to account for the above revisions

In my opinion and judgment these revisions secure appropriate improvements to the scheme which address the overall design and community safety issues that concerned members and which essentially torpedoed the previous application.

Members will be acutely aware that this application has attracted a large number of objections and these are comprehensively summarised in this report.

However, as members have been previously advised by legal counsel, planning is...*not a beauty contest*. Decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case the plan is up-to-date and in line with the concept of sustainable development that runs through the NPPF. The proposal accords with the development plan as a whole and, in my opinion and judgment, there are no sound or defensible planning reasons for refusing planning permission.

This application has been very carefully assessed and the material planning considerations have been rehearsed and considered in line with adopted local plan

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policy, saved local plan policy and the guidance in the NPPF. I have taken into account the objections and supporting statements received and drawn matters to the attention of members as I judge necessary. Overall, I recommend that permission be granted subject to conditions and a s106 planning obligation.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

As set out in the officer's report, it is considered that the proposal is overall in accordance with the development plan as a whole notwithstanding a breach of adopted Policy CP20 and saved Policy E19c. There are no material considerations that indicate a decision other than in accordance with the development plan. Approving the application would result in a satisfactory form of development which would respond appropriately to its context, preserve the character of the street scene and, subject to conditions, would preserve the amenity of neighbouring residents. It would also suitably address the previous reasons for refusal under application code no. DER/12/15/01570. In terms of retail policy it is considered that there are no grounds to resist the application on the basis of impact. The development is also considered to be acceptable in terms of flood risk, and impact on trees. Adverse heritage impacts are clearly and convincingly justified and are outweighed by public benefits. The proposal would be suitably served by public transport and would provide appropriate means of access / egress to and from the site. Parking levels are considered acceptable and the development would not result in severe highways impact / safety issues.

The conditions below are presented in an abbreviated format and, subject to a positive resolution at the meeting, the final draft wording of these conditions will be carried out in consultation with the Chair and Vice Chair before any decision issued.

8.3. Conditions:

- 1. Condition relating to approved plans
- 2. Condition relating to a three year time limit for implementation
- 3. Condition controlling precise details of external materials
- 4. Condition requiring submission of a landscaping scheme
- 5. Standard timescale of the implementation of planting and on-going maintenance
- 6. Condition requiring the submission of hard surfacing materials
- 7. Condition requiring the submission of boundary treatment details

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8. Condition requiring the submission of a surface water drainage scheme
9. Condition controlling the location of and external plant/machinery
10. Condition requiring a detailed scheme for external lighting
11. Condition controlling store opening hours
12. Condition controlling the hours for deliveries
13. Condition controlling security measures (CCTV)
14. Condition restricting vegetation clearing during bird breeding season
15. Phase II assessment – remediation strategy and final validation report
16. Condition requiring the parking/servicing areas to be implemented
17. Condition requiring the implementation of cycle parking/cycle parking available for customers
18. Condition requiring an operational travel plan based on the framework travel plan submitted in support of the application
19. Condition limiting the extent of net sales floor area to 1,265 sqm of the net sales area
20. Condition restricting subdivision of the unit
21. Construction management condition
22. Condition requiring precise details and implementation of acoustic fencing
23. Condition requiring details of a Local Labour Agreement

8.4. Reasons:

1. To conform to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Time Limit reason
3. To provide a satisfactory external appearance and in the interests of visual Amenity
4. In the interests of visual amenity
5. In the interests of visual amenity
6. To ensure satisfactory drainage
7. To provide a satisfactory external appearance and in the interests of visual amenity
8. To ensure satisfactory drainage
9. To protect the amenity of nearby residents
10. To protect the amenity of nearby residents and in the interests of highway safety
11. To protect the amenity of nearby residents
12. To protect the amenity of nearby residents

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13. On security / community safety grounds
14. In the interests of wildlife preservation
15. To bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment
16. In the interests of highway safety
17. To promote sustainable transport
18. In the interests of highway safety
19. To promote sustainable transport
20. To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy
21. To preserve the amenity of neighbouring properties
22. To preserve the amenity of neighbouring properties
23. To promote local employment opportunities

8.5. Informative Notes:

It is noted that the proposal will involve building works. Given the proximity of Residential properties, it is recommended that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. The City Council's Environmental Health Team also wish to see a traffic management plan and a dust management plan for the construction process, so as to prevent an issue of vehicle noise and dust nuisance to existing domestic and commercial properties. There should also be no bonfires on site at any time.

8.6. S106 requirements where appropriate:

The application attracts a financial contribution through a Section 106 Agreement. The applicant has been provided the draft Heads of Terms, which include: A highways contribution towards the improvements and maintenance of traffic signals at the High Street / Station Road / Swarkestone Road junction and towards the provision of, or improvements to, public transport, cycling and pedestrian facilities on the A514; a public art contribution towards the provision of a public art scheme in the vicinity of the application site to attract pedestrians and cyclists towards Chellaston District Centre. Local employment (Local Labour Agreement) opportunities shall be secured through a suitably worded condition

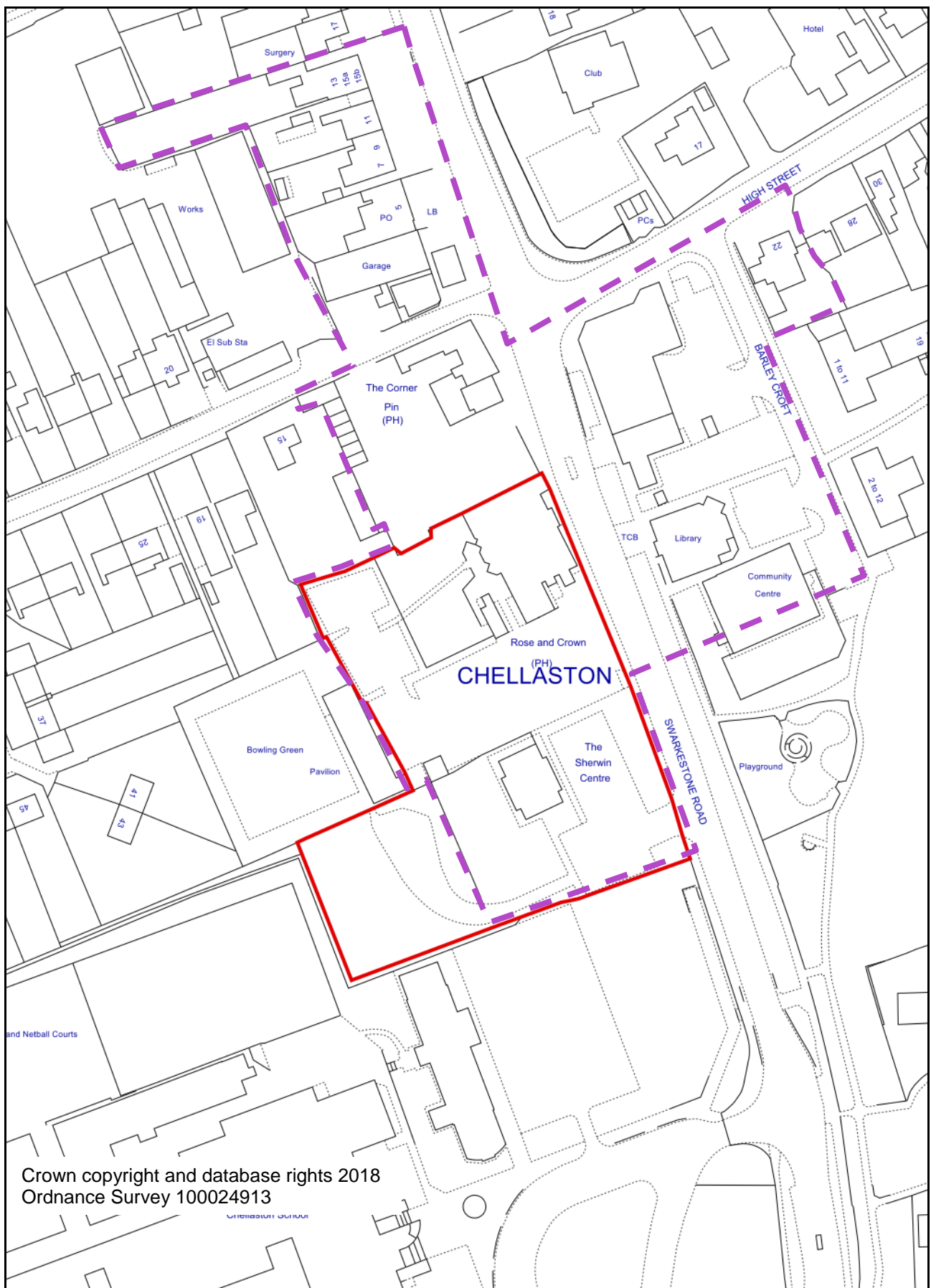
8.7. Application timescale:

The statutory (13 week) determination period for the application expires on 7 May. The application is before committee as a result of the level of public reaction to the application and the previous application which was debated at the meeting in July 2017.

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Application No: DER/07/16/00924

Type: Full Planning Application

1. Application Details

1.1. Address: Bio House, Derwent Street, Derby.

1.2. Ward: Arboretum

1.3. Proposal:

Demolition of existing office buildings and the erection of a new building providing 105 apartments, ground floor retail and car parking, including associated works, flood defence and a new substation.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/07/16/00924>

Brief description

This full planning application seeks permission for the erection of a mixed use development on the site of the former Bio House Offices. The proposed development would comprise of commercial units (use class A1, A2 or A3) at ground floor and 105 residential units above. The scheme also seeks to provide a section of the Our City Our River (OCOR) flood defence and conveyance corridor along with associated landscaping and car parking.

The application would seek to demolish the existing vacant office and retail units on the site. These units, which include the former Bio House offices have been vacant for a number of years since the Council vacated the building and the retail unit, formerly known as Balloon and Party Ideas has also been vacant for number of years. Permission has recently been granted, for a temporary period of one year, to allow the hardstanding area of the site to be used as a hand car wash. The use of this site for a temporary period should not prejudice either the implementation of the OCOR scheme or this application. Members may also recall a fire within the buildings in March 2018.

The site lies to the north-west of the City Centre and is located within the Central Business District (CBD) and the 'Riverside' City Centre Character Area. The site is separated from the City's Core by the River Derwent. The application site is located on the junction of Derwent Street and Exeter Street and runs alongside Exeter Place. The application site is rectangular in form and accommodates the majority of land on this island site which is bound by public highway. The only remaining buildings on this site would be the Exeter Arms and The Tap public houses.

The application site covers an area of approximately 0.35 hectares. Land levels across the site are relatively consistent however surrounding the site land levels decline from the west to the east along Exeter Place. The surrounding area offers very little in terms of context, with the exception of the two public houses, Exeter House and Compton House. Compton House, Exeter House and the Exeter Arms are on the Council's Local List but there are no statutory listed buildings within the immediate vicinity of the application site. Building heights across the North Riverside area are relatively low with the exception of those properties on Stuart Street which run parallel to the river, the apartments reaching 9 storeys in height. The Tap has a

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building height of some 2 storeys and the Exeter Arms has a building height of 3 storeys.

There are no particular features on the application site such as Tree Preservation Orders or watercourses. The site is not located within a Conservation Area or within the curtilage of a Listed Building. In the much wider context of the application site is the Nottingham Road Conservation Area is over 100m away to the north separated from the application site by the A601 which is an elevated 7 lane highway. Other heritage assets of note in the wider context are the Locally Listed Council House, and Grade II Listed Magistrates Court although these are separated from the application site by the River Derwent and over 120m distant. The City Centre Conservation Area is also within the much wider context along with the Grade I Cathedral, World Heritage Site and the World Heritage Site Buffer. Whilst a number of these heritage assets are not within the immediate proximity of the application site they are considered relevant in the determination of this application due to potential impact of the proposal on the Derby skyline.

During the life of the planning application officers have worked with the applicant to amend the proposed scheme in order to address concerns over height, mass and external appearance. Further amendments have also been sought in respect of highways, access arrangements, flood risk and details of the integrated flood defence. This report is based on the amended scheme as submitted February 2018. Members will note the considerable consultation as iterations of the solution have been informed and evolved. This gestation period since July 2016 has been informative but protracted.

Key amendments to the scheme include:

- Increasing the height of the tower to provide greater separation between the different components of the development and to create a tower feature.
- Amending the elevational treatment to provide interest and reduce the overall scale of the development; these amendments have sought to emphasise the verticality of the proposal rather than accentuate the developments width.
- Consideration has been given to the materials to reflect the context of the proposal as well as provide separation between the different components of the development. Reducing the bulk and massing whilst arriving at a distinctive landmark gateway feature.

This amended full planning application seeks permission for the erection of 105 residential apartments that will be accommodated across two blocks. The proposed development will be accessed by a two way vehicular entrance off Exeter Street which leads to 23 car parking spaces, including 2 accessible car parking spaces. Pedestrian access to the proposed development is also off Exeter Street but is separated from the vehicular access to reduce conflict. The pedestrian access is via two slopes separated by a landscaped feature which links to the pedestrian exit from the car park. The two blocks have separate entrance points and but share an entrance directly from the public highway. There will be a loading bay to the front of the pedestrian entrance but located off the public highway. The proposed development utilises the entire plot, but sacrifices land for the flood conveyance corridor and therefore sits directly on the back edge of the public highway.

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Externally, the two blocks have a similar form and character. The submitted elevations provide details of the proposed materials which include dark grey aluminium curtain walling and windows, red facing brick, white/light grey cladding with plant and substation doors to match, glass balustrades to the balconies, dark grey railings, dark grey render and dark grey paving. Notwithstanding this the precise materials will be secured by condition.

Block A, which is the taller of the two blocks is located at the junction of Exeter Street and Derwent Street and runs parallel to Derwent Street. This block is also of split height rising to 5 storey (ground plus 4), 9 storeys (ground plus 8) and then 12 storeys (ground plus 11), the tallest element is located on the junction of Exeter Street and Derwent Street as a gateway feature on this prominent street corner.

Block B which is the smaller block of the two is located directly behind the Exeter Arms, is part 3 storey (ground plus 2) and part 6 storey (ground plus 5), the height increasing away from the Exeter Arms.

The footprint of Block A is considered in two parts the tower and the shoulder element. The tower rising to 12 storeys has an angular footprint as it responds to the junction of Exeter Street and Derwent Street, the footprint also assists with providing interest to the tower and reducing its overall mass on the skyline. The shoulder element has a rectangular footprint but floors 6 – 9 tapering adding interest to the southern elevation and again reducing its mass on the skyline. The tower of Block A reaches to 46.2 metres reducing in the shoulder element to 30.8 metres and down to 18.4 metres, approximately. As well as the design altering for these two components the scheme treats the elevations differently to ensure a clear separation of the two elements. The tower is treated in a modern materials pallet comprising of white and grey cladding and glass whereas the shoulder block will have a more traditional appearance of red brick which responds to both public houses; this change in materials providing a clear separation of the two components.

Block B responds to the adjacent Exeter Arms and the need to provide vehicular and pedestrian access to the courtyard. The three storey element of the scheme rises to 10.8 metres and the 6 storey element rises to 20.6 metres, approximately, as it steps away from the Exeter Arms. This block will also be finished in red brick to compliment the finish of the adjacent Exeter Arms and integrate with the other component of the scheme.

The traditional red brick finished sections of the proposed development are punctuated by large openings providing a covered balcony for the future residents and secondary and tertiary windows have been design to appear subservient to the balconies but have a regular rhythm and form. The tower has a more modern appearance and has been design to accentuate its vertical form. The tower like the other blocks is punctuated by covered balconies and large areas of glazing.

The application is accompanied by a series of street views that detail how the proposal would sit alongside its neighbours including The Tap and Exeter Arms. Full details of the elevational treatment and materials are set out on the amended elevations and the background to the rational of the form, layout and materials is set out in the amended Design and Access Statement.

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Internally, the proposed apartments are either one bed or two bedrooms, with each bedroom having a separate bathroom along with an open plan kitchen and dining room and each apartment benefitting from at least one covered balcony. There are 6 three-bedroom apartments in the upper floors of the tower. The apartments are split as follows: 39 x 1 bed units, 60 x 2 bed units and 6 x 3 bed units.

Block A accommodates a commercial space, at ground floor, creating an active frontage to the junction and along Derwent Street, the commercial space is some 250 Sqm and would be of either A1, A2 or A3 use in a single unit. The ground floor also accommodates a large reception area, cycle storage (accommodating 26 cycles with the potential to provide up to 50 cycle spaces if these are required) bin storage, sub-station and plant room. The upper floor would be accessed by two cores, core 1 comprising of 2 lifts and a stairwell and core 2 comprising of a single lift and stairwell. The upper floors follow the same general arrangement with apartments located either side of the central communal corridor which links to the stairwell and lifts.

Block B accommodates a large reception area with office space along with plant room and bin store at ground floor. The bin store can be accessed both internally and externally. The upper floors area accessed by a central stairwell and lift with apartments located either side of the access corridor.

At roof level, the proposed development seeks to provide a series of green roofs on all flat roofs with the exception of the tower that will accommodate additional plant which is screened by a parapet wall. The green roofs will be accessible for maintenance only.

Flood Defences

An important feature of the ground floor general arrangement is the integral flood defence. Drawing No. (08)25 revision C provides details of the Flood Defence Layout. The application site is located in an area known as Derby Riverside and is identified as a development site opportunity within the Our City Our River (OCOR) masterplan which formed part of the full and outline planning application for the City's flood defences.

The OCOR scheme is to be delivered in three packages. Package 1 which is reaching completion, extends from Darley Abbey to St Mary's Bridge. Package 2 extends from St Marys Bridge to Pride Park and Package 3 extends from Pride Park to Ambaston. Package 1 and some of the package 2 works were approved in full with the remainder of the Package 2 and all package 3 works being in outline only. The outline elements set only the height and alignment of the defences. For clarity the application site is located within Package 2.

The application has considered a number of scenarios; the interim scenario where Package 2 is not completed and final scenario where the OCOR scheme is implemented in its entirety. In considering these scenarios it is also important to consider the flood risk for the development in both scenarios. In doing so, the proposed development has incorporated a number of key features that will provide flood protection and flood resilience to the proposal and contribute to the OCOR protection. These are considered as follows:

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- **The Flood Conveyance Corridor**
The flood conveyance corridor sits between the proposed development and the rear boundary of The Tap public house. The total area of the site is 3,139 Sqm - 2,039 Sqm of the site is developable and the flood conveyance corridor is 1,100 Sqm which equates to **35%** of the developable site area being lost in order to bring forward the OCOR Flood Defence scheme. The conveyance corridor will allow water to be channelled away from the main river, through the north riverside area and re-join the river opposite the River Gardens. This will assist in improving flow rates and circumnavigating the pinch point of Exeter Bridge, where the river capacity reduces as a direct result of the bridge.
- **The Integral Flood Defence**
The integral flood defence wall provided by the development will run alongside the conveyance corridor, along the eastern boundary of the development. Whilst the precise location of the flood defence differs slightly from the location agreed in the Outline Planning Application for OCOR consultees including OCOR, EA and Land Drainage are satisfied that there will be no significant impact on the flood water depths either north or south of this point, as set out within Appendix D of the submitted Flood Risk Assessment (FRA), dated February 2018. The wall will be constructed by the applicant in accordance with OCOR flood defence. Furthermore, detailed site investigations will set out the precise construction of the wall but it is likely to have 8 metre sheet piled foundations which will act as seepage cut off. The wall will also be 2 – 2.5 metres in height. The flood defence will tie into the adjacent flood defences, once constructed these run across Derwent Street and Exeter Place and will take the form of demountable defences.
- **Raised Floor Slabs**
Raised floor slabs have been provided in the plant rooms and the sub-station. These raised finished floor levels will provide additional protection to critical plant and infrastructure and assist in reducing the loss of this critical infrastructure including power supply and communications.
- **Flood Defence Glazing**
This will be located on the ground floor and provide protection to the commercial unit and two reception areas whilst still providing an active frontage to the scheme along Derwent Street and Exeter Street and supporting natural surveillance.
- **Automatic Flood Defence**
The automatic flood defences are located at the vehicular entrance/exit and the pedestrian entrance/exit and will provide automated flood protection if required.
- **Manual Flood Defence**
These will be operated by the management company that is responsible for the building. The number of manual flood defences has been limited to specific locations mainly pedestrian points within the buildings courtyard and the Derwent Street frontage. The manual flood defence have also been limited in number in order to reduce flood risk.

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- **High Level Access**
The high level access provides access to the substation and will align with the raised floor slabs.
- **New Boundary Wall**
The new boundary wall will link with the proposed integral flood defence and the automatic defences but will not perform as flood defence.

The application is accompanied by various technical and design documents some of which have been updated and amended through the life of the application. These documents include Planning Policy Statement, Design and Access Statement, Archaeological Report, Flood Risk Assessment, Heritage Statement, Sustainability Statement, Noise Assessment and Air Quality Assessment. An addendum providing an update to the Transport Assessment and Travel Plan has also been provided.

Environmental Impact Assessment

The applicant has not sought a formal Environmental Impact Assessment Screening Opinion from the Council however during the determination of this application the decision maker should have regard to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

The proposed development would not constitute a Schedule 1 development and therefore should be considered under Schedule 2 development. The development would fall within Part 10 (b) Urban Development Projects. The proposed development does not exceed any of the three criteria; the site does not exceed more than 1 hectare, the proposal does not include more than 150 dwellings and the overall area of the development does not exceed 5 hectares.

In considering the characteristics of the development, the location of the development and the characteristics of the potential development I consider that the proposed development does not constitute 'Schedule 2 Development' and that is it not likely that there will be any significant effects on the environment as a result of this development.

2. Relevant Planning History:

Application No:	DER/01/18/00044	Type:	Full Planning Permission
Decision:	Granted – Temporary Permission	Date:	20/03/2018
Description:	Change of use to a hand car wash (sui generis use) including installation of a protective screen.		

3. Publicity:

Initial Publicity

Neighbour Notification Letter sent 01/08/2016 to 54 properties

Site Notice erected 01/08/2016

Statutory Press Advert published 05/08/2016

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Second Publicity

Neighbour Notification Letter sent 07/11/2016 to 55 properties

Site Notice erected 10/11/2017

Third Publicity

Neighbour Notification Letter sent 05/04/2017 to 55 properties

Fourth Publicity

Neighbour Notification Letter sent 28/07/2017 to 55 properties

Site Notice erected 02/08/2017

Statutory Press Advert published 04/08/2017

Fifth Publicity

Neighbour Notification Letter sent 21/02/2018 to 55 properties

Site Notice erected 21/02/2018

Statutory Press Advert published 02/03/2018

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

4. Representations:

The application has been attracted – letters of representations which are summarised below:

Consultations 1 – 4 (comments made in 2016 and 2017)

- The building is too tall and overwhelms the Brewery Tap and Exeter Arms
- Concerned that the communal gardens and alleyways will create areas of anti-social behaviour
- The site does require redevelopment but it should be a lower rise scheme
- The character is out of character and scale
- There are concerns that the flood defence scheme and this planning application could have a potentially negative impact on the business of Exeter Public House. However the new customer base would be welcomed.

Final Consultation (comments made in 2018)

The application has attracted one letter of support during the final round of consultation, from Marketing Derby which is summarised as follows:

- Increasing the quality and quantity of residential development in the City Centre is at the core of the Council's Corporate Strategy and City Centre Masterplan,
- Too many people live outside of Derby as a result of a lack of suitable city living options in the city centre, this will provide that option

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- The site is located in the North Riverside which is currently a mixture of large surface car parks, some office accommodation, various commercial uses, some scattered residential accommodation and historic quality public houses. This area lacks in identity and has areas that are run-down,
 - The area attracts anti-social behaviour,
 - North Riverside has the potential to be an attractive, desirable and vibrant area,
 - The application has taken too long to determine particularly in a nationally competitive environment for these types of development,
 - Residential development is key to regenerating North Riverside,
 - 105 residential units would boost local businesses and attract vibrancy, security and economic activity in this area,
 - The proposal would be a Build to Rent (BTR) model which is a high quality development that is managed,
 - National and Local strategies encourage development that would contribute to the economy, Council Tax generation, meeting housing targets, environmental and community safety benefits,
 - The government is becoming increasingly vocal about the need to progress residential development, particularly on Brownfield sites such as this, and with increased density to aid viability and meeting housing targets,
 - Other regeneration opportunities in the City have been faced with opposition on the basis of their size, mass and design often couched as conservation and heritage concerns, creating the impression that Derby does not welcome development,
 - Marketing Derby does not agree that progress and heritage are not compatible. It is their view that cities have to develop and can do so whilst protecting vital heritage and conservation,
 - There will be a huge amount of investment in the city in forthcoming years with investment into the Market Hall, Performance Venue, Becketwell, Castleward, Nightingale Quarter, Swimming Pool and the Museum of Making along with new offices. It is important to the economic, social and health of the city that Derby looks forward recognising the important of its past whilst embracing the potential of its future,
 - North Riverside is completely separate from Derby's heritage assets and conservation areas by the inner ring road and the River Derwent and is ideal for tall buildings and increased density of activity. The Stuart Street apartments in the vicinity of this application already reach 9 storeys.
 - Marketing Derby support the massing of this development and its stepping up to 14 storeys. But would like to see the greater integration of materials in this application

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- Marketing Derby also consider that north Riverside could easily accommodate taller structures – of the right quality and design – that could act as a gateway into the city from the A52/M1
 - This development can act as a catalyst for regeneration ahead of OCOR public realm development in this area,
 - Marketing Derby believe that the best way to protect the city's important heritage is to create a vibrant city, by encouraging inward investment that attracts greater numbers of live and work in our city centre. This application does just that.

5. Consultations:

5.1. DCC Regeneration:

The Regeneration and Economic Development Division fully supports this application for the development of a residential led mixed-use scheme, to include one ground-floor commercial unit, car parking, servicing yard, substation, landscaping and public open space.

The Derby City Council Local Plan Part 1 (the Core Strategy) was adopted in early 2017 and promotes sustainable growth to meet its objectively assessed housing and commercial needs between 2011 and 2028. Over the plan period (2011-2028), provision is made within the City for a minimum of 11,000 new homes. The Local plan aims to guide development towards the most sustainable locations, recognising the contribution of brownfield opportunities within the existing urban area. The City Centre is a strategic location for growth within Derby with the Local plan setting out the aim to deliver 2,200 homes and over 100,000 square metres of office space over the plan period.

The strategy seeks to deliver regeneration across the City both in terms of specific brownfield sites that need addressing and through the wider initiatives concentrating on older urban areas and outer estates. Spatial priorities for regeneration include the City Centre.

The proposed development is consistent with these elements of the Local Plan given it represents residential development in a sustainable location. Delivery of new homes as part of the scheme will contribute towards meeting the Local Plan target for new development in a strategic location (the City Centre). The proposed development also represents re-use of brownfield land, which is consistent with the aims and objectives of the Local Plan. In addition the proposed development is supported by policy AC1 (City Centre Strategy), which highlights that the Council will encourage investment that strengthens and integrates the City Centre's retail, employment, leisure, cultural and residential functions.

The Derby City Centre Masterplan 2030 sets out a strategic context for investment opportunities in the city in the next 15 years (2015-2030), demonstrating the Council's commitment to regeneration of the city centre. The masterplan aims to achieve ten key ambitions to ensure the continued regeneration of the city centre into a vibrant place as a City of Choice, a Business City, a Living City and a Connected

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City. By 2030, the masterplan aims to have created 4,000 new jobs and 1,900 new homes in the city centre.

In delivering a Living City, the masterplan aims to deliver housing choice through sustainable city centre development accompanied by a diverse range of retail offer and a thriving evening and night-time experience. The new homes proposed as part of the scheme will significantly contribute towards delivering the Living City aims of the Masterplan. People living in the city centre make a significant contribution to the city centre economy through increased spend. In addition, an element of delivery plan is to develop a masterplan for the Derby Riverside that will widen the city centre offer with new leisure, living and work opportunities. The application site will form part of this masterplan and the realisation of these development proposals will be a catalyst for the comprehensive regeneration of this long neglected area.

The site is also identified within the Derby City Centre Regeneration Framework (published in 2012) as vacant land/buildings in a strategic location to deliver regeneration benefits.

In summary, for the principle reasons highlighted by the bulleted points below, Derby City Council's Regeneration and Economic Development Division fully support the proposed development, which will contribute towards delivering sustainable growth in line with both the Local Plan and the Derby City Centre Masterplan 2030:

- The proposals will be a catalyst to help trigger the comprehensive regeneration of this much neglected Derby Riverside area. The existence and occupation of the proposed modern tall building in this city centre location will contribute positively to the vitality of the area and to that of the city centre itself.
- The location of the development with low car parking provision, accessible by a range of sustainable travel modes and within walking distance of the city centre, results in a sustainable development.
- The proposal brings a vacant, derelict site (0.35 ha) back into use. Demolition of the dilapidated buildings on the subject site will eliminate the problems experienced here re rough sleepers etc.
- The proposed development will provide 105 apartments being much needed new affordable and private rental housing in a city centre location.
- The development incorporates flood defences which will tie in with the Our City Our River (OCOR) proposed flood defence works in this area.
- The development provides public open space which will form part of the flood conveyance corridor proposed as part of the OCOR defences' works.
- The proposed investment in new buildings here will generate approximately 15 (full time equivalent) jobs.

5.2. DCC Strategic Housing

The Strategic Housing Division fully supports this application for the development of a residential led mixed-use scheme.

Derby City Policy Support

Support for the scheme can be found in a number of key policies:

AC (Area of Change) 8 Our City Our River – Para 4.8.2 ‘(OCOR) will create opportunities for new businesses, investment and city living associated with the river.’

AC7 The River Derwent Corridor – ‘The Council will continue to work with partners to transform Derby’s relationship with the River Derwent by managing the impact of flooding, creating a high quality river corridor and providing opportunities for new business, investment and city living.’

AC1 (City Centre Strategy) highlights that the Council will encourage investment that strengthens and integrates the City Centre’s retail, employment, leisure, cultural and residential functions.

CP (Core Principle) 6 Housing Delivery – ‘The Council will (d) continue to encourage the regeneration of brownfield sites, of which the Bio House site is one.

The Derby City Centre Masterplan 2030 sets out a strategic context for investment opportunities in the city in the next 15 years (2015-2030), demonstrating the Council’s commitment to regeneration of the city centre.

The masterplan aims to achieve ten key ambitions to ensure the continued regeneration of the city centre into a vibrant place as a City of Choice, a Business City, a Living City and a Connected City. By 2030, the masterplan aims to have created 4,000 new jobs and 1,900 new homes in the city centre.

National Policy

The Housing White Paper ‘Fixing Our Broken Housing Market’ refers to a national housing crisis, where the major problem is that new homes are not being built, which results in those that are becoming increasingly unaffordable.

The Council should not be refusing planning applications where there is clear national and local policy support, except with very clear grounds.

The Government is also trying to make development easier for developers by ensuring Councils develop and maintain Brownfield Land Registers. If the Council were to refuse planning permission on sites where there is clear Local Plan support, this contradicts the clarity that Government is trying to achieve.

The Derby City Centre Masterplan 2030 sets out a strategic context for investment opportunities in the city in the next 15 years (2015-2030), demonstrating the Council’s commitment to regeneration of the city centre.

The masterplan aims to achieve ten key ambitions to ensure the continued regeneration of the city centre into a vibrant place as a City of Choice, a Business City, a Living City and a Connected City. By 2030, the masterplan aims to have created 4,000 new jobs and 1,900 new homes in the city centre.

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Pressure on Housing Delivery

The Derby Housing Market Area (HMA) has challenging targets – 16,388 new homes during the Local Plan period 2011-28, of which 11,000 need to be found within Derby City and 2,000 new homes within the City itself.

Derby city has under-delivered on its housing targets, in common with a number of other HMAs in the country – 1,000+ new homes under-delivered to this point and it is essential that we catch this up. If these new homes cannot be delivered at Bio House, they will need to be delivered somewhere else; there are ongoing viability challenges with the Castleward site and the related former Derbyshire Royal Infirmary (DRI), which is in private hands, therefore we cannot rely on those sites to deliver the necessary numbers.

City Centre Housing Zone

The city centre has housing zone status, conferred on it by the Ministry of Housing, Communities and Local Government (MHCLG, formerly DCLG), therefore, it is essential that we continue to deliver significant housing numbers, where policy dictates, as above. This status has been essential in developing a good relationship with Homes England and we need to build on this (literally) to ensure that good relationship is maintained and Homes England continues to support developments in Derby City – for instance, 2 out of 3 Derby City bids were successful in the recent Housing Infrastructure Fund announcements – including North Riverside housing which relates to this - which is an excellent return.

Our City Our River (OCOR)

OCOR is a £90m scheme, with flood defences for Derby City at its heart; however, in order to be able to deliver those flood defences, the Council and partners have to meet housing and regeneration targets. If planning applications for individual schemes are refused, this puts the entire OCOR programme at risk and potentially the £50m funding secured to date, which is a risk that the Council and partners cannot afford to take.

Conservation and Heritage Concerns

I could understand heritage and conservation concerns if they were expressed for a site that falls within a city centre character area. This area of the city is particularly characterless at the moment and needs a catalyst to start bringing development forward; this could be it. Given the 'character' of the area, or lack of, it could hardly be said that development here that is more modern in nature impacts on the World Heritage site buffer zone. I would add that surely residents of the new development would welcome views of the Cathedral, which can only serve to enhance its attraction.

There is precedent for 'building up', as a result of the nearby Jury's Inn site, which is visible from the Bio House site.

Encouraging Derby City as a place to live, earn and play

Support for this can be found in the Derby and Nottingham Metropolitan Strategy 2030. Derby is lagging behind the cities of Nottingham and Leicester, as we are not encouraging enough (i) city living and (ii) city centre spend. This development will bring a number of new residents into the city and help to increase city centre spend.

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In isolation, the spend would not be that much but put together with other related sites, this will soon add up.

It should also be noted that Derby city centre land values are just not stacking up against other areas of the country, which is creating major viability challenges for the city's key regeneration sites – OCOR, Castleward, DRI, Becketwell, the list goes on - and by encouraging (i) more city living and (ii) more Grade A office space (admittedly not necessarily related) this will help to increase land values and help with the viability of individual sites. This argument would be relevant here, as if we were to go back to the applicant and suggest they come back with a scheme reduced in scale, this will immediately impact upon viability and, as above, the housing numbers would have to be found from somewhere else.

Derby City Council's Strategic Housing Division fully supports the proposed development, which will go some way to enabling the Derby Housing Market Area to meet its Local Plan and city centre homes targets.

5.3. Highways Development Control:

The following comments are made in reference to the Application Form, Plans and the accompanying documentation, unless otherwise specified.

The applicant proposes to demolish the existing office buildings and erect 105 apartments in the form of two multi storey blocks with ground floor retail space, parking provision for 23 vehicles, including 2 disabled parking spaces, supporting accommodation and a new electricity substation.

The applicant has also indicated secure covered cycle storage within the development for 26 cycles, which is acceptable.

The development is located within the City centre, close to public transport services and local amenities. Parking provision on the public highway is controlled by 'No Waiting at Any Time' restrictions and 'Limited Waiting', pay and display parking bays. As a result the development is therefore considered a sustainable one.

Vehicular access to the development will be from Exeter Street and Drawing No. ADC1197/001 Rev. B shows the proposed layout. This is largely acceptable in that the driveway is to be 4.8 metres wide, required visibility splays have been achieved by localised widening of the footway and access to the car park is similar to the present arrangement serving a car park with 26 spaces. The Highway Authority would however require the footway on Exeter Street to be made pedestrian priority and the left turn harbourage from Exeter Place made much clearer. I would recommend that this is addressed at detailed design stage and should be conditioned accordingly as part of a Section 278 Agreement.

It is also noted that the private driveway leading to the car park slopes towards the public highway as indicated on Drawing No. (08)01 Rev. H. The applicant should surface the driveway in a bound material and provide suitable surface water drainage in order that surface water does not run onto the public highway. I would also recommend that the proposed security gates open inwards or set back further within the development, as vehicles may project into the public highway whilst waiting for the gates to open.

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The applicant has indicated that servicing and refuse collection will take place using the proposed loading bay located on Exeter Street, which is acceptable.

The proposed development is to be located on a presently mixed use site and a number of access points will be made redundant as a result of the development. The majority will need to be reinstated as footway. Drawing No. (08)30 Rev. A indicates these as well as one that will become a loading bay. The drawing also indicates various items of street furniture that will/may need to be relocated. I would recommend that this is addressed at detailed design stage, as the location of street furniture within the public highway should be carefully considered. This should also be conditioned accordingly and subject to a Section 278 Agreement.

Recommendation – Should planning permission be granted conditions relating to pedestrian visibility splays, obstruction of the visibility splays, surfacing of the access road, drainage of the development, construction of the access point and the stopping up of the existing access points shall be included.

5.4. Transport Planning

In response to the further consultation of this application and the slight increase in flats numbers from 99 to 105, and the addition of the 700 sqm of commercial for a restaurant, I have the following comments.

The overall conclusions to comments made by Transport Planning have not changed. The site is located in a sustainable transport location of the city with good links to the City Centre by all modes of transport, particularly walking and cycling. The bus station is also within easy walking distance of the development and offers a network of bus services. As such, the development conforms with the core principle of the National Planning Policy Framework in relation to transport.

In view of the increase in commercial space I asked the transport consultant to provide an analysis of the net change between existing and proposed land uses.. My view is that the retail trips, which is a significant part of the existing land use, is very high and some of the sites chosen for the analysis do not reflect a city centre location. The analysis suggests a net change of 29 less trips in the AM Peak and 19 less in the PM Peak as a result of the application. However, the analysis takes no account of bypass trips for the retail and using a revised trip rate for city centre and edge of city centre retail only, I calculate a net change of plus 5 in the AM Peak and plus 31 in the PM Peak. The analysis of net trip change suggests that the development is unlikely to have a specific impact on the highway network.

To some extent the low level of parking associated with the development will control the generation of car trips to and from this development. The development need to exploit its linkages to and from the walking and cycling network. As such, the measures identified in the Travel Plan submitted as part of the application need to be tied down either through a condition or specific schedule in the S106.

5.5. Environment Agency

I refer to our previous letters in which we objected to the application above in the absence of an adequate Flood Risk Assessment (FRA). We have since been re consulted on amended plans and documents, including a revised FRA.

It is our opinion that the amended FRA still fails to meet the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (NPPF) and we therefore maintain our objection to the application for the following reasons:

Reasons

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) (Paragraph 30). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. It does not demonstrate how people and property will be kept safe from identified flood hazards taking the impacts of climate change into account.

In particular, the submitted FRA and supporting documentation fails to:

1. Identify a safe means of access and/or egress in the event of flooding. The FRA identifies in paragraph 8.12, that the flood hazard during the design flood will be classified as 'danger for all' including the emergency services;
2. Use the appropriate peak river flow Climate Change allowances in line with the current guidance, as required by the NPPF. For clarity, allowances of 30-50% should be taken into account for the Humber district basin and the FRA needs to carry out this assessment. The FRA currently considers that the OCOR defences will protect the site during a 1 in 100 year plus climate change flooding event; this is not quite correct. The reality is that parts of the defences will be built to a 1 in 100 year standard of protection, but the residual risks associated with climate change will remain;
3. Provide sufficient details of the temporary defences listed in 'Flood Defence Plan - Rev C' (specifically about the 'flood defence glazed/glazing'). The FRA does not specify the purpose of these defences and so we are currently unable to consider its effectiveness as a mitigation measure to address flood risk to the site;
4. Although we are satisfied with the further details provided regarding other temporary defences, we still have some concerns on the effectiveness of them during a flooding event.
 - Note that the temporary defences do not provide cut-off and the FRA states the site is vulnerable of flooding from groundwater;
 - There are 10 listed 'manual flood defence/manual flood barrier'. We consider it will be challenging to ensure all these flood defences are in place during a flooding event pre-OCOR;
5. Some areas of the building will remain unprotected by temporary defences (pre-OCOR scenario) according to drawing 'Flood Defence Plan - Rev C';

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6. Assess residual risk from the integrated and temporary defences. The FRA needs to assess the residual risk to property and life of overtopping and breach onsite from the OCOR flood defences (after completion) and from temporary defences (pre-OCOR). The flood hazard rating during these scenarios should be described using the UK hazard rating, outlined in document FD2320.

Finally, we would like that highlight that whilst in the 'as built' scenario, the OCOR flood defences will indeed protect the site up to the 1 in 100 year climate change flood event, the development will continue to lie in Flood Zone 3a, and not Flood Zone 1 as currently stated in paragraph 8.3 of the submitted FRA.

Overcoming our objection

The applicant can overcome this aspect of our objection by submitting an amended FRA which covers the deficiencies highlighted above and demonstrates the development will be safe from flooding, without increasing flood risk elsewhere.

We ask to be formally re-consulted once an amended FRA has been submitted, and we will then provide further comments within 21 days. Please note our objection will be maintained until an adequate FRA has been submitted and approved.

Advice to LPA

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that due consideration by the Local Planning Authority is given to the issue(s) below and consultation be undertaken with the relevant experts where necessary. Issues are:

- Details and adequacy of flood proofing and other building level resistance and resilience measures;
- Details and calculations relating to the structural stability of buildings during a flood;
- Details and adequacy of an emergency plan;
- Adequacy of rescue or evacuation arrangements;
- Provision of and adequacy of a temporary refuge.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to

reach places of safety (including safe refuges within buildings) and the ability of the emergency services to access such buildings to rescue and evacuate those people.

5.6. Our City Our River Project

OCOR broadly supports the intention of this development to incorporate a section of the flood alleviation wall in the North Riverside area which would make a significant positive contribution to the delivery of OCOR's Masterplan ambitions for combined flood alleviation measures and regeneration for Derby.

The development proposal also has positives in that it would deliver commercial and residential aspects for OCOR and contribute to the environmental creation of the OCOR flood conveyance corridor through Derby City.

However, whilst there have been discussions about the possibility of the flood defence alignment being repositioned, nothing has been firmed up nor made certain, we wish to note that the proposal is currently not compliant with the consented alignment for the new flood alleviation wall as identified in the OCOR project planning application ref: DER02/15/00210. We appreciate that this proposal needs to consider the current flood risk and the future flood risk once OCOR has been completed, but note the latter scenario may be several years away and is subject to securing further funding.

The proposal's FRA does appear to demonstrate that the revised alignment does not have a detrimental impact upon the flood conveyance corridor being narrowed at this point. Therefore OCOR does not wish to object on these grounds.

We do not feel the application documentation makes clear the need for the 8 manual flood gates within the internal spaces on the ground floor if the external walls and boundaries are to be constructed to the required flood protection level.

There is in our view also insufficient information about the specification for the flood defence glazing to ground floor elevations nor sufficient information regarding the details surrounding the two manual glazed flood gates on the Derwent St frontage. OCOR is aware that glazing manufacture to the necessary quality standards restricts the size of glazing panels available. Further details would reassure OCOR that the flood protection measures are indeed achievable & deliverable.

OCOR also asks about the integrity of the internal wall to be constructed along the boundary with current neighbouring structure of the Exeter Arms and if this is to have flood resilience treatment, as it appears to present a weakness in the context of flood risk to the proposal. Has a flood alleviation wall been considered here too and might this be the reason for the internal flood gates on the ground floor?

5.7. Highways – Land Drainage

Please find revised comments in grey. Comment relating to the amended 2018 design in *grey italics*.

Comments related to our statutory role with regard to Sustainable Drainage. No Change. *More information required see below.*

1. I am now content that sufficient detail has been provided to demonstrate that the surface water flood risk can be managed within the curtilage of the development. The SuDS element of the drainage has not been finalised but some indication has been provided that elements of SuDS can be incorporated into the scheme. I will therefore forward a suitable condition to cover these final design requirements in due course.

The new proposals do not indicate the location of the attenuation tank and also do not show the exact location of the proposed green roofs. It will need to be demonstrated how these will be incorporated in the development layout.

With regards to flooding from the Derwent my previous comments have not been adequately addressed and I therefore retain a holding objection until the following information has been provided.

- a) A modelled analysis of the proposed restriction of the flood corridor has not been undertaken using the OCOR model. As phase 1 of the OCOR project will be complete prior to the occupation of the building, the existing situation should be based on the OCOR model with phase 1 defences in place. This will establish what flood risk the development is at prior to completion of phase 2 of the OCOR and will resolve the issue I raised in item (e) of my previous response. The modelled analysis will also need to be run in the post development state with the defence complete and the reduced convenience corridor to establish relevant flood defence levels considering the new climate change requirements. Defence levels for the development site will then need to be established. Modelling has now been completed and proposals appear acceptable from our perspective. The Environment Agency and the OCOR team are in a better position to respond to this element of the design.

It should however be noted that the current proposals do not comply with the outline proposals for OCOR and the impact this may have on the scheme, I have also noted that the proposals do not give an indication of the impact downstream. This should be discussed with the OCOR team.

- b) Indicative proposals for the temporary flood defences will need to be provided, to demonstrate that an adequate active defence system that meets the design requirements is available. It should be noted that paragraph: 059 Reference ID: 7-059-20140306 from the PPG states “Temporary and demountable defences are not appropriate for new development”. The proposals for the ground floor should therefore be reconsidered.

The revised plan now incorporate extensive permanent flood glazing which will provide an acceptable form of flood defence. The active defences

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generally are limited to the doors, however it is not clear where the flood defence line is and where seepage the cut-offs will be provided. On drawing (08) 25 C does the wall between the development and the Exeter Arms shown green forms part of the flood defence. This information should be provided.

- c) The plans do not demonstrate how the development proposals will integrate with the proposed OCOR defences. From comparing the OCOR proposals with the development proposals it appears that on the south elevation the OCOR alignment comes very near to the access doors for the substation. It also appears that the vehicle access to the development will be on the river side of the proposed defence line. This will mean that the OCOR defence will rely on the flood gate for the entrance to the development. This will be a third party asset and in my view is not an adequate solution as the council will not be in full control of the active defences.

New plans have been received where the plant room doors have been repositions behind the flood doors and are now defended. The new plans still do not show how the development will integrate with the proposed OCOR scheme, the entrance to development still appears to conflict with the proposed OCOR alignment. The plans should be amended to show where the OCOR defence interacts with the proposed development. *Now shows plant room floors raised above the flood levels this is acceptable.*

- d) The site is situated on alluvium probably consisting of sands and gravels. Seepage cut-off proposals will therefore need to developed. The new plans now show a seepage cut-off for the main defence wall. However seepage will need to be considered for temporary defences. See also comments in note (b) above. *The site investigation report states that the British Geological Survey data Groundwater Flooding Susceptibility indicates that there is a potential for groundwater emergence. The revised FRA indicates that there is little risk of groundwater flooding this is not the case. Groundwater emergence at this location is likely to be associated with high river levels. Should the outline application be approved both groundwater management and seepage cut off will need to be considered at the detailed design stage both for the existing flood condition and also on completion of the OCOR phase 2.*
- e) There is still not an acceptable proposal for accommodating residents during a flood event prior to completion of OCOR scheme when a dry escape route will be available in the design event. As the site is currently commercial there is no requirement for the council to provide emergency accommodation for this site during a flood. However the current proposals are to evacuate the site prior to the onset of flooding. It is not reasonable to expect the council to find accommodation for a further 99 residences in an emergency. The developer should approach local schools, village halls etc. to develop suitable proposals for emergency accommodation. If this is not possible our recommendation would be to delay occupation of the site until completion of phase 2 of the OCOR scheme when a dry escape route

will become available. The developer has contacted the Emergency Planners who apparently have stated that they do not want third parties to arrange their own emergency shelter, which raises concerns of where the people will go if evacuation is required. Paragraph: 057 Reference ID: 7-057-20140306 of the PPG indicates that emergency services are unlikely to regard developments that increase the scale of rescue that might be required as being safe. Therefore the full requirements of this paragraph and paragraph: 039 Reference ID: 7-039-20140306 should be considered. Our view is that it is therefore difficult to make a case for the development on safety grounds, but this is even more difficult if the development is constructed well in advance of phase 2 of OCOR.

The comments in blue above are still relevant. However should the proposals obtain planning permission the escape plans will be vital. The FRA does not appear to contain an escape plan. It is therefore not clear how the building will be evacuated and what the escape route will be. Although the development has now been modelled the hazard maps have not been produced. These are required to determine the route with the lowest hazard and the correct doors are used for evacuation. The length of time that people will be trapped in the building should also be established so that the risks can be better understood. The difficulty with the proposal is that at some point the flood doors will need securing prior to the flood. Normally we would expect this to be done at flood warning stage. This could mean that people will be required to stay longer in the building. This should also be considered in the execution procedure.

5.8. OPUN Review Panel – Review Panel Monday 12th June 2017

The Opun Design Review Panel reviewing the scheme followed the ten principles of Design Council CABE Design Review.

Site Context

The site is located within Derby City Centre. The site is triangular in shape and is bounded to the east by Exeter Street, Derby Car centre and the A601 / Derby Ring Road which is located at an elevated level to the site, to the south by Exeter Place including two pubs The Exeter Arms Pub and The Tap located at adjacent corners of the street and adjacent by a three storey purpose built flat building arranged in a 'U' shape with parking at front and soft landscape and the River Derwent to the rear. To the west by Derwent Street a key route linking to Exeter Bridge (over the Derwent) into central Derby City Centre, adjacent by two storey buildings and three tower high rise buildings which range from 6 – 8 storeys in the background.

NB. Derby Cathedral is located to the east of the site.

The site itself includes a number of single and two storey commercial buildings and car parking. The topography of the site is flat.

Site Proposal

The scheme proposes the demolition of the existing commercial premises except for both pubs which will be retained and the development of a new buildings which would comprise of 99 apartments and ground floor commercial uses with associated

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car parking. The buildings are designed as two separate blocks, the larger taller block adjacent to Derwent Street is proposed at 10 storeys at its tallest dropping to 8 storeys, the smaller block to Exeter Street is proposed at 5 storeys dropping to 2 storeys. The scheme has also been designed to accommodate flood defence requirements which includes a 2.4 metre flood defence wall.

The Panel's Comments

The Panel make the following comments and recommendations for your consideration:

Site Development Principle and Tall Buildings Strategy

The need for the Local Planning Authority to be content that the proposed development of the site for a tall building as contextually appropriate, is considered to be fundamental. Notwithstanding the height of the tower, the scale and massing and importantly the visual prominence of the development will all need to be considered carefully. The Panel appreciated the site analysis work undertaken so far, however considering the significant complexity of the site and the proposal for a tall building within a city centre where the main character is low rise buildings with towers punctuating the skyline, Derby Cathedral being the most prominent and important. The design team were urged to undertake additional work in providing a robust justification for the development. It was suggested a Landscape and Visual Impact Assessment (LVIA) should be undertaken to provide comprehensive analysis of both the quantitative and qualitative impact of the proposed development to both the immediate and wider site context i.e. evidence to support that the development will not compete / challenge the prominence of Derby Cathedral on the city skyline etc.

The Panel appreciated that the absence of an up to date Tall Buildings Strategy was creating difficulties in testing the development against an agreed set of principles and framework. The Panel urged Derby City Council to update the Tall Buildings Strategy, which was considered all the more important due to the emerging proposals for tall buildings elsewhere in the city centre. In the meantime, the LPA were encouraged to identify a set of key views to be retained and / or considered important to allow these to be tested as part of the above work.

Massing and Layout

As proposed the Panel felt that there to be an unhappy relationship between the middle/ central block (8 storey) and tall building (10 storey) and were unconvinced on the overall mass of the development which was thought to be bulky and heavy. It was understood this is caused to an extent by the lack of developable footprint on the site which has resulted in a scheme which is essentially trying to accommodate more on site than is considered to be comfortable. Encouragement was given to the design team to reduce the mass and bulk of the development, specifically the middle storey and to pursue an option that allows the building blocks to step down more gradually to the retained Exeter Arms pub.

Whilst detailed comments were not providing on the layout of the development, the Panel's made a number of general comments which include to rotate the staircase by 90 to provide views out from the building to the city, to improve the environment of the three northern most apartments to allow more natural light into the space and to explore how the flood alleviation measures could be integrated as part of the building design.

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Whilst recognising the design team's intent, the design and concept for the development was considered to be a tall building rather than a tower and needs to be considered against a tall buildings policy as stated above.

Architectural Approach and Materials

The Panel felt that the architecture of the building would benefit from further consideration in particular refining the detailing to provide a simpler, lightweight design. Suggestions include omitting the light feature from the building, removing the boxing from the uppermost floor of the 10 storey building and reducing the extent of the floorplate between the ground and first floor to provide potentially a narrow ribbon feature.

In terms of the proposed materials, the Panel stressed the need for rigorous and robust detailing to ensure a building of quality.

Creating a well-connected, active and attractive area of open space

The importance of creating an area of well-connected public realm that is an active and attractive space, a place where residents will want to sit and socialise was considered essential to the development. The Panel fully appreciated the complexity and difficulty in designing an open space whilst working within Environment Agency regulations for flood defence requirements i.e. limited material palette, no tree planting, high wall etc. and considered the regulations to be severely restricting the proposals for the site itself as well as Derby City Councils wider ambition to create a high quality network of public realm spaces along the river frontage. The Panel urged further dialogue be undertaken with the Environment Agency involving both Derby City Council and the Design Team and to push as hard as possible for the ambitions above to be realised and implemented.

With regard to the open space within the site the Panel questioned the relationship and interface of the buildings with the space which includes a blank wall of 2.4 metres in height (in accordance with EA regulations), a large overhang, limited opportunities to connect to open spaces outside of the site and a schematic landscape plan. The Panel encouraged additional work to be undertaken (building on the comments above) including illustrating how the space will connect and relate to the existing and proposed network of spaces along the river edge. A detailed narrative on the contribution of the landscape proposals and provision of open space to the scheme is required, ensuring the design of the buildings enhances the open space i.e. seeking opportunities for the flood defence wall to be integrated as part of the design of the buildings i.e. colonnade edge, reconsidering the overhang over the space and the provision of detailed information on the design of the space which will be necessary for the package of information required for the submission of a full planning application.

Sustainability

The Panel acknowledged the design team's stated aspirations for a low energy development, but suggested that additional tests be undertaken to ensure that there will not be too much solar gain.

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Additional Information

The Panel encouraged the design team to prepare longer street elevations to illustrate the development in its wider context and for 3D images of the development in the daylight as well as twilight which will also help to illustrate the materials.

Summary

The team were thanked for an informative site visit, presentation and for the opportunity to comment on the scheme.

The Panel emphasised the importance in introducing a tall building into a city centre where the character is low level and the comments during the course of the design review focused on the strategic issues to be addressed and not the detailed design of the development. These include the provision of a robust narrative and justification for the development to ensure that the Local Planning Authority are content that the proposed tall building is contextually appropriate; undertaking a Landscape and Impact Visual Assessment to demonstrate the impact of the development on the city skyline, key views and immediate site context; ensuring that the development (specifically the open space) contributes and is in keeping with the wider strategic plans for the river corridor including challenging the Environment Agency requirements; reducing the mass / bulk of the development by designing the blocks to step down the site gradually, refining the architecture to provide a light weight, simple design and careful consideration to the choice, application and detailing of materials.

Since these comments were made the scheme has been informed and evolved further to reflect the importance of this key regeneration site.

5.9. Urban Design

Summary

The proposals are of residential accommodation, which has morphed through sequential options into what appears visually as various masses: but comprises 3 rising to 6-storey Block B at the southern end - close to the Brewery Tap Inn, a 3-storey Block A rising to 9 storey and then rising to a 13 storey tower at the northern/eastern end. These 2 stepped blocks represent a tall building in their context, and the massing is also large. Retail units are shown on Derwent Street, together with vehicular access, and pedestrian access to the tower is via Exeter Street corner. Car parking is at basement level.

This submission comes in advance of the conclusions of a proposed North Riverside masterplan, which could have set out wider possibilities for clustering of tall buildings.

Principle

In terms of the principle re-building the townscape and making North Riverside a place in its' own right, it would be a positive to bring development forward on what is a really poor quality area. No objection to demolition proposals.

Tall buildings/massing issues

Policy AC5 of the Local Plan Part 1 supports the construction of "tall buildings" in appropriate gateway locations. These should be of a high design quality and not adversely affect the setting of heritage assets and the character of the city centre. Taller buildings can enhance skylines but only if the architecture and urban design is exemplary and established views are not compromised. The core city centre tower

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landmarks, most notably the Cathedral tower, represent the most important views, including from a long range/skyline perspective. UNESCO-monitored views of the World Heritage site are not affected by this proposal. This proposal at its tallest is 45m height, compared to a Jurys Inn at 40 m height, which represents the tallest development in the last decade within the city centre. However, Jurys Inn has been controversial on various levels, as it does impinge on the historic north-south townscape axis, the setting of St Mary's Church, and affects the long range views, where it affects the skyline view in context with the Cathedral tower.

DCC's draft Urban Design Guidance states that "buildings, upper storeys and roofs should be designed well, and this can also assist in the legibility of the city to help orientation. Poor quality taller buildings in the vicinity will not be acceptable as a rationale for taller proposals, and any opportunities for proposals to mask or enhance a neighbouring poor quality building should be taken. In some cases any development higher than existing height may be inappropriate."

In terms of core principle CP3 Place-making Principles, the Core Strategy recommends that "a development incorporates high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character." When the City Centre Regeneration Framework was published in 2012, it was decided that all gateway locations be put forward as potential tall building locations, but that all views should be reviewed using the city centre 3D model (held by Derby University) and with views verified by a third party, to ensure a positive design contribution.

Ideally, any proposed tall building in Derby should therefore be of slender proportions, with a height significantly greater than its footprint and emphasis given through tapering, setbacks etc. to give an elegant silhouette: the top of the building is required to be expressed so it doesn't end bluntly against the sky. However, this development form is not well suited to achieve viability on such a site, and to support a suitable internal apartment layout.

Much work has been carried out through multiple pre-application conversations between DCC and the developer/architect team to adjust the massing/height and cumulative design effect of the blocks, to minimise any potentially negative impact on the immediate context/streetscape, and on the wider city townscape – narrower views and wider skyline views. This dialogue has employed the use of the city centre 3D model, and in my view has culminated in a substantial improvement to the design. The heavier design approach to the earlier iterations of the façade was replaced with a lighter, more horizontal design with balconies and more transparency to the ground floor/street level design.

Following this dialogue, and in view of the remaining sensitivity of the height/massing/design of this proposal (with a current lack of policy guidance), the local architecture centre OPUN carried out a Design Review, which recommended the following improvements:

- Challenging the prominence of Derby Cathedral on the city skyline;
- Rotating the staircase by 90 to provide views out from the building to the city;
- Reducing the mass by designing the blocks to step down the site more gradually, especially towards the Brewery Tap pub;

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- Refining the architecture to create a lightweight, simple design, with careful attention to materials

This planning application has altered the design/materials of the blocks. My view is that this latest distinction between the materials of the taller block and lower block does break up the massing to positive effect. I also feel that the taller block gives a more coherent composition in terms of proportion; and that the recess between the taller and lower block also articulates less of a single mass, and more of a cluster of buildings. The most positive change is the removal of what came across from the earlier visuals as a top heavy parapet, and this should lessen the over-dominance or the development on the skyline. Residential block A has been angled to maximise the potential for views across Derby provides variety to the relationship with the surrounding streets.

The proposal has become taller since revision B, indeed has reverted close to its original height of around 13 residential storeys. However, the proportions appear improved between the “cluster of forms”. Massing is still bulky, but the change in materials break this up significantly, in terms of visual impact. View 14 of the D & Access statement shows blocks stepping down on both A and B, lighter-weight feel and more rounded footprint; this feels more like a cluster rather than 2 tall buildings.

View 16 of the D & A proportionally shows a stepping down to the Brewery Tap pub which is more respectful of its scale and doesn't over-dominate the corner landmark building. View 17 gives a positive juxtaposition between the block and the Brewery Tap pub, and offering active edge – hence offering “eyes on the street” to the public realm. View 20 is taken from Darley Abbey Park to the north of the city and is looking back towards the city, and shows that whilst the larger block is on a par with the height of Intu, it is sufficiently away from the Cathedral (and other historic towers important to the skyline) to attempt to compete with it from this long range viewpoint.

The proposed site will include a permanent flood defence wall which is the reason for the semi-private area between blocks which would become flood conveyance. The flood issues present difficulties in achieving an “active edge” (activity through windows of habitable rooms or doors) at ground floor level. However, the elevations show reasonable articulation to the street, and the ground floor retail unit is focused towards Derwent Street and the Derwent Street/Exeter Street junction. This will provide an increased sense of visual permeability. The elevations show a 2-2.5m height flood wall giving a blank run of brickwork to a length of Exeter Place between Block B and the Exeter public house – I would like to see this as visually permeable to feel safe, i.e. glazed flood panels.

The public realm appears well- considered but in the light of the area as potential flood conveyance, details of furniture and fixing of paving/lighting should be conditioned – they will require a higher structural stability than usual.

The last few pages of the Design and Access statement shows an artist impression of Block A which is less than convincing that the architectural treatment and materials are of the highest quality. Whilst I support the use of differing materials between the blocks, there is no detail of what materials, colours and detailing are proposed for this building.

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Conclusion:

In my view, the final proposal broadly constitutes an urban design which, in principle, is of sufficient good quality to justify its height/mass. However, the latest design of the Block A does not demonstrate sufficient design information – materiality, detailing, colour – to be able to fully determine its design quality, and, to some degree the materials will affect the acceptability of the height and mass.

Recommendation:

Approve, subject to detailed information through planning conditions on materials and detailed design of Block A. All materials, detailing of architecture and public realm materials for the other block and external works, should be conditioned.

The 2-2.5m height flood wall the length of Exeter Place as far as the Exeter public house should utilise glazed flood panels, in order to avoid feeling imposing to the street.

5.10. Historic England

Historic England Advice

We have reviewed the amended plans provided and note the change in height and refinements to the design. However, our concerns remain, as outlined in our previous letters of 5th October 2016, 16th November 2016 and 28th July 2017 in relation to both the sufficiency of information provided and the impact of the proposed development.

In relation to the proposed development, in our view, the scale and massing of the proposal would compete with the Cathedral Church of All Saints in certain views and in the general appreciation of this highly graded listed building within its townscape setting in the conservation area and the DVMWHS as highlighted in our previous advice letters. This will result in less than substantial harm to the significance of these designated heritage assets.

Whilst we believe that the redevelopment of the site presents an opportunity to create development of high quality which responds positively to its context, enhancing and revealing the historic townscape of Derby, the amount of development proposed and resultant design, in our view, is not a convincing and appropriate urban design response to this site.

It will be for your authority to weigh all planning considerations and our advice above in determining the application, in line with Government legislation, policy and guidance concerned with the historic environment.

Recommendation

We urge you to consider the issues outlined in our previous advice letters of 5th October 2016, 16th November 2016 and 28th July 2017 and recommend that the application is considered and determined in line with national and local policy guidance and with the benefit of advice from your specialist in-house conservation officer.

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5.11. World Heritage Site

Please find below the comments of Derbyshire County Council's Conservation, Heritage and Design Service for inclusion in your standard letter response:

Context

The application site is located south of the Derwent Valley Mills World Heritage Site (DVMWHS) and its Buffer Zone, designed to protect its immediate setting, although the actual setting of the DVMWHS can extend further, as set out by Historic England guidance. In this evaluation of the impact of the proposal on the DVMWHS consideration will be to the impact on the setting of the DVMWHS and the impact on its Outstanding Universal Value (OUV).

The Silk Mill (Derby Industrial Museum), located in the north-eastern corner of the conservation area, stands as the oldest principal monument of the Derwent Valley Mills World Heritage Site, at the southern entrance, which then stretches northwards from this point up to Masson Mill at Matlock Bath, fifteen miles away. The Derwent Valley Mills is designated as a World Heritage Site because of its importance as the location for the birth of the factory system, which began in Derby with the construction of the Silk Mill in 1721, housing machinery for throwing silk to Italian design. The city of Derby, and its inherent historic character, represents the most urban component of the WHS.

The WHS contains a series of 18th and 19th Century cotton mills and an industrial landscape of high historical and technological significance; new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the early 19th century; in the Derwent Valley for the first time there was large-scale industrial production in a rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial towns. Within this complex character, the simple notion that prominence of large buildings has been reserved, until this time, for the most important religious buildings and these monuments of the Industrial Revolution as expressed by the factories and mills, can be readily interpreted within this place of international heritage value.

Proposal

This proposal is for the demolition of existing office buildings and the erection of 99 apartments, ground floor retail and car parking. This is an application for a tall building within two blocks of varying height between three and ten storeys. The context and adjacent development to the proposal is two storeys in height, while generally the city of Derby is no taller than four storeys.

While it is currently the case that the DVMWHS cannot be appreciated from within the site due to intervening development, the significant increase in its height would make it very likely for the development to be seen from its southern-most point. From Exeter Bridge, adjacent to the proposed development, the Silk Mill, a principal monument of the DVMWHS, and other parts of the DVMWHS, can be seen over the balustrade of Exeter Bridge. As this is Number 45 of the UNESCO monitoring views within the DVMWHS, it is therefore considered that the development would have an impact on the setting of the DVMWHS and its OUV.

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In certain views, the proposed building appears as a single monolithic block, wholly out of scale with its neighbouring buildings and wider historic townscape, due to its height and massing. In relation to the wider townscape, the development would appear as a dominant feature within the skyline of Derby competing with views of the Cathedral Church of All Saints. Furthermore, it is considered that the nature of the proposed development has little relationship with the surrounding historic townscape and compounds the fragmentation of the townscape in this area which has been created by the ring road.

Recommendation

In summary, it is considered that the proposed development is too tall and bulky for its context and because of its monolithic scale, would be an intrusive visual presence when viewed in approaches to and from the World Heritage Site. As it is considered that the proposals would diminish the understanding and appreciation of the historic settlement and its integral relationship with the Derwent Valley Mills World Heritage Site, it is considered that the development would be harmful to its Outstanding Universal Value.

5.12. Derbyshire County Council Archaeologist:

Refer back to their original comments which are as follows and were received 3rd August 2016:

The proposal site lies outside the City Council's Archaeological Alert Area relating to the medieval town of Derby. This part of the city remained undeveloped until the 19th century, when industrial sites were established on the east bank of the Derwent. The site is shown still only partially developed on the Board of Health map of 1852, with housing along Exeter Street but the rest of the site clear. By 1880 the site was fully developed with the two public houses on the street corners at either end of Exeter Place (now the Exeter Arms and the Tap), a chapel on the Derwent Street frontage and housing infill elsewhere.

The only surviving elements of this 19th century pattern are the Exeter Arms with the adjoining 91 Exeter Street and an outbuilding on Exeter Place to the west, and 'the Tap' (formerly the Royal Standard) with some outbuildings to the east. All of these surviving buildings lie outside the red line boundary of the current application and there will consequently be no direct impacts.

The remainder of the site has been comprehensively developed for commercial buildings (see e.g. 1998-2000 aerial photographs) during the later 20th century, of which some have now been demolished. This phase of development however suggests that the survival of significant archaeological remains on the site relating to the 19th century housing or unknown earlier activity is very unlikely.

I therefore recommend that there is no requirement for archaeological work under the policies at NPPF chapter 12. With regard to the setting of locally listed buildings and the City Centre Conservation Area, the local planning authority should be guided by its conservation advice.

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5.13. Conservation Area Advisory Committee:

Object and recommend refusal: due to the adverse impact and harm to the significance of a number of heritage assets close to the proposed location, including listed buildings, locally listed buildings and the City and Nottingham Road conservation areas. It was advised that we wait until the OCOR scheme is implemented and the tall building policy has been issued. Any development on this site should be of the highest quality.

5.14. Built Environment:

These comments are made in the light of the Planning (listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance (including the National Planning Policy Framework, Historic England guidance, the Derby City Local Plan Part 1 (2017), the saved policies in the Local Plan Review (January 2006) and other relevant guidance.

Introduction

This proposal is for the demolition of existing office buildings and the erection of two stepped blocks consisting of residential apartments, ground floor retail to block A (1 on plan) and underground car parking, including shared facilities and new substation. This is an application for a very tall building within two blocks of varying height between 3 and 12 storeys plus a further floor for plant to the roof (Block A fronting Derwent Street is proposed at various heights to be a mix of 13 floors (including roof plant floor, 9 and 5 storeys and block B fronting Exeter Street is a mix of 6 and 3 storeys).

The context and adjacent development to the proposal is 2 storeys in height and generally the city of Derby is no taller than 4 storeys. The proposed development at 45m is taller in height than the Jury's Inn tower at 40m in height.

There are simplistic massing views within the design and access statement. I note that unfortunately there are no verified views just visuals submitted which may not accurately portray the proposal (as seen in other cases such as the Cathedral Road development).

I have very strong concern over the proposed height, scale and massing and impact on its context and the significance of important designated and non-designated heritage assets.

Existing buildings on the site

The eighteenth century buildings that survive just outside the site and are the two 2 storey public houses; the Exeter Arms (along with adjacent 91 Exeter Street and outbuilding) and The Brewery Tap (formerly the Royal Standard). The buildings that were on the site dated from the late twentieth century and those buildings that have or will be demolished as a result of these proposals are of little heritage value so I have no objection to the demolition proposals. In my view the principle of development on this site is acceptable. Any development, however, should be of high quality design detail and be appropriate in terms of height, scale and massing so that it relates to its context.

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Heritage Assets nearby

The site is located south of the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer (immediate setting) but the actual setting of the DVMWHS can extend further than its buffer (Historic England guidance and PPG, 2014). In our evaluation of the impact of the proposal on the DVMWHS we will have to have regard to the impact on the setting of the DVMWHS and impact on the Outstanding Universal Value.

There are a number of listed buildings near the site including the grade II Former Magistrates Court, the grade II Silk Mill and in particular the outstanding grade I listed Cathedral of All Saints of national importance. The Local Planning Authority has a statutory duty under Section 66 of the Planning (Listed building and conservation areas) Act 1990 to have special regard to preserving the building and its setting or any special architectural or historic interest which it possesses. We will have regard to the impact of the proposal on the setting of these nationally important buildings. The grade I listed Cathedral has a fine tower, constructed in the 16th century. This imposing Gothic Perpendicular style tower is of the highest significance and is an iconic landmark feature. It dominates the skyline. The Cathedral is located within the City Centre Conservation Area and the importance of the Cathedral, within the conservation area and upon the City's skyline, is highlighted within the City Councils Conservation Area Appraisal and Management Plan (2012).

To the west of the site is the City Centre Conservation Area and to the north-east the Nottingham Road Conservation Area. We have to have regard to the impact of the proposal on the setting of each of these conservation areas and views into and out of them. Views out of the city centre towards the site are important and specifically mentioned within the City Centre Conservation Appraisal.

In the immediate context to the site there are nearby locally listed buildings and those of townscape value. These include the 1930's Council House, The NatWest building 'Compton House', Exeter House, early nineteenth century Exeter Arms and the unlisted 1860's Brewery Tap. In assessing these proposals I suggest we have to have regard to the setting of these buildings and how they contribute to the identity and sense of place at this location. How the proposed building relates to its context will also be examined. Many of these locally listed buildings and the listed magistrates Court (grade II) were designed by the Borough Architect C. H. Aslin as part of his Improvement Plan in the 1920's/early 1930's which form part of a group and townscape within this area.

Impact on Heritage assets

Heritage assets are 'an irreplaceable resource' and LPA's should 'conserve them in a manner that is appropriate to their significance' (states NPPF para 126). It is a requirement of National Policy that we have to have regard to the significance of the heritage assets, including their setting, and the impact of a proposal upon them. It is clear that the proposals will have an impact on international, national and local heritage assets to varying degrees.

In my view the proposal is harmful to designated heritage assets. The most harmful negative impact is upon the setting of the grade I listed Cathedral and the city's skyline. There is also harm to the significance of Listed buildings, setting of Locally Listed building nearby and the setting of the City Centre Conservation Area and to a

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lesser extent the Nottingham Road Conservation Area. There is very little or no impact setting of the DVMWHS.

Harm to the significance of Heritage Assets

Derwent Valley Mills World Heritage Site - The heritage statement states that the DVMWHS cannot be appreciated from within the current site due to intervening development. Viewpoint 93 (page 22 of the D&A) shows that you can see glimpses of the building behind the development along the river. The heritage statement (p24) also shows a view taken from Exeter Bridge, adjacent to the proposed development, towards the Silk Mill. I can confirm that, the Silk Mill and DVMWHS can be seen when on the pavement looking over the balustrade in this location (that is further forward than shown in the photograph p24) of the bridge and this is number 48 (formerly 45) of 50 UNESCO Monitored views within the DVMWHS. In my view the development would have very little or no impact on the setting of the DVMWHS and its OUV.

Grade I listed Cathedral Church of All Saints – there is a significant amount of harm as regards this proposal is in relation to this highly graded listed building and its significance (and setting as part of its significance). The building is a prominent landmark within the city centre, the city centre conservation area and within the wider landscape when looking at the city skyline. It provides wayfinding and is the most, in my view, important tall landmark within the city. There would also be views of the proposed development from the publically accessed Cathedral Tower. The heritage statement acknowledges that the tower of the cathedral forms the visual focus when outside the conservation area and from key approaches to the city. The City Centre Conservation Area Appraisal also highlights the tower of All Saints as well as the campanile of the Guild hall as notable landmarks that can be viewed from outside the conservation area. In my view the proposal is very harmful to the setting of the cathedral due to the proposals generally, in particular its tower in terms of its height, scale and massing and the views from the Cathedral. The proposal, in my view, competes with the Cathedral in certain views and would, as Historic England has commented, compete with it and therefore harm its significance. This can be seen from views when the cathedral tower is within the view when looking at the city skyline and also from the cathedral tower itself.

The Design and Access Statement (D&A) including views 2 (plate 152 page 30), view 11 (Plate 161 p30) and 14 (Plate 163 p31) illustrate the proposal competing with the Cathedral Tower and the proposals impact on the wider skyline. I also do not agree with the Heritage Statement on Page 25 that the ‘...at no point does the development compete with the tower in key views...’. It would, as Historic England has also pointed out, be visible together when viewed with the cathedral tower in views from the south east.

There is also a negative impact on the significance (as regards their settings) on other grade II listed buildings nearby such as the grade II Former Magistrates Court. Views within the D&A show this negative impact.

The setting of the City Centre Conservation Area will be negatively affected via the obstruction of views into and out of the conservation area (impact can be seen in visual 14, plate 163 p31), especially from the ring road looking towards the city centre (View 2 plate 152 page 30 and View 2 plate 99 p23) and also from the Market Place

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looking east towards the development (view 7 and 12 plate 104 and 109 p23). The City Centre Conservation Area Appraisal states that the Brewery Tap (former Royal Standard) provides focus for views from within the conservation area therefore the proposed development will clearly be seen from the City Centre Conservation Area. This can be seen in views including view 7 (plate 104 p23), view 12 (plate 162 p30) and 14 (plate 163 p31). There will be an impact on the setting of the Nottingham Road Conservation Area however this is lesser than the impact on the City Centre Conservation Area and the overall skyline.

There is a harmful impact on the setting of the locally listed the early nineteenth century Exeter Arms, The 1930's NatWest building 'Compton House', Exeter House, the 1930's Council House and the unlisted 1860's heritage asset The Tap (formerly the Brewery Tap). I wholly disagree with the Heritage Statement (p26) where it states that the setting of the Locally Listed Exeter Arms will be improved. Although development on the site is desirable in principle the proposed development does not relate to its immediate context or townscape, in terms of its scale and massing, is at odds with it and harms the significance of heritage assets, including nearby locally listed buildings. The development towers over other buildings and is alien in this location. The visuals including view 1 (plate 86 p22), View 12 (plate 97 p22), view 12 (plate 162 p30), view 1 (plate 151 p30), 4 (plate 154 p30), 14 (plate 163 p31), view 12 (plate 162 p31) among others illustrate this.

The proposals are at odds with the section 66 of The Planning (Listed buildings and Conservation Areas) Act 1990, the saved Policies of the Local Plan Review (2006) E18 and E19 and contrary to Policy C20 of the Derby City Local Plan – Part 1 Core Strategy (2017).

The NPPF para. 132 states that 'when considering the impact of a proposed development on the significance of the heritage asset, great weight, should be given to the asset's conservation. The more important the asset the greater weight should be.' Also with any harm requires a 'clear and convincing justification'.

The necessary greater weight to the assets conservation should therefore be given as regards the grade I listed Nationally important Cathedral All Saints, other key grade II listed buildings on the City skyline (such as the Guildhall tower and the Magistrates Court), whose settings are harmfully affected, and less weight than this given for the harmful impact on the setting of conservation areas and impact on nearby locally listed buildings.

Degree of harm to Derby's heritage assets

I can confirm that looking at the two types of harm under the NPPF (substantial or less than substantial) and recent case law that the harm, in my view, as a result of the impact on the significance (which includes their settings) of the heritage assets affected, is less than substantial. This means that it is not substantial direct harm (e.g. a listed buildings demolition) but is less than substantial (as it affects the significance in terms of their settings) and this in itself does not mean that it is not significant objection. This assessment is confirmed by Historic England.

I strongly object to this proposal, on heritage grounds, due to the harm upon the significance of the high heritage value of Grade I listed Cathedral of All Saints and other designated heritage assets (listed buildings nearby and the City Centre

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Conservation Area). In accordance with the para 134 (NPPF) this harm should be weighed against the public benefits of the proposal. I also strongly object due to the impact of the proposal also on non-designated heritage assets including the locally listed buildings and as highlighted in para 135(NPPF) this should also be taken into account when determining the application.

The 'Tall building' proposal within the City of Derby context

Guidance on Tall buildings is relevant to a city wide approach, urban design and heritage matters as regard the setting of heritage assets and that is why Historic England has published useful guidance on this topic. Their advice can be seen within Good Practice Advice in Planning (GPA) Note 2 Managing Significance in Decision Making (2015), Tall buildings; Advice note 4 (Dec, 2015) and The Setting of Heritage Assets GPA3 (2017).

'..Core planning principles state that planning should always, among other things, seek to: secure high quality design; take account of different roles and character of different areas; and conserve heritage assets for this and future generations (Paragraph 17, NPPF). This is reinforced by the emerging City of Derby Core Strategy Policies CP3, CP4 and CP20 as well as existing City of Derby Local plan (saved) policies E18, E19 etc.

It is acknowledged, within Historic England advice on Tall buildings, that 'Towns and cities evolve, as do their skylines, [and tall buildings].. in the right place well designed tall buildings can make a positive contribution to urban life'. However, it also states that '...if a tall building is not in the right place and a well-designed tall building, by virtue of its size and widespread visibility, can also seriously harm the qualities that people value about a place'.

In my view this proposal is not a well-designed elegant tall building for its context within Derby - as regards its size, scale and mass (as it has been termed by Historic England its 'monolithic scale') and widespread visibility.

The NPPF (paragraph 56) also reinforces that as well as the great weight given to the conservation of designated heritage assets, including their setting, the design of the built environment is also of great importance. Design policies 56 to 68 of the NPPF talk about the importance of good design responding to local character and history.

In my view the proposal does not respond to local character, its surroundings or to heritage assets.

Conclusion

I have very strong concern over the proposed height, scale and massing and impact on its context and the significance of important designated and non-designated heritage assets. I therefore strongly object to this proposal, on heritage grounds, due to the harm upon the significance of the Grade I listed Cathedral of All Saints and other heritage assets (listed above) of this tall, bulky monolithic building which continues, despite changes to the proposal, to be intrusive upon the skyline due to its height, scale and massing and has little relationship with its context and surrounding historic townscape. This site provides opportunities for high quality development which could respond positively to its context and reveal the historic townscape – however – unfortunately this proposal is not, in my view, an appropriate design response to this site.

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The proposals are contrary to other policies such as, and including, section 66 of The Planning (Listed buildings and conservation areas) Act 1990, The saved policies of the Local Plan Review (2006), Policy C20 of the Derby City Local Plan – Part 1 Core strategy referenced above.

I therefore suggest that due to the degree of harm to the significance of heritage assets (as regards their setting) and the harmful impact on the cathedral from a city skyline perspective that they are weighed up in accordance with the para 134 (NPPF) against any public benefits of the scheme. Para 135 is also relevant.

Recommendation – Object on conservation and heritage grounds

5.15. Environmental Services (Health – Pollution):

Contaminated Land

I refer to the above application and can comment on contaminated land issues arising from the proposals as follows.

1. You will be aware that this is a re-application of an earlier scheme presented back in 2016. To the best of my knowledge, the earlier application was not supported by any assessment of land contamination, however the current application includes a *Phase 1 Site Investigation Report* (Ecus Ltd, Dated: April 2016, Ref: RZ/7893/160414/P1). I can comment on the report and its findings as follows.
2. 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 in a land contamination context.
3. All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase 1 Site Investigation

4. The site investigation is desk-based only. No intrusive sampling was completed as part of the investigation.
5. The investigation covers the application site and provides a history of potentially contaminative uses which have occurred on the site.
6. The primary historical uses of concern include a former petrol filling station (including 7 underground fuel storage tanks which are suspected to still remain in-situ), car parking and a workshop. The site is also surrounded by a number of historical industrial land uses within close proximity including a dye works, two iron foundries, historical tanks, a timber yard and a tannery. There is also a former (now infilled) canal/docks.
7. Given the numerous potential sources of contamination on and off site, the report recommends a full and detailed intrusive site investigation in advance of any development of the site.

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Conclusions and Recommendations on Contaminated Land

8. The site has been shown to have a number of potentially contaminative historical uses, which could pose a risk to the health of future site users.
9. No intrusive site investigation works have been completed on site to date.
10. Should planning permission be granted, the Environmental Protection Team would strongly recommend the attachment of conditions requiring the submission of a full and detailed Phase II Site Investigation, Remediation Strategy, Validation Report and further Phase II report should any contaminants be found on site that were not discovered within the first Phase II report.

I have no further comments to make regarding contaminated land at this time.

Noise

1. The application includes proposals for 105 residential apartments and a ground floor commercial unit. Mechanical plant proposed in connection with the scheme is a potential source of noise. In addition, the local area is in the city centre of Derby and is known to experience high levels of noise from traffic and the 'night-time' economy, especially late at night at weekends.
2. You will be aware of my colleague David Fountain's comments of 19th January 2017 under an earlier version of this planning application, which included a review of an earlier submitted noise assessment (Noise.co.uk Ltd, Ref. 16658-1, Dated 16th March 2016).
3. The current application includes a submission of an updated version of the earlier noise assessment (Ref: 16658A-1, Dated 31st January 2018). I can comment on the report and its implications for noise as follows.
4. Please accept the following comments as a replacement for all earlier comments regarding noise.

Environmental Noise Survey

5. The report utilises the same 24 hour monitoring survey which took place on 4th March 2016, using three simultaneous monitoring points. Location 1 – Derwent St; Location 2 – Exeter Street; Location 3 – Exeter Place.
6. The assessment uses the *SoundPlan* modelling software to produce a 3D plan of the site and surrounding area (Figures 3 and 4).
7. The results of the modelling highlight that façades facing out onto Derwent Street, Exeter Street the shared amenity area at the southern end of the site fail to meet recognised criteria (BS8233) based on $dBL_{(A)eq,16hr}$ daytime and $dBL_{(A)eq,8hr}$ night-time values.
8. The survey only appears to consider noise from road traffic. And does not provide or discuss short duration maximum noise levels ($dBL_{(A)max}$) at night and their potential to affect sleep disturbance.
9. The report also fails to consider potential disturbance arising from the adjacent pubs. In particular, I note that the Exeter Arms has a licence to play live and recorded music in their outdoor beer garden until 12am (Sun to Wed) and 1am (Thurs to Sat). It is not clear if the monitoring survey coincided with an outdoor live/recorded music event at the Exeter Arms.

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10. An insulation scheme is provided in the report (Table 7), again based solely on the modelled $L_{(A)eq}$ values. The scheme does not take into account $L_{(A)max}$ levels which is a significant omission.
 11. Paragraph 9.2.7 acknowledges that *"in order to meet the internal ambient noise criteria, the windows will need to remain closed"*.
 12. The report also acknowledges that outdoor living spaces (balcony areas) will experience noise levels in excess of recognised standards for amenity, but suggests that the amenity benefits of having a balcony outweigh the negative impacts arising from excessive noise (9.3.1).
 13. The report includes no consideration of the potential for noise generated by the proposed ground floor commercial units to impact upon future residents. Given that dwellings are expected to be located directly above the unit/s, an enhanced partition noise insulation scheme is likely to be needed.
 14. The report also fails to consider noise arising from construction/demolition works. Given the height of the proposed apartment blocks, it is likely that some form of piling may be needed which has the potential to significantly impact upon existing residential dwellings and local businesses.

Conclusions and Recommendations on Noise

15. The noise assessment clearly demonstrates that future occupants of the development will experience significant levels of noise within external living areas (balconies) and also indoors when windows are kept open.
16. An insulation scheme is proposed in an attempt to mitigate the impacts of internal noise levels when windows are kept closed, however this scheme fails to consider short-duration maximum noise levels ($L_{(A)max}$) which are known to be prevalent within this part of the city.
17. No mitigation options are presented to try and reduce the impacts of significant noise levels in balcony areas, other than a suggestion that future residents can go somewhere quieter off-site. This seems like an absurd noise mitigation proposal, especially for residents which may have difficulties with mobility.
18. The assessment also fails to consider noise disturbance arising from any outdoor music events at the Exeter Arms pub, which has a licence to play live/recorded music in their beer garden late into the night 7 days a week. Recent changes to case law regarding noise nuisance mean that future residents may have little recourse to resolve excessive noise arising from the pub and therefore the planning system may be the only avenue for preventing future issues.
19. The scheme provides a poor living environment for future residents due to high levels of noise in the locality and the proposed mitigation package is insufficient to alleviate concerns regarding noise amenity.
20. The development is demonstrably in direct contravention of both the NPPF and local planning policy regarding noise amenity and the Environmental Protection Team recommends refusal of the application on noise grounds.

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21. Please note that the above conclusions are based solely on noise, but the Environmental protection Team does however acknowledge that there is a demand for developments such as this in the city. Consequently, should the LPA still be minded to grant permission regardless, we would strongly recommend that conditions are attached to the consent requiring the following:
- further assessment of $L_{(A)max}$ noise levels in order to develop a more robust insulation scheme which is fully protective of sleep disturbance at night in accordance with current World Health Organisation criteria. The scheme should be agreed by the LPA and implemented in full before the development is occupied;
 - consideration of noise arising from outdoor music at the Exeter Arms pub should also be assessed, with proposals for a significantly enhanced insulation scheme to be provided for any dwellings facing this venue to be agreed and implemented in full before the development is occupied;
 - details of an enhanced insulation scheme between the ground and first floors to protect residents of the first floor apartments from being affected by noise from the adjacent ground floor commercial unit/s.

Construction Noise

22. As mentioned above, the report doesn't consider noise arising from construction/demolition works. Given the height of the proposed apartment blocks, it is likely that some form of piling may be needed which has the potential to significantly impact upon existing residential dwellings and local businesses.
23. The Environmental Protection Team would strongly advise that a detailed construction management plan, designed to protect neighbouring dwellings and local businesses from noise, is required via condition for submission and approval by the LPA. The plan should include detailed proposals for how piling will be avoided, or if deemed necessary, how piling noise will be mitigated as far as possible. The agreed plan will then need to be implemented in full throughout the duration of the works.

Air Quality

I note that this is a re-application of an earlier planning application for a similar scheme at this site back in 2016. You will be aware that my colleague David Fountain commented on an earlier air quality assessment submission (comments of 19th January 2017), however please accept the following comments as a replacement for all earlier comments regarding air quality.

1. I note that the application comprises a proposal for residential dwellings within close proximity to one of Derby City Council's Air Quality Management Areas (AQMA), which has been designated due to exceedances of the National Objectives for nitrogen dioxide (NO₂).
2. Consequently, the health of future residents of the development is at risk, due to exposure to high levels of local air pollution.

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3. The scheme also includes provision for car parking, which additionally has the potential to generate traffic and add to existing air quality problems in the local area.
4. The current application is now supported by an updated *Air Quality Assessment* (Redmore Environmental Ltd, Dated: 16th February 2018, Ref: 1205-1). I can comment on the report and its implications for air quality as follows.

Air Quality Assessment

5. An assessment was submitted in connection with the earlier planning application in 2016 which suggested that further air quality modelling work was due to be undertaken. The current report now includes a detailed air quality modelling exercise.
6. The assessment is based on proposals for 105 residential units and retail space across 12 floors, with associated car parking at ground level. The number of car parking spaces is not confirmed in the report.
7. The document reports on air quality impacts arising from the scheme as a result of additional traffic generated by the development and also with respect to the exposure of new occupants of proposed dwellings to existing air pollution.
8. The modelling is based on a predicted opening year of 2020, however in order to provide a robust assessment, modelling of the future year scenario utilises 2016 emission factors. This is an approach which is supported by the Environmental Protection Team.
9. No assessment of emissions arising from construction/demolition works associated with the development is included in the report.

Traffic impacts

10. The air quality modelling results suggest very small increases in nitrogen dioxide (NO₂) concentrations at all of the modelled receptors (a maximum contribution of 0.26µgm⁻³ adjacent to the development at Exeter Place – Receptor R3).
11. Predicted annual mean NO₂ concentrations were predicted by the assessment to be well below the relevant AQO at all sensitive receptor locations (maximum concentration of 30.04µgm⁻³ at Receptor R7 – Alice Street).

Future Occupants

12. Dispersion modelling was also completed for annual mean NO₂ concentrations around the site in order to consider potential exposure of future occupants of the development.
13. For some reason, specific receptor locations were not modelled in this exercise however. This makes it difficult to ascertain the precise predicted concentrations at the façade of the proposed dwellings from the submitted plans.
14. The report suggests that the highest concentrations predicted at the future site boundary with the development in place would be 32.70µgm⁻³, which would be well below the National AQ Objective value of 40µgm⁻³ and therefore the site is considered in the report to be '*suitable for the proposed use*'.

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15. I do however have some concerns over the methodology used in the assessment in relation to predictions for Derwent Street. This is because the modelling does not include possible '*street canyon*' effects, which could minimise dispersion of pollutants along Derwent Street.
 16. In my view, it is reasonable to suggest that such effects could be created due to the physical presence of the new high storey buildings proposed under the scheme and as a result, the current modelling may be under-predicting pollutant concentrations along the Derwent Street façade by as much as 30%.
 17. Given the predicted maximum concentrations of NO₂ at the site boundary along Derwent Street of 32.70µgm⁻³ in the absence of any canyon contributions, it is likely that predicted concentrations could reach very close to, or even exceed, the annual average National Objective Value of 40µgm⁻³ at ground floor level.
 18. Nonetheless, the report concludes that air quality impacts arising from the development are not significant and consequently, it makes no recommendations for mitigation.

Conclusions and Recommendations Regarding Air Quality

19. Whilst the assessment generally follows good practice, it fails to highlight the potential influence of the high-rise building structure proposed under the scheme and its effects upon air pollutant dispersion along Derwent Street resulting from what is known as a '*street canyon*' effect. The creation of a street canyon along Derwent Street has the potential to significantly increase air pollutant levels.
20. The implications for this in terms of air quality significance are two-fold. Firstly, this increases the perceived impact of the development in terms of its contribution to local air pollution and secondly, this suggests that future residents of the development may be exposed to pollutant concentrations close to, or in excess of, air quality limits/objectives.
21. I would strongly recommend that the modelling is updated to reflect street canyon effects along Derwent Street, considering pollutant concentrations in conjunction with residential façades at the different storey heights proposed under the scheme.
22. In the absence of this information, I would suggest that the development has the potential to cause significant air quality impacts and may serve to undermine the Council's current attempts to comply with European and National Air Quality Limits, for which there is currently a legal requirement to take action.
23. In order to make the scheme acceptable on air quality grounds, a significant package of air quality mitigation measures should be produced in line with current Council policies and measures designed to safeguard air quality.
24. Should the LPA be minded to grant planning permission, I would strongly recommend the attachment of a condition requiring a detailed air quality mitigation package designed to offset the significant contributions which are expected to arise as a result of the development, to be agreed in full by the LPA. All of the agreed measures will need to be incorporated into the development in full before it is occupied.

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25. Examples of mitigation could include:

- Installation of an alternative means of ventilation in order to protect occupiers from exposure to the high levels of pollution along Derwent Street;
- Re-design of the development so that residential dwellings are located at least 15 metres from the kerb of Derwent Street (either horizontally or vertically);
- Measures to encourage the uptake of low emission vehicles for example electric vehicle charging points;
- Measures to encourage the uptake of active travel such as walking and cycling;
- Measures to contribute to, or assist with developing, the council's existing or proposed air quality improvement measures e.g. those described under any low emissions strategy, air quality action plan or clean air zone plan in place at the time.

26. In addition to the proposed condition, I would recommend the attachment of the details noted in point 25 above to form an advisory note should planning permission be granted.

Construction Emissions

27. The assessment does not include an appraisal of potential construction impacts on local air quality.

28. Given the scale of the development and the proximity of dwellings along Exeter Place in particular, should planning permission be granted, the Environmental Protection Team would strongly recommend the attachment of a condition requiring the submission and agreement of a detailed Construction Management Plan designed to mitigate the impacts of construction-related air emissions and dust. The agreed plan should be complied with throughout the duration of all demolition and construction works.

5.16. Derbyshire Wildlife Trust:

We have no comments to make on the above planning application further to those provided in correspondence dated 11th August 2016. These comments are still relevant particularly in respect of the provision of a biodiversity enhancement strategy to be secured by a planning condition. We welcome the amendments to the scheme to include green roofs.

The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

We have considered the relevant documents submitted as part of the planning application with particular reference to the following:

- Bat Survey Report produced by JT Ecology, dated December 2015.

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It is understood that there are proposals to demolish existing buildings at the above site and erect a new building. This planning application is supported by a report that provides details of a daytime bat survey that was undertaken on 23rd November 2015. The survey work has been undertaken by a licensed ecologist which is welcomed. A desk study has not been completed as part of the survey work which would normally be expected. I have reviewed the records that we hold and we are not aware of any bat records for the site or a 250 m radius around the site.

An internal and external bat survey was undertaken and no evidence of the presence of bats was recorded and no suitable bat roosting features were recorded. Whilst the daytime bat survey has been undertaken outside the bat active season (generally considered to be April-September), given the lack of suitable bat roosting features, this is not considered to be a significant constraint. Therefore it is considered that adequate survey work has been undertaken in support of this application.

In line with guidance within the NPPF (Paragraph 118) that states that “opportunities to incorporate biodiversity in and around developments should be encouraged” it is recommended that features for roosting bats and nesting birds are incorporated into the new development. In order to secure this it is recommended that if planning permission is granted for the proposal that the following condition is attached “Prior to the commencement of development a biodiversity enhancement strategy should be submitted to and approved in writing by the Council. Such approved measures must be implemented in full and maintained thereafter”.

5.17. Police Liaison Officer:

Thank you for sending notification of amended plans for this application, the additional information all being dated 19.2.18 on your web site.

There is no specific additional detail provided which addresses previous comments.

The main issue of courtyard access looks to have been tackled within the ground floor plan revision I, where gated enclosure is indicated for the single vehicular access/exit point, and to the rear of the main pedestrian access provision off Exeter Street.

However, there is no detail of specification, height or control provision for these access points, so if you are minded to approve the application, I would ask that detail is set as a condition of approval.

There is also a lack of detail regarding other boundaries and landscaping, which I understand may be held in abeyance pending further discussion for the Our City Our River project.

Similarly, I'd ask that external boundary specification and heights are set as a condition of approval, as well as an external lighting scheme for pedestrian approaches, access points and parking court.

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6. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP13	Retail and Leisure Outside of Defined Centres
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
AC7	River Derwent Corridor
AC8	Our City Our River
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Over-arching Policy Context

7.2. Heritage Assets

7.3. Design, Street Scene and Amenity

7.4. Flood Risk

7.5. Transport and Access

7.6. Other Environmental Impacts

7.7. Planning Balance

7.1. Over-arching Policy Context

This amended full planning application seeks permission for the erection of 105 residential apartments to be accommodated across two blocks and including a single ground floor commercial unit (circa 290sqm).

The site is identified within the Central Business District (CBD) and the 'Riverside' character area as set out in Policy AC2. The policy is clear that within the CBD, proposals that help to promote 'City Centre Living' will be supported where it would not inhibit existing business activity or undermine the vitality and viability of the Core Area. AC2 goes further to state that development within the CBD should reflect the role and function of the identified character areas as identified within the policy. In this specific case, the site falls within the 'Riverside' character area. AC2 acknowledges that the Riverside area consists of residential, commercial and civic uses and that the Council wishes to emphasise these existing roles by maximising the potential of the riverside. The implementation of the Our City Our River (OCOR) programme and regeneration of key riverside sites is identified as a priority. Finally, the site is located within the extent of the OCOR area as identified by Policy AC8.

There are also a number of Local Plan designations in close proximity of the site, including the Derwent Valley Mills World Heritage Site and associated buffer zone also to the west and public open space and nature conservation areas associated with the River Derwent to the south. The site also falls within the safeguarded area around aerodromes (associated with East Midlands Airport) and there a number of locally listed buildings in close proximity including Exeter House, Compton House and the Exeter Arms PH, whilst the eastern extent of the City Centre Conservation Area is within 200 metres of the site and the Nottingham Road Conservation Area lies 120 metres to the north.

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The principle of residential development in this location is to be welcomed as it will regenerate a scruffy brownfield site, kick-starting the comprehensive regeneration of the North Riverside area and will deliver much needed new homes.

The principle is consistent with the aims and objectives of the DCLP1 which seeks to deliver a minimum of 1000 new residential units within the inner ring road area during the Plan period – *as a component part of delivering 11,000 new homes in the City as a whole, contributing to meeting the City's objectively assessed needs of over 16,000.* It also specifically identifies the CBD, including the Riverside area as appropriate locations for residential development, in principle. The site is also located within the Council's defined Housing Zone.

The recently published draft changes to the NPPF provide a clear focus on the need to make effective use of land in meeting the need for new homes. It specifically states that 'substantial weight' should be given to the value of using suitable brownfield land within settlements for homes and where there is a shortage of land to meet needs (as is the case in Derby), decisions should avoid homes being built at low densities in order to optimise the potential of sites. Whilst the revisions to the NPPF are only draft at this point and can only be given limited weight, it provides a clear indication of the Government's aspiration to drive up densities on sustainable brownfield sites such as the site in question. It is important to remember that the Council has an overall housing need target, of some 16,000, and those brownfield sites that are refused planning permission or are not effectively using the land available and whose housing densities are low will ultimately require the Council to consider the release of more sensitive sites such as greenfield, green wedge or even green belt land in order to deliver the required and much needed housing. It is a paradox but in sustainability terms sites like this one must be pursued for high density living.

Paragraph 49 of the current NPPF requires planning applications for housing to be considered in the context of the presumption in favour of sustainable development, as set out at Paragraph 14. For decision making this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies out of date, granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. In the case of this proposal, the development plan is not absent or silent and relevant policies considered up to date, in the context of the Council being able to demonstrate a 5 year supply of deliverable housing sites. It is therefore a case of considering whether the proposal accords with the development plan when read as a whole.

The scale of the proposal triggers the threshold to provide affordable housing, in line with Policy CP7. However as a result of viability issues which are considered to be as a direct result of the implementation of the flood defences and loss of developable land the proposal is not proposing any affordable housing. That being said the overage cap in the Section 106 includes a contribution in lieu of affordable housing.

In addition to the residential uses, the revised application also seeks permission for a single ground floor commercial unit, with flexible use (A1, A2 and A3). The floorspace of the unit is in the region of 290sqm. Whilst the CBD is an appropriate location for

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A2 and A3 uses, the preferred location for A1 uses is the defined Core Area, which the application site falls outside of. In such circumstances, both the NPPF and Policy CP13 require the demonstration of a sequential approach to demonstrate why the use cannot be alternatively located within a more preferable area.

The applicant has stated that the commercial unit will act as an ‘ancillary and complementary’ use to the main residential element, providing a central small-scale convenience retail provision for residents of the proposed scheme as well as existing nearby residents and businesses who currently have no immediate access to such facilities on the northern side of the River Derwent. Whilst not accepting the ‘ancillary’ argument, there are some merits in providing a small scale convenience facility to complement plans to comprehensively regenerate the North Riverside area. This ‘need’ can most logically be met in the North Riverside area, thus satisfying the requirements of the sequential test. It should also be noted that Policy AC5 acknowledges that ‘active frontages’ will be encouraged along the riverside, which suggests tacit support for commercial uses in this area, whilst it is also material that the proposal includes the redevelopment of existing retail floorspace (Balloon and Party Ideas and Day Today, a former convenience store on the forecourt of the site), thus reducing the net increase in non-conforming use in this area.

Subject to the imposition of conditions restricting the net sales floorspace of an A1 use and limiting the range of goods that could be sold to convenience only, there are no concerns about the impact of such a proposal, in terms of potential trade diversion or prejudicing investment within the Core Area. Conditions are also suggested to limit potential impacts on residential amenity emanating from an A3 use, in terms of providing appropriate ventilation systems, sound insulation and restriction of opening hours.

The site is also located within the River Derwent Corridor (AC7) and more specifically the defined OCOR area, as established by Policy AC8 of the DCLP1. Policy AC7 promotes the transformation of the river corridor through the implementation of the OCOR programme and through the appropriate regeneration of key riverside development sites. However, these objectives need to be balanced against the need to conserve and enhance the rich cultural heritage of the Derwent Valley.

Policy AC8 is clear that development within the defined OCOR area should not prejudice the implementation of improved and realigned defences, realigned flood conveyance corridors and other benefits associated with the OCOR programme. In addition, AC8 requires (where appropriate) development proposals within the area to implement the OCOR programme by incorporating the required defences into the design of proposals and through the provision of the new defences, where necessary to facilitate development. AC8 goes further to ensure that access to and maintenance of the new defences can be secured to ensure that all new defences are sympathetically designed taking account of the visual and historic sensitivity of the river corridor.

In addition to OCOR considerations, the requirements of Policy AC2 are relevant in relation to issues associated with climate change, specifically sustainable design and construction and flood risk and water management. In areas of flood risk such as the application site, AC2 requires the application of a sequential approach to site

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selection to ensure that development is directed to areas of lowest flood risk. Again, this issue is discussed in more detail in Section 7.4 of this report.

Policy CP3 seeks to raise the overall design standard of the city, particularly in the City Centre. CP3 sets out a series of nine 'placemaking principles' that proposals should seek to address, including principles related to density, character, amenity, sustainability, community, streets and spaces, heritage, natural environment and maintenance and management. The supporting text goes on to recommend that residential proposals have regard to Building For Life 12 principles and recommends its use as a tool to demonstrate compliance with the Council's own placemaking principles, whilst the policy also recommends the use of independent design review. Whilst the scheme has not actively provided a BfL12 report the principle of the guide have been used whilst negotiating amendments to the scheme and have assisted in the scheme evolution. The scheme has been independently reviewed by OPUN (Architecture East Midlands) which is to be welcomed; the full comments of OPUN are set out in Section 5 of this report.

Policy CP3 also seeks to encourage the incorporation of public art, particularly in locations in prominent and highly visible locations, where it would contribute to the quality and appearance of new development or to the general townscape. Whilst we cannot 'require' public art in this case (as it falls below the 100 dwelling threshold), the site of the proposal is prominent and highly visible. The applicant has confirmed that they would be willing to work with the Council to secure a high quality area of public realm with public art in the courtyard and the flood conveyance corridor. I therefore feel this can be adequately dealt with by condition(s) as recommended and set out in Section 8 of this report.

Policy CP4 expects all new development to make a positive contribution towards the character, distinctiveness and identify of our neighbourhoods and identifies a range of factors to be assessed, including but not exclusively, density, layout, form, scale, height and massing. CP4 requires all proposals to be informed by context appraisal and commits the Council to giving 'particular scrutiny' to proposals for 'tall' development. The supporting text of the policy defines 'tall' in the context of the City Centre as any development over 20 metres in height.

Policy AC5 supports the construction of 'tall' buildings in appropriate gateway locations in the City Centre, where these are of high quality design and do not affect the setting of heritage assets and the character of the City Centre. The Darwin Loop and Derwent Street underpass areas are identified as 'gateway' locations. I consider it would be reasonable to argue that this site is a gateway location and would successfully announce your arrival into the City Centre. Furthermore, I would also argue that development within the area known as North Riverside would make a positive contribution to delineating the arrival into the City Centre and therefore make a positive contribution to the skyline as a gateway feature.

As already noted, the site of the proposal is in a potentially sensitive location, in close proximity of the Derwent Valley Mills World Heritage Site and associated buffer zone to the west and a number of locally listed buildings including Exeter House, Compton House and the Exeter Arms PH. The eastern extent of the City Centre Conservation Area is also within 200 metres of the site and the Nottingham Road Conservation Area within 120 metres to the north. It is important to note that in respect of the

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conservation areas these are clearly separated from the application site by the River Derwent and St Alkmunds Way, respectively.

Policy CP20 provides the overall policy framework for the consideration of proposals which have the potential to impact upon the significance of heritage assets. CP20 requires such proposals to submit a statement of significance and impact assessment in order to understand that impacts are fully understood. Such proposals are also expected to be of the highest design quality to preserve and enhance the special character and significance of heritage assets, through appropriate siting, alignment, use of materials, mass and scale.

Policy AC9 specifically relates to the Derwent Valley Mills World Heritage Site. Whilst not within the defined World Heritage Site or the associated buffer zone (which terminates at Exeter Bridge), the provisions of AC9 are relevant in consideration of this proposal due to its scale. The Council is committed to preserving, protecting and enhancing the special character, appearance and distinctiveness of the area and recognises its Outstanding Universal Value (OUV). Criteria (c) of AC9 specifically states that the Council will only approve proposals for development outside the World Heritage Site, including sites within the World Heritage Site buffer zone, if they do not have an adverse effect upon the OUV of the World Heritage Site or its setting, including specific monitored views into and out of the site. Heritage issues are discussed in more detail in section 7.2 below.

Policy CP23 seeks to ensure that people living, working and travelling within Derby have viable travel choices and effective, efficient and sustainable transport networks which meet the needs of residents and businesses while supporting sustainable economic growth and competitiveness. More specifically, CP23 seeks to ensure that proposals do not cause or exacerbate severe transport problems, including unacceptable impacts on congestion, road safety, access and air quality. Highways and transportation impacts are discussed in section 7.5 of this report.

Overall the principle of residential development on this site with an ancillary commercial unit at ground floor is considered to be acceptable and would accord with national and local plan policies.

7.2. Heritage Issues

In the context of this application whilst there are no Statutory Listed Buildings within the direct context of the application site there are a number of Locally Listed Buildings including the Exeter Arms Public House, Compton House, the TA Centre (Phoenix Street) and Exeter House. Under the National Planning Policy Framework locally listed buildings are considered to be non-designated heritage assets.

In terms of the wider context the Nottingham Road Conservation Area is located some 120 metres to the north of the application site however views into and out of the conservation area to and from the application are read in conjunction with and broken by the elevated 7 lane 1960's highway of St Alkmunds Way. The City Centre Conservation Area is located to the south-west of the application site on the opposite side of the River Derwent. The Grade I Cathedral is also of relevance in the determination of this application as is the World Heritage site and its buffer zone as a result of the proposed development impact on the city's skyline.

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The application has been subject to a robust assessment in respect of the relationship created between the proposed and the aforementioned heritage assets. The updated Heritage Statement, dated February 2018, has been submitted in support of the application and has considered the relationship of the amended scheme with the aforementioned heritage assets. Particular consideration has been given to the Derby's skyline and the setting of the Cathedral due to the height of the proposal, some 14 storeys.

The Heritage Statement considers the heritage assets, their historical significance and provides an assessment of the scheme leading to an overall conclusion of the impacts of the scheme on the aforementioned heritage assets. The statement also considers relevant legislation. The statement does not provide an overview of the public benefits in line with the NPPF policy test. However the application is accompanied by an updated Design and Access Statement (DAS) and Planning Statement that should be read in conjunction with the Heritage Statement. Therefore within the suite of accompanying documents I consider that the application has been submitted in line with the NPPF. The viewpoints considered within the DAS were agreed during the preliminary application process and the formal application process by officers. The agent for the application has also provided a final position statement and provided further consideration of the public benefits.

Historically, according to the submitted historic maps, the site has previously been occupied by a range of buildings including a Congregational Chapel and terraced properties which were demolished in the late 20th Century and replaced with the mix of buildings we see today. The existing buildings offer very little in terms of historical significance and, in my opinion, have a negative impact on the setting of the locally listed buildings namely, the Exeter Public House, Compton House and Exeter House. These buildings are relatively low level and therefore are barely read in conjunction with the wider heritage assets, the Cathedral, Nottingham Road Conservation Area and the City Centre Conservation Area. Therefore I would consider the demolition of these buildings to have a positive impact on the local area. I have therefore not considered the loss of these buildings in line with the NPPF policy test as whilst the demolition of these buildings will have an impact on the setting of heritage assets I do not consider it to be a harmful one.

Whilst the application has attracted various objections from heritage consultees including Historic England, the World Heritage Panel, Conservation Area Advisory Committee and the Council's Built Environment Team these objections are all based on the design of the proposal, its mass and height rather than the in principle re-development of the site and demolition of the existing buildings. Furthermore, the consultation responses do not raise issue to or object to the sites layout or proposed uses.

The full comments of Historic England, the World Heritage Panel, Conservation Area Advisory Committee and the Council's Built Environment Team are provided in Section 5 of this report. These comments are based on the revised application and all previous comments can be found on the eplanning page via the link provided above.

In considering the application decision makers must engage Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the authority to have special regard to the desirability of preserving a listed building or its

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setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be less than substantial.

The proposal must also be considered under the new adopted Local Plan – Part 1 (DCLP) policies and those saved Local Plan Review (CDLPR) policies which are still relevant.

The Local Plan - Part 1 policy CP20 seeks the protection and enhancement of the city's historic environment, including listed buildings and Conservation Areas. CP20(c) requires development proposals which impact on heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale. Saved CDLPR policies E18 and E19 for the preservation and enhancement of Conservation Areas and buildings of historic importance continue to complement the new policy CP20.

Under saved CDLPR policy E19 proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

In terms of general design principles, Local Plan – Part 1 policies CP2, CP3 and CP4 are relevant and saved policy GD5 of the adopted CDLPR are also applicable. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. Saved policy GD5 is intended to protect the overall amenity of occupiers of nearby properties from unacceptable harm.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraph 132 advises that:

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

Paragraph 134 states that where proposals *“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 securing its optimum viable use.”*

Paragraph 135 of the NPPF also requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance.

The proposal has been subjected to a detailed 3D view analysis as set out on pages

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40 – 65 of the Design and Access Statement. The previous schemes and design evolution is also included within the statement for the reference of the decision maker. The DAS clearly sets out the evolution of the scheme and how amendments have been made to take into consideration the impact of the proposal on the aforementioned heritage assets and the city's skyline. The analysis along with the heritage statement have been made available for consultees and will have formed the basis of their responses. The views taken from within the model are set to 1.6 metres from ground level. Buildings within the model are not rendered and are finished in white and therefore the proposal is read differently and appears more prominent than others which are white blocks, as a result of the detail provided by the applicant/agent.

The Grade I Listed Cathedral is located to the west of the application site but is largely obscured by view, from 1.6 metres (pedestrian eye level) as a result of existing buildings, the Probation Office, Assembly Rooms, Premier Inn and apartments, and topography. Therefore when viewing the setting of the Cathedral from the application site views are very limited and when the asset does come into view it is only the top of the Cathedral Tower. From further afield the Cathedral is still screened from view or not read in conjunction with the proposal such as from the junction of Cathedral Road/Walker Lane (view 234 p. 48). It is only when viewing the proposal from much further afield are the two read together on the city's skyline; from Pride Parkway (view 238 p. 50), from the A601 ring road (view 244 p. 53), from Darley Park (view 256 and 257 p. 59), King Street (view 236 p. 49), A601 across the river (view 220 p. 41) as set out within the Design and Access Statement. That being said the Cathedral is an important landmark within the City and on the City's skyline and in my opinion will remain so, as the proposal whilst 14 storeys in height would not dominate its setting and position on City's skyline.

In terms of the setting of the Cathedral from the north-west, west and south-west the proposal will not affect the heritage asset as a direct result of land levels changes and existing built forms. Therefore we are considering the setting of the Cathedral only from the east, north-east and south-west of the City as identified in the views listed above.

The City Centre Conservation Area is located to the west of the application site with its boundary running parallel with the Morledge and Full Street, as set out on views 228 and 230 of the DAS, pages 45-46. As the application site is outside of the conservation area the proposal will only be read when viewing across the conservation area and along its eastern boundary, as indicated in the view above. When viewing the application site across the Market Place the proposal acts as a backdrop and backstop to the conservation area. However it is important to note the distance between this heritage asset and the proposal and the fact that there are no direct views of the two merely views that are broken by land forms and other buildings.

The Nottingham Road Conservation Area is located to the east of the application site on the opposite side of St Alkmund's Way, which at this point is an elevated 7 lane highway that links to Holmes Bridge and the A52. Similarly to the City Centre Conservation Area, the proposal is not located within the CA and therefore would only affect its setting from views across and out of the CA. In respect of views in an

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easterly direction these are already detrimentally affected by the elevated highway and therefore at street level you do not appreciate the proposal and the CA along Derwent Street and Exeter Bridge without disruption from the highway. Clearly the proposal will be visible from the CA when looking towards the City from Fox Street. However, the proposal again acts as a backstop to the CA. In respect of the two conservation areas I consider that the proposal by virtue of the distance between it and the heritage assets coupled with existing infrastructure, River Derwent and St Alkmunds Way, existing buildings and topography that the proposal will have a limited impact on these heritage assets.

In respect of the Locally Listed Heritage Assets clearly these are located closer to the proposal development, namely the Exeter Arms Public House, Exeter House and Compton House. However as these are locally listed rather than statutory listed their significance is less than those statutory listed heritage assets. There will clearly be an impact on these heritage assets as a result of the close proximity of the development with the locally listed buildings.

As previously stated, Historic England, the World Heritage Panel, Conservation Area Advisory Committee and the Council's Built Environment Team remain concerned about the impact of the proposal in respect of its height, scale and mass and feel that it would appear dominate over the aforementioned heritage assets and would compete with the setting of the Cathedral on the City's skyline.

Historic England has considered the scheme and its amendments but remain of the opinion that *"... the scale and massing of the proposal would compete with the Cathedral Church of All Saints in certain views and in the general appreciation of this highly graded listed building within its townscape setting in the conservation area and the DVMWHS as highlighted in our previous advice letters. This will result in less than substantial harm to the significance of these designated heritage assets.*

Whilst we believe that the redevelopment of the site presents an opportunity to create development of high quality which responds positively to its context, enhancing and revealing the historic townscape of Derby, the amount of development proposed and resultant design, in our view, is not a convincing and appropriate urban design response to this site." Historic England raise concerns with regards to the details of the scheme, its design, scale etc. rather than the principle of development on this site. Furthermore they consider the impact of the proposal will result in less than substantial harm on the heritage assets. Therefore the decision maker, under the NPPF test can weigh in the balance the impacts of the proposal with any arising public benefits, paragraph 132 of the NPPF.

The World Heritage Panel considers *"...that the proposed development is too tall and bulky for its context and because of its monolithic scale, would be an intrusive visual presence when viewed in approaches to and from the World Heritage Site. As it is considered that the proposals would diminish the understanding and appreciation of the historic settlement and its integral relationship with the Derwent Valley Mills World Heritage Site, it is considered that the development would be harmful to its Outstanding Universal Value."*

The Conservation Area Advisory Committee has considered the application and the minutes from the meeting March 2018 are reproduced above, Section 5. Overall the

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Conservation Area Advisory Committee retains their objection to the scheme and considers that their previous objections have not been adequately addressed.

The Council's Built Environment Team retains *"strong concerns over the proposed height, scale and massing and impact on its context and the significance of important designated and non-designated heritage assets."* and retains a strong objection to the proposal on heritage grounds *"..., due to the harm upon the significance of the Grade I listed Cathedral of All Saints and other heritage assets (listed above) of this tall, bulky monolithic building which continues, despite changes to the proposal, to be intrusive upon the skyline due to its height, scale and massing and has little relationship with its context and surrounding historic townscape. This site provides opportunities for high quality development which could respond positively to its context and reveal the historic townscape – however – unfortunately this proposal is not, in my view, an appropriate design response to this site."*

As previously discussed the application accompanied by a suite of supporting documents which have been amended to reflect the amendments to the scheme and these have been duly considered by colleagues. Overall the application and their consultants consider that *"The revised scheme has been considered within the context of Derby's historic environment. It proposes the introduction of a new modern structure within the site and adjacent to a number of non-designated assets. Within the wider environment, are the City Centre Conservation Area and the Derwent Valley Mills World Heritage Site. It has been proven that there are no tangible links to the World Heritage Site, while the relationship to the conservation area is limited to views from its eastern edge, which are currently detracted from by poor quality industrial buildings, and of the Cathedral tower which forms a key element in its significance. The proposed development has been carefully designed to take into consideration the importance of the Cathedral tower in long distance views and has sought to address the current imbalance within the skyline, while acknowledging that its prominence will be affected."*

There will be no physical impacts to the heritage assets identified. In addition, it is not considered that the proposals will substantially harm their understanding and appreciation, and thus the significance of the assets. As such, any harm associated with the scheme is considered to be less than substantial and should be judged in accordance with paragraph 134 of the NPPF, namely, that a balanced judgment will be required between the level of harm and the benefits of the scheme, including securing its optimum viable use."

As a direct result of considering the views of Historic England, the World Heritage Panel, the Conservation Area Advisory Committee and the Built Environment Team, and having due regard to the information submitted in support of this application including the heritage analysis and 3D analyses, I agree that under the NPPF, the proposal would result in *'less than substantial harm'* to the setting of the Cathedral, City Centre Conservation Area, Nottingham Road Conservation Area, World Heritage Site and its Buffer Zone and the non-designated assets of the Exeter Arms Public House, Exeter House and Compton House. In respect of the level of less than substantial harm I would consider this to be at a low point of the less than substantial harm scale, although there is no clear planning guidance on how the degree of harm should be referenced.

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The proposed development will undoubtedly impact on the setting of the Cathedral on the City's skyline from certain advantage points however I do not consider that the proposed development would compete, detrimentally, with the heritage asset on the skyline. From the analysis carried out I have found no evidence that the proposal would completely screen or result in the loss of views from the Cathedral to such a level to warrant the refusal of this application. Furthermore, we are only considering the setting of the Cathedral and views when approaching the City from the east.

In respect of the Conservation Areas, whilst I accept the proposal will have an impact on their setting this impact is in the context of other structures, and views are broken by existing buildings, highway infrastructure and the River. Furthermore, the views into and out of both conservation areas are limited in number and as such it is not the entire setting of either conservation area that would be affected.

Overall, whilst the proposal will clearly have an impact on a number of designated and non-designated heritage assets this impact is not actual and furthermore this impact would not be substantial. I therefore concur with the applicant's consultant that any impact would be less than substantial harm and therefore should be weighed in the balance with any public benefits arising from the development, in accordance with paragraph 134 of the NPPF.

In summary, in terms of harm to the heritage assets of the proposal I am of the view that the resulting impacts would amount to less than substantial harm within that context however the degree of such harm for the reasons given above are considered to be low.

In the context of paragraph 134 of the NPPF, as previously included for members reference, the public benefits of the proposal, that need to be weighed against the harm as identified above (this being less than substantial harm) to the setting of the listed buildings and conservation area, those public benefits being as follows:

- The proposal would also assist with the delivery of the Council Our City Our River Scheme through the creation of a conveyance corridor and installation of an integral flood defence wall.
- The proposal would see the delivery of some 105 residential units that would assist in meeting the requirements of DCLP1 which seeks to deliver a minimum of 1000 new residential units in the city centre.
- This is a modern building which would be managed by a management company would be sited in a highly sustainable location and would provide footfall, consumer spending and general activity in the city centre which would benefit the local economy.
- The proposal would create jobs, employment opportunities and support local businesses.
- The proposal would see the kick start of the regeneration of the North Riverside area, providing natural surveillance and active frontages in a prominent location by bring back into use a vacant plot and the demolition of a series of buildings that have been subject to anti-social behaviour.

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- The proposal will significantly improve the built form of this area by re-building the broken street scene.
- The application site is identified with the Councils City Centre Masterplan 2030 as a Future Opportunity. The proposal would assist in the delivery of the Masterplan by delivering a Living City.

Whilst the Heritage Statement considers the need to be mindful of the NPPF policy test and the need to weigh in the balance the harm caused and the public benefits they do not provide any narrative as to what the benefits would be. That being said the Planning Policy Statement on pages 22 – 25 sets out the overarching benefits of the scheme which largely concur with those set out above. In addition to the above, the agents summary letter dated, 26th March states *“Whilst there may be some small amount of harm caused by the proposal on statutory and non-designated heritage assets, this is ‘less than substantial’ in terms of the test set-out at paragraph 134 of the NPPF and as such the scheme should be considered in accordance with guidance contained in that paragraph; namely that a balanced judgment is required between the level of harm and the benefits of the scheme.”* The letter further concludes that *“The benefits of the scheme are significant in all three threads of sustainability, and far outweigh any minor dis-benefits identified*

In my opinion these constitute substantial socio-economic and wider public benefits that should be attributed significant weight in the planning balance. These benefits would outweigh the less than substantial harm of the proposed development to the setting of the World Heritage site and its buffer, the Grade I Listed Cathedral, City Centre Conservation Area, Nottingham Road Conservation Area and non-designated heritage assets in the locality of the application site.

The County Archaeologist has confirmed that there are no archaeological matters arising as a result of the proposed development and no further work is required either pre or post construction.

In heritage terms, my judgment is that the proposal is strictly contrary to the policy in the local development plan (principally CP20, E18 and E19c), but is, overall, in accordance with national heritage policy in the NPPF.

I am satisfied that, with regard to heritage considerations and the issue of impact / harm, the application has been properly assessed in line with the local planning authority’s statutory duty and the framework of local and national planning policy.

7.3. Design, Street Scene and Amenity

In considering the design of the proposal it is necessary to have regard to and give appropriate weight to the provisions of Policy CP3 (Placemaking Principles) and CP4 (Character and Context) in the adopted DCLP.

The proposed development, as amended, comprises of two Blocks; Block A which is a staggered height building increasing from 5 storeys to 12 storeys and Block B also being staggered in height from 3 storeys to 6 storeys. The blocks have been designed to stand as independent buildings through the creation of staggered building height and the use of different materials; Block B and the shoulder element of Block A would be finished in traditional brick whereas the tower element of Block A

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would be finished in a more contemporary material to provide separation in the overall mass of the proposed development.

The entrances to the development, pedestrian and vehicular, are provided on Exeter Street but are independent of each other to avoid conflict. Whilst this would not necessarily be the first choice for an entrance to such a scheme the entrances need to be behind the flood defence wall and cannot be provided within the defence itself. That being said, the entrances are a result of the design and layout of the proposal is considered to be well signposted on Exeter Street and would guide visitor/residents to the main entrance.

The scheme has been design to address Derwent Street, Exeter Place and Exeter Street along with considering its impact and setting on the City's skyline. The overall height, scale and mass of the development has been scrutinised during the determination of the planning application and has resulted in the submission of a suite of amended drawings and documents. The amended Design and Access Statement (February 2018) sets out the evolution of the design of the proposal including its height, external appearance and scale. Pages 21 – 39 of the DAS shows change in the height, scale and external appearance, Members will note the considerable design evolution as the architect has positively responded to concerns of the heritage consultees and the Council's Urban Designer. The architect has sought to provide a development that reads as a series of buildings rather than a large bulky block. Whilst the tower has actually increased in height this has assisted in providing verticality to the scheme rather than the development appears squat on the skyline. Furthermore, the architect has considered the use of different materials to further break the scheme, again, emphasising the development as a series of buildings rather than one block. In addition to the consideration of materials the architect has considered the form of the buildings.

The overall height and mass of the proposal is considered to be acceptable and whilst, is currently slightly out of context with the area, which with the exception of the Stuart Street apartments, will assist in providing a gateway to the city centre and kick start the regeneration of North Riverside.

The application, through its evolution, has been vigorously tested within the Council's 3D model. Screen shots from which are set out on pages of 40 – 60 of the DAS. The amendments to the scheme have reduced the overall mass, height and bulk of the scheme. The model, in my opinion which is echoed by the Council's Urban Designer, shows an amended scheme that sits comfortably within the setting of the street scene and on the skyline. The Council's urban Designer concludes that *"In my view, the final proposal broadly constitutes an urban design which, in principle, is of sufficient good quality to justify its height/mass."* Whilst there are still concerns with regards to the exact materials to be used I am satisfied that these are be dealt with by way of a detailed condition, which is also agreed by the Council's Urban Designer in the recommendation of the comments set out above.

Due consideration has also been given to the design of the elevations and materials of the scheme. The submitted plans identify the materials and colour finishes however the Local Planning Authority is yet to review sample materials and therefore materials will be dealt with by conditions to ensure that the quality of the scheme is maintained through the use of high quality materials. The introduction of the active

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ground floor use ensures that the scheme actively addresses Derwent Street furthermore the introduction of living accommodation in this general locality will ensure natural surveillance which is currently lacking in the general North Riverside area. I therefore consider that the scheme adequately addresses the surrounding streets. The elevations of the scheme are broken with windows and recessed balconies and the actual form of the building responds to the slightly irregular shape of the site and junction of Derwent Street and Exeter Street.

In my opinion, the overall form and height of the building responds to the areas context; with the shorter elements of the scheme sited on the periphery of the site, respecting the two and three storey forms of the 'The Tap' and Exeter Arms public houses. The proposed development then increases in height as it steps away from the existing public houses. This change in building heights provides the appearance of a cluster of buildings which has reduced the original bulky appearance of the scheme. Furthermore, the arrangement of the buildings and change in materials across the different elements, has, to some degree, lessened the bulk and mass of the development and has allowed the creation of views across the City's skyline.

In respect of the materials palette consideration has been given to a large variety of materials during the determination process including cladding of different colours and finishes. However, the architect has sought to use the materials as another tool to respond to the adjacent buildings and create the appearance of a cluster of buildings. The Council's Urban Design comments *"My view is that the latest distinction between the materials of the taller block and lower block does break up the massing to a positive effect."* Overall the materials are proposed to be red brick, a light coloured cladding and render, dark grey windows/doors and glass with dark grey railings. The materials schedule, as set out on the submitted elevations, does not at this stage provide exact details of the materials and it is felt that the exact materials are integral to ensuring the scheme remains as a high quality development. Therefore in principle I see no reason to resist the proposal due to the lack of these details but feel that a detailed condition is necessary to ensure the use of acceptable materials. The architect considers that the details provided thus far adequately detail the materials and their finishes... *"We have provided detailed rendered images and elevations to illustrate the intended materials for this specific reason; we wouldn't normally provide the rendered elevations, but we were conscious of illustrating the intended material pallet in detail."*

The exact finish to the flood defence wall remains a concern due to its 2 – 2.5 metre height. It is recommended that further consideration is given to the finish of the wall and where possible glazing panels should be incorporated. Again, I feel this matter can be dealt with by way of a materials condition. I would also note that comments relating to materials and the finishes of the proposal are lacking from the heritage consultees.

In light of the above, I am therefore satisfied that we have sufficient detail in respect of materials to determine this application and the Council will re-consider the proposed materials during the determination of any application(s) which seek the discharge of any materials.

The proposal would accommodate a largely triangular site on a prominent junction within the City Centre and would bring back into use a currently vacant site. The site

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as detailed above has been vacant for a number of years, been the subject of anti-social behaviour and currently appears a blot on the North Riverside. The proposal at street level would introduce an active edge to the Derwent Street street scene. The proposal would regenerate this currently unsightly site on North Riverside and assist in kick starting regeneration of the wider area. The built form of the proposal considers the wider context and has sought to positively respond to the area in terms of mass, scale and external appearance. Overall, it is considered that the building responds to and integrates with the local context and the wider City Centre, accordingly with Policies CP3 and CP4 of the adopted DCLP.

Through the life of the application letters of objection have been received from the neighbouring Exeter Arms and a Derby Resident; however I note that neither objector has made comments during the recent (2018) consultation period. The letters have been summarised in Section 4 of this report. Concerns are predominantly centred around the height, mass and scale of the building. However I note the Exeter Arms would welcome the additional customer basis. I consider that the detailed appraisal above robustly considers the design of the scheme and adequately addresses the points raised by the two objectors.

I note that the application has not attracted any letters of representation from residents in the Exeter House. I can therefore only conclude that they raise no objections to the development. Given the layout of the proposal whilst there may be concerns from residents in respect of perceived overlooking I consider that there would not be any direct overlooking as a result of the building arrangement. Furthermore due to the orientation of the development there is unlikely to be any significant impacts of overshadowing or massing on Exeter House.

I also note the application has attracted a comprehensive letter of support from Marketing Derby which is summarised above. The letter draws out the benefits of the scheme including, focusing on the social, environmental and economic benefits that will arise as a direct result of the implementation of the development.

As such the proposal would reasonably comply with the requirements of saved Policy GD5 of the adopted CDLPR.

7.4. Flood Risk and Drainage Strategy

The application has been subject to a detailed assessment in respect of Flood Risk and the proposed developments relationship with the Council's Our City Our River Flood defence scheme (OCOR).

This detailed assessment and further discussions has led to the submission of updated and amended Flood Risk Assessment (FRA). However despite these updates/amendments objections have remained in place from the Environment Agency as they are of the *"...opinion that the FRA fails to meet the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (NPPF)."* In order to overcome their objection, which is set out in Section 5.5 of this report the EA recommend the submission of a further FRA that adequately addresses the points raised.

The proposal is largely supported by colleagues in the OCOR team who confirm that *"OCOR broadly supports the intention of this development to incorporate a section of*

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the flood alleviation wall in the North Riverside area which would make a significant positive contribution to the delivery of OCOR's Masterplan ambitions for combined flood alleviation measures and regeneration for Derby". The team further confirms that "The proposal's FRA does appear to demonstrate that the revised alignment does not have a detrimental impact upon the flood conveyance corridor being narrowed at this point. Therefore OCOR does not wish to object on these grounds". Although they remain concerned about the number of manual gates and the lack of information provided in respect of the flood defence glazing. There also remains a question over whether or not a flood defence wall would be required along the boundary of the application site and the Exeter Arms. The full comments of the OCOR team are set out above.

Colleagues in Land Drainage has summarised the progress of the application but remain to have concerns namely relating to the proposals relationship with the OCOR scheme, the exact design of the flood defences including any seepage cut-off and the details of an evacuation strategy/plan. In my opinion, the concerns raised by colleagues in Land Drainage can be adequately addressed by way of a conditions.

The application site is located in an area identified as the North Riverside. As detailed above, the OCOR scheme has secured outline planning permission across North Riverside for the alignment and height of the proposed flood defences. We are yet to receive a reserve matters application for the details of these flood defences. The defences currently take the form of a series of walls, demountable gates across pavements/roads and the creation of a conveyance corridor that runs through this application site. The proposal, in order to comply with the OCOR scheme, has therefore incorporated the conveyance corridor which has resulted in the loss of 35% of the sites developable area and also incorporated an integral flood defence within their scheme. Furthermore, as a direct result of the detailed discussions the applicant has also included demountable defences within their site to protect vehicular and pedestrian entrances/exits, raised internal floor finishes and tanked plant rooms and proposed the use of flood defence glazing to the ground floor unit all at additional cost to the development.

During the details discussions regarding flood risk the applicant has been asked to consider the flood risk in various scenarios (1) without the completion of the OCOR flood defences and (2) with the completion of the flood defences along with considering various flood events which are details within the updated FRA. The application is located in close proximity to the River Derwent and is therefore identified as being within Flood Zone 3. The implementation of the OCOR scheme would therefore result in this site being and a defended flood zone 3.

The applicant has considered in detail the comments of the consultees and has sought to address these through their letter dated, 26th March 2018. Their comments are currently being considered by the relevant consultees and an update will be provided at the committee meeting.

That being said the applicant considers that *"...the FRA encompasses the requirements put forward by the OCOR Project Management team and provides a robust approach to delivering a scheme that currently falls within flood zone 3a but will ultimately benefit from the OCOR2 defences. There is an acknowledgement that the existing ground level is below the 100 year climate change flood level, and with*

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consideration of that the residential element of the building is situated at first floor level and above, with less vulnerable use at ground floor level. Ground floor areas are protected with flood defence structures both permanent and temporary/manual, along with the inclusion of flood resilient construction methods, which consider the breach scenario. An ancillary plant room has been included at a level above the 100 year climate change flood level, thus maintaining power to the building in an extreme flood event. It should also be noted that the delay in a flood event reaching Derby city i.e. 12 – 24 hours provides ample time for residents, coordinated by the 24 hour concierge in conjunction with DCC Emergency Planning team, to evacuate the premises well in advance of a flood event occurring.”

Whilst we are yet to consider the final responses of consultees the applicant has taken reasonable steps to address all concerns raised by the EA, OCOR and DCC Land Drainage and has sought to provide updated information and modelling where necessary. As such, I consider that whether or not the content of the FRA is in accordance with the PPG or NPPF is largely subjective. However that being said, the true issues of the scheme remain the *“Is this residential development located in flood zone 3 acceptable or not following the amendments to the scheme, as set out below?”*

In order to assist with improving the viability of the site the application has sought to reduce the width of the conveyance corridor. This has been subject to extensive flood modelling and the impacts of any changes to the level of flood water up and down stream have been considered by the EA and OCOR. They are satisfied that the impacts of amending the conveyance corridor are neutral and therefore there are no objections to amending the corridor width. I therefore consider this matter to be satisfactorily dealt with.

In order to assist developers with drafting FRA's for development that would be within defended flood zones 2 or 3 the Council has provided a checklist for developments and identifies matters that the applicant should consider to ensure their proposed development is safe, these are as follows:

- *designing buildings to avoid flooding by, for example, raising floor levels (in-built mitigation)*
- *flood resilience and resistance measures*
- *provision of integrated flood defences, in accordance with the OCOR strategy*
- *safe access and egress*
- *flood warning and evacuation plans*
- *ensure the development will not affect flood flow routes*
- *structural stability of the building*

As detailed above, the applicant has made various detailed changes to their scheme to ensure that they satisfy the above points and ensure the development is safe for future occupants. The design changes are summarised as follows:

- *designing buildings to avoid flooding by, for example, raising floor levels (in-built mitigation)*

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- the finished floor levels of the plan room and ground floor have been raised to taken into consideration floor risk.
 - *flood resilience and resistance measures*
 - the proposed development includes de-mountable gates at entrance points, has incorporated flood defence glazing around the ground floor. Furthermore, consideration has been given to the construction of the internal walls and the location of internal fittings.
 - *provision of integrated flood defences, in accordance with the OCOR strategy*
 - the scheme allows the creation of the OCOR conveyance corridor and also includes for the creation of a flood defence wall in accordance with the outline planning application for OCOR.
 - *flood warning and evacuation plans*
 - the proposal is for a managed apartment scheme and therefore there will be staff in the building to ensure the development is evacuated. Furthermore, precise details of the evacuation strategy can be secured by condition.
 - *ensure the development will not affect flood flow routes*
 - the additional modelling carried out by the applicant confirms that the proposal will not have a detrimental impact on the flow of water through the conveyance corridor.
 - *structural stability of the building*
 - *given the scale of the building, the scale of the foundations and the flood defences the overall weight of the building will be sufficient to ensure stability during a flood events.*
 - *safe access and egress*
 - In respect of providing a safe access and egress the application does not provide one. However, I consider that they have provided a robust assessment of any flood risk and built in sufficient resilience where possible.

Whilst the application does not provide a safe access and egress during a flood event I am satisfied that the applicant has taken reasonable steps to consider the flood risk to the development and where practically possible has amended the scheme to incorporate sufficient resilience measures. I note that it will not always be possible to provide a safe means of access/egress and therefore the decision maker must weigh in the balance the risk to future residents if one is not provided.

It is my opinion that the applicant has taken all reasonable steps to ensure that the proposed development is safe for future occupiers and has built in, where practically possible, resilience measures. Furthermore, the applicant has confirmed the submission of a detailed evacuation strategy/plan once the end-user/management company is confirmed. I therefore consider that whilst concerns over the content of the FRA may not remain unresolved the actual scheme has sought to address all

matters. As such I consider the proposed to confirm with policies CP2 and AC8 of the DCLP, subject to compliance with site specific conditions requiring the submission of further details.

Colleagues in Land Drainage have considered the proposed drainage strategy for the scheme but require additional information in respect of the exact location of the attenuation tanks and the precise details of the green roofs. That being said, they are largely content with the overall strategy but require precise details of the scheme as they have incorporated sustainable drainage elements in the form of a number of green roofs. In this instance, I am satisfied that the proposed drainage strategy is acceptable in principle and the precise details can be secured by planning condition. The use of sustainable drainage techniques, particularly, the inclusion of green roofs should be welcomed and does confirm to national and local plan policies and guidance.

7.5. Transport and Access

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. Paragraph 32 of the NPPF states: *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure,*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

The application is accompanied by a Transport Assessment which has been duly amended to take into consideration comments from the Transport Planning Team and to take into consideration amendments to the scheme. The assessment and its amendments have been considered by colleagues, in Transport Planning and Highways Development Control, who comments can be found in Section 5 of this report.

Policy CP23 “Delivering a Sustainable Transport Network” seeks to ensure that people living, working and travelling within Derby have viable travel choices along with an effective, efficient and sustainable transport network. The proposal seeks to provide a number of car parking spaces but there would not be a space per residential unit. Providing a reduced number of car parking spaces in this location is considered to be acceptable as the application site is located within the City centre and is within walking distance of the bus station and train station. A large number of amenities are also located within walking distance of the application site. As a result of the low level of parking the number of trips will be relative controlled, when considering the residential development.

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In respect of the commercial development, the transport consultants have provided further analysis of the commercial space, as a result of the increase commercial space. The full comments of Transport Planning are set out in Section 5 of this report and conclude that overall “...*the development is unlikely to have a significant impact on the highways network*”.

In respect of the highway access arrangements and layout of the site, the applicant has sought to address the previous comments and concerns of the Highways Development Control Team and therefore colleagues in highways are content with the proposal and recommend planning permission should be granted subject to conditions which shall secure suitable visibility splays, suitable surfacing materials, drainage details and details of the new access and the reinstatement of the redundant access.

In light if the above the proposal conforms to the core principles of the National Planning Policy Framework and policy CP23 of the DCLP.

7.6. Other Environmental Impacts

The application is accompanied by a series of technical documents that have sought to consider contaminated land, noise and air quality. These documents have been duly considered by my colleague in Environmental Health whose full comments can be reviewed in Section 5 of this report.

The applicant has submitted a Phase I Contaminated Land Assessment which is only a desktop assessment with no intrusive sampling. In light of this and given the previous uses on the site there are a number of potential sources of contamination therefore it is recommended that a further Phase II Intrusive assessment is carried out and submitted prior to any development commencing on site. The findings of this assessment will then determine the next steps, all of which can be controlled by recommended conditions – these next steps include the submission of a remediation strategy and validation report.

In respect of air quality, the application site is located in close proximity to the Air Quality Management Area (AQMA) which runs along St Alkmunds Way. This AQMA has been designated due to its exceedance of the National Objectives for nitrogen dioxide (NO₂). The application is accompanied by an updated Air Quality Assessment which provides detailed air quality modelling. That being said the updated survey, fails to consider the ‘street canyon’ effect which is the impact of tall buildings on the dispersal of pollutants along a street which are affected as a result of tall buildings. Whilst I appreciate this should be a consideration, the proposal would be the only tall building, at present, along Derwent Street with Compton House opposite only being two storey. Therefore I question whether the canyon effect would be a consideration in this location. If the decision maker considers that the ‘canyon effect’ is relevant in this location that further modelling can be undertaken to determine the impacts on the development. It is the recommendation of the Council’s Environmental Health Officer (EHO) that this additional modelling is carried out prior to the determination of this planning application.

An updated survey has been provided in respect of noise which has been duly considered by colleagues in Environmental Health. My colleague has identified

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limitations in the report as the survey only consider noise from traffic and not noise resulting from the adjacent public houses and the impact that this could have on sleep of future residents and short duration noises.

Overall the survey identifies that the outdoor balconies that exceed the recognised noise levels but considers that the benefits of having a balcony and outdoor amenity space outweigh these impacts for residents. I am minded to agree, with the applicant, given the limited amenity space within the vicinity. That being said, the Council's Environmental Health Officer has drawn our attention to recent case law "*...regarding noise nuisance mean that future residents may have little recourse to resolve excessive noise arising from the pub and therefore the planning system may be the only avenue for preventing future issues*" Therefore the use consideration of this issue during the planning process is important.

There is no consideration of the noise arising from the ground floor use however at this stage the applicant is not certain of the end user. Therefore I consider it would be reasonable to condition an acoustic assessment and the implementation of suitable noise mitigation once the end use of the commercial unit is known, this would also extend to include any plant/ventilation system.

In general, the EHO remains to have concerns regarding the living environment created for future residents as a result of high levels of noise in the locality and as the mitigation package proposed by the applicant is considered to be insufficient. In respect of progressing this application and as confirmed by my colleague, there is a need and demand for residential developments in the city. Therefore in order to move the application forward I consider it would be reasonable to condition precise details of the acoustic mitigation package to be submitted to and approved by the LPA and the mitigation shall be based on an updated survey which considers the noise arising from the public houses and short duration noises.

The EHO has also requested the submission of a demolition management plan and construction management plan both shall consider the impact of works on local residents along with hours of work, parking of vehicles, emission of dirt and dust, noise management and the disposal of waste.

Whilst the EHO remains to have concerns with regards to air quality and noise implication for the future residents of the proposed development I consider that this is a City Centre site and the implications arising are far outweighed by the benefits of the proposal. Furthermore, I would consider that residents of the proposed would also be aware of the locality and the close proximity of the main road and public houses. As such I consider, subject to conditions, that the applicant has made reasonable steps to address matters relating to noise and air quality.

The full comments of Derbyshire Wildlife Trust are set out in Section 5 of this report. Overall they welcome the inclusion of the green roofs but would like to secure a landscaping scheme provides a biodiversity enhancement strategy. I therefore consider that subject to relevant conditions the application is acceptable in terms providing green infrastructure.

7.7. Planning Balance

The proposal is welcomed in principle from a policy perspective. It will provide 105 much needed new homes, regenerate a derelict brownfield site and potentially provide a catalyst to the wider comprehensive regeneration of the whole North Riverside area. The proposal will contribute to the requirement to provide 1,000 new homes within the City Centre (inside the ring road) and is consistent with the aims and objectives of AC1 and AC2 which seek to strengthen the role of the city centre as a residential location and maximise the potential of the riverside area. The proposal is also generally consistent with many of the aims and objectives of AC7 which, amongst other things, seeks to unlock the economic potential of the River Derwent corridor.

Notwithstanding these points, as with most proposals of this significance, there are a number of more detailed matters that need to be weighed against the benefits of the proposal to determine whether the proposal can be considered to accord with the development plan when read as a whole. These matters include the impact of the proposal on flooding, including the implementation of the OCOR programme and the acceptability of the design of the proposal, particularly in terms of its impact on heritage assets and overall design principles.

In coming to a decision as to whether the acknowledged harm on the heritage assets, as detailed above, is unacceptable for this full planning application, regard must be given to the relevant adopted Local Plan – Part 1 policy CP20 and saved policy E19 which feed into the balancing exercise required under paragraph 134 of the NPPF.

It is important to note that the proposed development does not lead to the loss of a heritage asset or substantial harm to a heritage asset as referenced under the NPPF. The proposal would have an impact on the significance, in terms of setting, of the heritage assets as a result of the proposals scale, mass and height. The principle of development on this site is largely accepted by consultees. The overall harm as set out previously in this report is considered to be less than substantial harm and in my opinion, limited to low in terms of the degree of harm as a result of the heritage assets intervisibility with the proposal, the existing townscape and surrounding built form. The proposal would be contrary to policies CP20 of the Local Plan and saved policies E18 and E19c but accords with the policy tests within NPPF.

The proposal is considered to bring forward significant planning benefits the redevelopment of a brownfield site that has been vacant for a considerable period of time and has been the subject of anti-social behaviour, most recently a fire. The redevelopment of this site would also begin the regeneration of the North Riverside area. The development would deliver 105 residential units which would boost Derby's economy and increase the vitality and viability of the City Centre. The development would also introduce an active frontage to Derwent Street. Introducing further residential accommodation into the City Centre in this locality would seek to realise the Councils City Centre Masterplan 2030 and City Centre Living Initiative along with increasing natural surveillance.

It is also important to consider that the application, through the incorporation of an integral flood defence wall and creation of flood conveyance corridor, seek to deliver a substantial part of the flood defence works on North Riverside at costs to this

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scheme. Whilst further details will need to be secured by condition the principle of the flood defences and conveyance corridor are welcomed by colleagues in OCOR.

In weighing up the balance between the planning benefits and the impacts of the proposal, the impacts in this instance are considered to be the less than substantial harm to the heritage assets, I consider that the planning, public and regeneration benefits of the scheme outweigh the harm to the heritage assets. Specifically under Paragraph 134 of the NPPF I conclude that the planning benefits arising from this proposal outweigh the harm and welcome this refined proposal, investment in the fabric of the city and all the associated benefits it will bring to the area.

For consideration the benefits arising from the scheme are as follows:

- This is a modern building which would be managed by a management company would be sited in a highly sustainable location and would provide footfall, consumer spending and general activity in the city centre which would benefit the local economy.
- The proposal would create jobs, employment opportunities and support local businesses.
- The proposal would see the delivery of some 105 residential units that would assist in meeting the requirements of DCLP1 which seeks to deliver a minimum of 1000 new residential units in the city centre.
- The principle of such a development is also supported by the core principles of the National Planning Policy Framework.
- The proposal would see the kick start of the regeneration of the North Riverside area, providing natural surveillance and active frontages in a prominent location by bring back into use a vacant plot and the demolition of a series of buildings that have been subject to anti-social behaviour.
- The proposal will significantly improve the built form of this area by re-building the broken street scene.
- The application site is identified with the Councils City Centre Masterplan 2030 as a Future Opportunity. The proposal would assist in the delivery of the Masterplan by delivering a Living City.
- The creation of a ground floor retail unit will provide amenity for the future residents of the development along with those already living on North Riverside in the Stuart Street apartments and Exeter House.
- The proposal would also assist in the delivery of the Council Our City Our River Scheme through the creation of a conveyance corridor and installation of an integral flood defence wall in North Riverside.
- The proposal would also assist in meeting the objectives of the Our City Our River scheme through regenerating North Riverside and the delivery of City Centre housing.
- The scheme will see the investment of upwards of £14m in Derby.
- The proposed development will act as a gateway feature into the City Centre.

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In my opinion, these benefits far outweigh any 'harm' created by the proposed development.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

It is considered that the proposal, as amended, would result in less than substantial harm to the Grade I Cathedral, City Centre Conservation Area, Nottingham Road Conservation Area and surrounding non-designated assets. However this harm is considered to be outweighed by the significant Socio-Economic benefits that will be realised as a direct result of the proposal. Subject to compliance with attached conditions, the proposal would not have an adverse impact on the highway network. The application has taken reasonable steps to ensure the development is safe in respect of matters arising from flood risk through the inclusion of resilience measures in the fabric of the building. Furthermore there would not be any unreasonable impact upon neighbouring properties including the Exeter Arms, The Tap and Exeter House. Accordingly the development would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

8.3. Conditions:

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (materials including details of the finishes of the flood defences, glazing etc.)
4. Standard condition 20 (landscaping scheme public art)
5. Non-standard condition requiring the submission of a biodiversity enhancement strategy
6. Standard condition 22 (landscaping maintenance)
7. Standard condition requiring the submission of a demotion method statement
8. Standard condition requiring the submission of a construction management plan
9. Standard condition requiring the submission of a Phase II contamination report

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10. Standard condition requiring the submission a remediation strategy/method statement
 11. Standard condition requiring the submission a validation report
 12. Standard condition requiring the submission of further assessments should other contaminants be found on the site during construction
 13. Condition requiring the submission of a robust insulation scheme which shall consider sleep disturbance, noise from the public houses and the ground floor commercial units and provide and implement suitable mitigation
 14. Condition requiring the submission of an air quality mitigation measure strategy
 15. Condition requiring the submission of a travel plan
 16. Condition requiring details of any plant/equipment that are required for the ground floor commercial unit including but not exclusive to a/c units, ventilation systems etc.
 17. Condition confirming the opening hours of the commercial units (07:00 – 23:00 hours Monday – Sunday)
 18. Condition ensuring visibility splays are kept clear
 19. Condition requiring the submission of visibility splays
 20. Condition requiring the submission of surfacing details for the access and car park
 21. Condition requiring the submission of drainage details for the access and car park
 22. Condition requiring the submission of details for the proposed access
 23. Condition requiring the submission of details for the reinstatement of the redundant access
 24. Condition requiring the submission of a drainage strategy that shall include the green roofs detailed on the submitted plans along with other sustainable measures
 25. Condition requiring the submission of precise details of the flood defence including foundations, tie in details, precise location (consideration should be give to whether or not the wall should be extended s around the Exeter Arms)
 26. Condition requiring the submission f details of plant on the roof
 27. Standard condition 80 (windows and door details)
 28. Condition requiring the submission of cycle parking details
 29. Condition requiring the submission of finish floor levels
 30. Condition requiring the submission of an evacuation strategy
 31. Condition restricting the sale of goods from the commercial unit

8.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14
4. Standard reason E14
5. Standard reason to preserve ecology
6. Standard reason E14
7. Standard reason E07
8. Standard reason E07
9. Standard reason E49
10. Standard reason E49
11. Standard reason E49
12. Standard reason E49
13. Standard reason E49
14. Standard reason E49
15. Standard reason to encourage alternative modes of travel
16. Standard reason E07
17. Standard reason E07
18. Standard reason E19
19. Standard reason E19
20. Standard reason E19
21. Standard reason E19
22. Standard reason E19
23. Standard reason E19
24. Standard reason E21
25. Standard reason E21
26. Standard reason E08
27. Standard reason E14
28. Standard reason to encourage alternative modes of travel
29. Standard reason E21
30. Standard reason E49
31. In order to no undermine the vitality and viability of the city centre.

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8.5. Informative Notes:

Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: highwaysdevelopmentcontrol@derby.gov.uk

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

It is the Local Authority's statutory responsibility to issue official addresses for all residential and business premises within its area. The naming or numbering of the properties should be requested when development commences by contacting traffic.management@derby.gov.uk

Examples of air quality mitigation package could include:

- Installation of an alternative means of ventilation in order to protect occupiers from exposure to the high levels of pollution along Derwent Street;
- Re-design of the development so that residential dwellings are located at least 15 metres from the kerb of Derwent Street (either horizontally or vertically);
- Measures to encourage the uptake of low emission vehicles for example electric vehicle charging points;
- Measures to encourage the uptake of active travel such as walking and cycling;
- Measures to contribute to, or assist with developing, the council's existing or proposed air quality improvement measures e.g. those described under any low emissions strategy, air quality action plan or clean air zone plan in place at the time.

8.6. S106 requirements where appropriate:

A scheme of this type would usually be expected to make contributions towards affordable housing, major open space, highways, sports facilities, health and community facilities. However the applicant has stated that the development cannot afford to provide any of these contributions due to the high costs associated with the required OCOR works and the associated land take within the application site. The applicant has submitted a full financial appraisal that demonstrates that the development cannot afford to make any contributions through a S106 Agreement. This appraisal has been rigorously assessed by the District Valuer as an independent body and they have agreed with the conclusion that no S106 contributions can be afforded.

Therefore the S106 Agreement will include a robust overage clause that will ensure that if any additional profit is made as the development progresses, the Council and the developer will share the uplift in profit to allow the contributions outlined above to be provided in the future. The profit level will be assessed towards the end of the development and any additional profit will be shared 50/50 with the developer up to a

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cap that is equivalent to the policy compliant level of contributions which should have been paid by the development.

The development will be providing landscaped on-site open space areas and a public art/ realm scheme as an integral part of the development. These will be secured by condition.

8.7. Application timescale:

The applicant has agreed to an extension of time until 30th April 2018.

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Application No: DER/11/17/01432

Type: Full Planning Application

1. Application Details

1.1. Address: Former Rolls Royce Works, Nightingale Road, Derby

1.2. Ward: Sinfen

1.3. Proposal:

Erection of 406 dwellings with associated car parking and landscaping together with refurbishment of 3 existing dwellings.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/11/17/01432>

Brief description

This report is intended to provide Members with an introduction to development proposed on former Rolls Royce sites on Nightingale Road in Derby. The proposals remain under consideration and detailed examinations of the implications of the development are not brought to a conclusion in this report. Its purpose is to highlight the issues arising from the application with the intention of keeping Members of the Committee informed on the progress of the scheme.

This application relates to two sites in the Osmaston Area of the City. The main site is the former Rolls Royce Main Works site on Nightingale Road. The second is a smaller site, to the north east of the Main Works site, comprising a former garage site at the northern end of Nightingale Road, at its junction with Osmaston Road.

The Main Works site extends to 8.4 hectares. It has some irregularities but is almost square in shape. Nightingale Road extends along its eastern boundary which links to Osmaston Road at its northern end and Osmaston Park Road at its southern end. The grade II listed Marble Hall and its rear car park stands at the eastern edge of the site but sits outside the bounds of this planning application. To the north, south and west, the site is bound by houses in Hawthorn Street, Addison Road and Abingdon Street. They are predominately two storey semi-detached and terraced properties which is characteristic of houses in the wider Osmaston area.

The Marble Hall is an imposing building which fronts Nightingale Road. It was built to accommodate the offices for the Rolls Royce factory that occupied the Main Works site and land to the rear of the Marble Hall. The buildings comprised of single storey workshop, factory buildings and offices. Rolls Royce cars and aero engines have been manufactured and tested on the site in the past. Rolls Royce occupied the site from 1907 to 2011 and the original office building which now stands as the Marble Hall was constructed in 1912. It was grade II listed in 2009. It is rectangular in plan and extends to two storeys in height with a central three storey section. The company name 'ROLLS ROYCE LIMITED' extends across the buildings frontage. Rolls Royce no longer operates from the site and all buildings that were associated with its former industrial use were demolished in 2011. The site now stands open and is generally level. A concrete slab extends across the full extent of the site which is broken in places and has allowed for some vegetation to grow but there are no significant or mature trees on the site. The Marble Hall is the only building which now occupies the former industrial site. It has been refurbished in recent years and

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accommodates a mix of uses including offices, a children's nursery and café. It is a prominent, landmark building in the Osmaston area.

The second site that forms part of this planning application extends to 0.31 hectares. It is an irregular shape, occupying the southern Osmaston Road and Nightingale Road corner and the triangular shaped piece of land that extends southwards and behind residential properties in Osmaston Road, Nightingale Road and Mowbray Street. Information supporting the application indicates that this site was occupied by a builder's yard in the past and subsequently a garage. At present it is fully hard surfaced and is in use as a car park. Access into the car park is from Nightingale Road and its frontage is open allowing views in from the street. Its southern section is enclosed by the rear garden boundaries of neighbouring residential properties.

The application seeks full planning permission for the comprehensive redevelopment of both sites. On the Main Works site, the proposals include the erection of 360 private dwellings along with 12 affordable dwellings. A mix of one, two and three bedroom apartments and two, three and four bedroom houses are proposed. The development comprises a mix of single, two storey and three storey dwellings and apartments. The new dwellings would extend across the Main works site along a grid pattern of new streets. The houses would back onto the existing houses in Hawthorn Street and Abingdon Street that currently share a boundary with the Main works site. The dwellings would also provide an active frontage to Addison Road, extend up to the rear of the Marble Hall car park and provide new residential development to the north and south of the Marble Hall, fronting Nightingale Road. Two small areas of infill include a pair of semi-detached houses which form part of the proposals in Hawthorn Street and two new pairs of semi-detached houses on the corner of Addison Road and Abingdon Street.

Development proposed on the Osmaston Road site comprises an apartment block accommodating 27 units which extends up to four storeys. At the rear of the site 7 two beds semi-detached and terraced dwellings are proposed in a small group of two storey height. They are proposed to be served by a parking area that would sit centrally, in between the apartments and dwellings.

All 34 units of accommodation that are proposed on the Osmaston Road site are to be affordable dwellings. This site is to provide affordable housing to complement the 12 units to be provided on the Main Works site and will enable the scheme to deliver a higher percentage of affordable homes overall.

Both of the sites that are the subject of this application are located in an area known as the Osmaston Triangle which is an area of the City identified for regeneration. The Osmaston Triangle is bounded by the railway line to the west and north-west, Osmaston Road to the east and north-east and Osmaston Park Road to the south. The two sites subject of this application are brownfield sites within that triangle and the Main Works site is a priority site, identified for regeneration. This planning application is submitted by Keepmoat Homes on behalf of the Osmaston Regeneration Partnership which is a joint venture with the City Council.

It is noted that the planning application also identifies three existing dwellings which sit adjacent to the Main Works site in Nightingale Road, for refurbishment as part of the works in this area.

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The information submitted in support of this planning application includes a Design and Access Statement, Heritage Statement, Transport Assessment, Flood Risk Assessment, Site Investigation Report, Arboricultural Assessments, Ecological Appraisal, Air Quality Assessment and Residential Travel Plan.

2. Relevant Planning History:

Application No:	DER/05/16/00572	Type:	Local Council Own Development Reg 3
Decision:	Granted Conditionally	Date:	19/09/2016
Description:	Erection of 1.8m high black railings to front, rear and sides of Marble Hall.		

Application No:	DER/05/16/00573	Type:	Listed Building Consent – Alterations
Decision:	Granted Conditionally	Date:	19/09/2016
Description:	Erection of 1.8m high black railings to front, rear and sides of Marble Hall.		

Application No:	DER/11/15/01384	Type:	Full Planning Permission
Decision:	Granted Conditionally	Date:	06/01/2016
Description:	Change of use from medical centre (use class D1) to offices (use class B1).		

Application No:	DER/09/13/01037	Type:	Listed Building Consent – Alterations and Demolition
Decision:	Granted Conditionally	Date:	18/07/2014
Description:	Refurbishment and change of use from factory to community centre with offices, nursery, cafe and healthcare provision including partial demolition and erection of entrance and lift to rear.		

Application No:	DER/09/13/01036	Type:	Local Council Own Development Reg 3
Decision:	Granted Conditionally	Date:	31/10/2013
Description:	Refurbishment and change of use from factory to community centre with offices, nursery, cafe and healthcare provision including partial demolition and erection of entrance and lift to rear.		

3. Publicity:

Neighbour Notification Letters were sent to 192 properties surrounding the two sites.

Site Notices - displayed on street furniture on 14/11/17.

Statutory Press Advert - published 17/11/17.

Other – The proposals were presented by Keepmoat Homes to the Sinfen Neighbourhood Forum and Sinfen Neighbourhood Board in March and September

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2017, prior to the formal submission of the planning application. The Sinfen Neighbourhood Board was also updated on the progress of the scheme in December 2017 by colleagues in our Regeneration Team. Regular updates are also proposed to take place at the bi-monthly Osmaston Partnership Forum.

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

4. Representations:

I have not received any third party objections in response to this planning application. One letter of support has been received and this is from the Chair of the Osmaston Community Association of Residents (OSCAR). The Chair has commented as follows;

‘On behalf of the Osmaston Community Association of Residents (OSCAR), I am pleased to provide this letter of support the planning application by the Osmaston Regeneration Partnership (joint venture) to create around 400 new houses and refurbished cottages in Osmaston across the ‘Main Works’ and ‘Nightingale Road Car Park sites.’ I acknowledge that the current building used by OSCAR falls within the red-line of the development with the plans to refurbish the redundant Rolls Royce cottages on the Nightingale Road to create a new home for us. Finally, I understand the financial challenge of this project owing to the ground conditions from industrial activities of former Rolls Royce factories. And I hope that a solution can be found to bring these derelict sites forward, ending years of frustration for local residents we represent who live adjacent to the two sites.’

5. Consultations:

5.1. Conservation Area Advisory Committee:

The Committee considered the proposals at its meeting on 07 December 2017 and raised no objections to the proposals but noted that the Committee welcomed the proposals but felt more attention should be paid to the position of the Post Box and its brick surround. It was felt that the post box should be closer to the main block and the railings, where removed to make the access, should be re-used. Committee also felt improved design could be made to the central Avenue as opposed to the design suggested.

Revised plans were reported back to the Committee on 08 March this year and the Committee resolved to raise no objections to the application.

5.2. Regeneration:

The Regeneration Projects Team fully supports proposals for 398 dwellings on the Former Rolls Royce Works, Nightingale Road, Derby. Derby City Council are committed to the regeneration of Osmaston and the proposed development forms a key part of the overall regeneration of the scheme.

A period of industrial decline within Osmaston has left behind a number of brownfield sites. Regeneration activities have provided market intervention with several schemes delivered since 2010 including new housing, a refurbished school and

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highway / public realm improvements. A residential scheme was developed on vacant sites at Elton Road and Glossop Street (known locally as the Elton Road Quadrant) in 2013-15. This comprised around 95 new dwellings. Improvements to the nearby Elton Road shopping parade were recently completed with further improvement works planned for Nightingale Road adjacent to the application site. Refurbishment of the Grade II listed Marble Hall was completed in 2016, which incorporates a business hub and associated community uses.

The development of the former Main Works site proposed through this planning application will act as a further catalyst for development, regeneration and public realm improvements across the rest of the Osmaston area. It also supplements the other schemes that have been brought forward within Osmaston.

The proposed scheme will help to deliver housing on a priority site within the Osmaston Regeneration area covering a range of housing types and tenures. The site is allocated within the Council's Local Plan and the proposed development will contribute a proportion of the total number of new homes required across Derby Over the plan period. The regeneration of the Osmaston area is one of the key Council pledges and submission of this planning application is a step towards delivering this pledge.

5.3. Highways Development Control:

Colleagues have confirmed that the submitted layout plans are almost agreed subject to a few minor layout issues being resolved. The wider, off site highway impacts of the development remain under consideration.

5.4. Highways (Land Drainage):

Colleagues have had a number of meetings and discussions with the applicants and their consultants. Detailed comments will be provided in due course on the latest Flood Risk Assessment that has been submitted.

5.5. Environmental Services (Health – Pollution):

Air Quality conclusions and recommendations to date are as follows:

The development has the potential to significantly impact upon local air quality due to increases in traffic volumes on the local road network and also in relation to construction impacts.

The nearby Osmaston Road (to the north) and Osmaston Park Road (to the south) are known to have existing high levels of air pollution and have been designated an Air Quality Management Area (AQMA) due to predicted exceedances of the air quality objectives for nitrogen dioxide (NO₂).

An air quality assessment has been submitted with the application; however it only considers the smaller second plot of land (located adjacent to Osmaston Road).

The report also fails to adequately consider the potential risks associated with construction-related dust as a result of known contamination in the ground on the main works site.

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The assessment is therefore not appropriate to the application under consideration and cannot be relied upon as a basis for making air quality judgements for this planning application.

Given the concerns over air quality in this area of the city, the Environmental Protection Team would strongly advise against the granting of planning permission until such time as an appropriate air quality assessment has been completed for the site.

Contaminated land conclusions and recommendations to date are as follows:

The submitted report provides a thorough assessment of land contamination risks associated with the site, considering a generic residential end-use. I note however that the report is only reflective of the situation back in 2014 and I am aware that further investigatory works have been completed since this date. I also note that further details are now known about the proposed layout of the development since the drafting of the report.

The report does however present an outline strategy which would allow residential development of this significantly contaminated site.

It is important that the additional investigations which have taken place since the drafting of the report back in 2014 are reported in full in line with the current development proposals, with a view to development of a detailed remediation scheme for the site.

Should the application be granted planning consent, I would recommend the attachment of a number of detailed conditions.

The application is not supported by any consideration or investigation of potential contamination on the second plot of land near to Osmaston Road associated with the planning application.

It is important that the above recommended conditions relate to both the main works site and the Osmaston Road site, the latter of which still requires full assessment. Alternatively, it may be prudent to attach separate conditions requiring a Desk Study, a Phase II Site Investigation, a Remediation Strategy and a Validation Report specifically relating to the second plot of land being considered under this planning application.

Noise impact conclusions and recommendations to date are as follows:

Main Works site

Whilst the Environmental Protection Team has no objections to the application on noise grounds in principle, there is a degree of concern for future residential amenity to be affected by noise from the adjacent Marble Hall commercial development, namely from the children's nursery, car park and mechanical plant.

Should planning permission be granted, I would recommend a condition requiring an assessment of noise arising from the Marble Hall development and its potential to impact upon residential dwellings proposed along the adjacent boundary.

Given the scale of the development and its proximity to neighbouring dwellings, the Environmental Protection Team would also recommend a condition requiring the production of a detailed *construction management plan* for approval by the LPA,

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designed to mitigate as far as possible the impacts of construction noise affecting local residential dwellings.

Osmaston Road Site

Whilst the Environmental Protection Team has no objections to the application on noise grounds in principle, there is concern for future residential amenity of the proposed units located adjacent to Osmaston Road due to the expected high levels of road traffic noise.

Should planning permission be granted, I would recommend a condition requiring an assessment of road traffic noise and its potential to impact upon future occupants of dwellings proposed adjacent to Osmaston Road. Where necessary, the report will need to provide recommendations for an appropriate noise insulation scheme and the report should be approved by the LPA before the development commences. Finally, the agreed noise insulation scheme will need to be incorporated into the development in full before it is occupied

5.6. Derbyshire County Council Archaeologist:

We were asked to comment on the archaeological potential of this site in 2012 under the Derby Urban Area allocations. At that time we advised that there was no potential for below ground archaeology at the two sites which are covered by this application.

The potential treatment of the Grade II Listed frontage building (Rolls Royce engineering workshops of 1907-8) was also flagged up as an issue at this time. It is noted that the current application includes a Heritage Statement which considered the impact of the proposals on the setting of this structure. We would recommend that you seek the advice of your Conservation Officer on this matter.

Taking the above in to account we would not wish to comment further on this scheme.

5.7. Environment Agency:

Nightingale Road site:

A Draft Site Investigation Report produced by Wardell Armstrong, dated September 2014 (ref: WM10839) has been submitted in support of this application. The report is denoted DRAFT as it presents an interim assessment, prior to subsequent gas and groundwater monitoring and sampling visits which are/ were planned to feed further detailed assessments of risk, and the production of a Remedial Strategy.

Rather than providing formal comments on this interim report, we would prefer the submission of the full report if the planned works and assessments have been undertaken. We do however provide the following comments to help aid the applicant/ consultant on future works and reports based on our current understanding of the site.

- Given the near 4 year time period between the Draft Report and this application, we believe there would be value in updated monitoring and sampling of groundwater, to establish the current contamination status of the site, and any favourable or unfavourable changes in site conditions.

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- The report has drawn upon the Scott Wilson reports in 2008. We would like an opportunity to review these reports and appendices (such as historical maps), as they underpin more recent investigations.
 - The report has not made reference to the Cotton Brook which, although culverted, is the closest water receptor to the site.
 - Further investigative or remedial works are necessary to establish whether the pipework and possible tank at TPMW7 and 8 are significant sources of contamination.
 - Section 6.13 of the report makes reference to elevated concentrations of heavy metals within BH3101 from the 2002 investigation. It is noted that more recently constructed boreholes in this location show reduced concentrations of these heavy metals. We would be interested to know whether BH3101 is still available for monitoring and analysis going forward. The report subsequently recognises that a degree of remedial work is likely to be necessary in this area.

Osmaston Road Site:

A Draft Site Investigation Report produced by Wardell Armstrong, dated November 2014 (ref: WM10839) has been submitted in support of this application. The site is a former Petrol Filling Station. Similarly to the report for the Nightingale Road site, this report is denoted DRAFT, and provided an interim assessment at the time of writing.

We await the submission of a final report, but provide the following comments on the draft version:

- Given the near 4 year time period between the Draft Report and this application, we believe there would be value in updated monitoring and sampling of groundwater, to establish the current contamination status of the site, and any favourable or unfavourable changes in site conditions.
- The report has drawn upon the Scott Wilson reports in 2008. We would like an opportunity to review these reports and appendices (such as historical maps), as they underpin more recent investigations.
- We would be keen to see as much information as possible on the existence of USTs at the site (both those historically present, and those remaining in situ). Future submissions should address whether contamination found at CP202 and WS112 reflect different sources other than the PFS.
- We reiterate our comments above regarding the Cotton Brook.
- Further assessment and remedial measures are proposed. We advise against the installation of standpipes in trial pits in future, which is not considered best practice.

Environment Agency position

We consider that planning permission could be granted for the proposed development as submitted if a number of detailed planning conditions are included as set out in the Agency's full response to this application. Without these conditions, the Agency advise that the proposed development on this site poses an unacceptable risk to the environment and that they would object to the application

5.8. Police Liaison Officer:

Comments received on revised plans are as follows:

Nightingale Road

Additional boundary railings and the substitution of bungalow types 620A for the gable treated 620D are noted. Excepting these two items previous comments remain unresolved.

The 671 type apartments previously mentioned have been replaced with 430/577 type units which also present untreated elevations to communal parking entrances.

To the sites detriment all three communal car park entrances are now unsecured, with previously proposed gating removed. I would advise against this change.

Osmaston Road

Recommended changes to ground floor apartment openings are noted. Excepting this point previous comments remain unresolved.

Gating for the main road entrance has been removed and again, I would advise against this change.

6. Relevant Policies:

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

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

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP5 Regeneration of Communities
- CP6 Housing Delivery
- CP7 Affordable and Specialist Housing
- CP16 Green Infrastructure
- CP17 Public Greenspace
- CP20 Historic Environment
- CP23 Delivering a Sustainable Highway Network
- AC14 Osmaston Regeneration Area
- MH1 Making it Happen

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development – General Criteria

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E10	Renewable Energy
E13	Contaminated Land
E17	Landscaping Schemes
E19	Listed Buildings and Buildings of Local Importance
E24	Community Safety
T4	Access, Parking and Servicing
T10	Access for Disabled People

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

In this case the following issues are the main material considerations which will require detailed consideration when the application is determined. The issues that will require consideration are discussed briefly in this section of the report;

7.1. Policy context.

7.2. Design, layout and residential amenity.

7.3. Access, parking and highway implications.

7.4. Heritage issues.

7.5. Flood risk.

7.6. Site remediation.

7.7. Other environmental.

7.8. Section 106 agreement.

7.1. Policy Context.

Both of the sites that are the subject of this planning application are in the Osmaston Regeneration Area which is a strategic regeneration area allocation in the adopted Derby City Local Plan 1 as set out in policy AC14. This policy seeks the transformation of the area into a residential neighbourhood in which families will aspire to live and which will be economically vibrant. It sets out that a number of key

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brownfield sites should be redeveloped and that a minimum of 600 new high quality, mixed tenure homes will be provided within the local plan period (2011-2028). The policy identifies specifically that the delivery of new, high quality homes on the former Rolls Royce Main Works site on Nightingale Road will be supported.

Policy AC14 requires that new residential development in the Osmaston Regeneration Area is complemented by the provision and enhancement of local amenities and facilities and access to employment opportunities. Local facilities will be focused in the centre of the neighbourhood providing a central hub to the new community. The policy requires opportunities to be taken to re-use the Marble Hall and it has been refurbished and brought back into use and the facilities now provided should be considered in the context of meeting the policy requirements and supporting / mitigating for the impacts of the proposed new housing. This is just one of the issues which will need careful consideration in the package of mitigation required for the development.

Policy AC14 also requires improvement / refurbishment to the Osmaston Primary School which is close to the site. The School has recently been refurbished and its capacity expanded and the ability of the school to meet the primary school education requirements arising from the development is a further issue for consideration.

It is known that the wider 'Osmaston Triangle' area is deficient in local amenity greenspace and Policy AC14 gives emphasis to the requirement for green space to support new homes. The policy seeks to maintain and improve public realm and green spaces. Given that the thrust of the policy is about the regeneration of the area, improvements to public realm and green space in and around the site are an important consideration in the determination of the application.

Policy CP5 encourages the sustainable regeneration of the City's older urban areas and outer estates to make them more attractive. It seeks community regeneration projects and investments to improve social and economic vibrancy. The policy gives priority to several locations including the Osmaston Regeneration Area.

Policy CP2 (Responding to Climate Change) covers a wide variety of matters which are relevant to the proposals. These include seeking the sustainable location of development generally. The policy also sets out objectives relating to the energy efficiency of buildings, sustainable design and construction and flooding/drainage matters.

Generally these two sites are in sustainable locations for housing. They both sit within a predominantly residential area and have access to sustainable transport. Access to potential employment opportunities is good and there are local shops within a reasonable distance as well as Allenton District centre which are located at the southern end of the Osmaston Triangle and offer a wide range of local facilities.

The National Planning Policy Framework is based on the presumption in favour of sustainable development and this is reflected in Policy CP1(a) of the Local Plan. The basis of the presumption is to approve proposals which accord with the development plan without delay and the principle of regeneration on both of these sites for housing is strongly supported. However, in determining the application account also has to be taken of other relevant policies to ensure that the required supporting infrastructure and mitigation are provided. The acceptability of the detailed matters

discussed further in this report need to be considered to ensure that overall, the scheme meets with all policy requirements.

7.2. Design, layout and residential amenity.

In term of general design principles, Local Plan – Part 1 policies CP2, CP3 and CP4 will be relevant. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. These are all relevant in consideration of the overall proposals and how they fit together and into the existing environment.

Main Works – Nightingale Road.

The development has had the benefit of design review by OPUN as part of pre-application discussions and more recently, during the application process. On both occasions, in response to the Main Works site, the overall layout and grid pattern of streets was considered to be generally well resolved with connection to the existing streets, facilities and community having been achieved successfully to a large extent.

The proposals include a linear central 'boulevard' offering strong views through the development to the Marble Hall and particularly towards its stained glass window which is an important feature. This is an attractive feature of the scheme, adding to its legibility and sense of place whilst providing a welcome connection between the proposed housing and neighbouring listed building.

Policies CP16 and CP17 seek to ensure that green infrastructure is an integral part of all development and that everyone has access to a variety of green spaces. In particular, Policy CP17 sets out a public greenspace standard of 3.8ha per 1,000 people or equivalent financial contributions. In considering the provision of greenspace, the nature of the development and the provision of greenspace in the locality will be taken into account.

The majority of the Osmaston Triangle lies within 800 metres of Osmaston Park. The park does contain a variety of facilities and therefore it could be argued that the facilities at the Park will help to meet the open space requirements for the residents of the triangle and that funding could be secured to improve that Neighbourhood Park. However, it is clear that the wider Osmaston Triangle is deficient in local amenity greenspace as an area of significant housing development with little local public open space.

It is therefore considered important that some new local amenity greenspace is provided on-site in the new Main Works site for use by its new residents. This would serve to create a much better living environment and create a better place. The central area of informal public open space that forms part of the layout would provide a focal point; improve legibility and the quality of the living environment and spaces within the new development.

It is not necessary for this development to remedy any existing deficiency in the area for local amenity greenspace but to provide mitigation for its own impacts. In

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determining this application it will be important to ensure that the on-site open space provided is of an acceptable amount and type to serve the housing proposed.

It is not realistic for any on site open space to be provided on the smaller Nightingale Road site and so a commuted sum should be provided through the Section 106 agreement. The management of the open space will also be an issue for consideration through the Section 106 agreement.

The scheme offers a mix of house types and ranges from 1 to 3 storeys. Given the scale of new housing proposed across this site, it was considered that buildings of greater height could be considered at various points within the development. In weighing up the market demands on the site along with its viability the applicants have indicated that building heights will remain at principally two and three storeys with information in the Design and Access Statement indicating that the scheme is in line with the local residential character where two storey dwellings are typical.

Three storey apartment blocks and dwellings have been used as landmark or gateway buildings to emphasis corners, terminate views and improve the legibility of the scheme. It is noted that OPUN indicated that the scheme included good perimeter blocks and strong corners.

A number of recommendations were made by the design panel which have not resulted in any further amendments to the design or layout of the scheme. Parking solutions principally remain with off street parking being accommodated on the individual plots and in the majority of cases, on the frontage and at the back of the highway edge. The lining of the main boulevard with street trees as a means to strengthening its character has not been secured, but the applicant has expressed an intention to require the retention of the tree planting through formal covenant on the properties, when sold.

The scheme proposed for the Main Works site includes a variety of house types which are repeated across the streets within the layout. This includes a house type that has dual frontage elevations making it an ideal property to stand on a corner plot as it has principal windows facing from two frontages, providing activity and surveillance to both streets. The house types are simple with basic features and palette of external materials and are presented by the applicants as providing the most appropriate form and density of housing for the site, needed to ensure that the development is deliverable taking into account the scope of other pressures impacting upon the viability of the site.

Osmaston Road.

The constraints associated with the redevelopment of this site are recognised given its shape and tight relationship to existing neighbouring properties and neighbouring roads. The provision of a strong built frontage to the corner of Osmaston Road and Nightingale Road is supported. The four storey height of the apartment block is considered to be acceptable, given its flat roof design, prominent corner position and location opposite residential apartments of three storeys with rooms in the roof space.

The two pairs of semi-detached houses and group of three terraced houses at the southern end of the site would sit in a backland position, tucked behind existing development with no outlook over a defined street frontage. They would overlook the

parking area proposed to serve the whole site and ensuring that suitable landscaping and boundary treatments at the rear of existing properties are secured, will be key to ensuring that they have a reasonable design of frontage and outlook. The layout plans show that each of the houses has a reasonable degree of private amenity space at the rear which will assist in providing those houses with some separation from the residential buildings that dominate the sites boundaries.

In response to the housing proposed on both sites, Opun have expressed the need for materials, boundary treatments and landscaping to be carefully considered, taking into account the character of the local area and the need for areas of public and private space to be defined. It is considered that such details could be suitably controlled through conditions of planning permission to ensure that appropriate materials and treatments are secured for both sites.

Whilst the designs of the individual houses and apartments proposed across both sites are simple and of a basic standard, it is accepted that the developments will suitably integrate with the local area, providing an efficient use of the land and delivery of the regeneration of both sites.

Saved policy GD5 is intended to protect the overall amenity of occupiers of nearby properties from unacceptable harm. Saved CDLPR Policy H13 also sets out criteria which should be met when residential development is proposed. There is some crossover with H13 and GD5 but the main issues are about a satisfactory form of development being created including appropriate densities and creating high quality living environments. In the main, it is considered that the relationship of the proposed development to the many existing residential properties that stand adjacent to both sites are reasonable. Whilst some minor amendments are still under consideration to ensure that garden depths and spaces between proposed dwellings on the Main Works site are secured, it is considered that these issues can be satisfactorily resolved, with both sites providing an acceptable living environment for future occupiers with no significant harm or detriment arising for the amenities of neighbouring occupiers. It is noted that the application has not generated any third party objections for residents in the local area,

7.3. Access, parking and highway implications.

Policy CP23 is detailed but seeks to ensure that developments do not cause or exacerbate transport problems whilst ensuring that they provide appropriate levels of parking, taking into account the realistic requirements of the users.

For the Main Works site, car parking is provided on the individual plots. Some properties incorporate undercroft parking while others have garages. Across the site 1 parking space is generally provided for the 1 and 2 bed units and 2 spaces are provided for the 3 and 4 bed units. On the Osmaston Road site, 30 car parking spaces are proposed. This includes 23 spaces to serve the apartments and 1 space per dwellings for the 7 houses at the southern end of the site.

Subject to only small changes to the layout being secured, it is understood that the amount of parking being proposed across the sites and the design and layout of the roads and accesses within the developments are considered to be acceptable in highway safety terms. The wider highway impacts of the scheme and potential for

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off-site mitigation works are still under consideration by colleagues and will require detailed consideration prior to the application being determined.

7.4 Heritage Issues.

The applicants have submitted a Heritage Statement. It notes that the most prominent building in the immediate vicinity of the Main Works site and the only Heritage Asset that may be impacted by the works is the grade II listed Commercial Block (Marble Hall). All other industrial buildings have been removed from the site and the Heritage Statement notes that the only other remaining feature of heritage interest associated with the works is a section of metal railings located northeast of the listed building and a brick built George V post box that also stands within those railings.

In considering the application Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 will require consideration and it requires 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. Harm to the significance of a designated asset is a matter to which considerable importance and weight should be given in any planning balance.

Saved policy E19 of the CDLPR, also seeks to preserve or enhance the historic interest of listed buildings from development which is harmful to their significance.

The newly adopted Local Plan – Part 1 policy CP20 carries forward these intentions and requires proposals with impact on heritage assets to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale and take account of best practice guidance.

As the Main Works site comprises the former location of the Rolls Royce factory the Heritage Statement acknowledges that it adds to the historic interest of the Grade II listed Marble Hall building. However, it goes on to suggest that the current vacant and unused state of this site means that it currently makes a negative contribution to its setting.

The Marble Hall has recently been brought back into productive use and is acting to some degree as a local community hub which offers office space and other facilities. This gives an opportunity for the building to complement the new residential development on the Main Works site.

New development on the Main Works site should complement the Marble Hall and the treatment around the Marble Hall and views of it as well as landscaping will be an important consideration.

This application has been considered on two occasions by the Councils Conservation Area Advisory Committee who has raised no objections to the proposals following amendments that have been made. This includes securing an appropriate re-location of the post box and retention and re-use of the existing railings that remain on site.

Our Conservation Officer is also supportive of the wider redevelopment of the vacant Main Works site noting that residential development will generally improve the setting

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of the listed building. Amendments have been secured through the life of the application to the design of the apartment blocks that are proposed to stand either side of the Marble Hall, in Nightingale Road. To address any issues raised by the Conservation Officer relative to the external treatment of those buildings, conditions of planning permission would be sufficient to control all external materials.

Prior to the determination of this application, the issue of impact for the setting of the Marble Hall will require detailed assessment taking into account the design of the scheme under consideration. However, it is accepted that bringing the Main Works site into use with a form of residential development will assist in addressing existing issues of harm already arising from the vacant site currently.

7.5 Flood Risk.

Flood mitigation proposals and drainage are important factors for consideration in the determination of the application given the existing sewerage infrastructure and the contaminated condition of both sites. Policy (CP2) requires that Sustainable Drainage Systems should be incorporated into major residential proposals.

Flood data identified in the Flood Risk Assessment (FRA) that supports the planning application shows that both sites could be subject to flood risk from the Cotton Brook watercourse and they are identified as being located in flood zones 2 and 3. The FRA considers flow rates from the sites and proposes finished floor levels for the development. It outlines measures to reduce flood risk and provide a sustainable and practical drainage strategy for the site.

The FRA has been subject to detailed discussions with colleagues in our Land Drainage team and it is understood that while some details relating to floor levels on the smaller Osmaston Road site require resolution, the strategy is broadly accepted.

7.6 Site Remediation.

Both of the sites that are the subject of this planning application are known to be contaminated as a result of their previous uses. It will be important to ensure that both sites are appropriately remediated if they are to be developed for residential uses. This is likely to be challenging, particularly for the Main Works site which has been subject to many years of intensive heavy industrial activity.

This application has been subject to consultation with both the Environment Agency and the City Councils Environmental Protection Team and both have indicated that any planning permission that may be granted would need to be subject to a number of conditions needed to ensure that the site is suitably remediated before being brought into residential use. Such conditions would be reasonable and would not preclude a grant of planning permission from being supported. The costs involved in those remediation works do however form part of the wider viability considerations for the delivery of the works.

7.7 Other Environmental.

Arboricultural Assessments have been provided for both sites that are the subject of this planning application. On the Main Works site, 19 individual trees, 7 groups of trees and one hedgerow are assessed and on the Osmaston Road site, 11 individual

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trees and 2 groups are assessed. It is noted that many of those trees do not necessarily fall within the bounds of the application sites as they are located in the gardens of neighbouring properties.

No trees on either of the sites are the subject of a Tree Preservation Order. Following demolition works on the Main Works site, it is mainly sporadic self-set scrub which grows and overall, it is accepted that betterment for this site can be achieved through a comprehensive landscaping scheme arising from residential development across it. On the Osmaston Road site, most of the trees would require removal to facilitate the development. One could be retained within the proposed development and its protection along with suitable protection for those to be retained in neighbouring gardens would need to be secured as part of the conditions of any planning permission that may be granted.

The planning application has been supported by an Ecological Appraisal. It concludes that there are no habitats present on the sites that would be considered a priority for conservation, either at national or local level and they do not appear to support any protected species although it notes that further bat survey work should be undertaken for the Marble Hall. Given the long-term previous usage of the site as industrial employment land it concludes that the Main Works site has little biodiversity value and that the gardens and amenity space proposed within the development are likely to result in long term biodiversity gain. In light of these conclusions, it is considered that the scheme will be able to meet with the requirements of Policy CP19.

Based on the advice provided by our Environmental Health Officer, it is clear that further survey work will need to be undertaken before the noise and air quality impacts of the development can be fully assessed and the necessary mitigation measures considered.

7.8 Section 106 Agreement.

Both of the sites that are the subject of this application are in the ownership of Rolls Royce but the intention is that the ownership will be transferred to the Joint Venture free of charge. The principal Main Works site is known to be subject to substantial abnormal costs in order to remediate the contaminated land, manage any relic foundations and to create suitable (piled) foundations for the new construction works.

In addition, requirements for drainage solutions for this scheme are greater than were first expected. As a result, estimated scheme costs are indicated as being significantly in excess of the forecast revenue expected from sales. The City Council has invested in the regeneration of the Marble Hall building and improvements to Osmaston Primary School to the sum of £2 million. However this is required to be repaid by the Joint Venture throughout the life of the development. All these factors are assessed by the applicants as making the provision of policy compliant contributions under a Section 106 agreement unviable.

It is acknowledged that the Marble Hall and Primary School improvements provide community use and regeneration benefits in the form of a nursery as well as café with training kitchen and this will be taken into account when negotiating the Section 106 agreement. In addition the Council has invested £2.15m (LGF funded) in the Access

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Type: Full Planning Application

Osmaston programme which is delivering a range of highway and public realm improvements within the Osmaston triangle which future proofs against an increasing traffic volume providing more priority to pedestrians over the motorist. Access Osmaston is working to support and compliment the housing scheme however additional work may be required to be undertaken by the JV or contributions made through the Section 106 agreement as a result of the impact of the development which is still under consideration by our transportation colleagues.

It is expected that in June 2018, the latest intrusive ground survey of the contamination hot spots will inform a more accurate cost estimate for the remediation required and it is at this point when negotiations on the Section 106 agreement will most likely be able to progress. Alongside any further interventions / funding, a lean appraisal incorporating these costs will present a final viability position. However it is currently expected that there will still be a gap and an independent viability assessment undertaken by the District Valuer may be required prior to presenting the agreed Section 106 agreement Heads of Terms

The application plans currently make provision for on-site open space and 10% on-site affordable housing including 12 bungalows and it is likely that as stated previously, the primary school contribution will be dealt with outside the Section 106 agreement. However contributions to the following infrastructure remain under discussion, off-site open space, community centres, healthcare, highways, public realm, sports facilities, libraries and public art.

7.9 Conclusion.

As is indicated in this report, there are a number of issues that need to be finalised prior to this application being brought back to this Committee for determination. There are planning policy issues and 'other' material considerations that will need to be proportioned appropriate weight in reaching a decision on the application. Part of those considerations must be the viability of the scheme. The City Council need to be confident that a scheme is secured that is deliverable and will achieve the comprehensive redevelopment of the site.

The delivery of regeneration in the Osmaston Area is a Council aspiration and there is a requirement that the wider area delivers a minimum of 600 new homes. Some 100 new homes have already been built in the vicinity but it is crucial that the Main Works site contributes to the achievement of this housing target and to the wider housing target for the city which is set out in the local plan.

The principle of housing development on these two unused brownfield sites is strongly supported. Generally, it is considered that the proposals are in keeping with the requirements of the strategic regeneration policy AC14. It has to be recognised how important it is that opportunities for regeneration are taken and delivered. It also has to be recognised which sites can contribute to meeting the housing requirement for the area and for the city as a whole. Whilst, the Osmaston Road site is not specifically identified as a development site in the Local Plan but it is a vacant brownfield site which offers opportunities to contribute to dwelling numbers in a sustainable location. Overall, the 406 dwellings identified in this application are recognised as being crucial in meeting housing needs.

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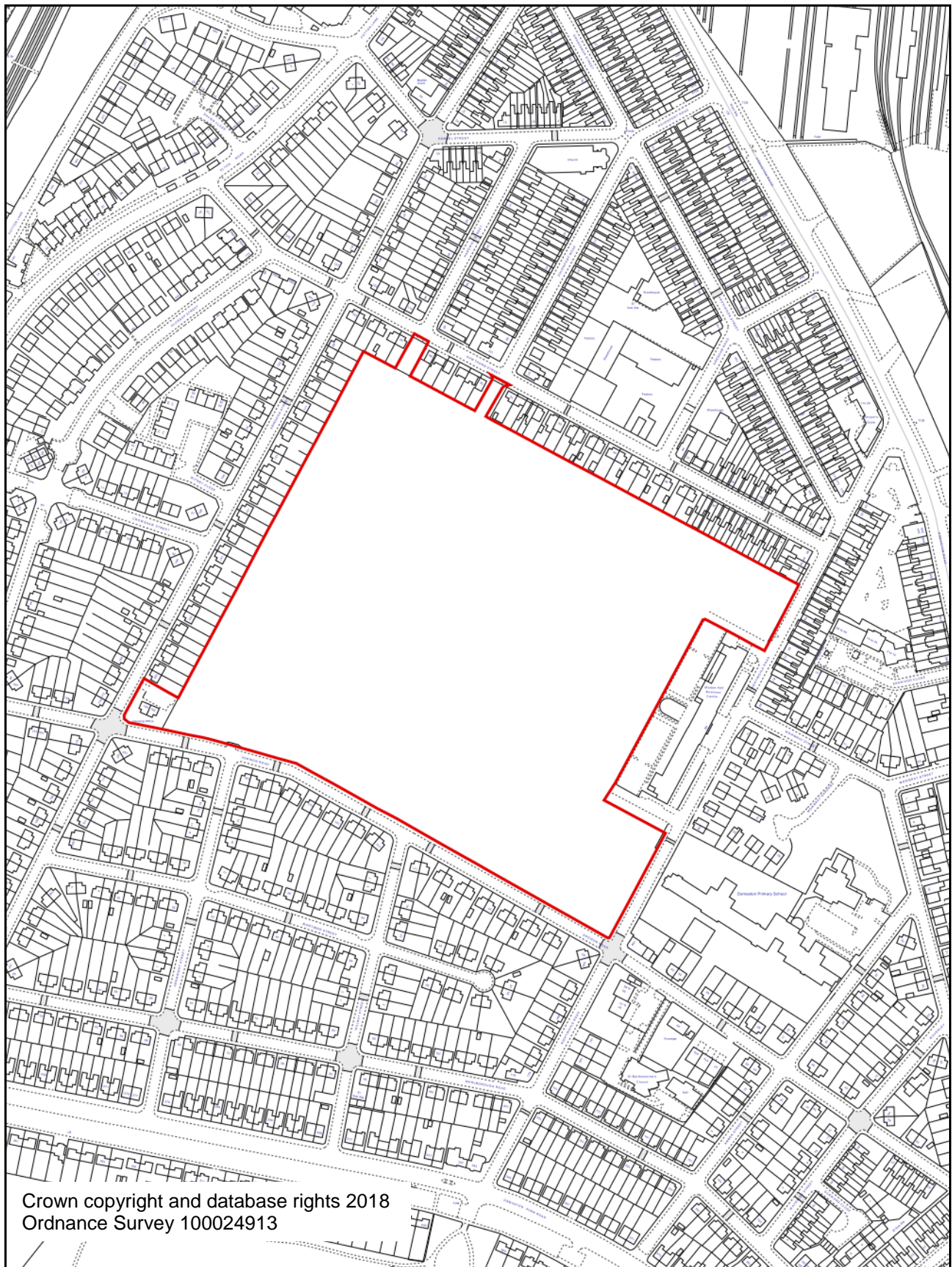
The delivery of the sites and in particular the Main Works site presents significant challenges, all of which affect the development viability of the site. The mitigation requirements including contamination mitigation, drainage, on site open space and off site highway works are all crucial and will inevitably affect the viability of the proposals. It is important that a sustainable form of development is provided and to do this the Council must be satisfied that the relevant mitigation and supporting infrastructure is provided and this continues to be discussed with the applicants through the Section 106 Agreement. The proposals are therefore supported in principle subject to the appropriate refinement of that detail to ensure supporting infrastructure and mitigation is provided.

This application is therefore brought before Committee to seek support for the principles of the scheme, as outlined in this report and to secure Members agreement to the continuing of Section 106 negotiations. Once those negotiations have been developed further and the wider impacts and mitigation measures supporting the proposals are known, the application will be reported back to Committee for determination.

8. Recommendation:

8.1. Recommendation:

For Members' **consideration and further instruction.**



Committee Report Item No: 4

Application No: DER/10/17/01371

Type: Full Planning Application

1. Application Details

1.1. Address: 3 Chester Avenue, Allestree

1.2. Ward: Allestree

1.3. Proposal:

Two storey and single storey rear extensions to dwelling (living space and bedroom)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/10/17/01371>

Brief description

The application site relates to a detached two storey dwelling located on the north side of Chester Avenue in Allestree. The dwelling has a hipped roof with a double bay window feature on one side and a projecting garage the other. The depth of the plot measures 53m by 14m in width. The dwelling is set back from Chester Avenue, with a hard stand driveway at the front. Land levels drop slightly from the rear of the dwelling to the rear of the garden. The street scene comprises of varying hipped roof detached and semi-detached dwellings, generally well set back from the road frontage.

The application dwelling has previously been extended by way of a two storey side extension to the left hand side of the property. The side and rear boundaries consist of 2metre height close board fencing. The immediate neighbouring dwelling at No.5 Chester Avenue, contains a two storey rear extension, running parallel to the common boundary.

Proposal

Full planning permission is sought for the construction of a two storey and single storey rear extensions, to form additional living space. It would measure 4.2m in depth, 9.5m width at ground floor, with a 3m height flat roof profile to single storey extension. The two storey component measures 4.2m depth and 7.5m height from ground to ridge level. The side walls would be blank with full height floor to ceiling windows upon the rear elevation. The two storey component would contain a pitched roof profile and the eaves line running through from the existing dwelling.

2. Relevant Planning History:

Application No:	DER/07/08/01132	Type:	Full Planning Application
Decision:	Granted Conditionally	Date:	08/10/2013
Description:	Two storey side extension		

3. Publicity:

3 Neighbour Notification Letters sent to surrounding properties

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

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4. Representations:

One third party representation received. The main points raised include:

- Angle of two properties would force two properties closer together.
- Obscure vast amount of light from the rear of the property.
- Considered claustrophobic to the rooms at the rear

Councillor Webb also formally objects on the grounds that the property has already been extended. The current proposal would extend beyond what would have been acceptable on the original proposal which now appears to be creeping development. The impact this will have on the neighbouring property because of the angle of the property to its neighbour would be intrusive. The plans submitted do not clearly show the impact on the neighbours boundary which if the building follows the current line it would cross the boundary. It would have a massing impact and restrict light into the neighbouring kitchen, which has just been renovated, to take advantage of the light and open aspect it enjoys.

5. Consultations:

No consultations.

6. Relevant Policies:

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

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

- CP3 Placemaking Principles
- CP4 Character and Context

Saved CDLPR Policies

- GD5 Amenity
- H16 Housing Extensions

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

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Design implications

7.2. Amenity impacts of the proposal

7.1. Design Implications

The proposal would relate to the rear of the dwelling and would be only marginally viewable from the public realm of Chester Avenue through the gaps between dwellings. There would be glimpsed views between the application property and the side flank walls of Nos 1 and 5 Chester Avenue from an acute angle. From the top end of Chester Avenue, near the junction with Eaton Avenue, the rear single storey element might be partially viewable above the neighbouring detached garage. Thus, the street scene implications considered to be minimal.

The part single storey and part two storey scale of the extension would integrate reasonably well against the rear façade of the dwelling. Given the impressive views from the rear of the property, much of the fenestration includes ground to ceiling glazing to take advantage of the views. In design terms the proposal is considered acceptable. Whilst the original dwelling has already been extended by way of a two storey side extension, the plot size could comfortably accommodate the proposed rear extension, given the house size and generous length of rear garden area. In my opinion, the proposal would not represent overdevelopment of the site. In design terms it accords satisfactorily with the principles set out in Policies CP3 and CP4 and saved Policy H16.

7.2. Amenity impacts

Having visited the site and given the position of the extension and distance between dwellings, I consider the impacts upon residential amenity relate mainly to No.1 and No.5 Chester Avenue. I have balanced the issues of impact on residential amenity, with direct reference to the concerns raised in the objections.

Objections have been received from the occupier at No.1 Chester Avenue. In particular, they assert that the massing impact upon the rear aspect of their property would be 'prominent', 'overpowering' and 'claustrophobic'. Other points of objection include the angle of the two properties having the visual effect of forcing the two properties closer together. No.1 is orientated at an approximate 30 degree angle towards the application property. Because of this, the nearest rear window (kitchen

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window) of No.1 is positioned at an angle facing toward the shared boundary. The distance from the kitchen window to the nearest edge of the proposed single storey element of the extension would be approximately 5 metres.

I do not dispute that a 'degree' of loss of openness and skylight may occur if the extension is granted planning permission and built. In itself the proposed extension may limit natural light received through one of two kitchen windows to the rear. However, this is not sufficient enough to warrant a refusal, since the effect of massing and loss of light would not be significant and therefore would not be unreasonably harmful to their amenity. What is more, a second rear facing window also serves the kitchen to No.1 so the effect of the extension would not be completely oppressive and the single storey scale and flat roof profile would keep any potential massing affects to a minimum. I do accept there is likely to be *some* impact upon residential amenity resulting from the proposal, however I am of the opinion the impacts are not significant enough, in terms of harm, to warrant a refusal based on grounds of residential amenity.

With regard to No.5 Chester Avenue, this property benefits from a recently extended two storey rear extension. There are no side facing windows upon that extension and due to the similar building line, the co-existence of the proposed two storey component against the rear extension of No.5 would be acceptable, in amenity terms.

As for the dwellings situated along Eaton Avenue, a number of them contain open rear aspects with minimal tree coverage and so the first floor rear windows are already viewable from the rear of the application property, albeit at a 40 metre distance and over. Overall, the amenities of nearby properties would not be adversely affected by the proposal and it would therefore accord with saved Policies GD5 and H16.

Given the above, the proposed development is considered acceptable in design and amenity terms a recommendation to grant planning permission is given.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal has been considered against the saved adopted City of Derby Local Plan Review policies and the NPPF where appropriate, as indicated in Section 7 of this report, and all other material considerations. The proposed two storey rear extension will have a neutral impact on the character of the host dwelling and setting of surrounding properties. Furthermore, the design and external appearance of the extension references the character and external appearance of the original property. The proposal has sought to respect the residential amenities of those surrounding properties through its scale and dimensions.

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8.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. Standard condition 27 (details of external materials)
4. Unique condition (no side facing west elevation windows)

8.4. Reasons:

1. Standard reason E56 (time limit)
2. Standard reason E04 (for the avoidance of doubt)
3. Standard reason E14 (external appearance)
4. Standard reason E07 (amenity)

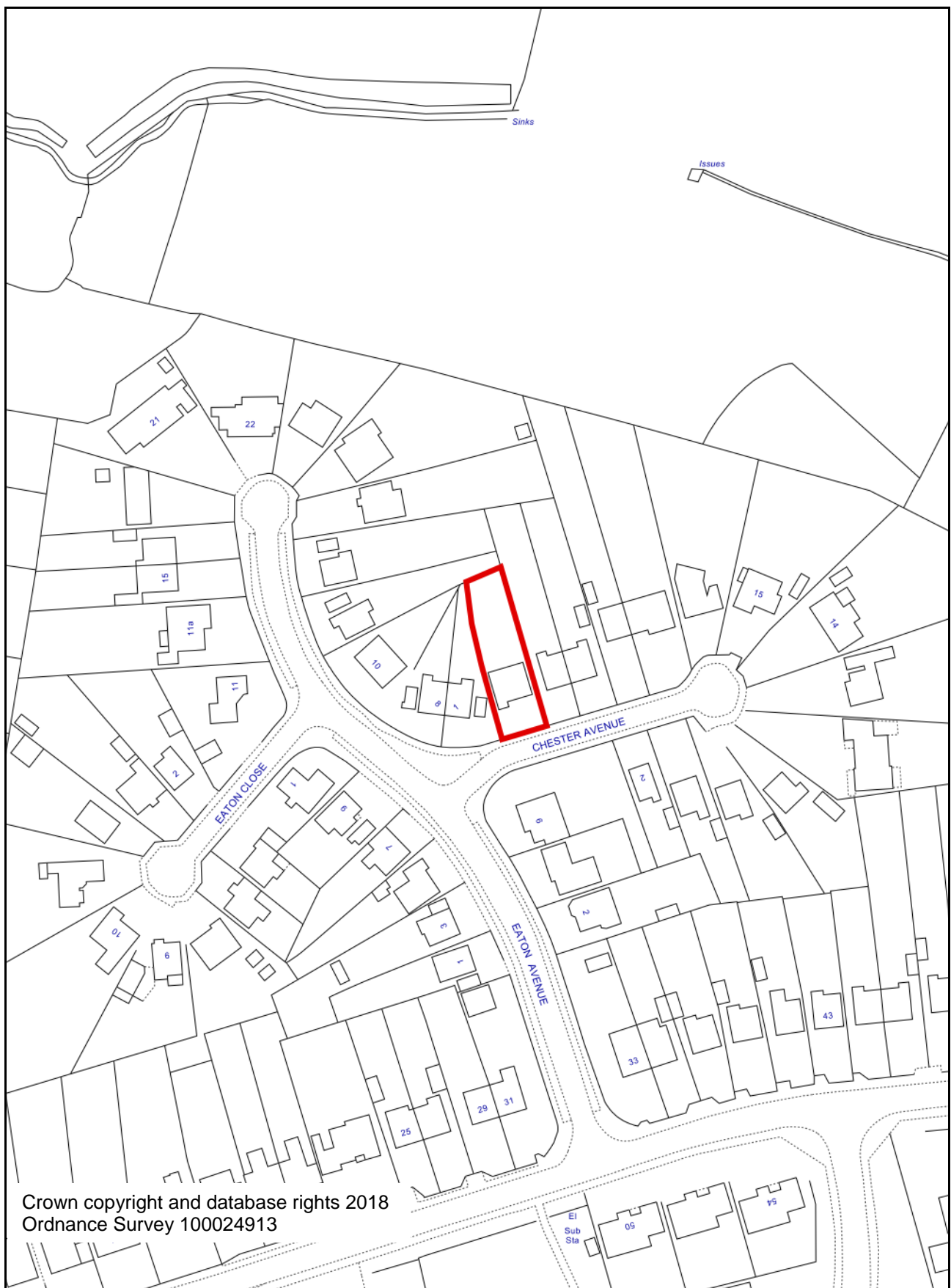
8.5. Application timescale:

The application target date was 21 December 2017. An extension of time has been agreed until 17 April 2018.

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**Type: Full Planning
Application**



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Committee Report Item No: 5

Application No: DER/01/18/00002

Type: Full Planning Application

1. Application Details

1.1. Address: 53 Chambers Street, Derby

1.2. Ward: Alvaston

1.3. Proposal:

Sub-division and two storey side and single storey rear extensions to form four flats (use class C3)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/01/18/00002>

Brief description

This full application seeks permission to extend and rationalise the accommodation at this existing semi-detached property, to form 4 separate flats. The existing dwelling has a large curtilage, with a significant separation to the adjoining end-of-terrace property (no. 47). This curtilage includes a large garden and a significant workshop/garage building at the rear of the garden, backing onto properties in Fife Street.

The surrounding area is a traditional residential area, comprising terraces and semi-detached properties. The site is close to London Road, with the Wickes / Kennelgate commercial area to the north.

The existing property is a 2-storey, brick and tile, semi-detached dwelling with a rear 2-storey outrigger. It is located just to the west of a break in the houses, where the orientation of Chambers Street changes direction. The dwelling has previously been extended (under permitted development) with single-storey extensions. These comprise a rear brick and tile/ corrugated roof structures and a side glass and timber lean-to. Other permitted alterations include the insertion of a modern ground floor front window. To the rear of the curtilage is a timber/ corrugated roof garage/workshop structure. The adjoining house to the east (no. 47) is an end-of-terrace property, with a blank side elevation. There is a dilapidated 1.8m high fence on the boundary. The rear boundary with no. 55 (the other half of the semi) is largely overgrown vegetation.

The proposal comprises extensions and sub-division of the property to create 4 separate flats. The extensions include the replacement of the existing side/rear structures with a single-storey, 3.3m high, flat-roofed, contemporary extension (in brick and metal cladding). This would extend 6m beyond the rear outrigger and no further than the existing structures. The proposal also includes a 2-storey, dual-pitched, side extension. This would follow the existing line of the house and come within 1m of the adjoining terrace, effectively filling the existing gap. The rear elevation would line-up with the rear corner of the adjoining terrace. This element would be constructed of matching bricks and tiles. Amended plans have been submitted to show revised fenestration to the front elevation. These would have contemporary aluminium frames but would reflect the style and symmetry of the traditional, vertical windows of the surrounding houses.

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Type: Full Planning Application

This half of the semi has a different appearance, having a front (rather than a side) door and a modern horizontal ground floor window. A change in the brickwork suggests that the property may at one time have had a shop front. The proposals will rationalise this appearance, with the removal of the modern window.

The proposed flats would comprise a 2-bed unit in the extended ground floor of the existing structure, with a 1-bed unit above. There would be two 2-bed units in the side extension. Entrance to all flats would be from the original front door. There would also be rear access to the garden from the ground floor units.

A separate small 22m² floor area bin and cycle store is proposed for the rear garden. This would have a flat roof and be of a contemporary design. The existing rear workshop would be retained. No off-street parking is retained.

2. Relevant Planning History:

Application No:	DER/04/17/00540	Type:	Full Planning Application
Decision:	Refused	Date:	28/7/2017
Description:	Demolition of workshop. Alterations and side extensions to dwelling house, to form 2 flats and erection of 2 dwellings in the rear garden area.		

3. Publicity:

Neighbour Notification Letter – 5 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:

- 4.1 Cllr Alan Graves has stated: *"I wish to object to this planning application and wish to speak at the Planning Committee. My objection to this application is based on planning regulations that state that 2 bedroom apartments should be provided with 1.75 parking spaces and 1 bedroom with 1.5 parking spaces making a total of 6.75 parking spaces. There is no parking provision for this development in a narrow street that has buildings that are terraced with no provision for existing homes due to the time/era they were built".*
- 4.2 12 representations have been received from nearby residents. There is one letter of comment and 11 letters objecting to the proposal on the following grounds:
- No proposed off-street parking and the proposed position on the bend will cause congestion, highway danger and prevent access for deliveries and emergency vehicles.
 - Loss of privacy, due to introduction of more flats
 - No need for more flats.
 - Proposed 1m wide side access is inadequate for disabled access or for cycles.

5. Consultations:

5.1. Highways Development Control:

These observations are primarily based upon the information shown on submitted application plan “1972-004B” and the accompanying Planning, Design & Access Statement (D&AS)

The site as existing has an existing dropped crossing immediately adjacent to number 55. This crossing is approximately 3.1m wide, and will be closed as part of the proposals. The site falls towards the highway, with the footway fronting the site measuring between 2.15 & 2.27m wide; with a Virgin cabinet approximately 3.4m away from the boundary with number 47. There is a lamp column (LC19907) approximately 3.1m away from the boundary with number 55.

At the time of Case Officer visits, it is clear that due to a lack of off-road parking available to residents in the vicinity, highway parking takes place on both sides of the road, with only (predominantly) a single central running lane being available and "give and take" being used by drivers to permit each other to pass.

A speed survey carried out in respect of historic application 04/17/00540 suggested that the 85th percentile speed of approaching traffic is in the order of 18-19mph.

The proposals will result in the loss of the off-road parking space associated with number 53 (although the dropped crossing for that development effectively sterilised one on-street parking space); with no off-road parking spaces being provided to serve the development – although in mitigation a “bike store” is provided to the rear of the development.

The attention of the Local Planning authority is drawn to the following issues.

1. It will be necessary for the applicant/developer to lift and reinstate the existing highway dropped crossing (this can be dealt with by appropriate condition).
2. The proposed bin store is located in excess of 25m from the adjacent highway boundary, and will need to be relocated to a suitable location (this can be dealt with by appropriate condition).
3. The proposals show the provision of steps on the highway to the front door. These will not be acceptable as they will form an obstruction in the highway. This will inevitably require alterations to the threshold into the site, but such alterations are not a highway issue (this can be dealt with by appropriate condition).
4. Due to the nature of Chambers Street, access by vehicles associated with the construction of the development (for example vehicles delivering roof trusses or brick packs) would not be possible without likely causing blockages of the road. Such would not be acceptable to the Highway Authority. However, careful design of the development and planning on the part of the developer could prevent this from occurring (this can be dealt with by appropriate condition requiring a Construction management Plan).

At the D&AS has stated, the site is within a sustainable location, in close proximity to London road, which is covered by regular bus services; further, the proposals will

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also result in the freeing up of an additional on-highway parking space as a result of the closure of the existing access.

Paragraph 32 of the National Planning Policy Framework advises that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

Whilst the proposals may lead to a minor increase in vehicular movements and subsequent parking demand in the vicinity of the site, it would be difficult to argue that the impact of the development would be severe in highway terms.

Recommendation:

If the Local Planning Authority is minded to approve the proposals, it is recommended that the following suggested conditions be applied.

Condition 1:

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway, in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason:

To protect the structural integrity of the highway and to allow for future maintenance.

Condition 2:

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

Reason:

In the interests of Highway safety.

Condition 3:

No part of the development hereby permitted shall be brought into use until the proposed bin store has been located to a position less than 25m from the edge of the highway, in accordance with plans to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure satisfactory refuse collections, in the interests of Highway safety.

Condition 4:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing “1972-004B” has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason:

To promote sustainable travel.

Condition 5:

No development shall commence unless or until a Construction Management Plan is provided in accordance with details to be first submitted to and approved in writing by

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the Local Planning Authority. The construction works shall then take place strictly in accordance with the approved plans.

Reason:

To ensure that suitable arrangements are provided for the construction work without undue disruption of the surrounding highway network.

Notes To Applicant

- N1. The minor access reinstatement works referred to in Condition 1 above involve work on the highway and as such require the consent of the City Council. Please contact maintenance.highways@derby.gov.uk
- N2. No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.
- N3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- N4. The consent granted will result in the construction of and alterations to a building which needs naming and numbering/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 with the number of the approved planning application and plans clearly showing the site layout, location in relation to existing land and property, and the placement of front doors or primary access.

6. Relevant Policies:

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

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

Policy No.

- CP1(a) Presumption in favour of Sustainable Development
- CP3 Place-making Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

Policy No.

- GD5 Amenity
- H13 Residential Amenity (general criteria)
- E25 Building Security Measures

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of the Development

7.2. Access, parking and Highway Issues

7.3. Design and Visual impact

7.4. Residential Amenity

7.1. The Principle of the Development

The proposed development meets the objectives in principle of the NPPF and Core Strategy Policies CP3 and CP6, by increasing the supply of residential accommodation across the country and increasing the housing mix.

However, the principles of the proposed development must be given thorough scrutiny, as set out in Core Strategy Policy CP4 and Local Plan policy H13, which expect all proposals for new development to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods.

There are no site-specific policy constraints. Therefore, subject to the detailed assessment, particularly relating to parking, highways and appearance, it is considered that the proposal is acceptable in principle.

7.2. Access, parking and Highway Issues

This would appear to be the critical issue in the determination of this application. NPPF Para 32 advises that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

There are a significant number of objections, particularly concerned that the narrowness of the street, the location of the proposal on a bend, the existing on-

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street parking, and the lack of off-street parking within the proposal will cause congestion and contribute towards highway safety issues.

The proposal has no off-street parking other than provision of a cycle store. The applicant has stated that the location of the site is sustainable, within walking distance of both Pride Park employment area and of London Road bus routes. It is further stated that off-street parking within the garden area would be unlikely to be acceptable, given that a similar proposal was refused under application ref: 04/17/00540.

Highways officers have confirmed that the site is within a sustainable location, in close proximity to London Road, which is covered by regular bus services. Furthermore, the proposals will also result in the freeing up of an additional on-highway parking space as a result of the closure of the existing access.

It is recognised that the proposals may lead to a minor increase in vehicular movements and subsequent parking demand in the vicinity of the site. However, the Highways Officer confirms that it would be difficult to argue that the impact of the development would be severe in highway terms, and therefore be contrary to the provisions of the NPPF.

Given the above factors, it is considered that there are insufficient grounds to refuse the application for highway safety reasons.

7.3. Design and Visual impact

The proposed side extension would be prominent in the street scene and would impact on the built form, as it would fill the gap between the terrace and the semi-detached houses, where there is a natural break in the built form. It is considered that the filling of the gap and the creation of an increased wall of development would not be out of character within an urban area of largely terraced houses.

The proposed front elevation would be constructed of matching bricks and tiles, in keeping with the traditional materials. The proportions of the semi are already unbalanced, possibly caused when the property had a shopfront. The replacement of the modern horizontal window and the proposed fenestration design would reflect the style and symmetry of the traditional, vertical windows of the surrounding houses and would be of an acceptable appearance.

7.4. Residential Amenity

The proposal would introduce more activity on the site, particularly in the side passageway and rear garden, although this may be not as much as when the workshop was operational.

The proposed rear ground floor extension would be higher but would not project any further than the existing rear structures, such that there would only be a minimal increased impact on no. 55.

The proposed side 2-storey extension would not project beyond the rear of the adjoining terrace, such that it would not result in a loss of light or be overbearing. The rear windows of the proposed side extension would have the ability to look down the garden and potentially overlook the neighbouring gardens. However, this relationship

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would be no different from that experienced by the existing terraced properties. Furthermore, there would be no additional overlooking introduced from proposed windows. The existing dilapidated fence between the site and no. 47 should be replaced, to provide a more consistent robust boundary feature.

In all the circumstances, it is considered that the proposed extensions and change of use would not have any adverse impact on residential amenities.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The principle of the proposed extensions and subdivision will increase both housing accommodation and mix, and is considered acceptable. It is not considered that the proposal would cause any severe impact on highway safety. The proposal would not cause any adverse harm to visual appearance or residential amenity. Consequently, it is considered that the proposal is in accordance with Core Strategy Policies CP1(a), CP3, CP4, CP6 and CP23 and with Local Plan Policies H13 and GD5.

8.3. Conditions:

1. Standard condition (time limits)
2. Standard condition (approved plans)
3. Standard condition (details of external materials/construction to be agreed)
4. Standard condition (Details of boundary treatment to be agreed and implemented)
5. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway, in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
6. The new doors and windows on the street frontage shall open inwards only and shall be provided in accordance with details which have been first submitted to and approved in writing by the LPA prior to their installation. The approved doors and windows shall then be retained for the life of the development.
7. No part of the development hereby permitted shall be brought into use until the proposed bin store has been located to a position less than 25m from the edge of the highway, in accordance with plans to be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing "1972-004B" has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

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9. No development shall commence unless or until a Construction Management Plan is provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The construction works shall then take place strictly in accordance with the approved plans.

8.4. Reasons:

1. Statutory time limit.
2. For avoidance of doubt.
3. To ensure the satisfactory appearance of the development in the interests of visual amenity
4. To safeguard neighbour's amenities and to ensure the satisfactory appearance of the development in interests of visual amenity
5. To protect the structural integrity of the highway and to allow for future maintenance.
6. In the interests of Highway safety.
7. To ensure satisfactory refuse collections, in the interests of Highway safety.
8. To promote sustainable travel.
9. To ensure that suitable arrangements are provided for the construction work without undue disruption of the surrounding highway network.

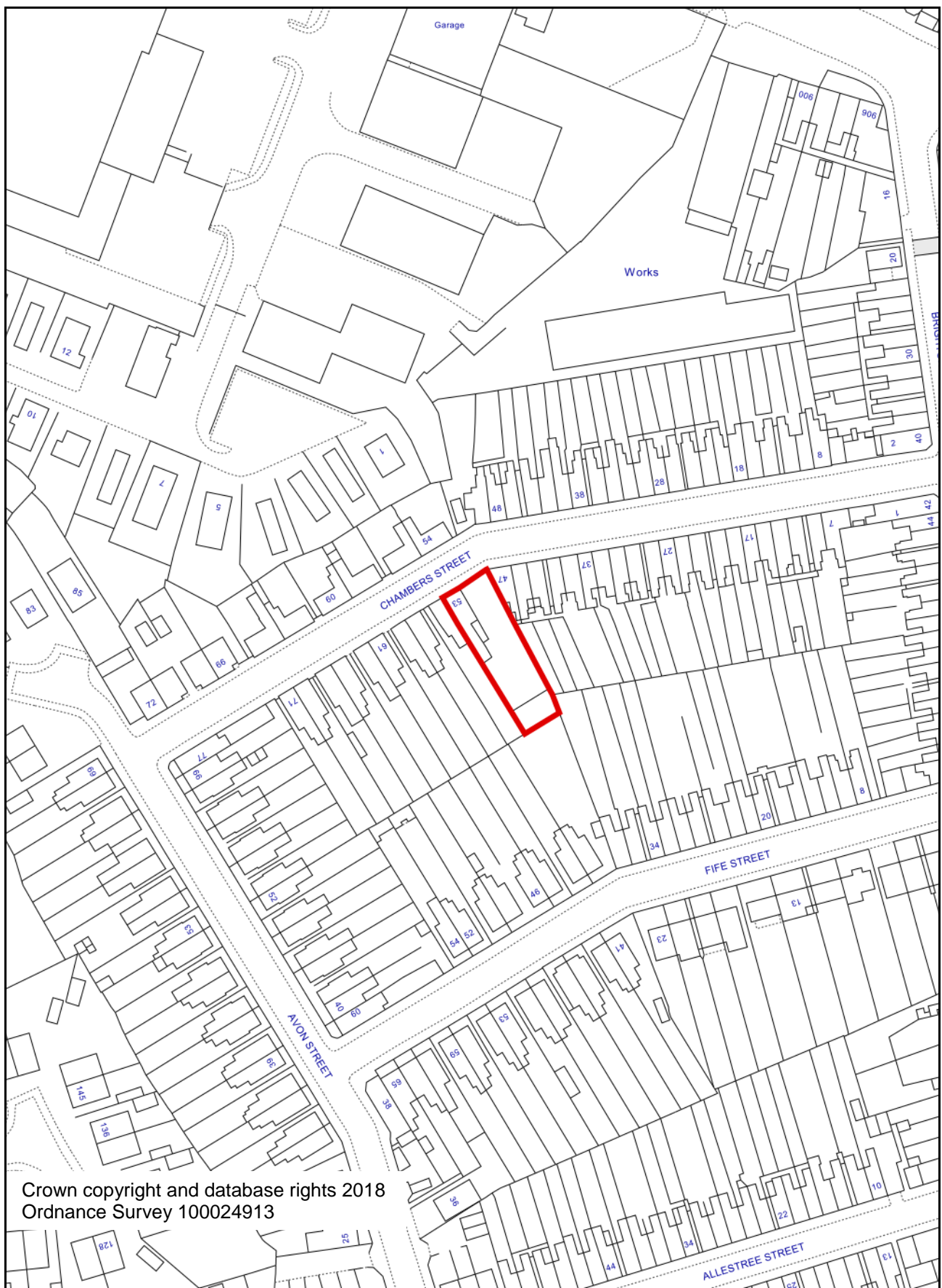
8.5. Informative Notes:

- The minor access reinstatement works referred to in Condition 5 above involve work on the highway and as such require the consent of the City Council. Please contact maintenance.highways@derby.gov.uk
- No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.
- It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- The consent granted will result in the construction of and alterations to a building which needs naming and numbering/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 with the number of the approved planning application and plans clearly showing the site layout, location in relation to existing land and property, and the placement of front doors or primary access.

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Committee Report Item No: 6

Application No: DER/11/17/01418

Type: Full Planning Application

1. Application Details

1.1. Address: 16 Harriet Street, Derby

1.2. Ward: Arboretum

1.3. Proposal:

Change of use from one dwelling to four flats including installation of a new window

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/11/17/01418>

Brief description

The application site relates to an end of terrace, two storey dwelling located on the corner of Harriet Street and Arboretum Park. The property extends the width of the plot with a rear garden beyond. Harriet Street is a long terraced street with restricted on street parking and recently allocated residents parking permit only.

The proposed development includes the subdivision of the existing dwelling at ground and first floor level forming two flats at ground floor and two flats at first floor level. They would contain 1 bedroom, with lounge/kitchen/bathroom space.

An amended plan has been received which includes details of a cycle parking shelter in the side yard of the property.

2. Relevant Planning History:

No recent or relevant planning history

3. Publicity:

Neighbour Notification Letters sent to 8 surrounding properties

Site Notice

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

4. Representations:

One petition received with 23 signatures. The main points raised include:

- Car parking issues
- Congestion
- Potential for increasing crime and anti-social behaviour
- Increase in general noise and disturbance
- Alter the character and appearance of the locality

5. Consultations:

5.1. Highways Development Control:

The amended plans show details of a secure cycle parking facility. The existing four bedroom house is being converted into four one bedroom flats. The existing property has no off street parking which is in keeping with the character of the properties on the street. There are restrictions in place on Harriet Street with No Waiting at Any Time round the Normanton Road and Twyford Street junction so enforcement could be used to manage the parking if necessary.

There is also a proposed resident permit parking scheme proposed for Harriet Street that is currently at the public consultation stage. If the scheme is introduced, on street parking will be restricted along the whole length of Harriet Street. There are no significant highway implications and no objections.

5.2. Built Environment:

This building is just outside the Arboretum Park and the Arboretum Conservation Area. The only external alteration, it seems, is the addition of a new window to the elevation which overlooks the park. I have no objection to the principle of this but the application form does not confirm materials.

Recommendation - Should you be minded to grant permission I suggest that the window material is confirmed (along with window details and checking the location within the window recess). I would also suggest a condition to control the location of any vents and flues proposed to the building.

6. Relevant Policies:

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

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

CP3	Placemaking Principles
CP4	Character and Context
CP20	Historic Environment
CP23	Delivery 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:

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

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

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

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

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

7. Officer Opinion:

Key Issues:

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

7.1. Intensification of residential use

7.2. Impact upon residential amenities

7.3. Highway issues

7.1. Intensification of residential use

The conversion from a single dwelling to four flats is generally acceptable in policy terms, as the locality is primarily residential. Policy CP3, CP4 and saved policy H13 require that consideration is given the impact of new housing development upon the character and appearance of the dwelling itself and street scene. The proposed change of use of the dwelling to flats would certainly be compatible in principle with the character of this high density residential area, which is characterised by Victorian terraced properties. In this case, I am satisfied that the proposal would have a minimal impact upon the external appearance of the dwelling, given the only external change is to form a first floor east elevation lounge window, overlooking the park. Moreover, there would be a cycle shelter located within the curtilage to the side of the building. The proposal would in my view have little visual impact upon the Harriet Street scene itself. In respect of the intensification of use, the increase from 1 to 4 residential units would not affect the overall residential nature of the locality, nor in my opinion be unacceptably intrusive or out of character with this dense residential area.

7.2. Impact upon residential amenities

Saved policies H13 and GD5 require that proposals pay attention to any impact upon residential amenities. The change of use to 4 flats would not, in my view exert any unacceptable impacts upon the living conditions of neighbouring properties. There may be some additional comings and goings as a result of more individual households occupying the property but I do not think that the resulting activity would be excessive, given that the property would still have four bedrooms. The noise generated by the use is considered to be any more significant than the current four

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bedroom dwelling. The proposed flats would not therefore be out of keeping with the general character and amenities of the existing residential area or cause any impacts that would unreasonably undermine the amenity of nearby residents. The objection petition letter references potential harm caused by late night disturbances, emanating from the application property. As it is, the tenure type and levels of activity by the occupants could not be controlled through this application and would not necessarily result in any harm to the amenities of nearby residents.

In terms of the intensification of use, the proposed four flats would be divided over the ground and first floor level - 2 on each floor. It would seem the internal configuration of bedroom and living space has been divided appropriately. The living conditions of future occupiers would be reasonable given the room sizes, living space and internal configuration.

7.3. Highway issues

Harriet Street has recently become residents only parking and while there may be existing competition for on street parking spaces, it is likely that any additional demand for on-street parking would be dispersed within the locality, as future occupiers would not qualify for Harriet Street parking permits. Normanton Road is situated some 100m from the application site, with good public transport links. Highways Development Control have raised no objections on highway safety and parking grounds and it is considered that the development is acceptable in highway terms. The amended scheme includes the provision of a covered cycle shelter within the property for the use of residents. This will help to mitigate for the limited parking in the local streets.

The proposed use is considered to accord with all the relevant policies of the adopted Derby City Local Plan – Part 1 and the saved City of Derby Local Plan Review. Based on the above a recommendation to grant planning permission is given.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions

8.2. Summary of reasons:

The change of use of the dwelling to 4 flats would be an acceptable form of residential development, in terms of the increased density, external alterations to the building and type of residential use, which would have only minimal impacts on residential amenity and character of the local area and would not result in any undue highway impacts.

8.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. Permission relates to a maximum of 4 flats only

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4. Precise details of materials and appearance of the east elevation first floor window

8.4. Reasons:

1. Standard reason E56 (time limit reason)
2. Standard reason E04 (avoidance of doubt)
3. Standard reason E07 (protect amenities of nearby residential properties)
4. Standard reason E10 (protect the character and appearance of conservation area)

8.5. Informative Notes:

The applicant is informed that Harriet Street is prohibited by a Residents Only Parking Scheme and any future occupiers may not be issued vehicle parking permit.

8.6. Application timescale:

The 8 week target date expired 29 December 2017. An extension of time is in place until 18 April.

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Derby City Council

Delegated decisions made between 01/03/2018 and 31/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/16/00821/PRI	Listed Building Consent - alterations	The Polishing Shed, Darley Abbey Mills, Darley Abbey, Derby	Retention of alterations including the installation of glazed double doors and stud wall to the north of building and construction of timber framed raised platforms, stud walls and associated wiring	Granted Conditionally	20/03/2018
08/16/01022/DCC	Local Council own development Reg 3	The Knoll, 241 Village Street, Derby, DE23 8DD	Erection of one building for supported living accommodation (use class C3b), formation of access road, car park and associated external works	Granted Conditionally	05/03/2018
05/17/00621/PRI	Full Planning Permission	Land at the rear of 197-199 Upper Dale Road, Derby, DE23 8BS (access off St. Giles Road)	Erection of a detached two storey building - four flats (use class C3)	Refuse Planning Permission	16/03/2018
05/17/00645/PRI	Full Planning Permission	23 Gladstone Street, Derby, DE23 6PQ	Two storey side extension to dwelling house (library, two en-suites and walk in wardrobes)	Granted Conditionally	02/03/2018
05/17/00710/PRI	Full Planning Permission	Alvaston Caravan Sales Depot, Meadow Lane, Alvaston, Derby	Change of use from caravan sales centre to use the land for the siting of residential caravans	Refuse Planning Permission	01/03/2018
06/17/00846/PRI	Full Planning Permission	26-26A Victoria Street, Derby, DE1 1ES	Installation of a new shop front and door	Granted Conditionally	23/03/2018
06/17/00874/PRI	Full Planning Permission	12 Leveret Close, Chellaston, Derby, DE73 1PQ	Two storey side and single storey rear extensions to dwelling house (kitchen/dining room and sun room)	Granted Conditionally	02/03/2018
07/17/00881/PRI	Full Planning Permission	Castleward development Phase 2, Land bounded by Carrington Street, Wellington Street, Canal Street and by Liversage Street, John Street and boulevard, Derby	Phase 2 works for the development of the Castleward masterplan. Erection of 108 dwellings with related external works and formation of parking areas	Granted Conditionally	01/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/17/00994/PRI	Full Planning Permission	Garage Court, Burlington Road, Derby	Demolition of 11 garages. Erection of a bungalow (use class C3)	Granted Conditionally	22/03/2018
08/17/01021/PRI	Non-material amendment	87 Farneworth Road, Mickleover, Derby, DE3 5ET	Single storey side extension to dwelling house (shower room and play room) - non-material amendment to previously approved planning application code no. DER/09/16/01109 to amend the approved plans	Withdrawn Application	14/03/2018
08/17/01079/PRI	Certificate of Lawfulness Proposed Use	26 Waveney Close, Allestree, Derby	Conversion of existing domestic garage to additional residential accommodation and alterations to front elevation. Erection of conservatory to rear.	Granted	22/03/2018
08/17/01083/PRI	Listed Building Consent - alterations	2 Ashbourne Road and 13 Brick Street, Derby	Installation of signage to the front and side elevations	Granted Conditionally	13/03/2018
08/17/01107/PRI	Full Planning Permission	240 and 240a Normanton Road, Derby	Two storey rear extension to form bin store for 240 and 240a Normanton Road and kitchen and staircase for first floor flat at 240a Normanton Road	Granted Conditionally	21/03/2018
09/17/01211/GOV	Full Planning Permission	Cavendish Close Infant School, Wood Road, Chaddesden, Derby	Demolition of school. Erection of replacement infant school (use class D1)	Granted Conditionally	16/03/2018
09/17/01244/PRI	Prior Approval - Offices to Resi	124 Osmaston Road, Derby	Change of use from offices (use class B1) to 12 flats (use class C3)	Prior Approval Approved	09/03/2018
10/17/01275/PRI	Full Planning Permission	30A Green Lane, Derby	Change of use of first floor from hair salon (use class A1) to residential (use class C3) including replacement of the first floor windows	Granted Conditionally	21/03/2018
10/17/01277/PRI	Full Planning Permission	33 Burnaby Street, Derby	Conversion and extension of outbuilding to form a residential dwelling (use class C3)	Granted Conditionally	06/03/2018
10/17/01298/PRI	Full Planning Permission	35 Greenway Drive, Littleover, Derby	Two storey side and single storey front and rear extensions to dwelling (entrance hall, cloaks, double garage, games room, utility, conservatory, living space and balcony) and installation of roof lights and dormers to form rooms in the roof space (bedroom, en-suite, dressing room, laundry, store) and balcony	Refuse Planning Permission	21/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/17/01309/PRI	Full Planning Permission	Costco Wholesale Uk Ltd, Wyvernside, Derby	Change of use of part of warehouse club (sui generis use) to ophthalmic services (use class D1) and change of use of part of warehouse from ophthalmic services (use class D1) to warehouse club (sui generis use)	Granted Conditionally	27/03/2018
10/17/01312/PRI	Full Planning Permission	Land at the rear of 162 Portland Street, Derby (access off Pear Tree Crescent)	Erection of a bungalow (use class C3)	Refuse Planning Permission	01/03/2018
10/17/01322/PRI	Full Planning Permission	42 Eastwood Drive, Littleover, Derby	Two storey front and side extensions to dwelling house (garage, wetroom, lounge, two bedrooms, en-suite and balcony)	Granted Conditionally	15/03/2018
10/17/01329/PRI	Full Planning Permission	35 Grange Avenue, Derby	Two storey and single storey side and rear extensions to dwelling house (garage, wet room, utility room, lounge, kitchen, shower room and three bedrooms)	Granted Conditionally	16/03/2018
10/17/01352/PRI	Advertisement consent	5 Wyvern Retail Park, Wyvern Way, Chaddesden, Derby	Display of two internally illuminated signs	Granted Conditionally	21/03/2018
10/17/01370/PRI	Full Application - Article 4	21 Old Chester Road, Derby	Installation of replacement windows and door to the front elevation	Granted Conditionally	03/03/2018
10/17/01395/PRI	Full Planning Permission	31 Huntley Avenue, Spondon, Derby	Two storey side and single storey front and rear extensions to dwelling house (store, utility, family room/kitchen, bedroom, en-suite and enlargement of living room and hall)	Granted Conditionally	13/03/2018
10/17/01402/PRI	Full Planning Permission	160 Sancroft Road, Spondon, Derby	Two storey side and single storey rear extensions to dwelling house (garage, w.c., kitchen/diner, bedroom and en-suite and erection of an outbuilding (garden room)	Granted Conditionally	19/03/2018
10/17/01407/PRI	Full Planning Permission	91 Empress Road, Derby	First floor side and two storey and single storey rear extensions to dwelling house (two bedrooms, bathroom, en-suite, lounge and enlargement of kitchen/diner and two bedrooms)	Granted Conditionally	14/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01412/PRI	Full Planning Permission	74 Gravel Pit Lane, Spondon, Derby	Two storey side and single storey front and rear extensions to dwelling house (porch, utility, bedroom, wardrobe, en-suite and enlargement of kitchen/dining area and bedroom)	Granted Conditionally	08/03/2018
11/17/01413/PRI	Full Planning Permission	5 Rosewood Close, Alvaston, Derby	Two storey side extension to dwelling house (kitchen, bedroom and en-suite)	Granted Conditionally	27/03/2018
10/17/01414/PRI	Full Planning Permission	Site of 1 and 2 Clarke Street, Derby	Enlargement of car park	Granted Conditionally	20/03/2018
11/17/01423/PRI	Full Planning Permission	12 Bromyard Drive, Chellaston, Derby	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	21/03/2018
11/17/01438/PRI	Advertisement consent	34 Green Lane, Derby	Display of two non-illuminated fascia signs and one non-illuminated projecting sign	Granted Conditionally	21/03/2018
11/17/01449/PRI	Full Planning Permission	89 Empress Road, Derby	Two storey side and rear extensions to dwelling house (covered way, family room, kitchen/dining area, four bedrooms, bathroom and en-suite)	Granted Conditionally	14/03/2018
11/17/01451/PRI	Full Planning Permission	20 Edwinstowe Road, Oakwood, Derby	Two storey side and single storey rear extensions to dwelling house (garage, w.c., family room, bedroom and en-suite)	Granted Conditionally	02/03/2018
11/17/01454/PRI	Full Planning Permission	198A Uttoxeter Old Road, Derby	Two storey rear extension and change of use from dwelling house (use class C3) to a house in multiple occupation (sui generis use)	Granted Conditionally	06/03/2018
11/17/01456/PRI	Full Planning Permission	The Manor House Residential Home, 137 Manor Road, Derby	Extensions to residential care home (two bedrooms)	Granted Conditionally	16/03/2018
11/17/01464/PRI	Full Planning Permission	25 Abbotts Barn Close, Derby	Two storey side and single storey front and rear extensions to dwelling house (porch, w.c., sitting room, kitchen/dining area, garden room, sun lounge, bedroom and en-suite)	Granted Conditionally	05/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/17/01473/PRI	Full Planning Permission	27 Wimbledon Road, Derby	Two storey side and single storey front extensions to dwelling house (porch, kitchen/family room, utility room, office, shower room, two bedrooms, dressing room and en-suite)	Granted Conditionally	12/03/2018
11/17/01482/PRI	Variation/Waive of condition(s)	The Riverside Centre, Riverside Court, Pride Park, Derby	Erection of a church and layout out of car park - variation of condition 4 of previously approved planning permission Code No.DER/02/00/00207 to amend the car parking provision and travel plan details	Granted Conditionally	23/03/2018
11/17/01517/PRI	Full Planning Permission	Cherry Tree, 14 Epworth Drive, Alvaston, Derby	Single storey rear extension to dwelling (two bedrooms) and erection of a triple garage	Granted Conditionally	19/03/2018
11/17/01524/PRI	Full Planning Permission	2 Linacres Drive, Chellaston, Derby	Two storey side and rear extensions to dwelling house (play room, kitchen/breakfast area, garden room, bedroom and en-suite)	Granted Conditionally	15/03/2018
11/17/01525/PRI	Advertisement consent	415 Burton Road, Derby (Bridge Dental and Implant Clinic)	Retention of the display of two externally illuminated freestanding advertisement 'v' boards	Granted Conditionally	13/03/2018
11/17/01536/PRI	Full Planning Permission	29 Gisborne Crescent, Allestree, Derby	Two storey front and side, and single storey rear extensions to dwelling house (utility, study, enlargement of garage, kitchen and diner, bedroom, dressing room and bathroom)	Granted Conditionally	13/03/2018
11/17/01539/PRI	Full Planning Permission	7-9 Uttoxeter Old Road, Derby (Derby Convenience Store)	The installation of an ATM	Granted Conditionally	09/03/2018
11/17/01540/PRI	Advertisement consent	7-9 Uttoxeter Old Road, Derby (Derby Convenience Store)	Display of a non-illuminated panel sign	Granted Conditionally	09/03/2018
11/17/01562/PRI	Full Planning Permission	Whittleway Service Station, Sir Frank Whittle Road, Derby	Side extension to petrol filling station (retail area) and alterations to include installation of a new shop front, air conditioning units, blast wall, retention of an ATM and formation of customer car parking	Granted Conditionally	01/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/17/01574/PRI	Works to Trees under TPO	10 Ludgate Walk, Derby	Crown lift of up to 4-5m, crown thin by 30%, cutting back of branches to the boundary with 9 Epping Close and deadwooding of an Oak Tree protected by Tree Preservation No.557	Granted Conditionally	02/03/2018
12/17/01589/PRI	Reserved Matters	Land at Hackwood Farm, Radbourne Lane, Derby	Residential development (up to 370 dwellings), retail units, open space and associated infrastructure - Approval of reserved matters application of appearance, layout and scale for 115 dwellings - under outline permission Code no. DER/06/15/00846	Granted Conditionally	16/03/2018
12/17/01592/PRI	Full Planning Permission	188 Broadway, Derby	Single storey rear extension to dwelling house (kitchen/dining area and raised terrace), installation of render and side elevation windows and installation of a rear dormer to form rooms in the roof space (bedroom and en-suite)	Granted Conditionally	21/03/2018
12/17/01597/PRI	Full Planning Permission	Radbourne Unit, Royal Derby Hospital, Uttoxeter New Road, Derby	Formation of 52 car parking spaces	Granted Conditionally	29/03/2018
12/17/01604/PRI	Full Planning Permission	28 Brierfield Way, Mickleover, Derby	Enlargement of detached garage	Granted Conditionally	02/03/2018
12/17/01608/PRI	Full Planning Permission	Plot 11, Sinfin Commercial Park, Sinfin Lane, Derby	Use of the land as an outdoor storage facility (use class B8)	Granted Conditionally	20/03/2018
12/17/01615/PRI	Full Planning Permission	11a Birches Road, Allestree, Derby	Two storey side extension to dwelling house (office, shower room, utility room, bedroom and en-suite) and installation of a new roof with rooflights and two front dormer windows to form rooms in the roof space (two bedrooms)	Granted Conditionally	07/03/2018
12/17/01624/PRI	Works to Trees under TPO	10 Abbey Lane, Darley Abbey, Derby	Crown reduction by 2m, crown lift to 4m and cutting back of branches by 30cm (approx) to give clearance of the telephone line of a Norway Maple tree protected by Tree Preservation Order no. 347	Granted Conditionally	07/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/17/01627/PRI	Full Planning Permission	5 Touchstone Court, Chellaston, Derby	Enlargement of detached garage	Granted Conditionally	01/03/2018
12/17/01633/PRI	Advertisement consent	Bristol Street Motors, Sir Frank Whittle Road, Derby	Display of various signage	Granted Conditionally	05/03/2018
12/17/01638/PRI	Full Planning Permission	1 Scarsdale Avenue, Allestree, Derby	First floor side extension to dwelling house (enlargement of bedroom and en-suite)	Granted Conditionally	06/03/2018
12/17/01640/PRI	Full Planning Permission	Barclays Bank, Sir Frank Whittle Road, Derby	Installation of a condenser unit to the side elevation	Granted Conditionally	01/03/2018
12/17/01651/PRI	Full Planning Permission	142 Pear Tree Road, Derby	Change of use of ground floor from residential (use class C3) to a hairdressers (use class A1)	Granted Conditionally	01/03/2018
12/17/01656/PRI	Full Planning Permission	468 Kedleston Road, Derby	Extensions and alterations to bungalow to form a dwelling house with rooms in the roof space and erection of a detached garage	Granted Conditionally	06/03/2018
12/17/01664/PRI	Full Planning Permission	127 Manor Road, Derby	Erection of three dwelling houses (use class C3)	Granted Conditionally	02/03/2018
01/18/00003/PRI	Full Planning Permission	21 Rona Close, Sinfin, Derby	Single storey side and rear extension to dwelling house (garage and enlargement of kitchen/dining area)	Granted Conditionally	21/03/2018
01/18/00019/PRI	Advertisement consent	The Royal Stuart Hotel, 119 London Road, Derby	Display of one externally illuminated double sided post sign	Granted Conditionally	03/03/2018
01/18/00022/PRI	Full Planning Permission	Precision Casting Facility, Rolls Royce Plc, Wilmore Road, Derby	Erection of a plant compound with associated hard standing and perimeter fence	Granted Conditionally	15/03/2018
01/18/00023/PRI	Full Planning Permission	42 Gisborne Crescent, Allestree, Derby	Single storey rear extension to dwelling house (enlargement of kitchen and dining room)	Granted Conditionally	01/03/2018
01/18/00025/PRI	Full Planning Permission	93 Peet Street, Derby	Change of use from a house in multiple occupation to four apartments (use class C3) including a single storey rear extension	Granted Conditionally	01/03/2018
01/18/00026/PRI	Full Planning Permission	8 Hailsham Close, Mickleover, Derby	Two storey side and single storey front extensions to dwelling house (garage, porch, bedroom and en-suite)	Granted Conditionally	06/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00027/PRI	Full Planning Permission	55 Sunnyhill Avenue, Derby	Single storey side and rear extensions to dwelling house (cloakroom, utility area, kitchen, dining and sitting room)	Granted Conditionally	02/03/2018
01/18/00028/PRI	Full Planning Permission	28 Devonshire Drive, Mickleover, Derby	Single storey rear extension to dwelling house (utility room, w.c., and sitting area)	Granted Conditionally	01/03/2018
01/18/00029/PRI	Full Planning Permission	36 Devonshire Avenue, Allestree, Derby	Two storey side and single storey rear extensions to dwelling house (garage, utility, kitchen, lounge, bedroom and bathroom)	Granted Conditionally	07/03/2018
01/18/00030/PRI	Full Planning Permission	2 Tweedsmuir Close, Oakwood, Derby	First floor side extension to dwelling house (dressing area and enlargement of bedroom) and installation of hard surfacing	Granted Conditionally	03/03/2018
01/18/00032/PRI	Works to Trees under TPO	15 Woodminton Drive, Chellaston, Derby	Felling of an Ash tree protected by Tree Preservation Order no. 59	Granted Conditionally	06/03/2018
01/18/00033/PRI	Full Planning Permission	10 Rowsley Avenue, Derby	Two storey and single storey side and rear extensions to dwelling house (bin store, w.c., utility, kitchen/dining area, two bedrooms and bathroom)	Granted Conditionally	01/03/2018
01/18/00034/PRI	Full Planning Permission	15 Victoria Close, Mickleover, Derby	Single storey side and rear extensions to dwelling house (living space, bedroom, bathroom and enlargement of kitchen)	Granted Conditionally	02/03/2018
01/18/00035/PRI	Full Planning Permission	7 St. Johns Drive, Chaddesden, Derby	Single storey rear extension to dwelling house (dining room)	Granted Conditionally	01/03/2018
01/18/00038/PRI	Full Planning Permission	1 Jubalton Close, Allenton, Derby	Two storey side and single storey rear extensions to dwelling house (sitting room, dining room, kitchen, utility room and two bedrooms)	Refuse Planning Permission	27/03/2018
01/18/00039/PRI	Full Planning Permission	412 Uttoxeter New Road, Derby	Retention of the erection of a covered way	Granted Conditionally	01/03/2018
01/18/00043/PRI	Full Planning Permission	1 Station Road, Mickleover, Derby (No.1 The Orthodontic Specialists)	Two storey side and rear extensions to dental practice (covered parking, storage, consulting room, waiting area, staff room and office)	Granted Conditionally	01/03/2018
01/18/00044/PRI	Full Planning Permission	Land adjacent to Bio House, Derwent Street, Derby	Change of use to a hand car wash (sui generis use) including installation of a protective screen	Granted Conditionally	20/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00046/PRI	Full Planning Permission	4-6 Scarborough Rise, Derby (Breadsall News)	Installation of an ATM	Granted Conditionally	02/03/2018
01/18/00047/PRI	Advertisement consent	4-6 Scarborough Rise, Derby (Breadsall News)	Display of an internally illuminated ATM surround	Granted Conditionally	01/03/2018
01/18/00048/PRI	Advertisement consent	124 Kedleston Road, Derby	Display of one non-illuminated fascia sign and a menu board	Granted Conditionally	19/03/2018
01/18/00051/PRI	Full Planning Permission	89 Brackens Lane, Alvaston, Derby (Ghumans Off Licence and Convenience Store)	Retention of the installation of an ATM	Granted Conditionally	01/03/2018
01/18/00052/PRI	Advertisement consent	89 Brackens Lane, Alvaston, Derby (Ghumans Off Licence and Convenience Store)	Retention of the installation of an internally illuminated ATM surround	Granted Conditionally	01/03/2018
01/18/00054/PRI	Full Planning Permission	Land adjacent to 166 Westbourne Park, Derby	Erection of a dwelling house (use class C3)	Granted Conditionally	01/03/2018
01/18/00055/PRI	Advertisement consent	Bristol Street Motors, Sir Frank Whittle Road, Derby (Nissan)	Display of various signage	Granted Conditionally	01/03/2018
01/18/00059/PRI	Works to Trees under TPO	West Park Community School, West Road, Spondon, Derby	Felling of a Horse Chestnut tree and removal of deadwood from an Blue Atlas Cedar tree protected by Tree Preservation Order no. 479	Granted Conditionally	07/03/2018
01/18/00061/PRI	Full Planning Permission	68 Gravel Pit Lane, Spondon, Derby	Single storey side and rear extension to dwelling house (family space, lobby, w.c., utility, bedroom and en-suite)	Granted Conditionally	01/03/2018
01/18/00062/PRI	Full Planning Permission	390 Duffield Road, Derby	Erection of an outbuilding (summer house)	Granted Conditionally	07/03/2018
01/18/00064/PRI	Outline Planning Permission	Site of 2 Gurney Avenue, Sunnyhill, Derby	Demolition of existing bungalow. Residential development (two dwellings)	Granted Conditionally	02/03/2018
01/18/00069/PRI	Full Planning Permission	1 Ridgeway Avenue, Littleover, Derby	Two storey side and single storey rear extensions to dwelling house (lounge, sitting room, kitchen, utility, lobby, w.c., two bedrooms and en-suite)	Granted Conditionally	15/03/2018
01/18/00071/PRI	Full Planning Permission	40 Slater Avenue, Derby	Single storey rear extension to dwelling house (conservatory and enlargement of lounge)	Granted Conditionally	02/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00076/PRI	Full Planning Permission	353 Burton Road, Derby	Erection of a detached garage and front boundary wall	Granted Conditionally	15/03/2018
01/18/00078/PRI	Full Planning Permission	20 Edith Wood Close, Alvaston, Derby	Single storey front extension to dwelling house (porch)	Granted Conditionally	16/03/2018
01/18/00079/PRI	Full Planning Permission	68 Windmill Hill Lane, Derby	Single storey rear extension to dwelling house (kitchen) - partly retrospective.	Granted Conditionally	19/03/2018
01/18/00080/PRI	Full Planning Permission	4 Howard Street, Derby	Single storey rear extension to dwelling house (w.c and enlargement of kitchen)	Granted Conditionally	05/03/2018
01/18/00081/PRI	Advertisement consent	17 Shardlow Road, Alvaston, Derby	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Granted Conditionally	29/03/2018
01/18/00082/PRI	Full Planning Permission	Rolls-Royce, Turbine Blade Facility, Gate 7, Wilmore Road, Derby	Retention of a coolant farm refrigeration system, comprising of a single circuit run and standby chillers and a free cooling blast unit, in an enclosure surrounded by a 2.2m high security fence	Granted Conditionally	01/03/2018
01/18/00083/PRI	Full Planning Permission	1 Dukeries Lane, Oakwood, Derby	Retention of the erection of a boundary fence and wall	Granted Conditionally	05/03/2018
01/18/00089/PRI	Full Planning Permission	101 Hollybrook Way, Littleover, Derby	Single storey side and rear extensions to dwelling house (store, study, wet room, utility and kitchen)	Granted Conditionally	05/03/2018
01/18/00090/PRI	Full Planning Permission	121 Havenbault Lane, Littleover, Derby	Single storey side extension to dwelling house (utility room and enlargement of kitchen)	Granted Conditionally	05/03/2018
01/18/00091/PRI	Full Planning Permission	42 Prince William Drive, Kingsway, Derby	Single storey rear extension to dwelling house (family room)	Granted Conditionally	06/03/2018
01/18/00092/PRI	Variation/Waive of condition(s)	Garages adjacent Lilac Court, Lilac Close, Alvaston, Derby	Erection of two bungalows (use class C3) - Variation of condition 2 of previously approved permission Code No. DER/10/16/01285 to amend the floor plan and parking layout of plot 2	Granted Conditionally	21/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00096/PRI	Works to Trees under TPO	The Field,14 Sinfin Moor Lane, Chellaston, Derby	Maintain 5m canopy clearance and removal of epicormic growth up to 5m to be carried out as and when required, 3m crown reduction to be carried out every 3 years and deadwood of a Lime tree protected by Tree Preservation Order No.56	Granted Conditionally	22/03/2018
01/18/00097/PRI	Full Planning Permission	18 Stoney Lane, Spondon, Derby	Two storey and single storey side and first floor rear extensions to dwelling house (store, w.c, utility, bedroom, bathroom, en-suite and enlargement of two bedrooms and dining room)	Granted Conditionally	05/03/2018
01/18/00098/PRI	Full Planning Permission	9 Eliot Road, Littleover, Derby	Single storey front extension to dwelling house (w.c)	Granted Conditionally	01/03/2018
01/18/00101/PRI	Advertisement consent	15 Uttoxeter Road, Mickleover, Derby	Display of two internally illuminated fascia signs and one internally illuminated projecting sign	Granted Conditionally	21/03/2018
01/18/00102/PRI	Works to Trees in a Conservation Area	68 Belper Road, Derby	Felling of a Conifer tree within the Strutts Park Conservation Area	Raise No Objection	07/03/2018
01/18/00103/PRI	Certificate of Lawfulness Proposed Use	15 Bramblewick Drive, Littleover, Derby	Single storey rear extension to dwelling house (day lounge and kitchen)	Granted	16/03/2018
01/18/00104/PRI	Full Planning Permission	Land adjacent to 1A Roe Farm Lane and at the rear of 97 Wiltshire Road, Derby (access off Wiltshire Road)	Change of use of vacant land to car sales (Sui Generis use) together with all ground re-surfacing works, the erection of boundary fencing, gates and siting of a temporary building	Granted Conditionally	22/03/2018
01/18/00107/PRI	Works to Trees in a Conservation Area	Land at Vernon Street and South Street, Derby	Various works to trees within the Friar Gate Conservation Area	Raise No Objection	13/03/2018
01/18/00111/PRI	Full Planning Permission	136 Sancroft Road, Spondon, Derby	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, w.c, utility, bedroom, bathroom and enlargement of kitchen and dining space)	Granted Conditionally	21/03/2018
01/18/00113/PRI	Full Planning Permission	11 Chester Avenue, Allestree, Derby	Single storey rear extension to dwelling house (kitchen and dining area)	Granted Conditionally	21/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00116/PRI	Variation/Waive of condition(s)	North Lees Centre, 63A Duffield Road, Derby	Demolition of existing building on site and erection of building to create six apartments (use class C3) - variation of condition 2 of previously approved permission Code No. DER/03/16/00330 to install two additional windows to the side elevation and one additional roof light to the front elevation	Granted Conditionally	23/03/2018
01/18/00118/PRI	Full Planning Permission	Radbourne Unit, Uttoxeter New Road, Derby	Erection of two laundry stores	Granted Conditionally	07/03/2018
01/18/00120/PRI	Full Planning Permission	26 Muswell Road, Derby	Single storey rear extension to dwelling (utility, w.c., and dining area)	Granted Conditionally	07/03/2018
01/18/00122/PRI	Full Planning Permission	44 Jackson Avenue, Mickleover, Derby	Two storey side extension to dwelling house (garage, store, living space, two bedrooms and en-suite)	Refuse Planning Permission	07/03/2018
01/18/00123/PRI	Certificate of Lawfulness Proposed Use	7 Ivyleaf Way, Littleover, Derby	Bricking up of the existing garage door and installation of a window to form a study area	Granted	22/03/2018
01/18/00124/PRI	Full Planning Permission	27 Rowsley Avenue, Derby	Two storey side and single storey front and rear extensions to dwelling house (hall, cloaks, covered way, sun lounge, bedroom, en-suite and enlargement of bedroom) and installation of a rear dormer	Refuse Planning Permission	02/03/2018
01/18/00127/PRI	Full Planning Permission	398 Uttoxeter New Road, Derby	Change of use of ground floor from office (use class A2) and alterations and extensions to the existing building to form an apartment block containing 12 units (use class C3)	Refuse Planning Permission	27/03/2018
01/18/00137/PRI	Works to Trees in a Conservation Area	11 Cornhill, Allestree, Derby	Felling of Spruce and Conifer trees within the Allestree Conservation Area	Raise No Objection	15/03/2018
01/18/00141/PRI	Works to Trees in a Conservation Area	34 Park Road, Spondon, Derby	Felling of Holly and Willow trees within the Spondon Conservation Area	Raise No Objection	20/03/2018
01/18/00142/PRI	Full Planning Permission	54 Derwent Avenue, Allestree, Derby	Two storey side and single storey rear extensions to dwelling house (study, w.c., utility, kitchen/living space, en-suite and enlargement of two bedrooms and bathroom)	Granted Conditionally	02/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00160/PRI	Full Planning Permission	1 Offerton Avenue, Derby	Two storey and single storey rear extensions to dwelling house (sitting room, kitchen, wet room and two bedrooms) and installation of a new first floor window to the side elevation	Granted Conditionally	07/03/2018
02/18/00162/PRI	Full Planning Permission	265 Station Road, Mickleover, Derby	Two storey side extension to dwelling house (garage, store, two bedrooms and w.c.)	Granted Conditionally	01/03/2018
02/18/00164/PRI	Prior Approval - Householder	8 Franklyn Drive, Alvaston, Derby, DE24 0FR	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.8m, height to eaves 2.4m) to dwelling house	Prior Approval Not required	02/03/2018
02/18/00175/PRI	Prior Approval - Householder	126 Walbrook Road, Derby, DE23 8SB	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	02/03/2018
02/18/00188/PRI	Non-material amendment	56 Ford Lane, Allestree, Derby	Two storey extension to dwelling house (garage, utility, workshop, bedroom and en-suite) - non-material amendment to previously approved planning application DER/09/17/01212 to amend the windows to the east and south elevations	Granted Conditionally	20/03/2018
02/18/00189/PRI	Works to Trees in a Conservation Area	14 Welney Close, Mickleover, Derby	Felling of a Robina tree within the Mickleover Conservation Area	Raise No Objection	21/03/2018
02/18/00191/PRI	Prior Approval - Householder	11 Folly Road, Darley Abbey, Derby, DE22 1ED	Single storey rear extension (projecting beyond the rear wall of the original house by 3.25m, maximum height 3.5m, height to eaves 2.65m) to dwelling house	Prior Approval Not required	02/03/2018
02/18/00229/PRI	Prior Approval - Householder	2 Harpur Avenue, Littleover, Derby,	Single storey rear extension (projecting beyond the rear wall of the original house by 4.8m, maximum height 4m, height to eaves 2.75m) to dwelling house	Prior Approval Not required	07/03/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00233/PRI	Non-material amendment	Plot C, Derby Commercial Park, Fernhook Avenue, Derby	Erection of 2 warehouse units with flexible B1 B/C, B2 or B8 use together with associated ancillary office accommodation, means of access, parking, service, ancillary structures and landscaping - non-material amendment to previously approved planning permission 10/16/01253 to amend the approved plans	Granted Conditionally	22/03/2018
02/18/00283/DCC	Advertisement consent	Assembly Rooms, Market Place, Derby	Display of two non-illuminated banner signs	Invalid - Finally Disposed of	15/03/2018
02/18/00284/PRI	Full Planning Permission	40-44 Longbridge Lane, Derby	Change of use from storage/distribution (use class B8) to general industrial (use class B2)	Withdrawn Application	14/03/2018
03/18/00357/PRI	Advertisement consent	Site of Moorways Sports Centre, Moor Lane, Allenton, Derby	Display of two advertisement hoardings	Granted Conditionally	20/03/2018