

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

- 5.1 None.

Other options

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

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None.

Other significant implications

- 9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	04/02/2020
Other(s)	Ian Woodhead	04/02/2020

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

Planning Control Committee 13/02/2020
Items to be Considered Index

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 – 62	19/01245/OUT	'Becketwell' Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2), with all matters reserved for future consideration with the exception of access.	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.
2	63 – 93	19/00723/FUL	3 Mansfield Road, Derby	Change of use from public house (Use Class A4) with flat above to an office (Use Class B1(a)) and four flats (Use Class C3) together with associated external alterations including the installation of new windows	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.

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
3	94 – 128	03/18/00313	Middleton House 27 St. Marys Gate Derby	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping.	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.
4	129 – 140	19/01698/FUL	72 Radbourne Street, Derby	Change of use from a dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis Use) including a single storey rear extension, raising of the roof height, hip to gable roof alteration, installation of a rear dormer and roof lights	To grant planning permission with conditions.
5	141 – 152	18/01795/RES	Site Of 50 Sitwell Street, Spondon, Derby	Residential development (four dwellings) - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/03/17/00333	To grant planning permission with conditions.

1. Application Details

1.1. Address: 'Becketwell' - Land off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street and Becketwell Lane.

1.2. Ward: Arboretum

1.3. Proposal:

1. A Full component which proposes:

Demolition of United Reformed Church and associated ground floor units and the creation of a new public square with associated works.

2. An Outline component which proposes:

Phased demolition of buildings (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane), and structures, and the erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 – including student accommodation (Sui Generis), D1 and D2), with all matters reserved for future consideration with the exception of access.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/01245OUT>

The Hybrid Approach

Planning permission is sought to comprehensively develop this site which comprises the 'Becketwell' area of the city centre – essentially land enclosed by Macklin Street, Green Lane, Victoria Street and Becket Street including the former Debenhams department store. The site is an irregular shape and covers an area of some 2.63ha. Members will be familiar with the recent history of the site, its predominant state of vacancy and dereliction and the attempts to re-vitalise this part of the city centre.

Members should note that the application has been amended during its life and the description of development and quantum of both full and outline components have been revised. The application is formed of 2 parts as described above in Part 1.3 and the hybrid application approach is not uncommon for large scale development projects and it mirrors the approach employed at both 'Castleward' and 'Snelsmoor Grange' – the latter large scale development was debated at the meeting in November 2019.

In essence the rationale for the revised scheme is summarised in the opening paragraphs of the agent's letter of 19 December 2019. He states...

*...The working amendment can very simply be described as an expansion of the area of the site subject to the outline planning application to include the former Debenhams site, with a corresponding reduction in the scope of the full planning application which is **now limited to the area of the new public square.***

...The amendments are sought to allow some further time for detailed review of changes proposed to the phase 1 buildings, primarily in response to the consistent concerns raised regarding the height of the 19 storey building previously proposed in this phase.

...Whilst the working amendments now present an indicative scheme in this location, the submission is clear in setting an overall height parameter for the building(s) of 11 storeys (ground plus 10). This is consistent with the approach which has received general support across the wider site.

As part of the revised submission the addendum to the Statement of Community Involvement (SCI) includes the level of engagement in the application process and the issues actively addressed during the life of the application leading up to the preparation and submission of the revised scheme.

The full component of the application includes demolition of the United Reformed Church and associated buildings. Members should note that planning permission has already been granted to permit the relocation of the church to Stuart House on Green Lane. This building is located directly to the east of the application site and will facilitate continuation of the church and its community activities within this part of the city centre.

The proposed creation of the new public square ('Becketwell Square') would be primarily located on the site of the existing church and it includes landscaping and legible routes through connecting Victoria Street to the main body of the site. The proposed general arrangement plan shows the creation of a centralised lawn with stepped access and bridge features together with other separate areas of shrub planting and surface treatments. The proposal also includes a narrowed carriageway in the south-western portion of the layout leading into Colyear Street and Becketwell Lane. Members are reminded that the detail of the proposed square and its component parts **are the only elements to be considered in full, everything else is in outline form.**

In terms of the planning rationale and benefits of the revised application the agent provides the following conclusion...

...It remains the case that the scheme will not only benefit the immediate area, but represent a significant boost to the wider city centre by introducing a sustainable mix of residents, jobs and activity that would otherwise continue to be focussed beyond the ring road.

In terms of the outline component the application includes the phased demolition of all buildings and structures across the site excluding units 22-24, 36, and 46-48 Green Lane, and the former stable block to the rear of Green Lane.

The amended Design & Access Statement proposes the following indicative zonal arrangement for the outline component. This is purely indicative and may inform future proposals but could change in order to address more detailed appraisal of the constraints and the specific requirements of a future brief.

- Each plot has its own characteristics defined by its context and opportunities
- The sites which are likely to come forward as later phases retain a degree of flexibility in terms design and uses.

Site 1 – This is likely to be the first built phase to be constructed. The site has been divided into two buildings:

A – Facing the new square and containing approximately 230 Built to Rent apartments and two commercial units in a building with ground plus 10 storeys.

B – Facing Green Lane and Victoria Street and containing a mix of uses over up to 6 storeys.

The two buildings may be built together or one after the other depending on the funding arrangement.

Site 2 – This site is likely to feature a combination of new buildings to compliment the retained structures in an arrangement which ties in with the scale of the conservation area on Green Lane and the transition to the larger scale proposals around the new square.

Site 3 – The suggestion is of a large-scale commercial building of between 5 and 7 storeys height fronting the new square. With the rear part of the site adjacent to Macklin Street earmarked for a multi-storey car park as it is nearest to the site access point and makes use of the existing basement excavation to reduce the visible mass.

Site 4 – This large site is anticipated to be divided into several buildings and contain a range of uses, potentially retail, residential, hotel, offices or others depending on demand and opportunities arising from the first phases. The suggested massing anticipates heights of up to 10 storeys.

Site 5 – This had covered the Telephone Exchange but has been excluded from the outline application.

Site 6 – The Aero Engine concept for this site is envisaged to create a new local landmark for the square that relates to Derby's historic links to advanced manufacturing particularly Rolls Royce.

Site 7 – This site has been included in the detailed proposals as the new square and will form the first phase of development. The detailed design for this element is contained with the Re-form Landscape Strategy.

Pre-Application Engagement and Screening

The application is accompanied by a revised SCI which includes details of the pre-application engagement. This included a public event hosted at the Intu centre and the executive summary of the SCI states...

A public consultation event was held on Thursday 28th March at the Intu Shopping Centre. The event attracted over 1,000 people, with 236 feedback forms received (hard and electronic). The proposals received an overwhelming level of support. 8. In total, 89% of respondents who completed a feedback form supported the development proposals and regeneration of this high-profile site. Of the minority who did not express support for the scheme, this largely related to specific elements of the proposed development, rather than the principle of comprehensive regeneration of this important brownfield site. This extensive consultation process has been invaluable to the development process and has enabled early consideration of key issues prior to the submission of the formal planning application. The applicant has worked closely with those directly affected by their proposals and has sought to address key issues and concerns raised via detailed design development.

Members are aware that positive pre-application engagement is encouraged and major schemes are subject to a pre-application charging regime which has been in existence for some time. Central government guidance also promotes pre-application engagement as an integral part of the development management and decision making process.

A formal screening opinion has been provided by Council and it was concluded that the development did not constitute EIA development warranting an Environmental Statement (ES). However, members will note that the application package included below embraces a range of topic areas and issues in some detail.

The Application Package

The application is accompanied by a range of supporting technical documents, by various authors, together with a suite of plans and illustrations. The application web-pages include the various amended and superseded documents and, for reference, the schedule below highlights the current up-to-date information. Members are strongly encouraged to peruse the web pages **or contact officers directly if there are any issues that require clarification before the meeting.**

In addition to the application forms, covering letters and drawings the various supporting documents include:

1. Planning Benefits Report – Updated to accompany the latest revisions.
2. Planning Statement – Updated to accompany the latest revisions.
3. SCI - Updated to accompany the latest revisions
4. Design and Access Statement - Updated to accompany the latest revisions.
5. Skyline Study - Updated to accompany the latest revisions.
6. Public Realm Strategy - Updated to accompany the latest revisions.
7. Viability Statement – Formed part of the original submission only.
8. Phase 1 Geo-Environmental Report – No need for an update as part of the latest revisions.
9. Energy Statement - No need for an update as part of the latest revisions.
10. Transport Statement - Updated to accompany the latest revisions.
11. Travel Plan - Formed part of the original submission only.
12. Ecology Survey - No need for an update as part of the latest revisions.
13. Arboricultural Survey - No need for an update as part of the latest revisions.
14. Air Quality Assessment - Updated to accompany the latest revisions.
15. Heritage Assessment - Updated to accompany the latest revisions.
16. Build to Rent Demand and Benefits - No need for an update as part of the latest revisions.
17. Archaeology Assessment - No need for an update as part of the latest revisions.
18. Flood Risk Assessment and Drainage Assessment - Updated to accompany the latest revisions.

The Design Rationale

The submitted documentation provides a thorough explanation of the various layers of the technical design and urban design processes. The site occupies a very important part of the city centre and the design rationale addresses, amongst others, viability and commercial drivers, urban contextual relationships to heritage assets and key viewpoints, sun path and shading considerations, street patterns and topographical factors, access and servicing arrangements, public realm legibility and public safety.

I would encourage members to peruse the submitted documentation and the comparisons between the original submission and the revised scheme. For instance, the updated Heritage Assessment provides an analysis of the proposed development on the significance of 7 groups of heritage assets within various parts of the city centre and also the impact on the significance of longer range/more distant assets across the city.

In terms of the outline component the Design and Access Statement provides a masterplan interpretation of the later phases of development from key street level vantage points. Members are encouraged to peruse the visuals in that document which provide a comparison of existing views and street patterns with potential future development scenarios. Of particular interest is a street view that could be created from the higher level of Macklin Street through the site and Becketwell Square. This perspective could enjoy a new framed view of the Cathedral Tower, which is currently obstructed by the lift tower on the former Debenhams store.

Members are reminded that the detail of the proposed square and its component parts **are the only elements to be considered in full, everything else is in outline form.**

2. Relevant Planning History:

Nothing of consequence in terms of previous application history aside from the prior notification approval to demolish the former Debenhams building and the planning permission that facilitates the re-location of the United Reformed Church to Stuart House on Green Lane.

3. Publicity:

- Neighbour Notification Letters – individually re-notified by e-mail or letter on 20 December 2019.
- Site Notices – re-displayed on 23 December 2019.
- Statutory Press Advert - additional advertisement in the Derby Telegraph on 10 January 2020.

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

4. Representations:

Following the December re-consultation the following representations have been received.

- A letter of support has been received in respect of the revised proposals from Marketing Derby. This welcomes the transformation of this area of the city and the stimulation it will provide to the local economy. The letter notes that the proposals align with the Derby City Centre Masterplan which seeks to deliver residential development together with shops and services in the city centre.
- A letter of support has been received from Trevor Raybould which states... 'with reference to the above application – I would like to confirm that I fully support the same'.
- A letter of support has been received from Mr Martin who states... 'I live near this site, and as long as I have lived in the city it has been an eyesore. Before the hotel and shops closed it was run down, and their closure has only increased the problems. The site attract [sic] anti-social behaviour, and has a negative impact on neighbouring properties. The re-development of the site is vital to improving the whole area, especially as it represents such a large and prominent section of the city centre'.
- A letter of objection has been received on behalf of Derby & South Derbyshire Friends of the Earth who state... 'Markeaton Brook is canalised under Victoria St. Its flow is restricted. Building more unsustainable high-rise in the city centre only adds to surface water run-off and more risk of flooding. Such carbon intensive, destructive development is a backwards step, when the buildings could be re-used/refurbished. The City council has declared a climate emergency, in line with rest of the world. Insurers are increasingly refusing to insure such development because of risk to human life'.
- A letter of objection has been received from the Derbyshire Archaeological Society which concludes... 'even though there has been considerable ground disturbance in the past and excavation for the proposed Square will not be deep, we notice that the scheme includes tree planting and street lighting, so some exploratory excavation is essential. We ask you to accept and follow the recommendations of Sarah Whiteley, the County and City Development Control Officer'.
- A letter of comment has been received from Peter Steer which addresses issues and provides suggestions for the design composition of future reserved matters submissions, parking and access and phasing considerations.

Members are also encouraged to scrutinise the various representations for and against the superseded submission which are included on the web-site.

5. Consultations:

Members should note that the following consultation responses may not include ALL the comments of the various individual consultees. However, the latest comments to the re-consultation exercise have been reproduced and the majority are reproduced in full. The most recent consultation exercise was carried out in December 2019 following receipt of the amended application. Members are encouraged to refer to the application web pages to peruse all previous consultation responses. If any explication is required prior to the meeting please contact the case officer or relevant officers in the team, as necessary.

5.1. City Development and Growth:

Following the December 2019 re-consultation a letter of support has been received which concludes...

...'The City Development and Growth Department **fully supports** the proposed mixed-use development on the Becketwell site. The proposals represent a sustainable opportunity for the site and wider city centre that conform with the Derby Local Plan's aspirations for the site and will deliver a key priority of the Derby City Centre Masterplan. The proposed development will improve vibrancy, bring a key city centre site back into use and support the city centre economy, whilst relieving pressure for development on greenfield sites. The scale and location of the Becketwell site provides the opportunity to generate a critical mass of residential and commercial accommodation that can sustain itself, help to support other city centre businesses that rely on population and footfall, begin to compete with other destinations in Derby and beyond, and act as a catalyst for further investment in the city centre.

I would urge the planning committee to welcome and approve this exciting and unique application for Becketwell and the city'.

The Director of City Development and Growth will also be on hand at the meeting should members wish to seek clarification about commercial aspects and/or City Council involvement in the scheme.

5.2. Conservation Area Advisory Committee:

At the meeting on 23 January the following recommendation was provided.

The height reduction of the revised scheme fronting Victoria Street still causes concern regarding harmful impact on heritage assets. Suggested that the tall element is set back from street frontage to reduce impact otherwise would have overbearing impacts on listed buildings and the conservation area in this part of the city centre causing harm to those heritage assets. Supportive of the public square but the design does not reference Becketwell and isn't locally distinctive enough. There is concern about the phasing, bringing the public square forward before the rest of the scheme and how long redeveloping the site might take unless measures are put in place to ensure a shorter timescale. The quality of the urban design is important. There are benefits in redeveloping the derelict site. Previous comments are still valid. Overall, the proposal would result in less than substantial harm, which must be weighed against the public benefits.

5. Consultations Cont'd:

5.3. Highways Development Control and Transportation:

Following the December 2019 re-consultation the following response has been received.

Phase 1

The only highway related matter for consideration in this revised application is the proposed public square, the remainder of highway issues will need to be covered by planning conditions, see below. The following comments are provided on the basis that Drg No RFM-XX-))-DR-L-0005 Rev P10 shows the latest proposal for consideration.

The proposed public square will not form part of the public highway and is to be maintained by the City Council but not as part of the highway. The extent of the proposed square as shown on the above drawing encroaches into the existing public highway and consequently the land within the square which is currently highway will require to be 'stopped up' under S247 Planning Act 1990 (as amended). The highway authority has no objection to the 'stopping up' of the highway as proposed subject to the proposed York paving footway adjacent the proposed public square having a minimum width of 2m. The section of footway close to bridge No 5 appears slightly narrow. The coloured section of the bridges which encroach into the public highway should not cause any trip hazard and the specification of the surfacing will need to be approved by the highway authority, as part of the S278 technical approval process.

The proposals include other amendments to the public highway in the form of localised narrowing and changes to the highway surfaces. These works will be the subject to the S278 technical approval process.

It should be noted that that the proposed highway works have been drawn tightly to the Duckworth Square site, which whilst part of the wider application area is not part of the application are for the first phase scheme. The scheme as shown will require a highway margin and forward visibility splay both requiring land from the Duckworth Square site. There may also need to be some slight amendment to carriageway to fully accommodate tracking for large vehicles. As mentioned above the land within the Duckworth Square site does form part of the larger scheme and is within the control of the City Council. Through discussions with colleagues it appears the additional land can be made available for inclusion in the first phase improvements and consequently it is suggested that the slight changes to the highway improvements can be dealt with by condition, see below

Outline Application

In summary, the above application is for an outline masterplan that includes 357 flats, 17,981 sqm GFA of B1 Office, 1058 sqm GFA of retail ancillary, 400 sqm GFA Church and 205 bedroom hotel. The applicant also wants the option to retain the Multi Storey Car Park.

However, there is no certainty over the masterplan and it has been agreed with Planning Development Control that the different phases can come forward through separate full planning applications. This includes the s106 agreement and wider works. As such, the cumulative implications of any elements of the scheme delivered or committed will be dealt with through an extant Reserved Matters (RM) approval.

5. Consultations Cont'd:

The s106 agreement will enable a comprehensive review of potential obligations at each RM stage.

The development site is located in the City Centre, within the Core Area of the Central Business District Boundary. This should be noted because of particular policies within the Derby City Core Strategy on transport.

Derby City Local Plan Part 1 – The local plan says the following about developing sites in the City Centre: City Centre the above site in terms of highway related matters:

- (a) encourage developers to make the most of, and strengthen, the opportunities provided by existing walking and cycling networks.
- (b) encourage developers to work with public transport providers to ensure that all users are able to access development by sustainable means, especially taking account of times when developments are likely to be busiest
- (c) support proposals for the improvement of the public realm, particularly where it would improve access and legibility across the City Centre.
- (d) support proposals that improve safety, improve air quality and reduce carbon emissions.
- (e) ensure development provides a level of car parking which reflects the realistic requirements of the users and the highly accessible nature of the city centre. Parking should not take precedence over facilities provided for more sustainable modes of access.
- (f) seek to ensure a sufficient level of good quality and accessible public parking, subject to meeting sustainability objectives

1) National Planning Policy Framework (NPPF)

The coalition government introduced the NPPF and 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 the Secretary of State would use NPPF to consider the suitability of the above proposal should the application go to appeal.

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.”*

5. Consultations Cont'd:

- 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;

The NPPF has a presumption in favour of sustainable development and consequently is seeking to influence the developer to put in place measures to provide opportunity and to encourage future residents to travel by non-car modes, wherever this is realistic and feasible i.e. measures to encourage walking, cycling and travel on public transport.

Walking – by the very nature of walking, this mode of travel is used for short journeys i.e. to school, to the local shops and for leisure etc. The Manual for Streets (DfT, 2007) promoted the concept of walkable neighbourhoods and these are typically characterised by having a range of facilities within 10 minutes' walking distance (about 800m) of residential areas. However, 800 metres should not be taken as an upper limit and average walking distances outside of London for education, commuting and personal business are around 1 kilometre.

Becket Well is located in the City Centre and as such is highly accessible by walking. It is connected by a high density network of footways and pedestrian areas to a wide range of food and no-food retail, leisure, employment and other services within 400 metres of the development site. Further, the whole of the City Centre is within 800 metres of the development site and therefore it has wider access to health facilities, primary education and secondary education facilities

Cycling – Cycling is one of the most sustainable forms of transport, and increasing its use has great potential. To release this potential, highways, public spaces and other rights-of-way need to be organised accordingly. Generally 80% of cycle journeys are less than 8 kilometres and 40% less than 3 kilometres.

The development site is directly served by National Cycle Route 54/68. Its City Centre location means that there is a network of quiet on-road routes and shared footway/cycleways that link to the radial cycle network and key destinations.

Public Transport – The development is directly situated next to the Victoria Street bus hub, which provides direct access for shoppers and leisure users to the western area of St Peters Quarter and the Cathedral Quarter. As such, there are a number of services serving the western side of Derby and beyond to Burton-Upon-Trent, Tutbury and Ashbourne. These include The Micklover Service, X38, The Villager V1 and V3, the Mackworth Estate 8 & 9, the 6 to Allestree and Swift. Further, the bus station is around a 600 metre walk distance from the middle of the development site and provides public transport connections to the whole of the City. Derby Rail Station is around a 1.4 km walk from the middle of the site, about an 18 minute walk, with connections to national and regional destinations. One of Derby's main Taxi ranks is also located on Victoria Street next to the bus hub and provide easy access to waiting Black Cabs.

Travel Plan – This development is in one of the most sustainable and connected parts of the City. As such, the easy access to non-car modes should make the need to promote sustainable travel redundant. However, it is also a major opportunity to promote a fully sustainable site and reduce the need for parking. As such, a travel plan is still relevant. The applicant has submitted a framework travel plan that has

5. Consultations Cont'd:

identified the usual Travel Plan Coordinator, travel packs and promotional material, car sharing and personalised travel planning. The framework also identifies the potential for EV charge points and access locations to the Co-wheels Car Club. However, if the multi-storey car park is promoted in future then it seems that there is an opportunity to turn this into some form of transport hub that includes provision for a Car Club point, bike parking and EV charge points. It is the physical measures incorporated into the masterplan design, such as internal secure bike parking for the apartments, which will underpin the sustainable credentials of this development.

It is considered that the development site is located in a highly sustainable location and that there is a real choice in non-car mode travel options. As such, the need for parking spaces to support this development should reflect the location and be set at an appropriate level.

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

The Illustrative Masterplan and detailed planning application, identifies the proposed layout of the new public square shown for indicative purposes on RFM-XX-00-DR-L-0001 P09. In addition, the masterplan also shows two proposed pedestrian routes linking Becket Well Lane and Green Lane.

●● ***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."***

NPPF is suggesting the impact of the residual trips (i.e. the remaining car trips after travel by other modes has been taken into account) should be mitigated as long as it is affordable in the context of the value of the development. The Government does not define 'severe impact'. DCC takes the view that in this context 'severe' can relate to congestion, but definitely relates to safety.

Existing Network

Becket Well is located within the narrow residential streets inside the Inner Ring Road. As such, many of the junctions are single lane with short or no flare lengths that only allow single vehicle turning movements. Surveys undertaken in March 2019, as part of the transport assessment, identified queues at both ends of Abbey Street leading to Mercian Way and Curzon Street of between 50 and 100 metres (8-16 vehicles) during the AM (0800-0900) and PM (1700-1800) Peaks. These queues in isolation are not extensive, however, they do impact on the ability of traffic to exit Macklin Street.

Queues on Green Lane were recorded to be around 50 metres in length during the peaks. However, casual observations during the PM Peak have observed them extending almost back to Macklin Street during particularly congested traffic conditions. The traffic signals on Lara Croft Way only provide Green Lane traffic with a short amount of green time because of the queuing capacity on the circulatory, which has a maximum green time of 15 seconds in the PM Peak. This only allows around 8 vehicles out of Green lane. The traffic phase has a maximum green time in order to prioritise the much larger movement on the Inner Ring Road to keep it flowing.

5. Consultations Cont'd:

The Uttoxeter Road/Stafford Street Inner Ring Road Junction is congested in both the AM and PM Peaks. Queue lengths on each of the arms was recorded at around 100 metres. The exit lanes on Uttoxeter Road and Stafford Street are also subject to queuing caused by the traffic backing up from congestion caused at other junctions.

The Abbey Street and Green Lane junctions also experience queuing on the mainline Inner Ring Road approaches. Queues in the AM and PM Peaks were recorded to be around 100 metres. However, in particularly congested conditions during the PM Peak the whole Inner Ring Road can be reduced to a slow crawl from one junction to the next with obvious impacts on queues on the side roads.

Traffic Modelling –

Traffic Generation – The predicted trip generation of any particular development is obtained from a national database of traffic surveys called 'TRICS', which is the industry standard methodology. Due to the location of this development, trip rates for city centre sites only were used to calculate traffic numbers to test the impact of the development masterplan. As such, the trip rates used were significantly lower than normal rates used for sample sites in non-city centre locations. However, whilst trip rates are a good indication of the likely trip generation of new development, in city centre sites it is the level of car parking that controls and determines the attractiveness of development. For this reason, the same sample sites used to calculate vehicles trips were used to calculate the level of parking demand, which is considerably lower than the Derby's suggested standards contained in Appendix C of the Core Strategy 2017 Part 1. This is explained further in subsequent paragraphs.

Table 2 sets out the trip generation for the whole masterplan. The total trip generation impact of the development is a consequence of the net change between the existing uses and proposed. As such, Table 2 identifies the existing trip generation based on the same trip rates used for the proposed. This is a relatively robust assessment because the existing did not consider the trip generation of empty development sites such as the Pennine Hotel, which in theory could be bought back into use without planning permission.

Further, the assessment also considered the operational trip generation of the St Peters Quarter NCP MSCP (226 spaces), the Becket Well Lane NCP (80 spaces) and the Becket Street RCP (20 spaces). The existing average maximum occupancy across these car parks is around 46%. For the purpose of this assessment it was assumed that the re-organisation of these spaces into a single off-street car park would operate at around 90% maximum occupancy.

Land Use Summary	Vehicle Trip Generation					
	Arrive			Depart		
	Arr	Dep	2-Way	Arr	Dep	2-Way
Existing 326 public off-street spaces @ 46% maximum occupancy (a)	65	4	69	6	52	58
Existing Land Uses (b)	32	5	37	4	26	30
326 public off-street spaces @ 90% maximum occupancy (c)	128	9	137	11	103	114
Proposed Masterplan Land Uses (d)	149	80	229	67	121	188
Net Change in Vehicle Trips (d+c-b-a)	180	80	260	68	146	214

Table 2: Net Change in Indicative Master Plan Trip Generation

5. Consultations Cont'd:

The net total increase is vehicle trips, which is the difference between the total indicative masterplan and the existing land uses, is around 260 two-way trips in the AM Peak (0800-0900) and 214 in the PM Peak (1700-1800).

Car Parking

Rather than using Derby's parking Standards, the applicant has identified the parking based on the average parking spaces for each land use from the samples used to provide calculate the trip rates. **Table 3** sets out a summary of this needs based parking spaces.

Masterplan Land Use	Size	Unit	Spaces
C3 Apartments	230	Dwellings	43
C3 Student Apartments	127	Dwellings	0
B1 Unit (New Block)	3084	sqm	27
B1 Unit (Stable Block)	1343	sqm	12
B1/D1 Unit (Macklin Street) Church	400	sqm	6
C3/B1	493	sqm	4
B1/D1	9213	sqm	81
A1/B1	990	sqm	9
C1	205	Rooms	42
B1	2462	sqm	22
A1/A3/A4/B1	396	sqm	3
Total Spaces			249
MSCP Replacement Spaces			326
Grand Total			575

Table 3: Masterplan Estimated Parking Demand

In total, the assessment identifies a total need of 249 spaces against the masterplan land uses. This compares against around 800 spaces if the Derby parking standards were used. In addition, **Table 3** also identifies the like for like replacement of the off-street NCP public parking. This equates to 326 spaces as identified previously.

At this stage the developer does not know what parking provision will be required for the masterplan and wants the flexibility to provide a potential Multi Storey Car Park to replace the existing NCP car parks and other masterplan uses, which combined is a total of 575 spaces. Whilst from a sustainable transport perspective limiting the parking provision would be principally right, there are no maximum parking standards and provision within NPPF to do so. However, the applicant has identified a parking demand that is 30% of Derby's Parking Standards. Further, it is understandable that there will be a commercial demand to replace the NCP car parks. As such, the applicant has based the transport assessment on this basis. It is therefore suggested that there is a condition that limits parking within the outline application to 575 space.

Traffic Impact – the transport assessment has been based on observed manual traffic turnings counts of the junctions around the site. This included the Inner Ring Road Junctions on Stafford Street, Abbey Street and Green Lane. Distribution of development trips were calculated on the observed turning proportions and assigned to the network based on the most likely route choice.

5. Consultations Cont'd:

The total net increase in trip generation is predicted to be is around 260 two-way trips in the AM Peak (0800-0900) and 214 in the PM Peak (1700-1800). This includes an uplift in the NCP parking from a maximum 45% occupancy to 90% occupancy to emulate the potential improved attractiveness of the area as a result of the development.

Table 4 below provides a summary of the change in traffic flows, at each of the entry point junctions to the Becket Well area, as a result of the whole masterplan.

Junction	AM Peak (0800-0900)		PM Peak (1700-1800)	
	Total Junction In Flow	Masterplan Traffic Flow	Total Junction In Flow	Masterplan Traffic Flow
Uttoxeter Rd/A601	2827	64	2798	54
Abbey St/A601	2003	83	1970	71
Green La/A601	3181	121	3522	106
Curzon St/Bramble	605	6	564	7

Table 4: Master Plan Net Distribution of Development Flows by Junction (Year 2022)

This additional traffic is not large when compared to the total volumes of traffic that pass through the main junctions. The largest increase is around 3.8% on the Green Lane/A601 Junction and 3.6% on the Abbey Street/A601 Junction. However, on individual arms onto the Inner Ring Road, such as Curzon Street, Abbey Street and Green Lane, there is around a 20% increase in traffic. This is not insignificant and because of the congested nature of the Inner Ring Road during the AM and PM Peaks, increases queue lengths out of the Becket Well area.

The impacts of the 100% masterplan have been modelled in the forecast year 2022, which is a proxy for adding the whole masterplan the network today. The Inner Ring Road Junctions are all signalised and as such have been modelled using the signal junction software LINSIG.

When comparing junction operational performance, queue lengths provide one of the tangible outputs to measure change. As such, **Appendix A** provides a diagrammatic summary of changes to queue lengths around the Becket Well with and without the 100% masterplan scenario. The modelling predicts that there is not a significant amount of change in performance of the Uttoxeter Road/Stafford Street/A601 junction. The greatest increase is on Uttoxeter Road in the AM Peak where queue lengths increases by 5 vehicle lengths. On the Abbey Street/A601 junction there is slightly more impact. As a consequence, in the AM Peak queues on the Mercian

Way arm from the Uttoxeter Road Junction increase by around 10 vehicles lengths, and on Abbey Street South they increase by 13 vehicle lengths. The Green Lane/Burton Road/Normanton Road/A601 junction is predicted to see the largest impacts. This is because it provides the main access and exit junction into the Becket Well area. In the AM Peak queues on Normanton Road increase by 11 vehicle lengths. In the PM Peak the queues on Green Lane are predicted to increase by 28 vehicle lengths. Signal modelling does not provide an exact view of the existing or future situation because the models may optimise signal timings differently

5. Consultations Cont'd:

to the control specification of the actual signal. What the models do is provide a prediction of the overall performance of junctions.

Stafford Street Roadside Air Quality Scheme – The Transport Assessment included a junction test of the Uttoxeter Road/Stafford Street/A601 Junction with the full 100% masterplan scenario against the proposed Roadside Air Quality scheme. The increase in traffic on the Uttoxeter Road Junction is 64 and 54 vehicles during the AM and PM Peaks, which is about 2% increase over the 2800 vehicles that travel through this junction. As such, the modelling shows that the impact on the junction and Stafford Street is minimal.

It should also be recognised that the assessment has tested the full masterplan scenario in 2022. It is likely that the masterplan will take over 10 years to develop by which point, it is predicted by national air quality modelling undertaken by DEFRA, that technology and cleaner vehicles will have reduced NO2 to compliant levels.

Conclusion –

The modelling work and the observed queue length surveys identify that the Green Lane/Burton Road/Normanton Road/A601 junction is already operating at capacity and that the 100% masterplan scenario will add queuing to this situation. Further, there are also issues at the Abbey Street Junction and that queues from the junctions either end have the potential to block traffic coming out of Macklin Street. There are no physical off site works to improve the operation of the junctions that surround the site because of the constrained residential character of the surrounding streets. Further, the Inner Ring Road junctions were designed to provide maximum capacity within the constraints of its alignment as part of Connecting Derby.

If the full development comes forward, with the parking provision that has been identified in the application, then there will have to be some acceptance that this will have impacts on traffic queues, particularly exiting the site. The location of the potential MSCP will be critical. The access could be designed to come off of Becket Street. However, the one-way working on Newland Street and Bramble Street would have to be reviewed and an assessment of the impact of traffic, which is likely to use Curzon Street and Friar Gate as the access route outbound. However, this arrangement would take pressure off of Macklin Street, Green Lane and avoid Stafford Street.

The alternative would be to further manage parking provision as the development phases come forward for detailed planning based on the operation of the network at that time. This could be done through re-measuring queue lengths as part of the assessment. Notwithstanding, this point the outline application should limit the maximum parking to 575 spaces.

Conclusion – No highway objection subject to the following conditions and notes.

Suggested Conditions and Notes

Phase 1

1. Prior to any development commencing on the application area details of the localised narrowing on Colyear St and Beckwell Lane, shall be submitted to and approved in writing by the LPA, in particular the provision of an appropriate forward visibility splay cross the tight bend between Colyear St and Beckwell Lane, a suitable highway margin adjacent the southern boundary of the scheme

5. Consultations Cont'd:

and vehicle tracking to demonstrate the carriageway can accommodate the largest vehicle likely to use the bend.

Reason: In the interests of highway safety

2. Prior to any development commencing within the application area;
 - a. a suitable access to accommodate construction traffic into the site shall be provided in accordance with the Highways Design Guide, details to be submitted to and approved in writing by the LPA;
 - b. A wheel washing facility designed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational;
 - c. Details of the Construction Management Plan including routing for construction traffic has been submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

Notes to Applicant

- 1) 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 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) For details of general construction advice please contact Robert Waite Tel 01332 642264.

Suggested Conditions and Notes
Outline Application

Transport Assessment

No development shall commence unless or until a Transport Assessment, which shall conform to the advice given in The 'Planning Practice Guidance' has been submitted to and approved in writing by the LPA. The assessment must include details of access between the highway and the proposed development for all modes, trip generation and distribution, parking and travel plan details.

Car a parking across the whole site shall not exceed 575 spaces, as identified in the transport assessment, based on the master plan, unless otherwise agreed.

5. Consultations Cont'd:

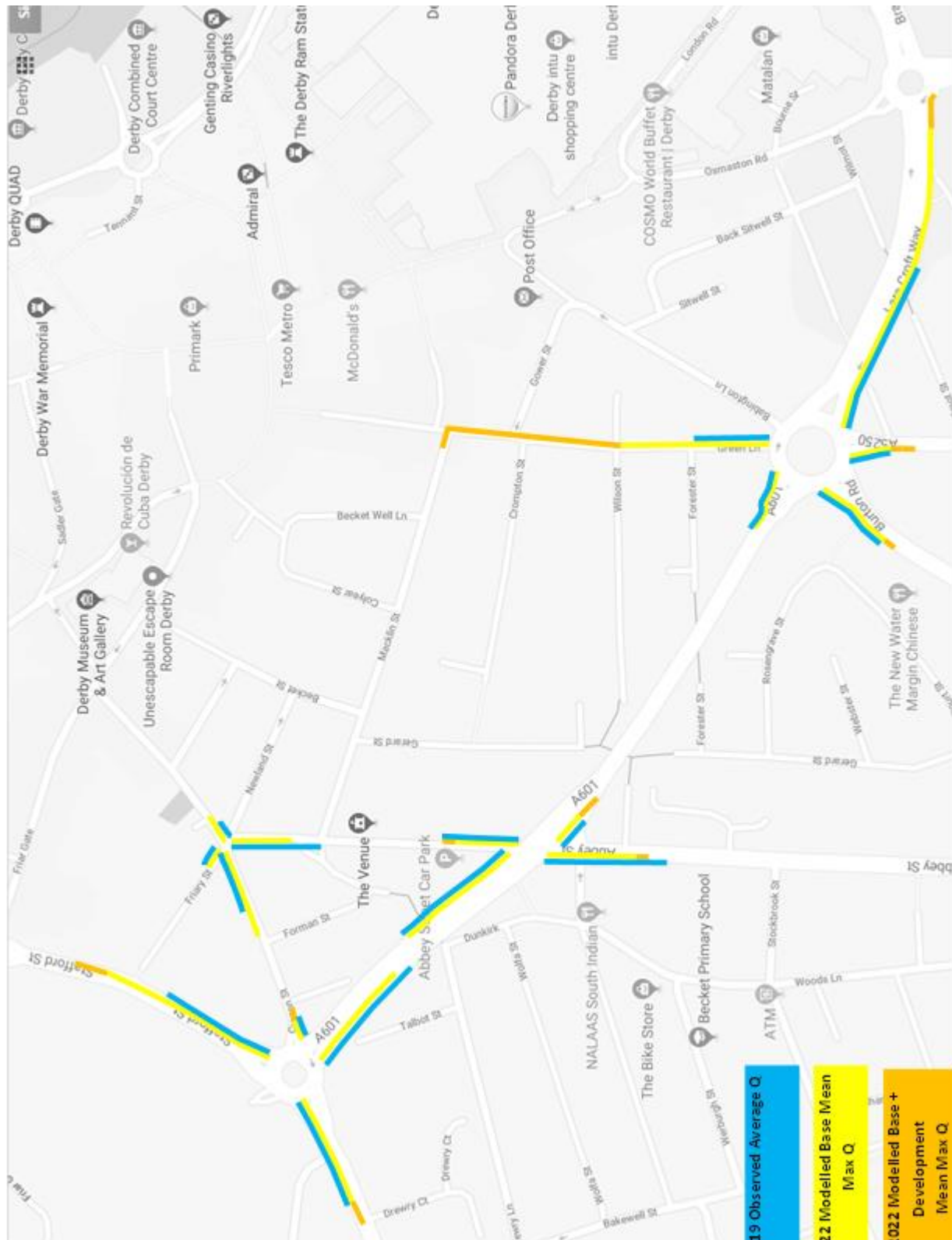
Appendix A

AM 2022 Peak Mean/Max Modelled Queue Lengths With and Without the Development



5. Consultations Cont'd:

PM 2022 Peak (1700-1800) Mean/Max Modelled Queue Lengths With and Without the Development



5. Consultations Cont'd:

5.4. Land Drainage:

Following the December 2019 re-consultation the following response has been received.

In this most recent consultation, we have noted that the building of Phase 1a (residential block on the site of former Debenhams building) has been downgraded from a full planning permission to an outline, with the new public square being the only 'full' element of the hybrid application.

I have noted the addendum to the flood risk assessment submitted to support the application which notes that the change of application type does not affect the flood risk and land drainage matters that have been discussed and agreed previously. For clarity, I accept the comments made by my Rodgers Leask Consulting Engineers (email dated 25th October 2019) and with that in mind the principle of the development.

However, to secure what has been agreed with regards drainage, flood resilience and safe access and egress from the Phase 1 building and all future phases, we would only support the application if the following conditions were imposed:

1. No development shall take place on any phase of the consented development until a surface water drainage scheme for that phase has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include, as far as reasonably practicable:-
 - a) A sustainable drainage solution,
 - b) Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
 - c) Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - d) Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2. In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development.

2. Prior to any phase of development commencing on site, save for the public open space approved herein with full planning permission, the precise details of a scheme of measures to protect statutory services from flood water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure essential services (potable water, electricity, telecoms etc.) to all residential units are retained during a 1: 100 flood event with an allowance for climate change and considering residual flood risk. The agreed measures shall be implemented in their entirety prior to occupation of the building and be maintained for as long as the development is occupied.

5. Consultations Cont'd:

Reason: In order to protect residential properties from a 1 in 100 flood event and ensure the building can be occupied during a flood event and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

3. Prior to any phase of development commencing on site, save for the public open space approved herein with full planning permission, a scheme of measures shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that safe access and egress from all residential units will be retained during a 1: 100 flood event with an allowance for climate change and considering residual flood risk. The agreed measures shall be implemented in their entirety prior to occupation of the building and be maintained for as long as the development is occupied.

Reason: In order to protect residential properties from a 1 in 100 flood event and ensure the building can be occupied during a flood event and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. No structures shall be erected on any part of the development within 5 linear metres of the centre of the Littleover Brook culverted watercourse without written consent from the Local Planning Authority in consultation with the Lead Local Flood Authority. Structures may include, but are not limited to; buildings, fencing, trees and public art.

Reason: In order to protect the ability of the Council and/or any future owners of the site to maintain the Littleover Brook culvert both routinely and under emergency or unplanned conditions (e.g. collapse, blockage, etc.). The condition will ensure compliance with Core Policy CP2(k).

If any changes are required to the wording of these conditions, or the LPA is minded not to apply them to any planning permission, we would request to be consulted on this.

5.5. Natural Environment (Tree Officer):

Following the December 2019 re-consultation the following response has been received.

My previous comments are still applicable. In addition the Landscape Master Plan still shows 1 No. *Acacia dealbata* 'Wattle' to be planted in the square. As mentioned previously this is not a hardy tree and is not suitable. An alternative tree must be supplied. There is also some discrepancy between tree species within the 'Details Planting Palette' of the Becketwell Square Public Realm Strategy and the 'Details Planting Palette' of the Public Realm Strategy. One Palette states multi Stem *Betula pubescens* and one state multi-stemmed *Betula pendula* however the same photograph is used!

The Landscape plan also states on page 28 'Native tree planting in rain gardens' however the Master Plan has allocated several non-native trees '*Alnus cordata*'.

5. Consultations Cont'd:

I must highlight the importance in ensuring that trees to be planted have adequate access to soil volumes to ensure independence in the landscape at maturity. This must be factored in at the design stage.

As previously stated a final detailed landscape plan must be submitted and approved and must include detailed tree pit designs and soil volumes.

The appropriate elements of BS 8545:2014 'Trees: from nursery to independence in the landscape – Recommendations' should be adhered to and I suggest that the landscape plan should include the following:

- Scaled Plan showing trees and plants to be planted
- A schedule detailing sizes and numbers/densities of all the proposed trees/plants;
- Design of the tree pits to include:
 1. Provision of access to adequate soil volumes to support the tree through to independence in the landscape and beyond (may include soil cells). The proposed tree soil volume requirements and actual proposed soil volume in m2.
 2. Provision of root deflectors and or root barriers if appropriate.
 3. Irrigation pipe (if used).
 4. Method of securing.
 5. Whether tree protection is being used (cage/guard).
 6. Method of tree pit finish must be supplied: i.e. mulch (including depth) or tree grille/grids.

I would also suggest that the Annual Maintenance Schedules (page 41 of the Landscape Master Plan) events are recorded to demonstrate compliance. In particular if trees are being replaced due to vandalism alternative methods of protection should be considered whilst the tree establish.

5.6. Environmental Services (Trees):

Any comments in relation to the latest consultation round will be reported.

5.7. Environmental Services (Landscape):

Any comments in relation to the latest consultation round will be reported.

5.8. Environmental Services (Parks):

Any comments in relation to the latest consultation round will be reported.

5.9. Environmental Services (Sport and Leisure):

Any comments in relation to the latest consultation round will be reported.

5. Consultations Cont'd:

5.10. Environmental Services (Health – Pollution):

Following the December 2019 re-consultation the following response has been received.

Further to my comments of 1st November 2019, I note that the application has been updated with an amended scheme, with subsequent updated air quality information provided in the form of a Technical Note (BWB Consulting, Ref: BEC-BWB-VUT-ZZ-RP-G-0001_TN, Dated: 13 November 2019) and a subsequent Air Quality Statement (BWB Consulting, Ref: BEC-BWB-VUT-ZZ-RP-G-0001_AQS, Dated: 20 December 2019).

I can comment on the above documents and their implications for air quality as follows.

Technical Note on Air Quality – November 2019

1. The application is still a hybrid proposal for a phased mixed-use development in the heart of the city centre in Derby, however much of the proposals previously requested in 'full', are now applied for in 'outline' only. The only part of the application which is now in detail /full is the demolition of the United Reformed Church and the creation of a new public square. The Technical Note does not, however, consider the current application proposals as it is based on the previous application which included full details for the Phase I (primarily residential) elements.
2. The November 2019 Technical Note specifically addresses the main issues highlighted by this Department's comments of 1st November 2019, namely:
 - That the AQ modelling previously did not take full account of vehicle trips associated with the expanded car parking provision on site; and
 - No assessment of 2030 completion year 'without development'.
3. Revised AQ modelling is included in the Note, incorporating updated traffic data which now appropriately reflects vehicle trips generated by the car parking provision on site and which has been agreed by Derby City Council's Highways DC Team.
4. Based on the updated modelling, the maximum increase in NO₂ concentrations at the modelled receptor points is predicted to be 0.4µgm⁻³, which is a moderate increase, however all modelled receptors are expected to be well below the National Objectives value of 40µgm⁻³ in 2030, which is unsurprising given expected reductions in emissions that the model assumes in the future. Concentrations of PM₁₀ and PM_{2.5} are predicted to be lower still.
5. Some of the average vehicle speeds input into the model are questionable (for example a speed of 30mph was used for Stafford Street) and whilst a lower average speed would be appropriate in some cases due to known high levels of queuing traffic, I note that the same input data was used for the 'without scheme' and 'with scheme' scenarios which in principle shouldn't materially affect the overall change in concentrations.
6. Notwithstanding the potential inaccuracies associated with vehicle speed input data, following the methodology within the EPUK/IAQM Guidance, this

5. Consultations Cont'd:

concludes that the development is expected to cause a 'negligible impact' on local air quality when complete.

7. The updated modelling also does not affect the conclusion that air quality concentrations experienced by occupiers of proposed new dwellings can be described as insignificant.
8. Furthermore, and although not presented in the Technical Note, now that the scheme has been amended to exclude full details for Phase I, the risk is considered to be lower than previously, based on the assumption that the residential elements of the scheme are now only in 'outline' and therefore not expected to come forward as early as they would have been expected to do under the previous application where this element was presented in 'full'.
9. No reference to construction dust emissions is made in the Technical Note, therefore I assume that the conclusions remain unchanged from those presented in the August 2019 assessment.

Air Quality Statement – December 2019

10. The AQ Statement of November 2019 highlights the more recent amendments to the planning application (i.e. bringing the Phase I elements into 'outline') and discusses their implications for the earlier AQ Assessment work.
11. The Statement clarifies that the amended scheme retains the same development-generated traffic movements as utilised in the previous air quality assessment. Consequently, the previous assessment does not require amendments and is still relevant to the current application.
12. Based on the information provided and assuming that the development-generated traffic remains identical under both schemes, this conclusion is accepted.

Conclusions and Recommendations on Air Quality

13. The updated modelling and associated conclusions presented in the submitted Technical Note are agreed in principle.
14. Furthermore, it is accepted that the modelling is applicable to the newly revised scheme.
15. Consequently, the Environmental Protection Team has no objections to the application on air quality grounds.
16. It is however advised that the development follows current guidance and principles taken from the Road to Zero Strategy and associated emerging planning policy and within this context, suitable electric vehicle charging infrastructure should be supplied in connection with car parking provision across the site.
17. **The Environmental Protection Team would therefore strongly advise that a condition is attached to the consent requiring an electric vehicle charging strategy to be produced for each phase of development which includes car parking provision. All recommendations agreed under the**

5. Consultations Cont'd:

EV Strategy should be implemented in full before that phase of development is occupied.

- 18. In addition, the Environmental Protection Team would recommend that all demolition/construction works associated with the scheme follow a detailed construction dust management plan and this should be secured by a suitably-worded planning condition.**

In terms of noise issues following the December 2019 re-consultation the subsequent response has been received.

The following Documents, which have been submitted in support of the above Application, have been reviewed:

Noise Impact Assessment Report Becketwell, Derby, MZA Acoustics, July 2019
Becketwell' Scheme, Derby – Response to Environmental Protection Team Comments 3rd December 2019

For ease of reference comments are made against the original paragraph id with an indication of the specific area of concern and the response submitted

5. Traffic noise assessment - The additional information submitted supports the conclusion that traffic increase will have negligible impact on noise when assessed using the DMRB advice.

14. Potential for overheating - The conclusion of the report confirmed by the later submission is that to achieve the recognised lowest adverse effect thresholds inside the dwellings, windows would need to be kept closed at night. It is essential that this requirement is communicated to those designing the heating, cooling and ventilation systems and those systems are also designed to minimise adverse noise impacts within the dwellings caused by their operation. It should also be made clear that no passive ventilation measures, for example trickle vents in windows or frames or grilles and ducts connecting inner and outer wall faces, would be installed on the worst affected facades as this would be likely to compromise the required acoustic performance of the glazing and wall construction.

15 & 16 Noise levels on balconies -

It is noted that there is an alternative communal amenity area proposed where the guideline levels are achieved. It is also considered that there is rarely any practical opportunity to reduce noise levels on balconies and that as their use is likely to be for limited time periods meaning that it is unlikely that any significant adverse noise effects would be caused.

17-19 Plant noise -

As suggested given the uncertainty at this stage this would be addressed through an appropriate condition

24 – 25 A3 and A4 ground floor use and potential noise transfer to residential units above -

With a purpose built design it is accepted that a very high degree of insulation should be achievable and it would seem advisable to design for the 'noisiest' ground floor use permitted which would provide maximum flexibility whilst providing a helpful margin for less onerous uses, in addition to standardising the construction design.

5. Consultations Cont'd:

26 & 28 Traffic noise -
Covered by 5 above

34 and 35 Cooling and ventilation -
Covered by 14 above

36 Conflict between residential amenity and high levels of noise late at night during weekends -

This does remain a fundamental concern but it is accepted that the measures being proposed are as much as can reasonably be done to minimise adverse noise effects on occupants of the dwellings.

37 & 38 - Are there better areas within the development from an environmental noise perspective that is to say away from the particularly noisy Victoria Street area?

This concern remains to be resolved, but it is noted to be outside the scope of this assessment.

39 Request for a suitably worded planning condition relating to the details of the noise insulation scheme

Having considered the proposal the following amended version is offered:

'Prior to the commencement of construction works the detailed design of the scheme of noise insulation shall be submitted for acceptance by Derby City Council. The scheme shall be designed to ensure that the following internal ambient noise levels are not exceeded in any unoccupied habitable space, including during the normal operation of all space heating, cooling and ventilation systems.

- i) LAeq, 16hr (0700-2300) of 35 dB
- ii) LAeq, 8hr (2300-0700) of 30 dB
- iii) 11th highest LAFMax (2300-0700) of 45 dB (using 1 minute measurement intervals)

The accepted scheme shall be installed and tested to confirm that the above noise performance has been achieved prior to first occupation of any dwellings and retained at all times thereafter. This shall include the measures in place to insulate the first floor dwellings from the ground floor units using appropriate test methods that so far as possible replicate the interior and exterior noise at ground floor and street level consistent with representative conditions'

40 Request for a suitably worded planning condition relating to the detailed assessment of the plant noise based on BS4142 –

The proposed condition is considered acceptable.

41 Potential for nuisance still to arise caused by commercial activities on the ground floor -

It would seem sensible for appropriate restrictions to be included in the commercial tenancy agreements to reduce the likelihood of these being imposed at a later date by the council in the event of noise nuisance.

5. Consultations Cont'd:

42 Potential for use as late night bar/club with music and limited additional insulation that could be achieved with an enhanced design -

The response indicates that this would be covered by the proposed tenancy agreements, whether they would include restrictions on opening hours is discussed below.

43 It is likely that should controls be achieved via the licensing regime certain uses may become commercially unattractive.

The response indicates that the landlord accepts that some tenants would be put off by the restrictions within the tenancy agreements.

44 The Environmental Protection Team strongly recommended against A4 use being permitted on the ground floor where any dwellings are adjoining above -

See response to 43.

45 Recommendation that all ground floor units should not be permitted to operate past 11pm at night –

The response indicates that this would be resisted. See the proposal for a revised condition which may reduce the benefit of this. That is to say it is implicit in the design of the noise insulation scheme that the increase in external noise levels at closing time would be sufficiently mitigated because windows could remain closed.

46 Adequacy of traffic noise assessment -

See 5 above.

47 Request for a separate Construction Management Plan –

This was expected and it is understood will be provided at a suitable later date when sufficient details are known.

Conclusion -

The Environmental Protection Team still has serious concerns regarding the conflict that exists between residential amenity and late night entertainment and leisure activity within a city centre context, in particular at the weekend. It also has concerns over the practical difficulty in isolating first floor dwellings from noise within ground floor premises with A3, A4 or A5 permitted use. However providing that the design takes all reasonable steps to minimise adverse noise effects from all the sources identified, and that the required performance is confirmed prior to occupation, as detailed in the amended Condition, see clause 39 above, then significant noise effects would be considered unlikely.

5.11. Environmental Services (Health – Food Safety):

Any comments in relation to the latest consultation round will be reported.

5.12. Resources and Housing (Strategy):

Following the December 2019 re-consultation the following response has been received.

5. Consultations Cont'd:

The change in the application does not change any of the comments submitted for the previous application.

The previous comments concentrated on the detail/layout of the proposed residential development in the phase 1 component which no longer forms part of the revised application.

5.13. Resources and Housing (HIMO):

Any comments in relation to the latest consultation round will be reported.

5.14. Corp and Adult Services (Estates):

Any comments in relation to the latest consultation round will be reported.

5.15. Derbyshire County Council Archaeologist:

Following the December 2019 re-consultation the following response has been received.

Our substantive comments on this case are those of 29th October last year.

The most important issue here is that we have the opportunity to advise on a suitably worded condition should the application be determined without prior archaeological evaluation.

5.16. Environment Agency:

Following the December 2019 re-consultation the following response has been received.

The FRA addendum confirms that there will be no changes to the proposed mitigation measures associated with the site. As such we have no concerns with the proposed changes and our position has not changed and our previous response recommending conditions still stands.

The previous response is as follows.

The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref P18-165 Rev A, dated August 2019, SJS (Derby) Ltd) and the following mitigation measures it details:

- Finished floor levels for site 1 shall be set no lower than 47.35 – 48.45 m above Ordnance Datum (AOD) as outlined on drawing 'Proposed Ground Floor GA Plan – Rev C'.
- All development at ground level, within flood zone 2, will be less vulnerable development for commercial end use (paragraph 3.71 of this FRA).
- The basement is to be backfilled during the demolition phase (Proposed Basement Plan – Rev B)

5. Consultations Cont'd:

- Flood resilience measures shall be incorporated to 48.1m AOD (see p.ii of FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

- To reduce the risk of flooding to the proposed development and future occupants.

Flood warning and emergency response - advice to LPA

We do 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 planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

5.17. Derbyshire Wildlife Trust (DWT):

Following the December 2019 re-consultation the following response has been received.

Thank you for re-consulting the Derbyshire Wildlife Trust on the above planning application following the proposed revision of the scope of the application to expand the area covered by the outline application. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which Derby City Council and the Trust have signed.

The Trust previously commented on the application in correspondence dated 21st November 2019.

We advise that no additional ecological impacts are anticipated as a result of the revision to expand the area of the site subject to the outline planning application.

We therefore advise that our previous comments dated 21st November 2019 remain relevant and still apply.

5. Consultations Cont'd:

5.18. Police Liaison Officer:

Following the December 2019 re-consultation the following response has been received.

I note that the quantum of the hybrid application hasn't altered, but the retail/apartment block initially intended for full approval now forms part of the outline proposal.

I also note some additional drawings submitted in relation to the detailed landscaping of public space forming the full part of the application. As stated in previous comments we are very supportive of the masterplan for the extended area, a stance which we maintain. Also, detailed proposals for the public open space are supported, and steps to mitigate against skating/cycle misuse are welcomed.

What is of concern is the possible amended phasing this change introduces, which would potentially leave the public gardens to sit in isolation for an extended and unknown period of time. It's appreciated that even though the previous iteration had an apartment block included in detail, there would have been no guarantee that this would actually have been developed in unison with the open space, however with the removal of frontage following demolition of the church and shops, without any overlooking development to provide passive supervision of the expanded public space, there is a prospect that current problems of misuse around the existing seating area will continue and possibly increase.

Aspirations that developing the public gardens will open up land to the south and provide a means by which it can successfully be brought into use are to my mind speculative at best. A further aspiration that the square should interact with adjoining (adjacent?) buildings as a place to pause and relax rather than to be a formal destination in its own right seems at odds with the first.

My preference, which I appreciate isn't informed by financial constraints or practicalities would be for the public square to be physically developed in tandem with at least the first phase of residential development, to bring the interaction desired, overlooking, and some capable guardianship into the area, irrespective of planning process phasing.

If there is no possibility of this, then a close collaboration will be needed with the City Councils Community Safety Manager to ensure that the city centre closed circuit television system provided a full scope of formal surveillance of the garden and surrounding movement routes.

Other than this point, previous comments in respect of the outline portion of the application, and all points regarding the detail of the first residential phase, which would be assumed to subsequently follow a similar if reduced form, still apply.

5.19. Public Health:

Any comments in relation to the latest consultation round will be reported.

5. Consultations Cont'd:

5.20. Urban Design:

Following the December 2019 re-consultation the following response has been received.

This is a re-consultation on a scheme where the Site 1 building was previously controversially tall in height, and would have become a regional landmark. I welcome the reduction of the tallest building A of site 1 to GF + 10 storeys: although it will still remain a presence in the street, it appears much more harmonious within the 3/4 storey context. I have never been convinced that there is a "need" that a landmark is needed on this site as part of the townscape language, or that only a "tall building" will attract tenants. The smaller building B of site one still curves around the corner of Green Lane, but with an amended height from 9 storeys previously, to 6. This again melds well with the adjacent buildings opposite and still provides an architectural differentiation through the stepping from GF + 10 storeys down to the 6 storey shoulder. I understand that all materials remain the same as previous submission which is accepted, but that some elevational detailing/proportions of windows may need further work. The proportions of building A appear more articulate and not over-dominating, especially from the view along Strand. I support the glazed recessive sections in the west-facing elevation, as they break up the mass.

In summary, I support this revised scheme, and appreciate that it no longer has to demonstrate a successful long range impact within Derby.

5.21. Built Environment:

Following the December 2019 re-consultation the following response has been received.

This is a hybrid application with an outline application for a larger site (all matters reserved apart from access) and a detailed full application for part of the site; the public square. This means that there will be detailed comments on the full application and mention of anything of particular concern that is included on the drawings under the outline application area.

These comments are made to advise the Development Control Case Officer on which heritage assets are impacted by the proposals, how and to what degree. These comments are fed into the planning evaluation of the scheme which is undertaken by the Development Control Officer.

This is an important key strategic regeneration site which is very prominent location within Derby city centre. It is within the historic core of Derby, and its historic buildings, landmarks and historic character is a part of Derby's unique identity and USP. It is important that any development relates to and complements its context.

I welcome the redevelopment of the former Duckworth Square part of the site which has been derelict for some years. There is a need for high quality development on this site. As this is a key strategic regeneration site for the City this is a real opportunity to set the standards for regeneration and achieve Derby's vision to improve the city centre and in doing so improve the city's image.

5. Consultations Cont'd:

I note that there have been some changes to the outline proposals; in reducing the heights of the proposed buildings this has reduced the harmful impact on heritage assets.

Heritage assets affected

The designated heritage assets affected by this development are as follows: -

- The grade I listed cathedral, Church of All Saints, setting (as part of its significance)
- There are a number of listed buildings where their setting (as part of their significance) to different degrees will be affected by proposals. These include the grade II* listed Wardwick Tavern; 5 and 7 Green Lane (grade II), 15 The Warwick, The Hippodrome Theatre (Grade II), Former Derby Educational Department Offices (grade II) on Becket Street, Former Derby Education Department Annex (grade II), 3 to 8 (consecutive) Former Royal Hotel (grade II) on Victoria Street, General Post Office (now public house) on Victoria Street (grade II), Post Officer (former tramway offices) (grade II), The Strand (South side) numbers 1-5 (grade II), The Strand (north side) 2 to 40 (even) including entrance to Strand Arcade (grade II), St James's Street (numbers 15 to 21 and 25) (odd) (grade II), 6 and 8 Wardwick (grade II), 10 Wardwick, Derby Central Library (grade II), Wardwick (North side) Statue of M.T. Bass (grade II), 25 to 31 (odd) Wardwick (grade II), Jacobean House 33 Wardwick (grade II*), 41 to 47 Wardwick (grade II), 49 to 55 (odd) Wardwick (grade II). The site is partially within the Green Lane and St Peters Conservation Area to its east so the impact on its significance (including setting) needs to be assessed.
- The site borders the City Centre Conservation Area to its south side and is partially within it as regards 15 Victoria Street so the impact on its significance (including setting) should also be assessed
- Heritage assets in terms of buildings within the conservation area and the Derby Skyline as a heritage asset
- Heritage asset the former Debenhams and United Reformed Church building, Victoria Street. Please find definitions of Heritage asset in the glossary within the NPPF (2019).

Please note that below ground archaeology is being covered by our DC Archaeological advisor.

Impact of proposals on designated heritage assets and heritage assets

I would like to make the following comments: -

- It also has a particularly negative harmful impact on the listed Victoria Street properties, the Strand properties (including 2- 40 The Strand, 10 The Strand etc.) and St James's Street listed buildings due to the impact of the tower and height on their setting (as part of significance) when viewed from the curving Strand and from St James's Street. This is in terms of the dominance of the 11 storey tower (as more than twice the height of these buildings) and the height, scale and massing of the proposal is over dominant in my view. The impact and dominance would be reduced if the tower was located further into the site.

5. Consultations Cont'd:

- The proposal impacts negatively on the setting (as part of significance) of the grade II* listed Wardwick Tavern and other listed buildings on the Wardwick and the city centre conservation area as regards the negative impact view VP27 has on their significance as the building can be seen to significantly break above the ridgeline. This is a harmful impact.
- Although the public square is positive, as is the new view of the Cathedral through the site, within the outline part of this application there was an indicative modern building that looks like an aero engine. Although this is part of the outline application for the site I am flagging this up to highlight so it can be addressed through the further details submitted at a later time (through reserved matters) This is located within and just outside the City Centre Conservation Area and, in my view, it does not currently either preserve or enhance the character or appearance of the conservation area. I would suggest to reduce harm to the conservation area that at reserved matters stage that this element of the proposal is pushed further west into the public space or replaced with a modern high quality building, which relates to its context, and which encourages movement into the space and draws pedestrians round the corner instead of blocking it.
- The proposals impact slightly on the view of the grade I listed cathedral's setting (as part of its significance) The harm of the proposal means that from views down Green Lane part of the lower part of the cathedral tower is obscured (VP19a and b). This is an important view within the Green Lane and St Peter's Conservation Area and its importance is also recognised in the Green Lane and St Peter's Conservation Area Appraisal and Derby skyline study (2019).
- The proposals demolish the former Debenhams and United Reformed Church building on Victoria Street which could be classed as a heritage asset (although not locally listed). It is a striking curved building on the corner of Green lane and Victoria Street which although constructed in c. 1962 has value in townscape terms and has parts of the building projecting into the Green Lane and St Peter's Conservation Area. I suggest it is investigated whether the building could be converted and adapted into a sustainable new commercial and residential use and it this is demonstrated as part of this application. The proposals have a direct negative impact and are harmful to this building.
- I would suggest that the buildings which currently house the mixed use and taller element are redesigned at its corner at ground floor pedestrian level so that it also encourages movement round a corner into the public square.

In summary I would like to make the following suggestions to reduce harm to heritage assets: -

- I would agree, as Historic England suggest, that a height parameters plan would be useful to provide clarity and guide future heights on the site.
- I would prefer if all of the derelict former Duckworth Square part of the site could be the first phase of redevelopment. I would suggest robust measures are put in place to ensure that development takes place in a timely way after any demolition or that an appropriate phasing plan is agreed as part of any

5. Consultations Cont'd:

condition/106 agreement so that once buildings are demolished swift redevelopment takes place rather than being left with a vacant unsightly site.

- I note the applicant's application and consideration on where the tower element could go. I suggest if the 11 storey tower is pushed back from Victoria Street this would reduce the impact of harm on the significance of listed buildings and the setting of the City Centre Conservation Area.
- I note and suggest that there is an opportunity to mark the original well location as part of this scheme and for interpretation and public art. Is this possible?
- Should you be minded to grant permission I suggest agreement for the materials proposed to be used for the public square are agreed.

Policy

Section 66 of The Planning (Listed building and conservation Area) Act 1990 is relevant here. The Local Planning Authority has a duty to special regard to the desirability of preserving listed buildings and their setting. There is also a duty under section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 to the special attention to the desirability of preserving or enhancing the character or appearance of that area.

NPPF paragraph 192 is relevant; 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness'.

NPPF paragraph 193 is relevant also; 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para 194 states 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

In terms of the levels of harm to designated heritage assets, as listed above, in NPPF (2019) terms it can be defined as indirect less than substantial under para 196. Therefore the Development Management Officer has to weigh up the amount of harm (demonstrated above) against any public benefits of the proposal.

Para 197 of the NPPF (2018) is also relevant here, as regards non-designated heritage assets (the Former Ranby's/ Debenhams building) and the need to take into account and weigh up a balanced planning judgement having regard to the scale of harm and the significance of the heritage asset.

The proposal has to be looked at in relation to the Local Plan Review (2008) saved policies E18 and E19 as well as relevant policies within the Local Plan – Part 1 Core Strategy (2017) including the Design policies and Heritage policy CP20 regarding the protection of heritage assets.

5. Consultations Cont'd:

Conclusion

These comments show that this scheme has a degree of harm to designated heritage assets and heritage assets to differing degrees within Derby. These assets are listed in my comments and within Historic England's consultation comments along with the degree of impact. In terms of the levels of harm to designated heritage assets in NPPF (2019) terms it can be defined as indirect, 'less than substantial' under para 196. Therefore the Development Management Officer has to weigh up the amount of harm (demonstrated above and by other heritage experts) against any public benefits of the proposal.

Para 197 (NPPF, 2019) covering heritage assets also needs to be taken into account in the planning balance.

Recommendation: Object on heritage grounds due to the impact and degree of harm of proposals on Derby's heritage. However note that this amended scheme has reduced harm in comparison to previous proposal.

5.22. Fire Authority:

Any comments in relation to the latest consultation round will be reported.

5.23. Derwent Valley Mills World Heritage Site Partnership:

Following the December 2019 re-consultation the following response has been received.

The proposed development lies within the wider setting of the Derwent Valley Mills World Heritage Site (DVMWHS). The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government is pledged to conserve the unique and important cultural landscape of the Derwent Valley Mills World Heritage Site; to protect its outstanding universal value (OUV), to interpret and promote its assets; and to enhance its character, appearance and economic well-being in a sustainable manner.

The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

- C(ii) That the site exhibits "an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design";
- C(iv) That the site is "an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history".

The SOUV records that these criteria were met for the following reasons:

- C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

5. Consultations Cont'd:

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: "protect, conserve and enhance the Outstanding Universal Value of the DVMWHS." In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have consulted with Derbyshire County Council's Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters) and have received the following advice:

Comments were previously made on 4 November 2019. At the time concerns were reiterated in relation to the impact of the tallest element, constructed as part of phase 1 of the proposed development, which stood at 19 storeys in height. This had the potential to have a negative impact on the wider setting of the DVMWHS, and, consequently it's OUV.

Since then additional and revised information has been submitted by the applicant. The revised Design and Access Statement states that the design has been amended to take into consideration 'conservation concerns' raised. Phase 1 one of the development has been substantially reduced in height from 19 to 11 storeys and, improvements have been made in the overall design quality of the scheme. The Partnership therefore concurs with the revised Heritage Impact Statement that this is more 'comparable' to the building height of other existing buildings within Derby.

The revised Skyline Study indicates that the proposed development is no longer visible from many of View Points (VP). Notably, the revised information indicates that it is no longer visible from most key views such as that on St Mary's Bridge (VP07) and other more peripheral vantage points such as in Darley Park (VP11).

Notwithstanding this improvement, the Partnership cannot totally agree with the revised Heritage Impact Statement that there will be 'no harm done' to the WHS. This is because there are other viewpoints from which the proposed development is likely to remain visible, for example, such as that from along Holmes Bridge (VP06). Consequently, it is considered the proposed development will have a relatively minor negative cumulative impact on the historic skyline of Derby and so that of the wider setting to the DVMWHS. The ability to interpret this will be eroded to some degree through the construction of the proposed development.

However, the harm done to the wider setting should be substantially reduced to a more acceptable level. In NPPF terms it may be this that this is considered to be at the lower end of the scale of 'less than substantial harm'.

Therefore, it is to this end that the Partnership no longer objects to the proposed development in view of the small amount of harm likely to be done to the OUV of the DVMWHS.

5. Consultations Cont'd:

5.24. Derby Civic Society:

Following the December 2019 re-consultation the following response has been received.

“Derby Civic Society (DCS), like most of the letters of support for the application, would like to see the Becketwell area developed but with a hybrid application like this one there is a danger that everyone’s enthusiasm for development will blind them to the possibility of supporting a high-rise building that will blight Victoria Street for generations to come.”

The Application site is split into 7 sites and each one has been discussed and commented on using a list of pros and cons to evaluate each site and I would urge members to scrutinise this analysis which is included on the application web pages.

5.25. Council for British Archaeology (CBA):

Any comments in relation to the latest consultation round will be reported.

5.26 Historic England (HE):

Following the December 2019 re-consultation the following response has been received.

We previously provided advice on this application on 1 December 2019 and 23

September 2019. Our specialist staff have considered the amended scheme and we offer the following advice.

Advice

The application has been amended to include full planning permission for the demolition of the United Reformed Church and associated ground floor units, and the creation of a new public square, and outline planning permission for the rest of the proposed scheme including site 1. Site 1 has been amended to set a maximum height of 11 storeys. The height of the lower block on Victoria Street / Green Lane is shown in the application information, including the amended Skyline Study, as reduced to 6 and 7 storeys.

We welcome the reduction in height of the tallest element of the scheme which has significantly reduced the impact on the setting and significance of the heritage assets affected.

Our advice on the impact of the proposed scheme on particular views as shown in the amended Skyline Study, and where we have previously provided comments, is given below.

- VP02 Causey Bridge - no impact
- VP04 Council House - no impact
- VP05x Market Place - no impact
- VP06 Holmes Bridge - limited impact
- VP07 St Mary’s Bridge - no impact
- VP09 Rykneld recreation ground - limited impact

5. Consultations Cont'd:

- VP11 Café Terrace at Darley Park - limited impact, the proposal does not now appear as an additional tower on the skyline between the church towers and the former Christ Church spire remains visible
- VP19a Green Lane - significantly reduced impact with the cathedral tower remaining the focal point with limited blocking of its lower section, and a reduced impact of the taller section to the left of the view
- VP19a Green Lane - significantly reduced impact as above
- VP27 Wardwick - the impact has been significantly reduced although the appearance of the 11 storey block above the skyline remains harmful to the significance of Derby City Centre conservation area and the listed buildings along the Wardwick.

It will be for your authority to weigh the remaining harm caused against the public benefits derived from the proposed scheme (in accordance with paragraph 196 of the National Planning Policy Framework) and determine whether having an 11 storey building fronting onto Victoria Street is justified.

For the avoidance of doubt, we recommend that a parameters plan is provided in the application showing maximum heights for the overall scheme and particularly showing on plan the maximum heights for the different parts of site 1. The maximum heights of the different parts of site 1, particularly the 6 storey building on the Green Lane /

Victoria Street junction and along Victoria Street, should reflect the building heights shown in the site sections and amended Skyline Study in order to deliver the reduction in harm shown.

Your authority should also ensure that if the application is approved the phasing of development avoids creating an open site following demolition for a significant length of time.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

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
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP11	Office Accommodation
CP12	Centres
CP13	Retail and Leisure Outside of Defined Centres
CP14	Tourism, Culture and Leisure
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP20	Historic Environment
CP21	Community Facilities
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
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
CC4	Becketwell Policy Area
CC17	City Centre Servicing
H13	Residential Development – General Criteria
H14	Re-use of Underused Buildings
E13	Contaminated Land
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
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 considered to be the main material considerations which are dealt with in detail in this section.

7.1. Planning Policy

7.2. Flood Risk and Land Drainage

7.3. Highways and Traffic

7.4. Heritage and Archaeology

7.5. Ecology

7.6. Air Quality and Noise

7.7. Planning Obligations

7.8. Overall Conclusions

7.1. Planning Policy

This is a hybrid application that seeks full planning permission for the demolition of the United Reformed Church (URC) and associated ground floor units, to enable the creation of a new public square and associated works.

Outline permission is sought on the wider 'Becketwell' site for phased demolition of remaining buildings (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane) and structures, and the erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 – including student accommodation (Sui Generis), D1, D2), with all matters reserved for future consideration with the exception of access.

The revised proposals no longer seek full permission for the original 'Phase 1' proposals which included the erection of two buildings for residential use (Class C3), including 342 apartments with flexible commercial use space (Classes A1, A2, A3,

7. Officer Opinion Cont'd

A4, A5, B1(a), D1 and D2) at the ground floor level, with access, car parking and servicing.

The full extent of the site is bounded by Macklin Street to the south, Green Lane to the east, Victoria Street to the north and the rear of properties fronting Becket Street to the west. The area covered by the full component largely comprises the site of the United Reformed Church and associated ground floor units. The wider outline proposals cover the site of the former Debenhams building fronting Victoria Street which has been vacant for a number of years, the former Duckworth Square complex (only floorplates remaining), the former Pennine Hotel (vacant) and Laurie House office complex, with adjoining multi storey car park, as well as the former Boots unit fronting Victoria Street. A surface level parking area to the rear of the former Debenhams block is also included within the outline boundary as well as a number of buildings fronting Green Lane and vacant buildings to the rear. The site as a whole covers some 2.4ha and currently accommodates over 24,000sqm of vacant floorspace.

The Principle of Comprehensive Regeneration

The Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination. More specifically, Policy AC1 of the DCLP1 seeks to encourage investment which strengthens and integrates the City Centre's retail, employment, leisure, cultural and residential functions and provides specific support to residential led regeneration on a number of key sites including the Becketwell / Duckworth Square area, as part of efforts to secure the delivery of a minimum of 2,200 new homes across the City Centre in the period 2011-2028.

Policy AC2 provides a greater level of detail and identifies a number of specific policy areas and character areas across the City Centre. At the highest level, the overall Becketwell area falls within the 'Central Business District' (CBD), which is the full extent of the 'City Centre'. The CBD is the preferred location for the development of new offices and is the focus for efforts to increase city centre living. The majority of the site also falls within the 'St Peters Quarter' character area identified in Policy AC2. The St Peters Quarter is recognised as performing the long standing and important 'high street shopping' role within the City Centre and provides important pedestrian links between the Cathedral Quarter, 'Intu' and the Riverside. AC2 is clear that within this area, priority will be given to the mixed-use regeneration of the Becketwell area.

Areas of the overall site (to the east of Colyear Street) are covered by a site specific policy saved from the adopted CDLPR. Policy CC4 identifies the Becketwell area for mixed-use regeneration and provides support to proposals that:

- Contribute to, and do not prejudice, the comprehensive redevelopment and improvement of the area;
- Support and contribute to the objectives of the City Centre Strategy;

7. Officer Opinion Cont'd

- Provide a mix of uses consistent with the nature and function of the City Centre;
- Exhibit a high quality of design and layout, and;
- Provide adequate car parking and servicing facilities

The proposals are in general conformity with the provisions of CC4. Whilst adopted in 2006, the site specific support afforded by CC4 remains an important consideration and is consistent with the provisions of the NPPF.

In addition to the policy context provided by the DCLP1 and saved elements of the CDLPR, the regeneration of the wider Becketwell area is supported by the Derby City Centre Masterplan 2030 and the Council's recently published Retail and Centres Study (2019) and the emerging evidence provided in the draft Tall Buildings Study has assisted the developer's team in understanding the skyline context and opportunities/constraints for subsequent detailed phases of the scheme. However, the draft Tall Buildings Study is not planning policy and can be afforded very little weight in the decision making process.

The Retail and Centres Study is clear that securing the regeneration of the Becketwell area and increasing the resident population in the City Centre are fundamental to securing the longer term health of the City Centre.

There have been various failed attempts to secure regeneration of Becketwell over the years, including proposals for large floorplate retailing, office development, healthcare and most recently mixed use development including an ice rink. All previous proposals have raised major concerns in terms of the comprehensiveness of approach, largely due to land ownership constraints. Direct intervention by the Council has contributed to resolving this issue, providing consistency with Policy MH1 which requires coordination and comprehensiveness. The hybrid proposal before us is first one to comprehensively address market failure across the whole of the area, reimagining the area and creating a new urban quarter at the heart of the city centre. It is abundantly clear that the regeneration of the Becketwell/Duckworth Square area is a long standing policy objective for the Council and therefore the principle of comprehensively regenerating this area is warmly welcomed.

The Principle of City Centre Living

Whilst the revised proposals are largely in outline and seek permission for a flexible range of uses, it is clear from the indicative masterplan that the first phase of development (former Debenhams) is likely to be residential led, with the potential for in the region of 230 residential units provided in buildings of up to 11 storeys. This is a reduction in the number of units compared to the original proposals which included detailed proposals for 342 units in the phase 1 elements. However, the number of units and scale of buildings indicated in the masterplan are not part of the considerations in relation to the revised application. We are simply considering the principle of residential development.

The application identifies scope for circa 500 additional units beyond the phase 1 within the wider area also covered by the outline. The 230 units would more than likely be built as 'Build to Rent' accommodation and would be managed by a single landlord/investment fund.

7. Officer Opinion Cont'd

Derby City is unable to meet its housing need within our boundaries and under the 'Duty to Cooperate' the three Local Planning Authorities within the Derby Housing Market Area (HMA) have agreed that some 5,388 dwellings will need to be met in South Derbyshire and Amber Valley in the plan period to 2028. This approach was found 'sound' by the Inspector examining the DCLP1 and Amber Valley BC (AVBC) made no representations that this was unsound. The recently refreshed NPPF is clear that planning decisions should support the efficient use of land and the need to optimise the potential of sites particularly where there is a shortage of land to meet needs.

Amber Valley's contribution to this unmet need is 2,375 and was taken into account in terms of the housing 'requirement' in the emerging local plan that AVBC had submitted for examination. However, AVBC has withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the 'standard method' which takes no account of the unmet need in Derby which it had agreed to meet by 2028. The City Council has made representations to AVBC that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley. However, given that meeting this unmet need is now unlikely to feature in an adopted local plan for some time, it does not have the benefit of being 'plan led'. There may well be a delay in meeting this need in Amber Valley. This is a material consideration to take into account in determining housing planning applications in Derby and would suggest that additional weight should be given to the benefit of boosting the supply of housing in Derby.

The policies in the NPPF are also relevant to the delivery of new housing. Of particular relevance to this application, the Framework requires that the planning system is genuinely plan led and seeks to boost the supply of housing and use land effectively. The policies of the development plan are consistent with the Framework. Policy CP6 (Housing Delivery) of the DCLP1 sets out the housing target for the city between 2011 and 2028. The target is that a minimum of 11,000 new and high quality homes are provided during this period. The policy also sets out that an appropriate mix of size, tenure and density of dwellings is provided.

The Becketwell site sits within the City Centre (CBD) which is a strategic location for housing delivery and is anticipated to accommodate a minimum of 2,200 new homes by 2028. Of this figure, a minimum of 1,200 should be developed at Castleward and the former DRI site, leaving 1,000 to be developed largely within and around the edge of the inner ring road. To date, almost 1,000 have been developed within this area. It should be stressed that the targets are minimum targets and the recent uplift in City Centre completions has helped to offset the impact of stalled sites elsewhere in the City. The City Centre as a whole is a highly sustainable location, with access to a range of facilities and transport options. It is therefore logical to seek to optimise the residential capacity of this area.

It is important to note that a significant proportion of City Centre completions have been as result of changes to 'Permitted Development' rights which have enabled the change of use of office space to residential use, outside of the usual planning application process. Whilst this approach has provided quantity, the quality of some

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units is questionable and not in-keeping with the Council's aspirations and objectives for the City Centre.

Based on the above, the principle of delivering in the region of 230 high quality build to rent units in the Phase 1, with the potential for even greater delivery in the wider area in the longer term, is supported by the policy context and is key to securing the future vitality and viability of the City Centre.

The Becketwell site is one of the largest single housing opportunity sites within the City Centre and the benefits associated with securing outline planning permission are welcomed in terms of the Council's ability to demonstrate housing delivery both in terms of maintaining a 5 year supply of deliverable housing sites but also critically in meeting our overall Local Plan housing target of 11,000 homes (2011-2028).

Policy CP7 requires the provision of a maximum of 30% affordable housing on residential developments on sites of 15 or more dwellings, taking account of a range of factors including evidence of local need, site size, suitability and economics of provision, as well as the presence of competing planning objectives. CP7 also supports the provision of housing which is capable of meeting the needs of an aging population and people with disabilities.

The Full Component:

The only elements covered by the full component of the application include:

- The demolition of the existing church; and,
- The delivery of a new public square.

The existing church will be demolished to make way for the provision of a new public square.

Policy CP21 recognises that facilities that meet Derby's community, social, health, welfare, education, spiritual, cultural, leisure and physical activity needs and aspirations are key to how the City functions and our ability to create thriving communities. The retention of existing facilities is supported unless it can be demonstrated that there is no longer a need to retain the use, alternative provision is made or where the Council can assist strategic partners to renew or restructure provision.

Planning permission has already been granted for the change of use of part of Stuart House on Green Lane to enable the relocation of the Church. I am therefore satisfied that the provisions of CP21 have been met as alternative provision has been made.

Central to the full component is the provision of new Public Square at the heart of the development. The proposed square will include large areas of soft landscaping, lawns and trees. The Council is committed to ensuring that everyone has access to a network of multi-functional public green spaces and seeks to ensure that this network provides a diverse range of spaces to meet city-wide needs. The focus of Policy CP17 is to enhance the quality of green spaces and notes that where new public green space is provided as part of development, the Council will expect developers to provide for its on-going, long-term maintenance to an agreed standard. In this case the City Council has committed to the long term maintenance of the square.

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The provision of a new public square is supported by CP17, but the green aspects also contribute to many of the aims and objectives set out in CP2 relating to climate change, CP3 relating to placemaking and AC5 relating to the environment of the City Centre. Subject to reasonable conditions relating to the detail of the planting regime for the proposed square the proposal accords with Policy CP17.

The Outline Component:

The revised outline proposals seek demolition of existing buildings (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane), including the former Pennine Hotel and Laurie House and to establish the principle of a number of land uses across the wider Becketwell area, not forming part of the public square proposals. This now includes the site of the former Debenhams building. Based on the current description, proposed uses being sought in this area include:

- A1 (shops)
- A2 (financial and professional)
- A3 (restaurants and cafes)
- A4 (drinking establishments)
- A5 (hot food takeaways)
- B1 (offices)
- C1 (hotels)
- C3 (dwelling houses) – including student accommodation (sui generis)
- D1 (non-residential institutions)
- D2 (assembly and leisure)

As already noted, the whole site falls within the CBD. The CBD is recognised by AC2 and CP11 as the sequentially preferable location for the development of new offices, whilst CP12 also recognises it as a sequentially preferable location for leisure development. New office and leisure development in the area covered by the outline component are therefore wholly consistent with policy. Policy CP9 is supportive of proposals that create new jobs and help to implement the Council's Economic Strategy, improve Derby as an investment proposition and contribute to the development of vibrant City Centre.

Policy CP22 (Higher and Further Education) confirms the Council's commitment to supporting the continued growth and development of higher and further education establishments within the city, including Derby University and Derby College. Development associated with such uses will be supported in sustainable locations, such as the City Centre and the Becketwell site. The supporting statement makes reference to the potential for educational uses forming part of the mix in the outline.

The sequentially preferable location for food and drink uses (A3, A4 and A5) is also the CBD, subject to the provisions of CP15. CP15 supports the creation of a safe, balanced and socially inclusive economy and to help improve and diversify the City's evening and night-time economy, creating a mix that meets the needs of all Derby

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residents and visitors. In order to ensure that proposals have a positive impact on the vitality and viability of centres, CP15 seeks to resist concentrations of bars and hot food takeaways or similar uses which could have a detrimental effect on community safety and/or on the character, role and function of the city centre. In assessing applications for new A4 and A5 uses, CP15 sets out various criteria to take account of including the number and impact of existing establishments in the immediate area.

Commercial units indicatively shown at ground floor of the former Debenhams site, fronting Victoria Street are located within the 'Core Area'. The Core Area is the sequentially preferable location for retail development (A1) identified by Policies CP12 and AC2. The existing units do not form part of a primary frontage designation. On the basis that these elements of the outline scheme are located within the Core Area, it will not be necessary to impose range of goods restrictions on the A1 elements. It is relevant to note that the Council's Retail and Centres Study identifies a need to secure a new foodstore in the City Centre to help drive footfall, serve the increasing resident population and address leakage of expenditure. The Becketwell proposals may provide an opportunity to meet this identified need.

Whilst the indicative commercial units fronting Victoria Street are located within the Core Area, the rest of the wider site is located just outside of the boundary and is therefore classed as 'edge-of-centre' from a retail planning perspective. In this context, proposals for new A1 floorspace are subject to the provisions of the sequential and impact tests as set out in Policy CP13 and the NPPF. The role of the sequential test is to steer new retail development into the most sustainable 'in-centre' locations.

The starting point in considering the merits of A1 floorspace across the wider site covered by the outline is that it would be contrary to policy. In a similar fashion to the flooding sequential test, the 'need' being met by the proposals is the much needed regeneration of the Becketwell site. Development of other sites would not meet this objective. It is therefore logical to limit the extent of the search area/Primary Catchment Area to the Becketwell site itself. On this basis, the provisions of the sequential test are satisfied, in my opinion. In terms of impact, in the absence of any parameters relating to the overall amount of floorspace or nature of sales, it is not possible to reach any conclusions.

The Council's Retail and Centres Study identifies a need to secure a new foodstore in the City Centre to help drive footfall, serve the increasing resident population and address leakage of expenditure. On this basis, there is justification for convenience floorspace in this location. In the absence of information to justify comparison sales and the increasing vacancy rate within the Core Area, the A1 floorspace within the outline element should be limited to convenience floorspace only.

Policy Conclusions:

This hybrid proposal benefits from direct, in-principle support from the Development Plan, including a number of DCLP1 policies and saved policies from the CDLPR. Support is also provided by the NPPF, City Centre Masterplan and Retail and Centres Study.

There is a clear and compelling need to comprehensively regenerate Becketwell and the scheme has the potential to secure a multitude of benefits including:

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- Regeneration of a long term derelict site that currently has a negative impact on the economy and townscape of the City Centre, acting as a catalyst to wider improvement of the area.
- Creation of modern residential units, with in excess of 200 units potentially delivered in early phases and the potential for the wider outline to contribute in the region of a further 500 units in later phases – contributing to the Council's housing requirement, 5 year housing supply position and improving the quality and mix of residential options in the City Centre. (However, now that the majority of the scheme is only being considered in outline, there is arguably less certainty about the number of units and overall deliverability, compared to when the Phase 1 proposals were being considered in detail).
- Creation of much needed footfall and resident expenditure as highlighted by the financial 'metrics' in the Planning Benefits Assessment.
- Creation of a new public square, enhancing public open space provision and sustainable drainage features in the City Centre.
- Creation of a new residential quarter, providing a new identity to this blighted part of the City Centre and injecting much needed confidence into the property market.
- Potential to accommodate in excess of 2000 jobs through the provision of new office floorspace.

These benefits of the scheme are highly significant and members will be acutely aware of the long term hiatus in positive socio-economic activity on this site.

However, in the absence of detail relating to certain aspects of the scheme, it is difficult to determine with any certainty what the negative impacts are at this stage. The key is to ensure that the outline components are appropriately conditioned to mitigate negative impacts that could come into play as and when reserved matters applications are submitted. The applicant's team have been involved with the preparation of draft conditions and the parameters of the s106 Agreement have also been agreed.

Of course, the City Council is also a development partner so there is additional influence, ownership and control in the project as it unfolds and responds to market conditions.

7.2. Flood Risk and Land Drainage

The majority of phase 1 and parts of the remaining phases, including the site of Duckworth Square, are within Flood Zone 2 (medium probability) as identified by the EA. The Strategic Flood Risk Assessment Level 1 appears to show the majority of the site within Flood Zone 3.

Some of the proposed uses (C3, A4, D1) are considered to be 'more vulnerable' to flood risk, whilst the others are considered to be 'less vulnerable'. In either case, they are acceptable within Flood Zone 2 subject to meeting the provisions of the sequential test as set out in the NPPF and DCLP1 Policy CP2. The sequential test aims to steer new development into areas of the lowest probability of flooding. Based

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on the SFRA Level 1, the more vulnerable uses will also need to be justified in line with the 'Exception Test'. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 162 of the NPPF is clear that the sequential test need not be applied to applications relating to sites allocated in the development plan, where the sequential test has informed the allocation. Whilst the majority of the Becketwell area is specifically allocated for development under saved CDLPR policy CC4, the allocation was not subject to the sequential test. The application therefore remains subject to the provisions of the sequential test.

In purest technical terms, the elements of the proposal *could* be disaggregated and potentially accommodated on alternative sites at lower risk of flooding. However, this approach pays no regard to the overriding need and specific objective to deliver regeneration of the long term vacant, highly sustainable, brownfield site. The 'need' being met by the proposal is the regeneration of the Becketwell area. The need can therefore only be met in this area. On this basis, the area of search for the sequential test should be limited to the application area.

It is important to note that the courts have judged that the sequential test 'is not sensibly applicable to a mixed use development which has to be on a particular site to achieve its regeneration'. A case near Hampton Court established this point some time ago in the context of previous government guidance in the form of PPS25 and I am satisfied that the sequential and exceptions test are satisfied in order to achieve the regeneration of this particular site.

Paragraph 163 of the NPPF goes on to state that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and

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- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In conjunction with my colleague in our Land Drainage Team the updated Flood Risk Assessment has been duly assessed. My colleague concludes... 'I have noted the addendum to the flood risk assessment submitted to support the application which notes that the change of application type does not affect the flood risk and land drainage matters that have been discussed and agreed previously. For clarity, I accept the comments made by Rodgers Leask Consulting Engineers (email dated 25th October 2019) and with that in mind the principle of the development. However, to secure what has been agreed with regards drainage, flood resilience and safe access and egress from the Phase 1 building and all future phases, we would only support the application if conditions are imposed'.

These conditions are drafted in Part 5.4 and based on that specialist advice, together with the comments and detailed conditions provided by the EA, I am satisfied that in this regard the development accords with DCLP1 Policies CP2 and CP16 and saved Policy GD5 of the adopted CDLPR.

7.3. Highways and Traffic

Members will note the detailed comments of my colleagues in relation to both components of this application which are included in Part 5.3.

The proposed full component of the application has been assessed in terms of the detailed tracking and manoeuvring details for the route through the proposed public square and the connection to Becketwell Lane and Colyear Street. Subject to some technical amendments that can be secured by condition the proposed public square layout is an acceptable form of development and in accordance with Policy CP23 of the DCLP1.

The outline component of the application and understanding the impact of the proposed range of uses on the surrounding highway network has been subject to modelling and analysis. The assessments have been considered in the context of trip generation rates for the mix of proposed land uses in the outline component (based on industry standards) and average parking levels for those uses together with a proposed multi-storey car park proposal operating at 90% capacity. Colleagues have assessed the impact of the proposed development on the wider highway network and the potential impacts, in terms of queue lengths, at both peak times in a future year scenario. Appendix A includes the annotated maps.

There will clearly be an impact of this major development in terms of trip generation on the wider network and members will be acutely aware of nearby parts of the City Centre along the inner ring road which will be subjected to longer queues and traffic pressure.

Future reserved matters submissions would need to be clearly informed by individual transport assessments and colleagues suggest that a condition is required to limit the overall number of parking spaces across the whole site to control the highways impact.

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The impact of any multi-storey car park as part of the development is also a concern and this would need to be considered at the appropriate stage and in the context of highways conditions at that time.

There are no objections to the revised proposal on highways grounds, subject to conditions, and, therefore, it accords with Policy CP23 of the DCLP1 and the guidance in the NPPF which is discussed in more detail in Part 5.3.

7.4. Heritage and Archaeology

In considering the application decision makers must have due regard to the duties under Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which respectively 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.

In this case the application site includes small parts of the City Centre Conservation Area and the Green Lane and St Peters Conservation Area in the diagonally opposing north-western and south-eastern corners of the site. The revised application is accompanied by an updated Heritage Statement and the methodology employed assesses the impact and opportunities of the proposed development on the setting of 6 groupings (labelled A-G) of heritage assets surrounding the site. This includes the impact of the proposal on longer range views and more distant heritage assets on the skyline under group F. The overall assessment is summarised and tabulated on page 28 of that statement.

The consultants conclude that the revised application has no harm to the various groupings of assets and there are opportunities to provide enhancement to nearby assets as a result of the provision of the new public square, the removal of derelict buildings and the resultant positive impact on the setting of the Conservation Areas.

Comments have been received from the Derwent Valley Mills Partnership and it concludes...

...The revised Skyline Study indicates that the proposed development is no longer visible from many of View Points (VP). Notably, the revised information indicates that it is no longer visible from most key views such as that on St Mary's Bridge (VP07) and other more peripheral vantage points such as in Darley Park (VP11).

Notwithstanding this improvement, the Partnership cannot totally agree with the revised Heritage Impact Statement that there will be 'no harm done' to the World Heritage Site. This is because there are other viewpoints from which the proposed development is likely to remain visible, for example, such as that from along Holmes Bridge (VP06). Consequently, it is considered the proposed development will have a relatively minor negative cumulative impact on the historic skyline of Derby and so that of the wider setting to the DVMWHS. The ability to interpret this will be eroded to some degree through the construction of the proposed development.

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However, the harm done to the wider setting should be substantially reduced to a more acceptable level. In NPPF terms it may be this that this is considered to be at the lower end of the scale of 'less than substantial harm'.

Therefore, it is to this end that the Partnership no longer objects to the proposed development in view of the small amount of harm likely to be done to the OUV of the DVMWHS'.

In the specialist opinion of HE...'has concerns regarding the application on heritage grounds'. This is with particular regard to the perceived impact of any 11 storey scheme on the City Centre Conservation Area and the buildings on Wardwick – albeit this part of the application is within the outline component.

The proposal must also be considered under the DCLP1 Policies and those saved CDLPR Policies which are still relevant. DCLP1 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 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.

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) paragraphs 193-4 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.

Paragraph 196 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 197 of the NPPF also requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance.

A number of judgments in recent years handed down by the courts have upheld the importance that decision makers should attach to the legislative requirements and the NPPF making clear the presumption that arises against granting permission where harm arises and the tests approach that should then follow.

Paragraph 196 of the NPPF states that, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this

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harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

The potential public benefits of the proposal need to be weighed against the less than substantial harm as stated in the consultation responses from the DVWMHS Partnership (albeit who indicate that the harm is at the lower end of the ‘less than substantial harm’ level), HE, CAAC and the Council’s Conservation Officer.

The applicant states that the following *economic* benefits, amongst others, could be realised by the revised proposal.

- The scheme represents circa £200m investment in Derby City Centre. This is a significant figure in its own right, but also projects a strong signal of confidence in the site and the city centre.
- The scheme will still support approximately 2,000-2,700 FTE jobs are estimated to be created on completion of the development, depending on the exact mix of uses across the site. This has been calculated by applying a range of average job density ratios to the proposed floorspace, based on the HCA Employment Density Guide (2015).
- Furthermore, the level of employment across the entire site will make an economic contribution in the order of £87m - £113 GVA per annum.
- Most contractors now make it a priority to source labour from local markets. In turn, this maximises the prospects of expenditure being reinvested in the city.
- The residential element of the outline permission (i.e. c. 500 new units) could deliver a net additional residential expenditure, available for local shops and services equating to approximately £5.7m per annum. The equivalent figure for ‘leisure’ expenditure is £2.15m.
- It would be reasonable to assume that a high proportion of this expenditure would be focussed within the city centre, and certainly that this proportion would be higher for people living within the city centre than for those living in the suburbs, or beyond. However, even if only 15% of this expenditure is directed towards city centre businesses, then this equates to nearly £1.2m per annum.

The applicant states that the following *environmental* benefits, amongst others, could be realised by the revised proposal.

- A significant increase in tree planting, and the introduction of general high quality greenspace with corresponding ecology, surface water attenuation, biodiversity and air quality benefits.
- Significantly reducing surface water run-off rates from the site, with the provision of surface water attenuation.
- Improved water quality for surface water run-off following the introduction of suds features.
- The introduction of high-quality architecture and public realm, complimenting nearby heritage assets whilst creating an attractive and distinctive urban quarter in its own right.

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The applicant states that the following *social* benefits, amongst others, could be realised by the revised proposal.

- Activity and active frontages at ground floor introducing natural surveillance within and around the site, reducing the attractiveness of the area for anti-social (and other criminal) activity when compared to its existing derelict and 'back land' location;
- Introduction of a permanent residential population (and on-site management) generating surveillance and activity beyond traditional shop and leisure opening hours;
- Relocation of the United Reformed Church to alternative accommodation in the City Centre, enabling them to maintain and expand their role in the community;
- The creation of a new public square for people to use as an oasis within the city centre. The square will include a far greater proportion of greenspace than elsewhere within the city.

These benefits constitute wider public benefits that should be attributed appropriate weight in the planning balance and, in my opinion, the "less than substantial harm versus public benefits" planning balance is decisively balanced in favour of the revised proposal. It is important to note that a large part of the site has been derelict for some time and its current state has a negative impact on both the built environment and the overall experience and perception of this part of the City Centre. The proposal seeks to comprehensively address these issues with a broad range of uses and forms of development to re-build this part of the City Centre.

In conclusion, taking into account the revisions to the scheme and the public benefits, it is considered overall that those benefits outweigh any harm to the setting of the Conservation Areas and the nearby listed buildings resulting from the proposed development.

In heritage terms, it is considered that the revised proposal would satisfy the tests in paragraph 196 of the NPPF and that the "less than substantial harm versus public benefits" analysis, including securing the optimum viable use of the site, weighs heavily in favour of the proposal. Therefore, it is considered that, with regard to heritage considerations, 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 terms of below ground archaeology a particular area of concern with the original proposal surrounded the provision of further information with some emphasis pertaining to the location of the Becket Well on the site. The DC Archaeologist requested certain information before the determination of the application.

An earlier consultation response from the DC Archaeologist in the context of the original proposal stated the following...

...'The revised DBA submitted with the current application includes this map and a useful discussion of the likelihood of the survival of below ground remains across the site (pgs 39-41). On the basis of this information there are some areas of the

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proposed development site in which pre-determination archaeological evaluation would be both possible and, we would advise, appropriate.

The locations at which field evaluation could take place include the area of existing basement slab to the north of Macklin Street, between Colyear Street and Beckett Well Lane. It is assessed that the northern sector of this area has the potential to retain deep cut feature archaeological remains (pg 39). The site of the medieval Beckett Well is also in this area, on the west side of Beckett Well Lane.

Beckett Well is considered to be of 13th century origin. It first appears on Burdett's map of 1767 and is shown as a spring. A report in the Derbyshire Archaeological Journal of 1890 records a substantial stone 'well house' above the water source, with a datestone of 1652. Photographic images from the 1950s/60s show the well covered with a conical stone structure, the 17th century well house having been dismantled by this date.

In view of the substantial nature of the, now removed, 17th century structure over the well, we would expect that there is strong possibility that the shaft of the well itself may still survive at depth. As the location of the well is clearly depicted on OS mapping of 1883 and 1951 (reproduced in the Heritage Statement submitted with the application), we would expect also that accurately positioning an archaeological trial trench to assess whether any below ground remains of it still occur would be straight forward.

The DBA also indicates that the southern end of the existing car park, north of Macklin Street and west of Beckett Well lane, is of high archaeological potential, and is a location at which field evaluation could take place.

Whilst it is appreciated that the parts of the site which we have identified as possible locations for archaeological evaluation are within the area covered by the outline application, we would advise that a knowledge of the nature, and possible extent, of any below ground archaeological remains at a pre-determination stage will enable any future development here to be designed in such a way that they could be preserved in situ. The possibility of exposing and interpreting for public benefit any such remains could also be incorporated in to the scheme.

The required pre-determination archaeological evaluation would also be in line with NPPF para 189 which requires developers to assess and understand the impact on the significance of heritage assets of their developments; and the Local Plan policies in relation to the Archaeological Alert Area established in the Local Plan in relation to the extent of the medieval town of Derby. The archaeological work should be carried out by a suitably qualified archaeological consultant/consultancy (Chartered Institute of Archaeologists Registered) to a written scheme of investigation which is to be approved by ourselves'.

The applicant's team maintain that it is within the bounds of reasonableness to provide this information in advance of any reserved matters submissions. Paragraph 189 of the NPPF states...

...'The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have

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been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

In this case it is acknowledged by our specialist consultee that the area of identified archaeological interest is located in the outline component of the application. Given the advice in the NPPF regarding proportionality and the tests for planning conditions outlined in the PPG I am satisfied that the relevant safeguards can be secured by condition to the outline component. As a development partner the City Council is able to fully influence the attention to further archaeological investigation and analysis.

7.5. Ecology

The application is supported by a range of updated information which assesses the site for protected species activity and habitats. As with all applications where ecological issues are involved DWT has provided consultation responses and it is concluded that sufficient information has been provided to enable the City Council, in its role as local planning authority, to discharge its legal duties in this important area. DWT confirm this in a previous consultation and state...

...Overall, we advise that it is likely that the assessment that has been undertaken for bats meets Government guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has now been supplied to enable the Local Planning Authority to make an informed decision in accordance with the guidelines and determine the application. The submission of the September 2018 and 2019 Bat Survey reports gives the LPA confidence that a planning decision can be made having taken European Protected Species fully into account and that the LPA has given regard to their duties as set out within The Conservation of Habitats and Species Regulations 2017.

Therefore, subject to conditions there are no over-riding concerns and, in this regard, the proposal conforms to the Development Plan and the Habitats and Species Regulations.

7.6. Air Quality and Noise

The revised application is accompanied by updated information relating to the air quality impacts of the development and this information has been duly assessed by our Noise & Pollution Team. Subject to the inclusion of conditions there are no over-riding objections to the proposal on these grounds and the proposal is in accordance with Policies CP2 of the DCLP1 and saved Policy GD5 of the CDLPR.

In terms of Noise issues particular concerns were raised to the previous proposal about the inclusion of residential accommodation in Phase 1 and the perceived amenity implications for future occupants in the context of late night activity in this part of the City Centre. As part of the previous scheme our Noise and Pollution team stated...

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... Even with a high quality ventilation scheme, the Environmental Protection Team does fundamentally oppose the concept of developing residential dwellings in this location, due to the likely conflict between residential amenity and high levels of noise late at night during weekends.

Therefore, based on this advice, this part of the scheme was contrary to saved policy GD5 of the CDLPR which seeks to protect 'amenity' from a wide range of environmental impacts.

Of course, the revised proposal no longer includes the specific design detail and configuration of the proposed residential units in Phase 1. However, the illustrative elements of the revised application show a clear intent to include residential development in Phase 1, albeit a reduced quantum of units and the principle of residential development in this part of the City Centre is at the fore.

In response to the updated information and responses submitted with the revised proposal colleagues have undertaken further scrutiny and conclude...

...The Environmental Protection Team still has serious concerns regarding the conflict that exists between residential amenity and late night entertainment and leisure activity within a city centre context, in particular at the weekend. It also has concerns over the practical difficulty in isolating first floor dwellings from noise within ground floor premises with A3, A4 or A5 permitted use. However providing that the design takes all reasonable steps to minimise adverse noise effects from all the sources identified, and that the required performance is confirmed prior to occupation, as detailed in the amended Condition, then significant noise effects would be considered unlikely.

In terms of the revised proposal the applicant's consultant concludes...

...It is considered that the assessment presented in the current Noise Impact Assessment provides sufficient evidence that suitable noise conditions can be achieved and as such noise impacts can be controlled through an appropriately worded condition(s), requiring a detailed assessment to be submitted at 'full' application stage.

As such, while there remains some concern about the issue of residential development on the Victoria Street frontage with the potential for noisy commercial activities at ground level there is some agreement that conditions requiring noise insulation and controls over plant noise are both reasonable and practicable.

Essentially this issue also needs to be considered in the context of the overall regenerative benefits of the revised scheme. Whilst concerns may prevail about potential residential development onto and overlooking the Victoria Street frontage (which accommodates various licensed late night operations) the overall benefits of a residential lead scheme outweigh this concern, in my opinion. The Design and Access Statement states...

...Perhaps some of the more significant benefits are less easily quantified but are evident through case studies of other similar regeneration projects. These include:

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- Re-populating the city centre and the positive effect this has on activity beyond traditional shop opening hours, natural surveillance and the perception of safety.
- Civic pride in high quality new spaces and buildings.
- Providing a competitive alternative to out of centre workspace e.g Pride Park.
- Rebalancing the focus of activity in the city centre.
- Providing confidence for further new investment in the city centre.
- Improving the cities offer when compared against competing local centres e.g Nottingham.

Therefore, subject to the detailed consideration of future reserved matters submission of the residential elements and the inclusion of suitable conditions as discussed in Part 5.10, I consider that noise issues can be reasonably addressed in line with saved Policy GD5 of the CDLPR.

7.7. Planning Obligations

Depending on the range of uses that are covered by the application, S106 contributions would potentially be required towards affordable housing, open space, education, transport, sports facilities, health facilities and CCTV. The applicant has agreed to policy compliant contributions for all these headings where the future proposals give rise to the need for such contributions.

As the precise details of the type of development that may come forward are not known at this time, it has been agreed with the applicant that if the S106 contributions, as agreed, threaten the viability of the particular phase that comes forward for reserved matters, the applicant can submit a viability appraisal. This appraisal will be independently assessed by the District Valuer. If this report shows that some or all of the contributions for that phase cannot be afforded by the scheme, the applicant will enter into a Deed of Variation to agree the level of contributions that are now payable, if appropriate. Any Deed of Variation will be subject to our standard overage clause which will require payment of additional contributions in the future if the scheme becomes more profitable than anticipated in the appraisal. Any additional profit would be shared 50/50 between the City Council and the applicant.

Members will be familiar with this approach which is entirely reasonable given the circumstances. In this regard the revised application accords with Policy MH1 of the DCLP1.

7.8. Overall Conclusions

Members will be fully aware that the original submission generated debate about the proposed phase 1 component and the tall buildings within that scheme. Negotiations took place and design revisions to the proposed buildings were submitted and consulted upon. However, following careful deliberation and market re-appraisal the application was revised to exclude the tall building detail and the proposed height parameters for the phase 1 element and now purely indicative.

7. Officer Opinion Cont'd

Therefore, in terms of the ambit of decision making process, you are simply being asked to determine the principle of the range of uses and access details with the outline component. The full component is confined to the layout and form of the proposed public square leading from Victoria Street into the wider site.

The application, as amended during its life, has been properly considered in accordance with the relevant policies in the Development Plan. The heritage tests in the Development Plan and the NPPF have been duly rehearsed and the comments of consultees such as the Conservation Officer, Historic England and the Derwent Valley Mills World Heritage Partnership have been balanced against the public benefits of the proposal.

In my opinion the overall public benefits of the proposal decisively outweigh the identified 'less than substantial harm' to the identified heritage assets.

There is a clear and compelling need to comprehensively regenerate Becketwell and the scheme has the potential to secure a multitude of benefits including:

- Regeneration of a long term derelict site that currently has a negative impact on the economy and townscape of the City Centre, acting as a catalyst to wider improvement of the area.
- Creation of modern residential units, with in excess of 200 units potentially delivered in early phases and the potential for the wider outline to contribute in the region of a further 500 units in later phases – contributing to the Council's housing requirement, 5 year housing supply position and improving the quality and mix of residential options in the City Centre.
- Creation of much needed footfall and resident expenditure as highlighted by the financial 'metrics' in the Planning Benefits Statement.
- Creation of a new public square, enhancing public open space provision and sustainable drainage features in the City Centre.
- Creation of a new residential quarter, providing a new identity to this blighted part of the City Centre and injecting much needed confidence into the property market.
- Potential to accommodate in excess of 2000 jobs through the provision of new office floorspace.

The benefits of the scheme are highly significant and members will be acutely aware of the long term hiatus in any positive socio-economic activity on this site.

Therefore, the proposed development, as amended, is considered to accord with the Development Plan when considered as a whole and subject to conditions and mitigation package via the S106 Agreement the proposed development is considered acceptable in this case.

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 in Part 7.7 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:

In the opinion of the Local Planning Authority there is a clear and compelling need to comprehensively regenerate 'Becketwell' and the scheme has the potential to secure a multitude of benefits including:

- Regeneration of a long term derelict site that currently has a negative impact on the economy and townscape of the City Centre, acting as a catalyst to wider improvement of the area.
- Creation of modern residential units, with in excess of 200 units potentially delivered in early phases and the potential for the wider outline to contribute in the region of a further 500 units in later phases – contributing to the Council's housing requirement, 5 year housing supply position and improving the quality and mix of residential options in the City Centre.
- Creation of much needed footfall and resident expenditure as highlighted by the financial 'metrics' in the Planning Benefits Statement.
- Creation of a new public square, enhancing public open space provision and sustainable drainage features in the City Centre.
- Creation of a new residential quarter, providing a new identity to this blighted part of the City Centre and injecting much needed confidence into the property market.
- Potential to accommodate in excess of 2000 jobs through the provision of new office floorspace.

Therefore, although there are a number of issues that need to be addressed through future submissions and further analysis across a range of topic areas, the proposed development accords with the Development Plan when considered as a whole.

8.3. Conditions:

Members will note that certain consultees have recommended the detailed wording of conditions in this report. However, in line with previous Counsel advice the following conditions are provided in an abbreviated format to ensure that the final wording can be subsequently agreed by all parties. If there are any over-riding issues with the inclusion/exclusion or the wording of any particular condition(s) the Chair and Vice Chair will be consulted to agree a way forward.

General Conditions

1. Condition relating to time limits – full/reserved matters
2. Condition relating to the submission of Reserved Matters – definition / approvals
3. Condition relating to the full list of approved plans and documents.
4. Condition relating to a phasing plan for the overall scheme and individual phasing plans for the various phases.

Highways Conditions

5. Condition relating to highway improvement works to be implemented in accordance with the approved details and phasing.
6. Condition relating to implementation of a highways construction management plan or construction method statement.
7. Condition relating to the precise details of the localised narrowing and forward visibility on Becketwell Lane/Colyear Street as part of the proposed public square layout.
8. Condition relating to the restriction of overall number of parking spaces across the site.

Retail Condition

9. Condition relating to the restriction to convenience floorspace only and not comparison goods floorspace.

Drainage/Levels Conditions

10. Condition relating to the agreement of SuDS details for all phases.
11. Condition relating to the protection of essential services from flooding for all phases.
12. Condition relating to the provision of safe access and egress from all residential components.
13. Condition relating to the protection of the Littleover Brook.
14. Condition relating to finished floor levels and provision of specific measures to accord with the submitted Flood Risk Assessment (in line with the requirements of the EA).
15. Condition relating to the maintenance requirements for the all flood risk management structures.

Environmental Protection Conditions

16. Condition relating to Construction Environmental Management Plan, including Dust Management, for individual phases.
17. Condition relating to site Waste Management Plan for individual phases.
18. Condition relating to the final detailed design of the proposed public square to include tree pit design and soil volumes.
19. Condition relating to the provision of EV charging points for individual phases.

-
20. Condition relating to local employment strategy for individual phases.

Noise Conditions

21. Condition relating to noise mitigation proposals for individual phases and specific mitigation for the Phase 1 residential elements.
22. Condition relating to the controls over plant noise in accordance with industry standards.

Contaminated Land Conditions

23. Condition relating to additional site investigation works report.
24. Condition relating to approval of Remediation Strategy
25. Condition relating to approval of mitigation relating to unidentified contamination.
26. Condition relating to approval of Remedial Measures Validation Report.

Archaeology Condition

27. Condition relating to the need for trial trenching and further site investigations with particular reference to the below ground archaeology of the Becket Well.

Ecology Conditions

28. Condition relating to implementation of an Ecological Design Strategy addressing mitigation, compensation and enhancement.
29. Condition relating to construction in accordance with a biodiversity construction environmental management plan.
30. Condition relating to construction in accordance with ecological management plan.
31. Condition relating to nesting bird restrictions.

Materials/Landscaping/Boundary Treatment Conditions

32. Condition relating to materials to be submitted, approved and implemented.
33. Condition relating to boundary treatment details to be submitted, approved and implemented.
34. Condition relating to hard and soft landscaping details to be submitted, approved and implemented.

Notes to Applicant

- 1) Highways works subject to Section S247 and 278 Agreements.
- 2) Highways Design Guide and general construction advice

8.4. Informative Notes:

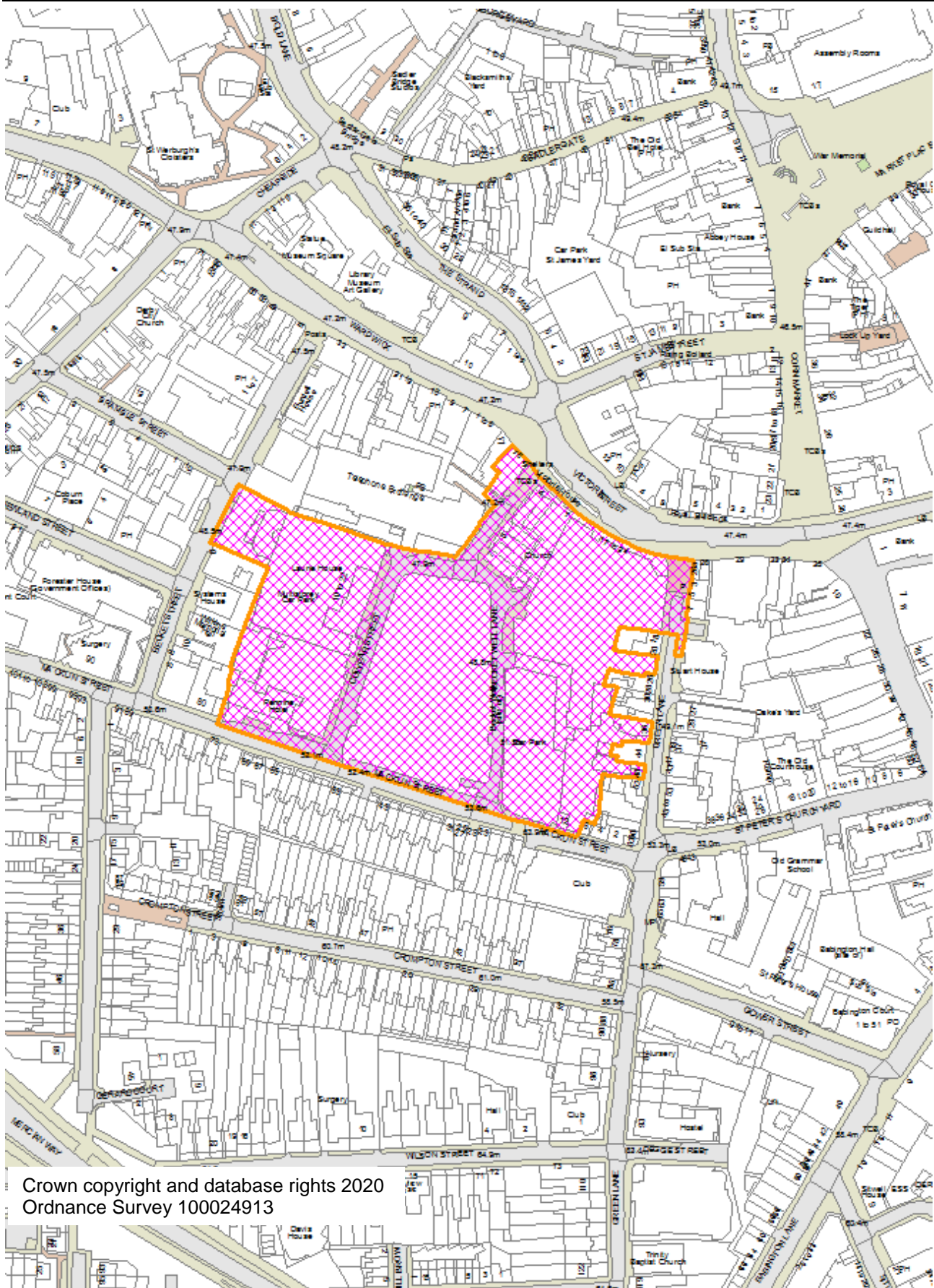
As directly above.

8.5. S106 requirements where appropriate:

See Part 7.7

8.6. Application timescale:

An extension of time is being sought to address committee timeframe and subsequent agreement of conditions and completion of S106 Agreement.



Committee Report Item No: 2

Application No: 19/00723/FUL

Type: Full Planning Application

1. Application Details

1.1. Address: 3 Mansfield Road, Derby

1.2. Ward: Darley

1.3. Proposal:

Change of use from public house (Use Class A4) with flat above to an office (Use Class B1(a)) and four flats (Use Class C3) together with associated external alterations including the installation of new windows.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/00723>

Brief description

The application relates to the site of the former Waterside Inn public house. It stands at the southern end of Mansfield Road, close to its junction with Phoenix Street and Sowter Road. The irregular shaped site stands in between Mansfield Road and the river. St. Mary's Bridge provides a southern boundary to the site.

The application site is fully hard surfaced and it accommodates 3 Mansfield Road which currently accommodates signage associated with its use as a public house. It is a building that has single, two and three storey sections with the three storeys standing back to the pavement edge in Mansfield Road. The building has a pitched roof and is fully rendered and painted. To its rear and on its western (river) side, the building has been extended in the past with a conservatory style flat roof extension which connects to a mezzanine floor and provides access to a roof terrace that overlooks the river. A further roof terrace is located at first floor level and this is accessed via the building and via an external staircase. A further separate external staircase has been added to this elevation and it provides access to the buildings upper levels.

3 Mansfield Road is vacant at present but its ground and mezzanine floors have most recently been used as a public house with the first and second floors serving as a single unit of residential accommodation with five bedrooms. The applicant has advised that the building has been vacant since March / April 2018. The pub building was historically served by a car park that stands to its north which is accessed directly off Mansfield Road.

3 Mansfield Road is a locally listed building. Its local listing notes that it was constructed in approximately 1790 as a private dwelling before being converted to a public house between 1849 and 1857. It is understood that it has remained in that use since.

The application site stands in the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS). It also sits alongside a group of listed buildings that are clustered alongside the river. This includes the Grade II* listed and Scheduled Ancient Monument, St Mary's Bridge, the Grade I listed St Mary's Bridge Chapel and Grade II listed St. Mary's Bridge House.

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Planning permission is sought for the change of use of 3 Mansfield Road to an office on the ground floor with four flats above. Three no. one bedroomed flats and one no. two bedroomed flat are proposed to extend across the mezzanine, first and second floors.

The external alterations proposed as part of the works include the redesigning of the first floor extension, replacing glazing with rendered elevations. Several new window openings are proposed to be inserted in the southern and western elevations. No new openings are proposed in the eastern elevation which faces Mansfield Road although the doorway that remains in situ would be brought back into use. A shared area of outdoor amenity space is shown on the first floor roof terrace and this would be accessible from within the building for all occupiers of the flats.

12 no car parking spaces are proposed to serve the development and would be located in the existing car park that stands adjacent to the building. The plans show 6 spaces dedicated to the office use and 6 dedicated to the residential use. In addition, 12 no cycle parking spaces are proposed with 6 allocated for use by residents and 6 allocated for use by the office. These are proposed to be located to the rear of the building along with the bin stores.

The information submitted in support of this application includes a Planning, Design and Access Statement, Community Facilities Statement, Heritage Impact Assessment, Flood Risk Assessment, Structural Condition Survey, Transport Statement, Air Quality Assessment, Noise Impact Assessment, Preliminary Bat Roost Assessment and an Assessment of Impacts to Wildlife.

2. Relevant Planning History:

Most recent:

Application No:	17/18/01040	Type:	Full Planning Application
Decision:	Application withdrawn	Date:	12/02/19
Description:	Change of use from public house (use class A4) and a first floor rear extension to create ten flats (use class C3).		

3. Publicity:

A site notice was displayed on 10/07/19 and a statutory press advert published on 12/07/19.

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

4. Representations:

The three Darley Ward Councillors have submitted objections in response to this application in addition to five individual objections from residents.

In objecting to the application, Ward Councillors have raised the following issues;

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Type: Full Planning Application

-
- The use of the building as a pub allowing for special views that are achieved from the building towards the Cathedral, the river, the ancient bridge and St Mary's Church;
 - The loss of the pub use negatively impacting on the character of the area and the Bridge;
 - The proposal having a detrimental impact on the cohesion and feel of the community in Chester Green;
 - Other successful independent pubs in Derby have thrived and such an opportunity should be available for this pub;
 - The Councillors having been approached by companies who would like to take the building on as a public house;
 - The proposal being bland and uninspiring, detracting from the street scene and resulting in a loss of amenity;
 - Insufficient car parking being provided to serve the development, on street parking already exceeding supply locally and the proposal leading to traffic problems in the area;
 - That the Council's car park should not be used to serve the development.

The five residents have objected to the application on the following grounds;

- There already being a lot of empty offices in the area and offices having planning permission in City Road that have not yet been built;
- There already being planning permission in place for lots of flats in the local area and that increase in local population will want to use the pub;
- The rejuvenation of the historic building as a pub should be encouraged as it remains a commercially viable proposition;
- Unrealistic valuation of the building being the reason the property stands empty;
- The use of the building as a pub, adding to the character of the riverside;
- The pub should be retained to help attract visitors to Chester Green;
- The pub serving as a useful venue for people visiting the DVMWHS;
- The loss of historic amenity to allow for small volumes of offices and flats being unnecessary;
- Apart from the Council House café, the pub offering the only place in the City Centre that you can eat in a riverside setting;
- The development causing increased traffic and parking issues;
- The site being unsuitable for the proposed use given its flood risk;
- Proposing a flood evacuation route onto St Alkmund's Way being a bad idea as it is a hazardous evacuation route onto a road that would be busier during times of flood given the road closures resulting from the closure of flood gates in the area.

5. Consultations:

5.1. Highways Development Control:

The proposed development is located near the city's ring road, with excellent public transport links in the vicinity and is around 10 minute walk from the city centre.

The former public house already benefits from its own car park, which is shared with other businesses adjoining it. The existing access for the car will continue to be used for the proposed development. The car park will provide 12 spaces for the proposed development. Each of the flats will be allocated 1 space, with 2 spaces for visitors and the remaining will be for the office. Secure parking for 12 cycles, 6 for the flats and 6 for the office, is also proposed. The application does not show how these spaces will be secured, marked / delineated and reserved within the adjacent car park.

Recommendation:

Should planning permission be granted, I would recommend the following:

Condition:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing MPD498-PL-02B 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.

Notes to applicant:

The consent granted will result in alterations to an existing building which needs naming and numbering. 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 plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.

5.2. Conservation and Urban Design:

This is a re-consultation on an application is for change of use to an office and residential use above for four flats and with some external changes. Some further information has been submitted including the proposal to add a timber picket fence in between the flood wall and the building to which I have no objection. I would, however, suggest that the current picket fence which is located to the river side of the flood wall be removed as this is unnecessary clutter within the setting of the building and heritage assets nearby.

The comments I have previously made are still relevant. These are as follows: -

Heritage Assets affected and impact of proposals

The application site is the Waterside Inn (formerly the Bridge Inn), a heritage asset as it is, a locally listed building described thus:

'Rendered public house of circa 1790, with many later additions. Principal building is three storeys including attic windows, with a slate covered roof. Windows are a mix of late 20th C casement windows and early 20th C timber sliding sash windows. On the south elevation is a window surround (modern casement window) with cornice

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5. Consultations Cont'd

supported by carved brackets which are damaged. There is a concrete tiled western extension to the south of this, with a late 19th C vertical sliding sash window. The western side of the building, facing the river, has had a flat roofed first floor conservatory style building added in 1989, with a roof top garden. The pub was established between 1849 and 1857, but the building was originally a private dwelling, built circa 1790 by the Improvement Commission at the same time as the adjacent grade I listed and scheduled St. Mary's Bridge, to the designs of William Forester.'

It occupies a prominent isolated position on the east bank of the River Derwent within the Derwent Valley Mills WHS buffer zone (immediate setting of the DVMWHS) and forms part of an important group with the scheduled and Grade II* listed C18 St Mary's Bridge (NHLE ref 1215897) and the Grade I medieval Bridge Chapel (NHLE ref 1215878) and House. The Waterside Inn is a three storey L-plan building whose principal elevation is aligned with Mansfield Road. The building's organic, incremental form, which can be appreciated from multiple viewpoints, is one of its most distinctive characteristics. It is the setting (as part of significance) of the DVMWHS and the listed buildings that is affected by these proposals. To limit this impact the detailed designs of any works proposed are important e.g. materials used, design detail of joinery for windows and doors (including where they sit within the aperture so that they are recessed enough) and the colour and finish of the render. I suggest should you be minded to grant permission that these are conditioned.

Conclusion:

It is regrettable that the building is not to remain in its original use as a public house. This is clearly the best use for the building. However if this is not possible then a historic building in use is better than a vacant one. In terms of the impact of the visual appearance of the proposals – the impact has been lessened and proposals, in my view, improved have since the last application.

Para 197 of the NPPF is relevant here as are Policies E19 of 2006 City of Derby Local Plan Review and CP20 of the 2017 Derby Local Plan Core Strategy.

In the light of para 197 of the NPPF *'The effect of an application on the significance of a nondesignated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

Recommendation:

No objection

5.3. Environmental Services (Health – Pollution):

The relevant comments provided in response to Air Quality are as follows;

I have reviewed the application information and I would offer the following comments in relation to Air Quality implications for the development as follows.

1. The scheme introduces new sensitive receptors (i.e. the occupants of dwellings) into an area of the city which is known to experience relatively high

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concentrations of air pollution and has been declared an Air Quality Management Area (AQMA).

2. Given the history of the site as a public house, the scheme is not however expected to make any notable contributions to local emissions from any traffic associated with the scheme, in comparison to the previous use.
3. I note the submission of an air quality assessment (Aerquality Ltd, Ref: 166.1, Dated: 23/11/18) in support of the application. I can comment on the report and any implications for local air quality within the planning context as follows.

Air Quality Assessment

4. The assessment includes detailed dispersion modelling (using AERMOD software) in order to predict the changes in concentrations of air pollutants resulting from the scheme.
5. The report does however acknowledge that modelling the changes is not necessary following the application of DMRB screening criteria.
6. Whilst construction-related emissions are not assessed in detail, the report does acknowledge the need for an appropriate *Dust Management Plan* to be in place, in accordance with IAQM Guidelines.
7. The AQ modelling is based on DfT traffic data incorporating a baseline year of 2017. An opening year scenario is based on 2020.
8. Future year predictions are based on the DMRB gap analysis methodology, which I note is considered to be more conservative than using DEFRA emission factors.
9. Modelling was completed at 4 receptor points across the façade of the proposed new dwellings of the development at 3 Mansfield Road.
10. The modelling indicates that the highest concentration of annual average nitrogen dioxide (NO₂) at any of the modelled points is predicted to be 27.36µgm⁻³ in 2020. This is well under the National Objective value of 40µgm⁻³.
11. Maximum predicted PM₁₀ concentrations at the dwelling façade is 18.18µgm⁻³ against the national Objective value of 40µgm⁻³, indicating an even lower impact associated with particulate matter.
12. In all cases, the development itself contributes no greater than a 0.1µgm⁻³ of either NO₂ or PM₁₀. When considering the total concentrations and the development contributions together, this indicates a *negligible impact* in accordance with IAQM Guidance.

Conclusions and Recommendations on Air Quality

13. The modelling is suitably detailed and robust and provides confidence that the development is unlikely to create any significant air quality impacts. Furthermore, air quality mitigation is not deemed necessary.
14. The Environmental Protection Team has no objections to the application on air quality grounds.

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15. Notwithstanding the above conclusions, it would still be prudent to ensure that construction-related emissions are controlled through a detailed *Construction Dust Management Plan* and this should be secured through an appropriately worded condition.

The relevant comments provided in response to noise are as follows;

I have reviewed the application information and I would offer the following comments in relation to noise implications for the development as follows.

Context

A revised noise impact assessment report has been submitted in support of the above application following comments made by DCC EP Noise in Nov 2019.

Document (s) submitted for review: Apex Acoustics Noise impact assessment report No: 7860.1C dated 6 December 2019

Section 3

The amendments made to this section are considered sufficient.

Section 4

4.24: The assertion that the daytime values are 'controlling the level of protection required' seems to be inconsistent with a comparison of Tables 8 and 6 which set out the predicted values, with Table 2, which sets out the impact thresholds. For example a required noise reduction of $86-45 = 41$ dB is larger than $69-35 = 34$ dB at measurement location 4.

4.25 to 4.37: It would appear that data from a nearby survey done by others for a proposed development at 12-14 Mansfield Road have been used to support the estimated L_{AfmMax} values being used for the purposes of the assessment of this proposed development. Certainly for future reference it would be helpful if night time values for assessment and design purposes are at least derived from representative measurements made during the night-time period. In the absence of this, greater uncertainty needs to be attached to the figures used, on top of the variations typically found in environmental noise measurement.

Section 4

Table 9: The noise reduction values required, of up to 45 dB for glazing and up to 50 dB for ventilators, are relatively high, and as the report suggests at 5.1 to 5.11 measures to achieve the noise insulation and ventilation requirements will need to be carefully considered, designed and installed.

Conclusion and Recommendation

It is concluded that the report provides sufficient evidence that significant adverse noise impacts could be avoided on occupants of the proposed dwellings and offices. However considering the uncertainty over the assessment and the high standard of noise insulation required it is recommended that the following Condition is included with respect to noise.

'All reasonable measures shall be taken to design and construct the proposed development so as not to exceed the following noise levels in any living room or bedroom, including during the normal operation of all space heating, cooling and ventilation systems.

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- i) $L_{Aeq, 16hr}$ (0700-2300) of 35 dB
- ii) $L_{Aeq, 8hr}$ (2300-0700) of 30 dB
- iii) 10th highest $L_{A_{fMax}}$ (2300-0700) of 45 dB (using 1 minute measurement intervals)

Sufficient monitoring shall take place to confirm that the above objective has been achieved. The results of such monitoring shall be reported and accepted by the Local Planning Authority in writing prior to first occupation of any dwelling. The measures installed shall be retained and maintained at all times thereafter to ensure continued satisfactory performance'

5.4. Derbyshire County Council Archaeologist:

We would refer you to our advice of 29th July 2019 relating to this scheme and the requirement for that the applicants commission an historic building appraisal of the Bridge Inn, which should include a desk-based study of the site (including map regression and other archival searches). This report should assess the significance of the heritage asset and the impact of the proposed works upon it.

We recommended that the report should be produced by a suitably qualified heritage professional (Chartered Institute of Archaeologists registered), to a written scheme of investigation to be agreed with ourselves. The reason for asking for this detailed study is because the Bridge Inn is recorded on the Derbyshire Historic Environment Record (DHER no; 32537) and is on the City of Derby Local List . It is therefore a non-designated heritage asset.

The DHER entry for the Bridge Inn describes a multi period building dating from the late 17th century describing it as follows: The pub was established between 1849 and 1857, but the building was originally a private dwelling, built circa 1790 by the Improvement Commission at the same time as the adjacent grade 1 listed and scheduled St. Mary's Bridge, to the designs of William Forester

To date the assessment that we require, produced by a suitably qualified archaeological contactor, has not been undertaken. The Heritage impact assessment produced by Astill's is completely inadequate in terms of understanding the phasing of the building, the recording of surviving original internal features, potential for below ground archaeology etc. The documentation supplied so far does not even include any internal photographs of the building.

Taking this in to account we would re-iterate the need for the buildings appraisal described above. We can provide information on suitable archaeological consultancies/contactors with the relevant expertise to produce the required assessment if necessary.

The results of this assessment should then inform any required changes to the scheme to conserve any extant significance or to mitigate for the loss of any significance.

NPPF para 198 requires that applicants establish the significance of heritage assets, and the level of proposed impact to that significance through their development proposals. The requested building appraisal and desk-based assessment will inform

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this with regard to the heritage asset involved. We would recommend that the application is not determined until the results of these studies are available to inform sensitive works to the building.

5.5. Environment Agency:

The Environment Agency maintains our no objection response as previously detailed, however in light of the revised FRA, would like to amend our condition to the following:

In light of the revised FRA, we would like to amend our conditions to the following-

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref 2019s0334 Mansfield Road FRA_FINAL_v4.0) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than existing levels within the ground floor commercial section of the development, as detailed in section 5.2 of the FRA.
- Flood resistance and resilience measures are incorporated into the development, as detailed in section 5.3 and 5.4 of the FRA.
- The basement is to be utilised for storage purposes only with no vulnerable assets placed within, as detailed in section 5.6 of FRA
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding should it occur

Flood warning and emergency response - advice to LPA

We do 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 [planning practice guidance](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their

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decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

5.6. Derbyshire County Council (Emergency Planner):

In general my comments would be in line with the Derby City Highways and Land Drainage Team, about the unsuitability of residential premises in this location. If approved then I would want a condition to be recommended for a suitable and sufficient 'Flood Warning and Evacuation Plan' to be drawn up, detailing safe egress routes, as the current suggestion in the FRA of directing pedestrians to St Alkmunds Way would not in my opinion be a safe option.

5.7. Derbyshire Wildlife Trust:

I have reviewed the ecological reports prepared by Middlemarch Ecology (assessment of impacts to LWS and preliminary bat survey) together with relevant documents and drawings that describe the proposals for the site.

Results of Assessment

The building has been assessed as having high potential for use by roosting bats, based on an initial daytime inspection and dusk emergence / dawn re-entry surveys have been recommended to comply with current standards for determining presence / likely absence of a roost.

All British bats are European Protected Species and the Council is obliged to fully consider the extent of impacts on bat roosts and ensure that appropriate mitigation is implemented where a roost would be affected. This must be part of the decision making process when considering any planning application, therefore unfortunately I

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must advise that as the relevant survey work has not been completed there is insufficient information available at this time. Planning policy does not ordinarily allow for bat surveys to be conditioned and the surveys recommended in the preliminary bat survey report will need to be carried out prior to determining the application.

In relation to other ecological issues, I concur with the ecologist's assessment that adhering to standard good practice measures for pollution prevention would avoid the risk of contamination entering the River Derwent during the construction phase. As noted in the ecology report, the lighting design will need to avoid illumination of the river corridor to maintain its value to foraging bats and otter but the proposals are not anticipated to present impacts on any other local wildlife sites.

Conclusion and Recommendations.

As the proposals are contained within the footprint of existing built development it is likely that the development could be done without resulting in a net loss for biodiversity, although the site status in relation to roosting bats needs to be confirmed prior to determining the application to ensure that appropriate mitigation can be secured where relevant.

This type of project provides limited opportunity to achieve a net gain for biodiversity, but the addition of bird nest boxes / cups could achieve some measure of ecological enhancement for species such as house martin or swift.

5.8. Derwent Valley Mills World Heritage Site Partnership:

The Partnership have confirmed that their comments (below) are unchanged by amendments to the proposals which now include the retention of external staircases to the riverside elevation of the building;

The proposed development lies within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government is pledged to conserve the unique and important cultural landscape of the Derwent Valley Mills World Heritage Site; to protect its outstanding universal value (OUV), to interpret and promote its assets; and to enhance its character, appearance and economic well-being in a sustainable manner.

The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

- C(ii) That the site exhibits "an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design";
- C(iv) That the site is "an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history".

The SOUV records that these criteria were met for the following reasons:

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C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: “protect, conserve and enhance the Outstanding Universal Value of the DVMWHS.” In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters) and have received the following advice:

There appears to be no significant change to the proposals for which the DVMWHS Partnership responded in July 2019. We therefore have no further comments to add, but reiterate the comments made at that time:

The proposed development site is the former Waterside Inn public house which sits wholly within the DVMWHS Buffer Zone. The site abuts the boundary to the WHS and the existing building sits prominently on the corner of Mansfield Road overlooking the River Derwent and St Mary’s Bridge, a Grade II* Listed Building. As a former inn and public house, the building is considered to be an attribute of the WHS for its contribution to the social infrastructure related value; as defined in Section 2.6 of the current DVMWHS Management Plan (2014-19).

Comments were provided previously to the Partnership in January 2019 for a similar scheme albeit solely for the conversion to residential use. Concerns were expressed over the proposed development due to the design quality of a relatively prominent two-storey extension which overlooked the river and had the potential to have a negative visual impact on nearby attributes of the WHS.

It is pleasing to see that the current scheme has been substantially reduced in size and it is contained within the existing building volume. The current scheme will also require the demolition of a number of existing features which clutter the riverside elevation, including an unsightly metal escape stair and an external masonry stairwell which currently obscures part of the rear elevation.

Whilst there will be a loss of the ability to interpret the buildings historic function as a public house within the WHS it is considered that the positive changes proposed through the conversion of the building will mitigate this adverse impact. It is therefore to this end the DVMWHS Partnership does not object to the proposed development as no harm should be done under the current NPPF and there should be no harm done to the OUV of the DVMWHS.

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5.9. Historic England:

Thank you for your letter of 7 November 2019 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.10. Police Liaison Officer:

Access to open space at the rear and back of the site I think still needs enclosing and securing against incursion from the surrounding car park and riverside, to be accessible for residents/occupiers only as previously mentioned.

Residential mail delivery requires attention, which would look to be achievable through wall into secure mail boxes to the right of the residential entrance.

Residential cycle and refuse storage now looks to be in some form of enclosure (to be confirmed/conditioned?) but office cycle racks are not, and again as mentioned before, the flood defence wall does not form a secure boundary to the rear.

It's appreciated that you may not have progressed much beyond conservation matters for the withdrawn application, but once these are resolved I recommend that the matters above are tackled, particularly for the amenity of apartment residents.

Further comments received following receipt of revised plans are as follows:

I don't consider a 1m high wooden picket fence to be secure. In my previous responses I've not indicated height or form, conscious of the setting, but realistically anything under 1.5m in height is no more than a demarcation, with 1.8m in height considered a starting point for secure fencing.

This provision to enclose the private rear grounds, cycle and bin store would obviously cost considerably more than the short section of picket fencing suggested, but if acceptable for the setting would be advisable.

The relocation of residential access to Mansfield Road is also noted, as is the addition of mail boxes within the lobby. This would require general unsecured access into the building lobby unless Royal Mail is prepared to enter into an access agreement. Failing this I revert back to initial thoughts of through wall delivery into secure internal boxes, involving more structural work I understand, but reducing the risk if mail theft significantly.

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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)

CPI(a)	Presumption in favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP11	Office Development
CP19	Biodiversity
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC7	The River Derwent Corridor
AC8	Our City Our River
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
H14	Re-Use of Underused Buildings
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E19	Listed Buildings and Buildings of Local Importance
E20	Uses within Buildings of Architectural Importance
E24	Community Safety
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:

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. Policy context

7.2. Community facilities

7.3. Heritage impacts

7.4. Design, layout and residential amenity

7.5. Access, parking and highway implications

7.6. Flood risk

7.7. Ecology

7.8. Noise and Air Quality

7.9. Conclusion

7.1. Policy Context

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

However, Amber Valley has recently withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the government's new 'standard method' which takes no account of the unmet need in Derby which it had agreed to meet by 2028. Derby City Council has made representations to Amber Valley that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley.

However, given that meeting this unmet need is now unlikely to feature in an adopted local plan for some time, it does not have the benefit of being 'plan led'. There may well be a delay in meeting this need in Amber Valley. This is a material consideration

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to take into account in determining planning applications in Derby for housing. In accordance with the presumption outlined in the NPPF, additional weight should be given to the benefit of boosting the supply of housing in Derby.

Local Plan Policy CP6 sets out the Council's aspiration to deliver a minimum of 11,000 new homes over the plan period and, in criterion (e), encourages the re-use of underutilised or vacant properties. While the upper floors of this building are already in residential use, the proposal would alter the configuration, with a single unit of accommodation served by 5 bedrooms, changed to four individual flats thereby providing a net increase of three residential units within the building.

The application site lies partially within the Central Business District. Policy AC1 sets out the Council's strategy to reinforce the role of the City Centre while Policy AC2 focusses on delivering on a City Centre Renaissance. Local Plan Policy AC2 defines the extent of the Central Business District which is the preferred location for new office development and the proposed office use on the ground floor would accord with this aim.

Whilst it can be considered that this application accords with the Council's strategy for housing delivery and a City Centre Renaissance, the requirements of the Local Plan must be read as a whole and compliance with other policies will also need to be satisfied and they are considered further in this report.

7.2. Community facilities

Policy CP21 recognises the important role community facilities play in promoting healthy, vibrant communities. Paragraph 5.21.1 lists the various uses which the Council considers to be a community facility and one of those uses is a public house.

Criterion (a) of Policy CP21 sets out the Council's position by stating that it will support the retention of existing facilities unless it can be demonstrated that 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.

CDLPR Policy E20 also states that for a change of use affecting a listed or locally listed building the applicant should demonstrate that the original use is not viable or no longer appropriate.

The applicant has submitted a Community Facilities Statement in support of the application which aims to demonstrate that the current public house use is no longer suitable or viable. It outlines the steps taken by Greene King, the previous owners, to find a new tenant and the subsequent marketing exercise undertaken over an 11 month period. The Statement indicates that neither exercises resulted in any interested parties coming forward giving rise to the conclusion in the Statement that the public house was no longer a viable business.

The Community Facilities Statement goes on to consider if there is a need for a public house in this location. Section 6 of the document sets out the parameters used in the process and indicates, in paragraph 6.8, that 'there are at least 25 alternative public houses within an 800 metre walk of the application site' and that many of those offered a similar range of facilities. Given the number of alternative, comparable and operational public house venues within walking distance of the

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application site, the Statement suggests that the change of use of the building would not be detrimental to local service provision nor would it significantly compromise the community's ability to meet its day to day needs.

In the Community Facilities Statement, the applicant does discuss the requirements of Policy E20. The policy seeks to secure the retention, restoration and long-term viability of historic buildings with the last sentence of the policy stating that the applicant will need to demonstrate '*that the original use is not viable or no longer appropriate, alternative uses that are compatible with the building will be considered*'. The applicant's statement comments that the building was originally a private dwelling and that its conversion to a public house also had an element of residential on the upper floors. The Statement asserts that the proposal is consistent with the original use of the building through the provision of the flats and carries on to state that the offices will be a valuable community facility.

The Applicants Community Facilities Statement concludes that a public house in this location is neither needed or is viable and, as such, meets the requirements of Policies CP21 and E20.

This position is clearly at odds with the views expressed by residents and Ward Members who have objected to this application on the basis of the loss of the public house use. It is clear that they consider that the public house remains a necessary community use and that its loss would negatively impact on the character of the wider area. Objectors to the application consider that the pub remains commercially viable and that there are companies who would be prepared to take the business on. It is only possible to note that we have no evidence of that available to us.

It is accepted that the applicants Community Facilities Statement provides sufficient information to indicate that there are need and viability issues that have impacted on its ability to secure, new operators / occupiers. It is also accepted that there are other establishments offering a similar service within walking distance and it would be difficult to argue that the public house use is a vital community facility for the community that surrounds it. The wording of Policy CP21 does allow for the loss of community facilities provided it is justified in the ways outlined in the policy. On this basis it is concluded that the applicant has provided adequate justification to support the principle of the loss of the community use and the assessment undertaken to support this application satisfies the requirements of Policy CP21.

7.3. Heritage impacts

The application site abuts St Mary's Bridge which is both a Scheduled Ancient Monument and a Grade II* Listed Building. In addition, the site is situated within the DVMWHS buffer zone. Listed buildings stand adjacent to St Mary's bridge and 3 Mansfield Road stands as a heritage asset alongside this group. They are significant historic features in this part of the City. The impact of the proposals for these heritage assets and their setting are an important consideration in the determination of this application and the heritage impact of the proposal is a concern raised by Ward Members and residents who have objected to this application. It is noted that the site stands outside the Little Chester Conservation Area whose boundary is to the north, beyond City Road.

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In considering this application Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 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 heritage asset is a matter to which considerable importance and weight should be given in any planning balance.

Policy CP20 (Historic Environment) seeks the protection and enhancement of the city's historic environment, including listed buildings, Conservation Area's, the World Heritage Site, Scheduled monuments and Archaeological Alert 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.

Policy AC9 recognises the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site and indicates that the Council will seek to preserve, protect and enhance its special character, appearance and distinctiveness. Proposals within the Buffer Zone will only be approved if they do not adversely affect the Outstanding Universal Value (OUV) of the World Heritage Site or its setting.

Saved policy E19 of the CDLPR, seeks to preserve and enhance the character and appearance of historic listed and locally listed buildings and protect them from development which is harmful to their significance. Saved policy E20 seeks to secure the retention, restoration and long-term viability of historic buildings.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as the World Heritage Site, listed buildings or Conservation Areas) paragraph 192 of the NPPF advises that in determining applications:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Guidance in the NPPF provides that proposed developments involving substantial harm to or loss of designated heritage assets should be exceptional and in the case of heritage assets of the highest significance such as World Heritage Sites should be wholly exceptional. 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 195 are met.

In cases where the harm to the designated asset is considered to be less than substantial the NPPF provides that the "harm should be weighed against the public benefits of the proposal, including "securing its optimum viable use".

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In relation to non-designated heritage assets including locally listed buildings, the NPPF requires that effects on significance of the asset should be weighed in the balance and a balanced judgement will be required having regard for the scale of the harm or loss of the asset and its significance.

To assist in the consideration of heritage impacts, the comments provided by Historic England, our Conservation Officer and the World Heritage Site Partnership have been considered in detail. A Heritage Impact Assessment has been submitted by the applicant in accordance with paragraph 189 of the NPPF and Policy CP20. This has been updated during the lifetime of the application to take into account amendments that have been made to the proposals. It gives some consideration to how the proposal may affect heritage assets including the DVMWHS, St Mary's Bridge and the locally listed building. It also considers the impact of the proposal on the Grade I listed St Mary's Bridge Chapel and the Grade II listed St Mary's Bridge House that stand on the opposite side of St Mary's Bridge.

The impact of the proposals on the setting of the WHS is an important consideration and it is afforded the highest degree of significance due to its international and national importance. The physical works that are proposed to the building to accommodate the change of use have not resulted in any objections to the application from our Conservation Officer, the World Heritage Site Partnership or Historic England based on their resulting impact for the DVMWHS.

This site stands within part of the buffer zone of the DVMWHS where character is defined by built form, standing close to the river's edge. This proposal would retain the building and would not compromise its built form. The building would remain a historic asset and part of the historic group of buildings that are clustered in this part of the WHS buffer.

Saved CDLPR policy E20 indicates that the original use should be considered as the first option for uses within historic buildings. The policy does however indicate that if the first use is not viable or no longer appropriate, alternative uses that are compatible with the building will be considered. This application does demonstrate how the building's use could be changed to accommodate the office and residential uses without its physical form being extended or compromised.

It is clear that local residents and Ward Councillors who have objected to this application consider the loss of the public house use within the building to be detrimental to the setting of the DVMWHS and the setting of the historic assets that stand within this part of its buffer zone. They have indicated that the loss of the public house use will be a negative change for the WHS and for people who choose to visit the area who would no longer have access to the building and the views it affords.

The applicants Heritage Impact Assessment indicates that bringing an unused community building back into use will enhance the setting of the WHS by ensuring that the building does not deteriorate in the long term. Our Conservation Officer also notes that a public house use is clearly the best use of this building but concludes that if this use is no longer possible, a historic building in use is better than a vacant one. The World Heritage Site Partnership also note that whilst there will be a loss of the ability to interpret the buildings historic function as a public house within the

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WHS, they conclude that the positive changes proposed through the conversion of the building will mitigate this adverse impact.

Maintaining the established and historic use of the building as a public house would be preferred in heritage terms, but the building has stood vacant for over a year and a half. Bringing the historic asset back into use would encourage the physical and economic revitalisation of the area as promoted by Policy AC9 and bringing the building back into use clearly provides significant weight in favour of allowing the change of use of the building.

In weighing up the impact of the proposals on the WHS and taking into account the ICOMOS guidance of 2011, it is considered that the impacts on its Universal Value and overall setting would be neutral. In reaching this conclusion I have considered the lack of substantial objections to the application from our specialist Conservation Advisors and the conclusions of the World Heritage Site Partnership who indicate that that no detriment would arise for the OUV of the WHS.

The applicants Heritage Impact Assessment indicates that the proposal would not have an adverse impact upon the setting of any of the nearby designated heritage assets commenting that the proposals will not adversely impact on views of it particularly from St Mary's Bridge. It goes on to suggest that the current derelict state of the building detracts from the setting of the adjacent heritage assets and will ensure its future viability and preservation thereby enhancing their setting.

The external alterations proposed to the building are limited. The proposal retains the building and it is considered that its physical relationship to those nearby listed buildings, including St Mary's Bridge, would not be changed enough to result in harm to their setting or value as a group. In reaching this conclusion, it is noted that specialist consultees have not identified any harm as arising for those assets as a result of the proposals.

In respect of non-designated heritage assets, the impact of the works on the locally listed building itself requires consideration. It is noted that internal works to the building would need to be undertaken to mitigate for impacts associated with noise and flood risk and those works are identified in other sections of this report. This includes provision of an additional brick skin to the ground floor of the building, the raising of services on the ground floor and glazing and ventilation solutions that are to be agreed.

The applicants Heritage Impact Assessment notes that internally, the layout of the building will be altered with the erection of internal partition walls and alterations to staircases. It indicates that those works will not have any adverse impact on the heritage asset as the internal layout is modern and not of any significant heritage value.

The County Archaeologist has advised that the applicants should commission an historic building appraisal which should include a desk based study of the site. It is indicated that this should assess the significance of the heritage asset and the impact of the proposed works upon it. The County Archaeologist advises that any works to the building should be informed by this assessment to conserve any extant significance or to mitigate the loss of any significance.

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Paragraph 189 of the NPPF advises that the level of detail required to be provided by applicants should be *'proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*. As the building is locally listed, internal works have not been subject to control by the Local Planning Authority. Internal and external alterations are shown in the submitted plans and they have not generated objections from our Conservation Officer or Historic England. Their views are essential to determine if the submitted assessment information is satisfactory and based on their comments, the level of information supporting the application is considered to be sufficient to enable its impacts for the locally listed building to be understood. The building has been subject to modern internal works and alterations through its use as a public house and internal alterations can continue to be undertaken now without formal consent being required. Whilst the County Archaeologists views are noted, it is considered that the application can be determined in the absence of a detailed historic building appraisal.

Saved policy E21 seeks to protect the archaeological interest of sites. No significant ground works are proposed as part of this application and it is considered that the works offer no conflict with the aims of policy E21.

In reaching conclusions on the overall impact of the development for the significance and setting of the designated and non-designated heritage assets in the area, as required by the NPPF, the impact is considered to be neutral with no harm arising noting that the application has not generated objections from the Conservation Officer, Historic England or the DVMWHS Partnership. Whilst concerns relating to the loss of the historic use of the building as a public house use can be appreciated, this is weighed against the benefits of bringing this heritage asset back into use. Overall, it is considered that the proposal would not result in detriment to the significance of any of the heritage assets in this area including the locally listed building itself. Accordingly the proposals satisfy the requirements of Policy CP20 and saved CDLPR policies E19 and E20.

It is considered that, with regard to heritage considerations and the issue of impact / harm, the application has been supported by sufficient information and has been properly assessed in line with the local planning authority's statutory duty and the framework of local and national planning policy.

7.4. Design, layout and residential amenity

The application proposes alterations to the existing building with no new floorspace proposed. The alteration of the first floor glazed elevations to render is acceptable and is considered an improvement to the buildings external appearance.

The proposed new window openings are reasonable in terms of their siting and scale relative to other fenestration already within the building. It is noted that no new openings are proposed in the Mansfield Road elevation of the building which is its principle elevation although the existing ground floor doorway would be reinstated as an access to serve the upper floor flats.

Overall, the physical works shown in the planning application are reasonable and they meet with the general design principles of Policy CP3 and CP4. In assessing the heritage impacts of the works, the Conservation Officer has recommended that

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design details should be controlled by conditions of planning permission and this would include external materials, joinery details and the colour and finish of the proposed render. These conditions would ensure that a suitable external finish is secured as part of the works.

To address issues raised by the Police, the applicant has proposed to include a section of fencing that would divide the resulting private area at the rear of the building from unrestricted access from the car park. The Police clearly consider the 1m high picket fence that the applicant has proposed to provide an inadequate level of security. However, conditions of planning permission can be used to secure a design for the fence that improves security and is considered a reasonable addition within the grounds of the locally listed building.

The plans submitted with the application demonstrate that all four flats proposed within the development would accommodate a reasonable amount of floorspace and good outlook. Each would also have access to the outdoor space on the first floor roof terrace. Overall, it is considered that the proposed layout shows that future occupiers would be afforded a good standard of residential amenity. Subject to suitable measures to address noise impacts outlined in section 7.8 of this report, it is considered that the proposal offers no conflict with the aims of saved CDLPR policy GD5.

Given the separation distances between the existing building and neighbouring properties, commercial or residential, there are no adverse impacts considered to arise for any neighbouring occupiers as a result of this change of use application. Overall, it is considered that the proposal meets with the residential amenity requirements of CDLPR policies GD5 and H13.

7.5. Access, parking and highway implications

The car park that stands to the north of the site serves adjacent businesses and has also historically served the application site and its use as a public house. It would continue to utilise the existing access off Mansfield Road and the application identifies 12 spaces within it as being dedicated to the development.

A Transport Statement has been submitted with the application. While it considers a more intensive form of residential development that was subject of a previous application for this site that was subsequently withdrawn, it considers in detail, the sustainable location of the application site and the various means of public transport that are available to serve it.

Policy CP23 seeks to ensure that everyone has a range of viable, sustainable transport options and supports proposals which are located in accessible locations that are well-served bus services and which help to facilitate walking and cycling. Objectors to this application have suggested that the proposed uses would lead to increased congestion and parking problems in the local area.

Colleagues in Highways Development Control have raised no concerns in respect of the likely impacts of the proposals on the local highway network and the parking arrangement is considered to be acceptable. Whilst the information supporting the application does not indicate how the parking spaces are to be marked out / delineated from the adjacent parking spaces within the existing car park, this detail

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can be secured through conditions of planning permission along with delivery of the cycle parking provision. Overall, the proposal is considered to be acceptable in highway safety terms and is in accordance with the aims of Policy CP23.

7.6. Flood risk

As this application is for a change of use, there is no requirement, under the NPPF for the Sequential or Exception Test to be undertaken. However, detailed consideration needs to be given to the suitability of the uses that are proposed given that the site is identified in the Council's Level 1 Strategic Flood Risk Assessment (SFRA) as being located within Flood Zones 2 and 3a.

At the present time the SFRA shows the areas of the City vulnerable to flooding based on its historic flood defences. The Our City Our River (OCOR) programme is delivering new defences along the River Derwent and this includes new flood walls that stand directly alongside the application site. The new flood defences provide a higher level of protection for properties and land on the dry side of the defences including the application site. It has to be noted that the SFRA does not take into account the new flood defences that have been delivered by the OCOR project and the protection they afford the site.

The planning application is supported by a Flood Risk Assessment (FRA) and it considers all flood risks to the application site. As required by the NPPF, it considers the flood risk to the site in a design flood event, taking into account climate change. The FRA advises that the site would be subject to partial flooding in a 1 in 100 year event + 30% climate change scenario. Climate change levels have increased since the OCOR defences were designed and granted planning permission so in this scenario, water levels would overtop the defences and flooding would occur against the south western building corner. The FRA notes that the peak water levels would be higher than the ground floor level of 3 Mansfield Road. It therefore identifies that the ground floor of the building is susceptible to flooding.

As part of the assessment of the effects of the flood risk to the building, a structural condition survey has been undertaken by the applicant and it assessed the capacity of the building to withstand the pressure of flood waters generated by a 1 in 100 + 30% climate change breach scenario. The assessment concludes that currently the building is not able to withstand the forces likely to occur from such a scenario.

In reaching conclusions on the assessment of flood risk to this building, the views of the Environment Agency, the Council's Land Drainage Team and the Emergency Planner have been considered in detail. Based on the advice that they have provided, it is clear that the submitted FRA is suitably robust. In reaching conclusions, it is important to consider that identified risks exist for the building already given that new built development is not proposed and the application is seeking a change of use. However, Planning Practice Guidance advises that a change of use may involve an increase in flood risk if the vulnerability classification of the development is changed.

The ground floor use proposed in this application is for commercial purposes and in accordance with Planning Practice Guidance the proposal involves occupation of the ground floor by a use deemed to be 'less vulnerable', noting that the current public

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house use is classified as 'more vulnerable'. The vulnerability of the ground floor use that would be susceptible to flooding in such an event would therefore be reduced by allowing the change of use of the ground floor and is therefore preferable in flood risk terms.

The flats proposed on the upper floors of the building are classified as 'more vulnerable' uses and this would be unchanged given that the upper floors are already in residential use and so already are 'more vulnerable'. The building does however only accommodate one flat at present and the change of use to four flats would provide a net increase of three residential units. The applicants FRA indicates that the proposal will not worsen the position relative to the upper floors given that they are already used to serve residential accommodation with five bedrooms and as a result of the change of use, the building would continue to accommodate five bedrooms.

The NPPF indicates that wherever possible, more vulnerable uses such as the additional flats proposed on the first floor of the building should be located in areas at the lowest risk of flooding. Colleagues in Land Drainage object to the application on the basis of three additional separate residential units being proposed on a site that is at risk of flood. The Emergency Planner also notes the unsuitability of residential premises in this location and some objectors to the application have raised flood risk as a concern.

During extreme flood events, the FRA indicates that the building will need to be evacuated following receipt of a flood warning. It is anticipated that the commercial (ground floor) will be operated during normal office hours and thus will have emergency procedures in place and would be required to evacuate the building prior to the peak of a flood event. The proposed office use is likely to involve the evacuation of fewer people than if the ground and mezzanine floors of the building remained in use as a public house.

Residents living on the upper floors of the building would need to evacuate via the eastern side of the building, along Mansfield Road and the submitted plans show how the residential units would be served by the reinstatement of an entrance already on the Mansfield Road elevation of the building. The current evacuation route for occupiers of the residential accommodation on the upper floors is via exits on the northern, western and southern elevations which the FRA demonstrates are less safe than the route proposed via Mansfield Road.

The evacuation routes identified in the applicant's FRA show's that during the defended 100 year with 30% climate change scenario, a vehicular access and egress route to / from the site is possible via Mansfield Road, Phoenix Street and onto St Alkmund's Way. Land Drainage colleagues object to the application on the basis that the mode of escape for occupiers of the building would be onto a high speed road that has not been designed for safe pedestrian movement and this concern is shared by the Emergency Planner.

Whilst concerns relating to the evacuation route can be fully appreciated, it has to be recognised that the route through to St Alkmunds Way offers the only dry means of escape for 3 Mansfield Road in such a scenario anyway, whether this change of use application is allowed or not. That is the route that users of the existing public house

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and flat would have to take in any such flooding scenario, if the building were currently still in use.

It is noted that the Environment Agency (EA) have not raised objections to the application subject to conditions being imposed which require the implementation of the mitigation measures outlined in the FRA for the lifetime of the development. The measures outlined in the FRA include provision of an additional leaf of brickwork to the inside of some ground floor walls of the building, flood protection measures to door and window openings and measures to protect the dray drop to the basement. This would be necessary to provide the required level of resistance to deal with the forces of flood water generated by a breach scenario. Flood resilience measures also proposed include the fitting of electrical fittings, switches and wiring at a higher level on the ground floor, the raising of kitchen units and appliances and use of internal materials that are resilient to water. The FRA also recommends that all occupiers are signed up to the Environment Agencies' Flood Warning Service.

The advice provided by the EA is clear that it is not within their remit to comment on flood emergency response procedures and evacuation plans. It is colleagues in Land Drainage and the Emergency Planner who provide advice on these matters and they both raise concern with regards to the evacuation of future occupiers onto St Alkmunds Way. As they are our specialist consultees with regards to flood risk, weight has to be given to their concerns with regards to an increase in residential units on the site with reliance on a means of evacuation that would take pedestrians onto a busy road.

In reaching conclusions on flood risk the opportunities that granting the application would provide to a building that is already at the level of flood risk outlined in the FRA, require consideration. They are benefits that would arise from the scheme. Conditions of planning permission could be used to secure the implementation of the mitigation measures outlined in the FRA which would include the additional brick skin to ground floor walls thereby providing a more resilient building that would be able to withhold the pressure of water in a breach scenario. Signing up future occupiers to flood warnings and the provision of detailed evacuation plans can also be secured through appropriately worded conditions. Whilst alternative options are not available to address the means of escape route onto St Alkmunds Way, this is the route that is available for the building now which could include evacuation of more people with a less coordinated evacuation procedure in place.

There are therefore some flood risk benefits in allowing the change of use. It would deliver resilience measures and in accordance with the overarching guidance in the NPPF, the application demonstrates how residual risks to the site could be managed. Securing suitable evacuation plans would contribute towards a coordinated response to the evacuation of this building in a flood event. This is alongside a less vulnerable use being proposed on the ground floor of the building which would see its use / occupation, by fewer people.

Following detailed consideration of these matters, it is considered that this change of use application can be supported on flood risk grounds provided detailed conditions are imposed which secure the delivery of the identified mitigation measures.

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7.7. Ecology

The application site stands adjacent to the River Derwent which is a designated wildlife site. A wildlife corridor also encroaches into the site.

Policy CP19 requires that where proposals have the potential to impact on a natural heritage asset, a supporting ecological site assessment will be required to be submitted. The applicants have provided such an assessment along with a preliminary bat roost assessment.

The applicants Ecological Survey identifies the key ecological features on or surrounding the site. It identifies the use of the river corridor by foraging and commuting bats and otters and the potential for the building on site to support roosting bats or nesting birds. It makes recommendations for adherence to Environment Agency Pollution Guidelines throughout the works to avoid indirect impacts on the river and careful design of any new lighting, to minimise potential disturbance and fragmentation on sensitive receptors such as bats and otters. The survey notes the potential of the building to support nesting birds such as house sparrow and starling and indicates that roof works should take place outside the nesting bird season.

Derbyshire Wildlife Trust (DWT) has been consulted on the application and they concur with the submitted assessment and the need for measures for pollution prevention and a lighting design that avoids illumination of the river.

The applicants Ecological Survey also notes that the existing pub building is considered to support features suitable for roosting bats noting that the building has loft areas and missing, lifted and broken roof tiles and gaps in brickwork. The Survey recommended that a Preliminary Bat Roost Assessment should be undertaken on the building and such an assessment has been submitted to support the application. It classifies the building as having high potential to support roosting bats noting it has features that provide the potential for bat roosts to be present and noting the buildings location, adjacent to the wildlife corridor. Given this conclusion, dusk emergence and or dawn re-entry surveys are recommended in the Assessment.

DWT have commented on the submitted survey information and note that all the relevant survey information does not support the application at the present time as the applicant cannot provide the dusk emergence / dawn re-entry surveys which have to be undertaken during the bat activity season which extends between May and September. This information is required prior to determination of this application to ensure that the extent of impact of the development for bats is fully considered and that appropriate mitigation is secured. This is necessary to ensure that the development also conforms with the Conservation of Habitats and Species Regulations 2017.

DWT advise that because the proposals outlined in this application are to be undertaken within the footprint of existing built development, it is likely that it can be undertaken without a resulting net loss in biodiversity and it provides limited opportunity for a net gain in biodiversity. However, the status of the site in relation to roosting bats has to be confirmed prior to determination to ensure the impact of the works on this protected species is fully assessed and to ensure compliance with Policies CP16 and CP19.

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The applicant has agreed to extend the determination date of this application to the end of May to allow the necessary bat surveys to be undertaken within the appropriate season. In consultation with DWT, this will allow full consideration of the impact of the proposals for bats. The need for the completion and full consideration of this survey work is reflected in the recommendation put forward in this report for the future determination of the application.

7.8. Noise and Air Quality

The application has been supported by a Noise Assessment given that the site stands adjacent to a busy transport corridor and in close proximity to the Inner Ring Road. The submitted assessment considers noise impacts on the site from road traffic noise on Mansfield Road, Sowter Road and the Ring Road. Identified criteria for noise levels are shown to be exceeded for most rooms during daytime and nighttime through partially opened window. Sound insulation is therefore considered, with windows closed and with provision for extract ventilation. The survey goes on to provide glazing and ventilation specifications for each window to ensure acceptable internal noise levels within the development.

Colleagues in Environmental Health have advised that the submitted Noise Assessment provides sufficient evidence that significant adverse noise impacts could be avoided on occupants of the proposed dwellings and offices. Considering the high standard of noise insulation required they advise that measures to achieve the noise insulation and ventilation requirements will need to be carefully considered, designed and installed. Such a scheme can be secured through a suitably worded planning condition and this would ensure adequate reductions in noise impacts on the amenities of future residents and occupiers.

The site lies within an Air Quality Management Area (AQMA) but our Environmental Health Officer notes that given the history of the use of the site as a public house, the proposed use is not expected to make any notable contributions to local emissions from any traffic associated with the scheme, in comparison to the previous use.

An Air Quality Assessment has been provided in support of the application. The Environmental Health Officer notes that air quality at the development would be below the objective levels and that the modelling in the Assessment is suitably detailed and robust. The Officer concludes that air quality mitigation is not deemed necessary but construction related emissions should be controlled through a construction management plan and this can be secured through an appropriate condition. Based on this specialist advice, it is accepted that there would be no significant air quality issues arising for future occupants of the building.

Overall it is considered that subject to compliance with conditions recommended by colleagues in Environmental Health the proposals offer no conflict with the requirements of saved CDLPR policies GD5 and E12. Air quality and noise do not therefore offer a basis on which the uses proposed in this application should be resisted.

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7.9. Conclusion

This change of use application would result in the creation of three flats which will provide a small contribution to the Council's current housing need. The creation of the ground floor office space also assists with the aims of improving the City Centre, the site being located in the area defined as being the preferred location for new office development. The proposed uses can therefore be supported generally as they would deliver housing and office space in a sustainable area of the City.

Despite the proposed uses being acceptable in general policy terms, there is some local opposition to the loss of the buildings established use as a public house. However, the assessment undertaken to support the application provides adequate justification to support the principle of the loss of this community facility, satisfying the requirements of Policy CP21.

The Heritage impacts of the proposals have been assessed and the change of use and physical works to the building associated with it are not considered to result in harm to the setting of any nearby heritage assets or to the locally listed building itself. Whilst regrettable, the loss of the public house use is weighed against the benefits of bringing the building back into use and the benefits this will afford the setting of the surrounding designated heritage assets including the DVMWHS.

There is some conflict with the type of development proposed in this application and the sites' susceptibility to flooding with objections to the application maintained by colleagues in Land Drainage. However, the change of use application offers a reduction in vulnerability to the ground floor use of the building. It also offers measures to improve the resilience of the building and flood evacuation procedures for a heritage asset already at flood risk. Whilst evacuation routes are not ideal, they are unchanged by the application. Subject to compliance with the conditions outlined, it is considered that measures can be put in place to protect future occupiers in the event of a flood defence breach scenario.

In terms of other material considerations, impacts relating to residential amenity, noise, air quality and highway safety are all considered to be satisfactorily addressed subject to compliance with the recommended conditions.

The applicant has submitted information to determine the impact of the proposal on the designated wildlife site and wildlife corridor. Outstanding information relating to bats cannot be secured at this time but the survey information, provided at the appropriate time, will allow full consideration of the developments potential to impact upon bats. If no substantive issues arise as a result of this survey work, it is considered that the ecological impacts of the proposals do not provide a basis on which this application could be resisted and this is reflected in the recommendation outlined in this report.

In reaching a balanced judgement on the outcome of this application it is considered that there are clear benefits to bringing this historic asset back into use and this should be afforded significant weight. The application can also bring benefits to the building in the long term by improving its flood resilience. On that basis it is concluded that there are not substantive grounds on which a refusal of this application could be defended.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To consider the results of the bat dusk emergence / dawn re-entry surveys following their submission (post May 2020), in consultation with Derbyshire Wildlife Trust and **to grant planning permission with conditions** if no substantive issues arise from that survey information and it conforms with the Conservation of Habitats and Species Regulations 2017.
- B. To consider the results of the bat dusk emergence / dawn re-entry surveys following their submission (post May 2020), in consultation with Derbyshire Wildlife Trust and **to report the application back to Planning Control Committee for determination** should substantive issues arise from that survey information.

8.2. Summary of reasons:

The design, residential amenity and highway safety implications of the proposed uses are considered acceptable in this case. Impacts relative to noise and air quality have been suitably assessed and appropriate mitigation can be secured through conditions of planning permission. It is considered that sufficient information has been submitted in support of this application for the impacts of the proposals to be fully considered in respect of heritage assets with no harm deemed to be arising. In flood risk terms, alternative means of escape cannot be secured for the building but the proposals offer the opportunity to improve the buildings resilience in scenarios' involving a breach of the flood defences. Detailed evacuation procedures can be secured through the conditions of planning permission.

8.3. Conditions:

1. 3 year time limit condition
Reason: Standard time limit reason
2. Approved plans condition
Reason: Standard approved plans reason

Pre-commencement Conditions:

3. Submission of and adherence to a construction management plan
Reason: In the interests of the amenities of the area.
4. Precise design details for noise insulation and ventilation measures
Reason: In the interests of the amenities of future occupiers
5. Details of all external materials (to include joinery details, finish and colour of all new rendering and design details for new windows)
Reason: To ensure a satisfactory form of development and to protect the special character of the historic environment.
6. Submission of and adherence to pollution prevention measures for the River Derwent
Reason: To protect the adjacent wildlife site during the course of the works.

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Pre-occupation Conditions:

7. Delivery of works in accordance with mitigation measures outlined in the FRA
Reason: To deliver the identified resilience measures in the interests of minimising flood risk and safeguarding future occupiers.
8. Submission of a detailed flood warning and evacuation
Reason: To safeguard future occupiers from flood risk.
9. Submission of precise design details for boundary fence
Reason: In the interests of visual amenity.
10. Submission of precise design details for any external lighting
Reason: To ensure that impacts for the local wildlife site are minimised.
11. Implementation of cycle parking
Reason: To encourage alternative sustainable means of transport to the site.
12. The marking out / delineation details for parking spaces
Reason: In the interests of highway safety.

8.4. Informative Notes:

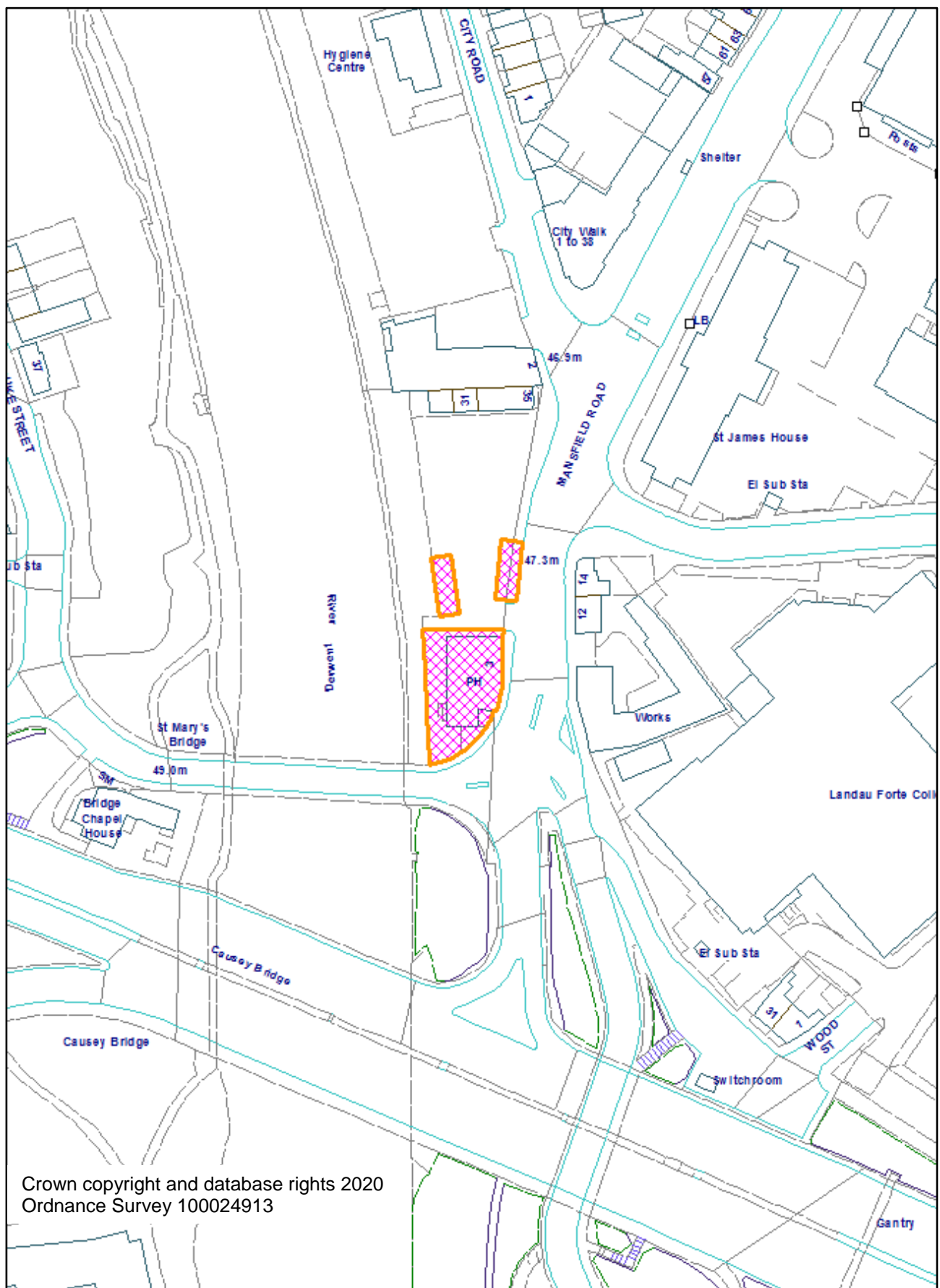
The consent granted will result in alterations to an existing building which needs naming and numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.

8.5. S106 requirements where appropriate:

None.

8.6. Application timescale:

The target date for the application has been extended into the bat survey season to allow the necessary bat surveys to be undertaken at the appropriate time of year and to allow the survey information to be considered, in consultation with DWT, prior to the determination of the application.



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Committee Report Item No: 3

Application No: DER/03/18/00313

Type: Full Planning Application

1. Application Details

1.1. Address: Middleton House, 27 St Marys Gate, Derby.

1.2. Ward: Arboretum

1.3. Proposal:

Change of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/03/18/00313>

Description

This full planning application seeks permission to change the use of 27 St Marys Gate and Middleton House to form 52 residential apartments along with the conversion and extension of the caretaker's bungalow to form a dwelling house. The existing garage block would be converted to form cycle and bin storage together the associated car parking and landscaping.

This full planning application was accompanied, at submission, by a Listed Building Consent Application, under code no. DER03/18/00314. This application was granted consent in October last year. The listed building consent only relates to the Grade II Listed St Marys Gate (Former Technical College Annexe).

The application site is located on St Mary Gate with the listed heritage asset fronting St Marys Gate and the site extending rearward, in a southerly and easterly direction, towards George Yard/Blacksmiths Yard and Iron Gate, respectively. The site is occupied by 27 St Marys Gate which is a three storey property with basement and Middleton House 5 storey property with basement and roof space. The application site covers an area of 0.25 hectares. The site was formerly occupied by Derby City Council however as it been vacant since staff moved into the Council House in 2012/13. The applicant will seek to purchase the property from DCC upon obtaining planning permission.

The application site is located on the southern side of St Marys Gate and is bound by properties fronting St Marys Gate, George Yard/Blacksmiths Yard, Iron Gate and Bold Lane. The surrounding properties are a mix of commercial and residential. A high proportion of these properties are also Listed Heritage Assets. The site is also located within the City Centre Conservation Area. The relationship of the proposal with the heritage assets which includes the surrounding listed buildings and the conservation areas will be discussed later within this report. The surrounding area provides context to the application site along with Middleton House being prominent on the skyline, from certain advantage points.

The application site is to the north of the City centre and is located within the Central Business District (CBD) and City Centre Character Area. The site is located in the historic core of the City Centre in close proximity to the Cathedral. St Marys Gate is a one way street which links Queen Street and Bold Lane. St Marys Gate benefits from

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on street pay and display parking. The site itself benefits from off street parking which will be retained as part of the development. Land levels across the site decline from the east to the west with those properties on Bold Lane being at a lower land level. There are a number of trees within the curtilage of the application site, particularly to the rear which provide amenity to the application site and the Blacksmith's Yard. There are also a number of trees within the courtyard. The trees are not protected by Tree Preservation Orders but are covered by the City Centre Conservation Area. There are no water courses within the application site.

In terms of the layout of the application site, the site comprises of no. 27 St Marys Gate and Middleton House. Both 27 St Marys Gate and Middleton House have been used as office accommodation for Derby City Council employees with the ground floor of Middleton House also housing the local studies library until its recent move into the Riverside Chambers. 27 St Marys Gate is statutory listed. Two outbuildings are also within the site, the caretakers lodge which has been previously used as office accommodation and the garage block which has been un-used. The site also benefits from an access directly from St Marys Gate which leads to the car parking area. There are a number of vacant spaces around the site although these are of insufficient size to provide any useable amenity space. There is also a vehicular access point from Iron Gate to the east of Middleton House; it is noted that this vehicular link does not provide access to the main car parking area or St Marys Gate and there are no proposals to introduce such.

During the life of the both applications officers have provided detailed guidance on the content of consultation responses and have sought amendments to the overall scheme along with updates to supporting information in respect of the following:

- Updated Design and Access Statement
- Updated Built Heritage Statement/ Heritage Impact Assessment
- Updated Noise Assessment
- Arboricultural Survey
- Additional Highways details including access swept path analysis
- Design and external appearance – amended plans have been submitted during the life of the application these have secured the following:
 - Removal of the substantial extensions to the garage and conversion of the garage to form bin and cycle store along with external alterations to reinstate the archways and double doors
 - Removal of the substantial extensions to the caretakers lodge and the change of use of the caretakers lodge and modest extensions to form a 3 bedroomed dwelling
 - Amendments to the external alterations including amendments to the roof extension of Middleton House and lift overrun
 - Amendments to the internal layout to remove the insertion of staircases, increase residential amenity and provide clarification on the internal works particularly to the listed element

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The application, as updated, seeks permission for the conversion of 27 St Marys Gate and Middleton House to form 52 apartments along with the conversion of the Caretakers Lodge to form one dwelling house and the conversion of the garage block to form cycle and bin storage. The existing car parking will be retained to provide 51 car parking spaces, although there are some concerns relating to the accessibility of some of these spaces and access for servicing. The internal courtyard of Middleton House will also be retained as a landscaping and amenity feature for the residents of the development. With the exception of the extensions to the Caretakers Lodge and a small extension to the first floor of 27 St Marys Gate there are no other external alterations/extensions proposed. That being said, a roof extension is proposed on Middleton House which will provide accommodation within the third floor. The existing windows will be repaired or replaced, details of which will be secured through condition.

The conversion of the building will utilise the existing basement level of both St Marys Gate and Middleton House along with the third and fourth floors. Amendments have sought to ensure a satisfactory living environment is provided within these levels. The floors are linked by a series of stair wells.

Each apartment benefits from either one, two or three bedrooms with open plan kitchen and living room along with a bathroom. It is noted that some bedrooms also benefit from an en-suite.

Within the basement level no accommodation will be provided within no. 27 St Mary's Gate. The existing form and layout of the building will be retained. It is unclear from the submitted plans if any existing rooms will be used for storage, if this is the case I have no planning concerns. The basement of Middleton House will accommodate a number of apartments that straddle this level and the ground floor, no's 4, 5, 8, 9, 15 and 16. These apartments benefit from bedrooms and bathrooms in the basement level but kitchens and living space on the ground floor. Apartments 17, 18, 19 and 20 are located solely within the basement level. The windows of the basement rooms straddle the below ground level and the external land level.

The ground floor of St Marys Gate will accommodate no. 3 apartments each comprising of two bedrooms, bathroom and open plan kitchen and dining room. Apartment 1 will be facilitated by a small extension to the rear and also accommodates the ground floor timber panelled room. As stated above some accommodation is provided at this level that is linked to the basement level (apartment no's 4, 5, 8, 9, 15 and 16). Apartments no's 6, 7, 10, 11, 12, 13 and 14 are all located on this level.

The first floor accommodates apartments no's 21 – 34, as with the floors below these apartments are either 1, 2 or 3 bedroomed. Apartment 21 also benefits from an outdoor terrace which overlooks the car parking to the rear. The second floor will accommodate apartments no's 35 – 46. The third floor accommodates no apartments within no.27 St Marys Gate and only part of the roof space of Middleton House is used, this has been facilitated by the roof extension. Apartment no's 47 – 51 are located within the third floor and apartment no. 52 is located within the fourth floor of the Middleton House tower.

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Externally, little change is proposed to No. 27 St Marys Gate with the exception of the first floor rear extension which will enclose two existing rear projections. The extension will form a link corridor for apartment no. 21. This link has been provided to minimise works/disturbance to the timber panelled room and will follow the form and external appearance of no. 27 St Marys Gate, with additional glazing details. As stated above, details of window replacements/repairs will be secured by condition. The main roof elevation overlooking the car park of Middleton House will accommodate a series of 11 conservation roof lights which will facilitate the use of the roof space. The inner roof scape of Middleton House will also be extended to accommodate additional windows, and an extension which will accommodate the stairwell and service lift overruns and any services. These extensions are modest in scale and will have limited impact on the external elevations of Middleton House.

A further 3 bedroomed apartment will be provided in the Caretakers Lodge. This will be facilitated by a modestly sized single storey side extension. The single storey extension will replace the existing timber part of the building which is currently in disrepair and offers very little in terms of amenity to the Caretakers Lodge or the surrounding designated heritage assets. The extension is set back from the front elevation of the lodge and benefits from a reduced ridge. The extension will accommodate two new windows, replacing 5 that exist in this 'extension', one serving the en-suite and the other servicing the bedroom. I would consider that there is sufficient distance between these windows and the common boundary for there not to be an issue of overlooking or loss of privacy. The Caretakers Lodge would also benefit from two car parking spaces and a private courtyard which will be bound by a combination of new boundary walls and walls and railings.

The garage block will be converted to provide cycle and bin storage. The external elevations will be retained and the archway entrances will be reinstated.

2. Relevant Planning History:

Application No:	03/18/00314	Type:	Listed Building Consent
Decision:	Granted Conditionally	Date:	16/10/2019
Description:	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping.		
Application No:	01/02/00025	Type:	Full Planning Application
Decision:	Granted	Date:	10/01/2002
Description:	Erection Of Telecommunication Dish		

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Application No: DER/03/18/00313

Type: Full Planning Application

3. Publicity:

Neighbour Notification Letter sent to 26

Site Notice

Statutory Press Advert

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

4. Representations:

- The application is in keeping with the area, would preserve the appearance of the existing building
- The proposal would enhance the area and bring a building back into use which would stimulate the daytime and night-time economy of the city centre
- There are concerns that the alleyway linking to Iron Gate should not be used as it is too narrow and would impact on the residential amenity of surrounding properties
- The impacts of noise and traffic would be outweighed by the economic and regenerative benefits
- There is insufficient parking for 53 apartments, where would others park and would this have an impact on surrounding properties,
- The access to the site is narrow and is unlikely to allow two vehicles to pass how will this be managed
- Concerns regarding to the introduction of the new builds within the car park

A series of questions have been asked by an objector these have been answered and no further comments have been provided. These questions relate to glazing within the building, overlooking, groundworks, pedestrian links, car parking and the former garage and caretaker's bungalow extensions.

5. Consultations:

5.1. Historic England:

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

5.2. Conservation Area Advisory Committee:

Welcome the evolution of the scheme. The retention of the curtilage of buildings is also welcomed. The current proposals are more sensitive than those of former schemes. The removal of the roof extension and replacement with the roof lights is welcomed. Would welcome the clarification on the internal works, timber cupboards, M&E vents etc.

Recommendation:

Welcome progression and the scheme and suggest securing the additional details

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5. Consultations Cont'd

5.3. County Archaeologist:

Thank you for consulting us on the additional archaeological information which has been provided to support this application. The desk-based assessment submitted provides an up to date review of the available archaeological evidence from the area surrounding the proposed development site.

It concludes that the site in question has a high potential for the survival of archaeological remains of medieval to modern date, which will be impacted by the re-development of the current site of the caretaker's lodge and the establishment of new services to this part of the site.

We would agree with the conclusion of the desk-based assessment that a scheme of trial trenching, and any further recording which may be necessary on the basis of the results of this assessment, will be sufficient archaeological mitigation in this case. This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost. We would therefore recommend that a pre-start condition be attached to any grant of permission for the scheme requiring the submission of a written scheme of investigation.

5.4. Joint Amenities Society:

No comments have been received from the Joint Amenities Society's.

5.5. Built Environment:

Heritage Conservation Consultation – 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

Middleton House (27 - 29 St Mary's Gate, Former Technical College Annexe – south side of St Mary's Gate) is a grade II listed building (NHLE: 1229222). It is an important and prominent 'renaissance style' building of red brick with stone dressings on St Mary's Gate. The building dates from 1912 and has extensions to the rear that were constructed in several phases in the 1920's and 1930's. There are a number of important listed buildings adjacent to the building and it is located within the City Centre Conservation Area. There are important views of the building, and its rear extensions, from St Mary's Gate and from Bold Lane.

Comments

The application has been amended through the life of the application and I welcome the current amended scheme. There is a need to get this building back into use and I support the principle of a residential use (subject to the control of detailed design to ensure solutions are as sensitive as they can be).

The scheme has been amended to overcome a number of issues including ones I had with; an over dominant roof extension to 27 St Mary's Gate, the lift shafts visual

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appearance, the scheme now retains the listed garage outbuilding in its current form and the caretakers lodge which now has a modest extension, clarification on high level strategies for items such as M&E, vents, flues, drainage has been provided.

With this type of use there is a need for a level of alteration to facilitate it. There is therefore a level of harm, to the significance of the listed building, due to these alterations and intensification to install the subdivision, roof lights, lift shaft, WC's, shower/bathrooms and kitchens as well as making sure sound insulation and any fire compartmentalisation requirements are met. To protect fine ornate plaster cornices in the principal rooms I would suggest that 'pod' bath/shower rooms are used in the principle rooms where ceiling heights are high. An elevation and sectional drawing through these in relation to the main ceiling height are needed. The harmful impacts of many of these alterations intend to be reduced further by controlling the finer detailed design of this through condition.

There are acceptable high level strategies regarding works to M&E, vents, flues, sound insulation, building regulation requirements for fire partitioning, damp remedial work proposals. There is limited detailed clarity currently on the proposed drainage runs and drainage service risers and I suggest that should you be minded to grant permission there are conditions to agree the detailed design of these and their locations to ensure they are limited in number and have a limited impact on the decorative plaster ceiling cornices.

Policies

The proposed development is contrary to section 66(1) and 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990. The NPPF including section 12 Conserving and enhancing the historic environment. In particular paras of the NPPF (2018) para 192, 193, 195, 196, 197, 198 are particularly relevant here. The proposal is contrary to the Adopted Policy CP20 of the Derby City Local Plan – Part 1: Core Strategy (2017) and to saved Policies E18 and E19 of the City of Derby Local Plan Review (2006).

Conditions

I suggest should you be minded to grant permission that there are a number of conditions attached for information that needs to be submitted and agreed in advance of that element of the works starting (instead of pre- commencement conditions) including;

- a landscaping scheme including the proposed surfacing, as well as method statement and repair schedule for the curtilage structures and walls. - Material condition regarding the repairs, alteration and extension to main building, garage and caretakers lodge.
- condition to control method of the removal modern stud partitions and making good of plasterwork,
- a door and window schedule to confirm repair and replacement proposals to these elements and joinery details (elevation and sectional drawings at an appropriate scale) where appropriate.
- Clarification on the proposals to implement the fire strategy on all elements including doors,

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- method of blocking up doors so that the door linings are not damaged and can be seen, - details of new windows and surrounds to new windows to basement etc.
- In terms of any new openings an elevation drawing is needed to show the height of the proposed opening.
- details and locations (elevations, in plan and sectional drawings) of any proposed M&E, vents, flues, drainage runs, sound insulation, building regulation requirements for fire partitioning including any intumescent products, internal and external lighting, heating details, damp remedial work proposals and finishes to doors, windows, walls, floors and ceilings.
- Drainage runs and locations should be kept to a minimum and minimise damage to decorative ceiling cornices.
- Method statement for repairs to cornices, coving and dado rail to be submitted. - Clarification and agreement on extent of the retention, amendment or removal of cupboards in rooms.
- Further design details of the kitchen and servicing to retain as much of the fine cupboards to install doorway into room 21.
- I would suggest pod bath/shower rooms are used in the principle rooms where ceiling heights are high. Identification on where these are to be used and an elevation and sectional drawing through these in relation to the main ceiling height are needed.

Conclusion:

There is an impact on the building as a result of these proposals. There is an impact, of getting residential use into this building, which is harmful and classed as 'less than substantial' harm on the significance of this building as a designated heritage asset. Para 196, NPPF, states that if the proposal will lead to less than substantial harm then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This weighing up is undertaken by the Development Control Case Officer.

Recommendation:

No objection on heritage grounds (subject to conditions)

5.6. Highways Development Control:

The following comments are written in respect of the above application. The original car parking allocation within the initial submission was detailed at 46 car parking spaces. The latest revised plan has seen this number grow to 50 car parking spaces. There a number of indicative electric car charging points included on the latest submission. The provision of this infrastructure is welcomed and will help to reduce the impact of the development.

There are currently no marked accessible car parking spaces marked on the plan. Derby City Council's parking standards states 1 space per 25 where 25- 100 spaces are provided. Two marked spaces in a suitable location would therefore be in line with the standards.

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The provision of cycle storage is marked on the drawing. It does not mention the number of cycle spaces. The number of cycle spaces should be suitable to the scale of the development so that it caters for all future residents. The storage should also be secure and covered.

The trip generation of the development is still set to create a net reduction in trips from its current land use. As such, there will be no material impact on the highway network. In light of the above, no objections subject to the suggested conditions provided by HDC colleagues.

Conditions have been requested that relate to the delineation of car parking bays, the provision of electric charge bays and cycle parking.

5.7. Land Drainage:

The proposed development is for a change of use from 'Less Vulnerable' development to 'More Vulnerable' development according to Table 2 of the Planning Practice Guidance for Flood Risk and Coastal Change. The second element of the development is the introduction of new residential blocks which fall under the 'More Vulnerable' category.

However, the development is located within Flood Zone 1 according to the Environment Agency and the Council's SFRA and the site is at low risk of surface water flooding. Therefore, in principle I have no objections to the development.

However, although the site is currently fully paved, it is a large site with some potential for reduction of surface water flood risk by implementing a sustainable drainage system. The Non Statutory Technical Standards for Sustainable Drainage Systems (SuDS) (DEFRA, March 2015) states that previously developed land should, where practical and feasible, reduce surface water runoff to pre-development greenfield levels. Therefore a drainage scheme, making use of SuDS principles should be required with the use of a planning condition to secure a surface water drainage scheme.

5.8. Environmental Health:

Noise

I refer to my colleague Paul Travis' consultee comments of 4th April and 17th June 2019 respectively, regarding noise implications for the development.

Those comments highlighted pertinent information seemingly omitted from two previous noise assessment submissions, which had been received in support of the above planning application.

I now note the submission of additional noise information in response to those comments, namely:

- Email of 2nd July 2019 from Adam Cavell, Severns Developments (Middleton House) Limited; and
- Memo of 19th June 2019 from Chris Parker, Environmental Noise Solutions Limited.

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5. Consultations Cont'd

I can comment on the two pieces of correspondence as follows.

Adam Cavell email – 2nd July 2019

In his email, Mr Cavell confirms Paul's assumption that much of the existing timber-framed single glazing is due to be retained and that the glazing is 4mm thick. This therefore highlights the difficulties in achieving suitable and sufficient noise mitigation.

Mr Cavell also confirms that there are no specific amenity areas proposed within the development, therefore I would accept that further assessment of external amenity noise levels is not necessary.

In his email, Mr Cavell clarifies that layout changes as a noise mitigation option have been effectively ruled out due to the confines of redevelopment of an existing listed building. This confirms that the development is therefore relying on a window/ventilation insulation scheme to provide the necessary noise mitigation.

Chris Parker Memo – 19th June 2019

In his memo of 19th June 2019, Mr Parker helpfully provides direct responses to each of the outstanding queries and concerns raised by Paul Travis in his comments of 17th June 2019.

I can confirm that I would accept the justification provided in the majority of cases, with the exception of the following outstanding notable points of concern:

- i. Clarification is provided regarding the restricted measurement period, which is helpful. I would however reiterate Paul's concerns that the monitoring was limited in scope and therefore significant uncertainty remains over whether the monitoring period actually captured representative local noise levels, given the variability in the timing and nature of music-related events at local licensed premises.
- ii. There is still concern that noise levels experienced at the upper floors of the proposed development could be higher than those monitored at 1st floor level and subsequently reported on. The response from Mr Parker on this point is based on anecdotal information and not based on detailed analysis.
- iii. Mr Parker correctly assumes that it is accepted by this Department that allowing windows to be kept open does not appear to be feasible in relation to the proposed scheme. I do however fundamentally disagree with the interpretation of the implications of this in terms of amenity provision as suggested by Mr Parker. To the contrary, being unable to open windows is evidence of the scheme's inability to provide an acceptable level of amenity.

In my view, noise levels would almost inevitably be higher at the upper floors where there is more direct line of sight to the rear external areas of bars/clubs on Sadler Gate and Blacksmiths Yard, many of which are licensed to play music outdoors until very late.

This is justified by the presence of a 2m (approx.) wall along the entire northern boundary of George Yard, with a further line of boundary walls/fencing (in many cases up to 3 or more metres in height) along the southern edge of George Yard and serving the rear external areas of the licensed premises mentioned e.g. The Dog & Moon, Blue Note and The Forge.

5. Consultations Cont'd

The barrier effect provided by these obstructions would still be significant for the monitoring which took place at first floor height, but would become less significant for the upper floors, thus increasing the assumed noise levels as experienced by future occupants of the 4th floor in particular.

This has relevance to both the L(A)eq and L(A)max measurements quoted in the report, which were subsequently used as the basis for insulation design, rendering the scheme potentially insufficiently protective.

Conclusions and Recommendations on Noise

Based on the evidence provided, it is apparent that the proposed development provides an inadequate level of noise amenity for future residents. This is primarily due to the fact that recognised internal noise level guidelines cannot be achieved unless windows are kept closed.

This is exacerbated by the additional uncertainties around the limited monitoring data and potentially higher noise levels than those stated, experienced within future dwellings on the upper floors (2nd floor and above) on the southern façade of the building in particular.

In the circumstances and in light of the history of complaints associated with late night noise from Sadler Gate, I would expect complaints from future residents of the development to be highly likely.

Whilst the reports do go some way to provide mitigation in the form of window insulation, additional noise mitigation does not appear to be possible in light of the inherent constraints of the scheme prohibiting any degree of flexibility in the design.

I would strongly argue that residential development on this site is an inappropriate use of the land, when considering noise in isolation and therefore the application is in direct conflict with both local and national planning policy.

Consequently, the Environmental Protection Team objects to the application on noise amenity grounds.

I do acknowledge however, that there may be other factors considered within the Planning context that might make this site a desirable location for residential dwellings and which may, in the opinion of the LPA, outweigh the unacceptable harm expected from noise.

As a result, if the LPA are minded to grant planning permission regardless, then I would recommend a planning condition is attached to the consent, requiring a further noise survey, additional assessment of noise and reconsideration of noise mitigation in light of the updated assessment.

The updated survey will need to be designed in order to address the outstanding concerns highlighted above and the monitoring, assessment and proposed mitigation should all be agreed and implemented before the development is occupied.

Land Contamination

I note that the proposal intends to convert existing commercial/offices into residential units.

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5. Consultations Cont'd

Whilst the site itself has not been indicated as being at risk of significant ground contamination due to its historical use, the proposed development is considered to be a 'sensitive' land-use.

Consequently, assessment of potential contamination in the ground ought to form a part of the development process.

The Environmental Protection Team therefore strongly recommends that appropriate conditions are attached to the planning consent, should it be granted, requiring the submission of a Phase I, Phase II, and remediation statement and verification report are submitted to and approved in writing by the Local Planning Authority.

Air Quality

There are no comments to make in respect of this proposal and air quality.

5.9. Derbyshire Wildlife Trust:

Further to our earlier consultation responses dated 15th May 2018 and 12th February 2019 it is understood that this is a re-consultation on the scheme. There is no new information available, so our previous response from 12th February 2019 remains valid. For ease of reference I have set this out again in this response letter. In our earlier response we concurred with the recommendations of the March 2018 daytime bat survey report prepared by EMEC Ecology that the results of three bat activity surveys were required prior to determination.

The latest letter report provides details of further bat survey work carried out in accordance with current best practice guidance.

The report presents the results of bat activity surveys carried out on 26th June, 17th July and 7th August 2018 which confirm the presence of two Common Pipistrelle bat roosts under slates of the roof slope at the western end of the courtyard.

On the basis of the information submitted, we advise that the proposed development is likely to affect bats through disturbance of a European protected species and the damage or destruction of a resting place. We therefore concur that a Natural England licence will be required to enable any works to the roof in this area of the site to proceed without committing an offence.

We advise that the proposed mitigation and compensation outlined in the Conclusion & Recommendations section of the Evening Bat Activity Surveys letter report prepared by EMEC Ecology dated 21st August 2018, comprising the installation of bat slates in the roof as work progresses and the installation of bat boxes on the building before work commences, are broadly in accordance with the requirements of the Bat Mitigation guidelines and should maintain the bat population identified in the report. A condition requiring the submission of a detailed bat mitigation strategy shall be submitted and approved.

Overall, it is likely that the assessment that has been undertaken for bats meets Government guidance within the Circular 06/2005 and, as such, sufficient information in respect of these protected species has been supplied to enable the Local Planning Authority to make an informed decision in accordance with the guidelines and determine the application. The submission of the additional ecological information

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also gives the Local Planning Authority confidence that a planning decision can be made having taken the presence of European Protected Species fully into account and that the Authority has given regard to their obligations under the Conservation of Habitats and Species Regulations 2017.

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of a bat roost, we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))
- (ii) That there is no satisfactory alternative (Regulation 55(9)(a))
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b)) While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed mitigation and compensation outlined in the Conclusion & Recommendations section of the Bat Activity Surveys report it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed mitigation and compensation outlined in the Conclusion & Recommendations section of the Bat Activity Surveys report it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

The Evening Bat Survey report highlights the need for sympathetic lighting that does not light up the bat foraging areas and maintains the shaded areas. A condition requiring the submission of an external lighting strategy shall be submitted and approved.

We support the adoption of a proposed precautionary approach to nesting birds as indicated in section 5.2 of the Daytime Bat Survey report if works to the roofs of the building are planned to take place during the bird breeding season. This is particularly relevant to swifts, a declining, predominantly urban, species. Although no evidence of nesting birds was recorded during the daytime survey, certain loft spaces were not accessible and swifts leave very little evidence of nesting activity. Particular care should therefore be exercised in respect of this species and a condition ensuring the works are carried out in accordance with the daytime bat survey.

5.10. Built Environment - Trees:

The submission of the tree survey, Arboricultural Impact Assessment (AIA) and design stage Arboricultural Method Statement (AMS) is welcomed.

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5. Consultations Cont'd

There does appear to be a few mistakes in the tree survey: The report states that 'All existing trees are located within a conservation area and are therefore subject to a Tree Preservation Order.' Whilst they are protected by the Conservation Area legislation it is not a TPO. RPAs have been plotted irrespective of existing site constraints (existing structures and surfaces). The final Tree Protection Plan (TPP) must take existing site constraints into account and an assessment of likely root distribution must be included within the final TPP.

It does mention that some facilitation pruning (thinning) would be required to reduce future conflict with the building and for the erection of scaffolding. Thinning would not reduce this conflict or allow scaffolding. Targeted crown/branch reduction would; a works schedule must be supplied (can be conditioned) detailing the facilitation pruning. This would form part of the final AMS.

The recommendation within the design stage Arboricultural Method Statement (AMS) does follow the guidance within BS5837 and states that following would be required:

- Locations of all site accommodation.
- Site construction access.
- Construction staff parking.
- Materials storage areas including the location of materials storage hoppers.
- Specialist work areas including areas for the mixing of materials, location of cranes, plant and scaffolding.
- Construction zones for foundation excavation (including landscaping features).
- Final locations of protective barriers.
- Location of temporary new and temporary service runs.
- Location of temporary materials storage such as spoil heaps etc.
- Location of new and temporary access roads.
- Construction works phasing.
- Final location of all protective fencing.

I can confirm that the above details would be required and must be conditioned. The AMS (in accordance with BS5837: 2012) must be supplied and approved prior to the commencement of development.

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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 on Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP12	Centres
CP17	Public Green Spaces
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC5	City Centre Environment
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E12	Pollution
E13	Contaminated Land
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses within Buildings of Architectural or Historic Importance
E21	Archaeology
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

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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. The NPPF was most recently updated in February 2019 and any older versions are replaced.

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Heritage Assets

7.3. Socio-Economic Benefits

7.4. Design, Street Scene and Amenity

7.5. Transport and Access

7.6. Environmental Impacts

7.7. Planning Balance

7.1. Principle of Development

The proposal to convert Middleton House to provide 52 new residential apartments and the works to the Caretaker's Lodge would result in a total of 53 new residential dwellings being provided in the City centre, a highly sustainable location.

Middleton House is currently a vacant former office building which sits in the City Centre Conservation Area and in close proximity to several high value heritage assets, including Derby Cathedral. The proposal is for the change of use of the buildings with a small extension to the lodge and therefore the proposed development is unlikely to adversely affect the setting of any of the heritage assets.

Bringing this vacant building back into use would be a positive step after several years of vacancy. The proposals present an opportunity to contribute significantly to the social and economic offer of the city centre.

The site is very well related to a wide range of services, facilities and employment opportunities. It is also well related to transport hubs meaning that it presents opportunities for residents to live there without the need for a car.

Central Business District Location

The site is not allocated for any specific purpose in the saved policies of the City of Derby Local Plan Review (CDLPR) or in the Adopted Core Strategy. It sits within the Central Business District (CBD) and the City Centre and therefore policies AC1 (City Centre Strategy), AC2 (Delivering a City Centre Renaissance), AC4 (City Centre Transport and Accessibility) and AC5 (City Centre Environment) are relevant.

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The thrust of these policies sets out the vision and aspirations for the City Centre and its component areas (Quarters) and focuses on delivering a renaissance for the City Centre and reinforcing its economic, cultural and social role. The Core Strategy sets a target for the delivery of 2,200 new homes in the city centre over the plan period (2011-2028). This target includes a need for around 1,000 new homes outside the strategic allocations of Castleward and the Former DRI which form part of the wider city centre. This means that around 1,000 new homes are expected be provided broadly within or around the inner ring road area of the CBD.

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

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

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

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

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

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

Policy AC2 identifies the proposal site as being within the 'Cathedral Quarter' of the city centre. This is the historic core of the city centre and as such houses a number of important historic buildings. The location is within a Conservation Area and so

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7. Officer Opinion Cont'd

there is clearly a need to carefully consider the potential impacts of the proposals on heritage assets. The impacts on heritage and the setting of historic assets is particularly important but there is only very minimal new build as a part of these applications and so it is unlikely that any new structures will seriously adversely affect any heritage assets.

General Development Principles

In terms of the general principles, Core Strategy policies CP1(a), CP2, CP3, CP4 and saved policies GD5 and H13 of the CDLPR are all relevant. These are general policies which seek to ensure that a sustainable and acceptable form of development is provided. They include requirements to ensure that the design, layout, siting, scale mass etc. of new development is appropriate in the environment which it will sit. Policy GD5 of the CDLPR is a saved policy which seeks to ensure that the amenity of the development site and buildings and that of nearby areas is not unacceptably harmed by proposals.

Policy CP2 (Responding to Climate Change) requires consideration of the location of new development to seek to deliver sustainable growth. In this case, the city centre is a highly sustainable location with access to a wide range of jobs, shops, services and leisure offer as well as a choice of public transport modes.

The policy also seeks best practice in energy use and water efficiency. CP2 also sets out requirements for flooding and drainage matters and this includes that on major residential development SUDS are implanted to mitigate drainage issues.

CP2 also requires developers to seek to provide sustainable forms of construction which can include considering the layout and orientation of buildings and the materials used. Clearly for a change of use application, the layout and orientation of the buildings are already set.

CDLPR Saved policies H13 and GD5 are particularly important because the site is set behind a wide range of other buildings of varying uses, some of which could potentially adversely affect residential amenity. These policies require consideration of residential amenity and the living environment which will be created. As ever, there is a balance to be struck between the sustainable location of the city centre and the surrounding uses which include bars and cafes.

Historic Environment

Saved CDLPR Policy E18 in respect of Conservation Areas requires that within Conservation Areas developments should preserve and enhance the character of the Conservation Area, encourage physical and economic revitalisation and ensure that new buildings enhance the Conservation Area in terms of the siting and alignment of the buildings and the mass, scale, and design of them.

Also of relevance and importance is Saved Policy E19 (Listed Buildings and Buildings of Historic Importance). The policy states that proposals will not be allowed which would have a detrimental effect on the special architectural or historic interest of a statutory listed building or its setting. The existing buildings and environs are statutorily listed but given that the vast majority of the proposal is for change of use of the building there are unlikely to be significant adverse impacts of the buildings or setting as a result of any physical works.

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7. Officer Opinion Cont'd

The saved CDLPR policies above are complemented by Policy CP20 in the Adopted Core Strategy. This policy relates to the Historic Environment and, similarly to the saved CDLPR built environment policies, seeks that development serves to preserve and enhance the Conservation Area.

The site also falls within an archaeological alert area and saved policy E21 of the CDLPR sets out specific requirements in this respect. The policy requires an archaeological evaluation and mitigation strategy to ensure that any remains of archaeological significance are not unduly disturbed. This would really only apply to the new build element of the site.

The Conservation Team has provided views on the proposals and how they sit with local and national policy and guidance. In Section 7.2 of this report the impact of the proposals and their relationship with heritage assets is considered in detail.

Residential Uses

Generally, proposals for residential development in the City Centre are welcomed, in principle, subject to being consistent with other relevant policies.

The City Centre has been designated as a Housing Zone and the Council has a City Living Initiative which seeks to boost residential uses in the City Centre. The Core Strategy identifies the City Centre as a strategic location to deliver a minimum of 2,200 new homes during the plan period.

Recently there have been a number of applications and permissions for high density new build student schemes in the city centre as well as prior approval office conversions. Many of these have been or are being implemented. Therefore, this proposal presents an opportunity to deliver a different offer of city living which could diversify the residential offer in the city centre.

Residential uses in this location would be consistent with the objectives of the Core Strategy and the saved policies of the CDLPR, in principle. However, the detailed matters discussed in this report must be carefully considered and satisfied to ensure that the details of this development are acceptable.

The scheme, as proposed would lead to the delivery of 53 new residential units and policy CP7 (Affordable and Specialist Housing) requires that on residential schemes of 15 or more dwellings that up to 30% affordable housing is provided. In the instance of this application, the buildings have been vacant for a considerable period of time and therefore the applicant is entitled to Vacant Building Credits (VBC). Vacant Building Credits is a national policy which provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The applicant is entitled to use VBC and as a result is not required to contribute towards affordable housing, in this instance.

Highway and Access Issues

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Policy CP23 (Delivering a Sustainable Transport Network) sets out requirements relating to developments in the context of transport and access matters. The city centre generally provides a very sustainable location for residential uses in that the need for car ownership and use can be significantly reduced. The policy seeks to promote active walking and cycling and to achieve better safety and security. The proposals do include some car parking provision on site where the existing car park will be used.

Policy AC4 (City Centre Transport and Accessibility) complements CP23 and sets out more specific ambitions and requirements for development in the city centre.

Parking standards are set out in Appendix C to the Core Strategy. These are maximum standards and in highly accessible locations such as the city centre, lower levels of parking are encouraged.

Highways DC Officers have provided comments on how the proposals sit with the local and national policy framework for highway access and parking. The highway and parking matters are considered in more detail in Section 7.5 of this report.

Infrastructure

Policy MH1 (Making it Happen) sets out requirements for appropriate supporting infrastructure to be provided with new development. The proposals for this amount of new homes would give rise to supporting infrastructure requirements and to mitigation requirements. Although, the city centre is a sustainable location generally, new development of this kind will increase the population living in the area and give rise to the need for certain infrastructure to mitigate the impacts of the development.

Policy Context Summary and Conclusions

The city centre is a sustainable location for new homes and the principle of residential development in the city centre is acceptable. However, there are detailed matters and specific policy requirements which must be met in order that the proposal is acceptable. These will now be considered in the report.

The benefits of the proposal and the adverse impacts must be considered in terms of the overall planning balance. The proposal has the potential to deliver 'city living', meeting some of the Derby's assessed housing needs and contributing to delivering a minimum of 2,200 new homes in the city centre between 2011 and 2028. The development would provide 53 new dwellings which would contribute to the Council's 5 year housing supply. The development also has regeneration benefits. It brings back into use a vacant building. The proposal makes the buildings available for residential uses which would also contribute to increasing vibrancy in the area which is a further positive for the city centre environment.

However, the benefits must be considered against any adverse impacts. This requires considering the details of the proposal against the place making, character and context and design principles, as well as the GD5 '*Amenity*' and H13 '*Residential Development – General Criteria*' policies of the CDLPR. These matters are particularly important in terms of possible impacts on and from neighbouring uses, particularly in city centre locations such as this.

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Particular care is required in considering any potential adverse impacts on the historic environment including listed buildings and the Conservation Area and the relevant test in the NPPF should be fully considered.

7.2. Heritage Assets

The application relates to a Grade II Listed Former Technical College Annexe, 27 St Marys Gate and the adjacent Middleton House along with the Caretakers Bungalow and garage block which are within the curtilage. The application site is also located within the City Centre Conservation Area. There are also a number of heritage assets that reside within the sites context, this includes but is not exclusive to:

- City Centre Conservation Area
- Friar Gate Conservation Area
- Grade II 25 – 26 St Marys Gate
- Grade II* 35 – 36 St Marys Gate
- Grade II 37 – 38 St Marys Gate
- Grade II 40 St Marys Gate
- Grade II 42 St Marys Gate
- Grade I Cathedral, Church of All Saints
- Grade II 10 St Marys Gate
- Grade II 11 St Marys Gate
- Grade II Former Rural District Office, Cathedral Quarter Hotel
- Grade I County Hall
- Grade II 9 – 11 Bold Lane
- Grade II 20 – 21 Iron Gate
- Grade II 22 – 23 Iron Gate
- Grade II 24 Iron Gate
- Grade II 25 Iron Gate
- Grade II 27 Iron Gate
- Grade II 28 – 32 Iron Gate, Standing Order
- Grade II 33 – 34 Iron Gate

The applicant has submitted a Built Heritage Statement that has been duly amended and updated during the life of the application to reflect comments of the Council's Built Environment Officer. The assessment has sought to provide an assessment of the proposal and a number of heritage assets, some as listed above, in accordance with the requirements of para.189 of the NPPF.

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7. Officer Opinion Cont'd

The applicant has not provided any views of the proposed development and the relationship with the aforementioned heritage assets. However I do not consider that a view analysis is necessary given the limited external alterations to 27 St Marys Gate and Middleton House.

The Built Heritage Statement considers the legislative and planning policy framework, an appraisal of the historic built environment, the proposed development and an assessment of its impact. The assessment does not provide a summary of the public benefits arising from the proposed development, as outlined in the NPPF policy test. Although, I note the applicant has submitted a Public Benefit Statement, received July 2019.

The application site has been vacant for a number of years and has been recently subject to anti-social behaviour and vandalism. Therefore bringing the building back into use would assist with preventing any further damage to these heritage assets. Prior to becoming vacant the building was used by Derby City Council as office space with the Local Studies library occupying the ground floor of Middleton House.

The application, as amended, has been subject to a full consultation process and the full comments of Historic England, Conservation Area Advisory Committee and the Council's Built Environment Officer are set out in Section 5 of this report. These comments are the most comments of the consultees and reflect the amendments made to the application and its supporting information.

In considering the application decision makers must engage Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) is relevant to no. 27 St Marys Gate only, as this is a statutory listed building.

The proposal must also be considered under the 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 to protect and enhance the city's historic environment, including listed buildings and Conservation Areas. CP20(c) requires development proposals which impact on the city's 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

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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 192 of the NPPF states that, in determining applications, local planning authorities should take account of:

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation heritage assets can make to sustainable communities including their economic viability; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 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, where appropriate, securing its optimum viable use.*”

Guidance in the NPPF provides that proposed developments involving substantial harm to (or total loss of a significance of a) designated heritage assets planning permission should be refused. Unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the criteria set out in paragraph 195 applies.

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 196 of the NPPF provides that the “*harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*”

Paragraph 197 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 Built Heritage Statement concludes “*It has been established in this report that the proposals will result in a neutral impact on the significance of Middleton House and the City Centre Conservation Area. Whilst the scope of the development proposes a number of changes to the buildings, the design approach to the proposals has been strongly informed by the heritage significance of the buildings. There are no alterations proposed to the most significant external part of Middleton House and elsewhere, historic features to both the interior and exterior have been retained and incorporated. The internal sub-division of the space has also adopted a light-touch approach, reducing the level of intervention required to provide individual apartments. Furthermore, unsympathetic modern additions will be removed.*” The Statement further concludes “*...the proposal provides the opportunity to secure the long term future use and maintenance of a Listed Building, safeguarding its heritage interest and its contribution to the Conservation Area. It is therefore considered that the low level of harm to the significance of the heritage assets is mitigated through*

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the design and scope of the proposals and allow for the enhancement of both the Listed Building and Conservation Area."

The statement, as amended, considers the site and the conservation area in which it resides providing a narrative of the impact of the proposed development on the existing building and the conservation area. The statement does lack in terms of information relating to the aforementioned heritage assets, however as the proposal incorporates little external change I do not consider this is a reason to delay the determination of this application or recommend refusal.

The application is located within the City Centre Conservation Area. The statement acknowledges that Middleton House is a prominent feature within the conservation area and positively contributes to its character and setting. Overall the statement concludes that the proposed development "*will enhance the contribution that the site makes to the character and appearance of the Conservation Area.*"

Directly surrounding the application site is a number of designated heritage assets, as set out above. Whilst the submitted Built Heritage Statement offers very little commentary on the impact of the proposal on these works colleagues and I are satisfied, given the nature and scale of the proposal that the any impact would be within the less than substantial harm range of impact.

Due regard has been given to insertion of the roof extension to Middleton House and the relationship created with the Grade I Cathedral. Given the scale of the extensions and their limited impact on the appearance of Middleton House I would consider that the harm created would be less than substantial harm, to a lesser degree.

In respect of the impact of the conversion and internal alterations, I would consider that there would be an impact on the character and setting of no. 27 St Marys Gate which is Grade II. That being said I am satisfied that the applicant has taken reasonable steps to limit any impact. It is noted by the Council's Built Environment Officer that "*There is an impact, of getting residential use into this building, which is harmful and classed as 'less than substantial' harm on the significance of this building as a designated heritage asset.*"

As you will note from Section 5 of this report, the application has been duly considered by the Conservation Area Advisory Committee and the Council's Built Environment Officer. Following the substantial revisions to the scheme they both support the application.

The Conservation Area Advisory Committee confirms that they "*Welcome the evolution of the scheme. The retention of the curtilage of buildings is also welcomed. The current proposals are more sensitive than those of former schemes. The removal of the roof extension and replacement with the roof lights is welcomed.*"

The Council's Built Environment Officer states "*The application has been amended through the life of the application and I welcome the current amended scheme. There is a need to get this building back into use and I support the principle of a residential use (subject to the control of detailed design to ensure solutions are as sensitive as they can be).*"

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As previously discussed, the application is accompanied by supporting information that has been updated throughout the life of the application which has been considered by consultees. The applicant, through the life of the application, has sought to address the objections of both CAAC and the Built Environment Officer. Whilst there are still matters that need to be addressed such as internal service runs, window repairs, materials etc. colleagues and I are satisfied that these matters can be adequately addressed by the recommended conditions, as set out in Section 8 of this report.

As a result of the consultation responses and the clear policy position set out in the NPPF I conclude that the proposed development would result in 'less than substantial harm' to the setting of the City Centre Conservation Area, Grade I Cathedral and surrounding designated heritage assets.

In the context of paragraph 196 of the NPPF, as previously included, the public benefits of the proposal, that need to be weighed against the harm as identified above (this being less than substantial harm) to setting of the aforementioned heritage assets which includes conservation areas and listed buildings are summarised below.

7.3. Socio-Economic Benefits

This application has not attracted a high level of public comment. In fact, the application has only attracted one letter of objection which related to the initial scheme. The objection letter includes a number of questions/queries which have also been responded to and no further representations have been received.

In addition to the above the application has attracted support which is summarised above. They welcome the re-use of the building and the preservation of the heritage asset along with acknowledging the regenerative and economic benefits that the development will generate.

The determination of this application is therefore not solely concerned with the impacts it would have on heritage assets but also the benefits it would bring to this site, the city as a whole and the regeneration opportunities it would attract.

The applicant has submitted, in accordance with paragraph 196 of the NPPF, a Public Benefits Statement summarising the public benefits arising from the proposed development. These are considered to be:

- **Re-use of a vacant Grade II building** – the proposed development would bring the building back into an active use along with repairing and reinstating their historic fabric
- **Local employment opportunities** – the building works would be undertaken by the applicant's sister company who specialise in local employment. Around 30 employees, out of 120 – 150, are from the Derby area. It is anticipated that this development would see the employment of a further 40 – 50 people, from the local area.

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- **Economic Benefits** – the introduction of additional residential units would improve the local economy and also provide an additional income for the Local Authority. This additional income will benefit wider Council services.
- **Contribution to housing supply** – it is envisaged that the properties will either be sold into the local housing market or available for rent. In either event, the introduction of these 53 units will make a positive and material contribution to the Council housing land supply.
- **Improvement to the City** – the re-use of these buildings will enhance the offer of the city centre making the centre of Derby more vibrant. The use will also contribute to supporting local services, local employment, amenities and shops. Overall benefiting the local and city economy.

It is appreciated that the proposal would satisfy certain local and national planning policy criteria. Policy AC1 states *“The Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.”* With the benefits outlined above it is accepted that the proposal would assist in meeting the objectives of this policy through increasing footfall. It is evident that the city centre has struggled over recent years with stores and leisure uses closing and the injection of over 50 residential units would assist with rejuvenating the city centre thus meeting the aspirations of this policy, the City Centre Masterplan 2030 and the City Centre Regeneration Framework.

The key benefits are, in my opinion, the creation of housing in the City Centre and the re-use of the Grade II Listed Building. This clearly satisfies a number of Council objectives and policies and through its creation would bring with it economic and social benefits that would clearly assist the city as a whole.

Taking into consideration the submission made by the applicant along with my own appraisal the public benefits of the scheme are considered to be as follows:

- Re-use of a vacant site
- Re-use, repair and renovation of designated heritage assets
- Delivery of housing
- Deliverable scheme
- Employment Opportunities
- Sustainable development in a sustainable location
- Economic Benefits – council tax, increased spending and footfall in the City Centre
- Meets certain local and national planning policy criteria

The decision maker therefore has to weigh in the balance these socio-economic benefits with the harm the proposed development would have on the designated and non-designated heritage assets include the application site itself, no. 27 St Marys Gate.

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7.4. Design, Street Scene and Amenity

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

The proposed development comprises of internal works to no. 27 St Marys Gate and Middleton House. In order to facilitate the development a first floor extension is proposed to the rear elevation of no. 27 St Marys Gate. The extension has been amended during the life of the application to ensure an appropriate design and external appearance. The extension will form a link corridor and therefore is primarily finished in glazing, allowing views through to the existing listed elevation and stained glass window. The proposed extension is considered to be acceptable and whilst attached to the Listed Building would not have a detrimental impact on the setting of the heritage assets, street scene or surrounding properties.

In respect of Middleton House a small roof extension is proposed which will accommodate the lift and stair overrun along with services. The extension is located within the roof plan overlooking the internal courtyard and therefore will have a very limited impact on the setting of the building, the setting of no. 27 St Marys Gate, the Grade I Cathedral and the wider area.

The initial scheme included a large roof extension to Middleton House however through negotiation the roof extension has been removed and replaced with conservation rooflights. This has been welcomed by the Conservation Area Advisory Committee and the Council's Built Environment Officer. Whilst the rooflights will alter the external appearance of Middleton House I would not consider there to be a detrimental impact as a result of their introduction.

An objection has been received from a neighbouring property as a result of the change of use to residential and potential overlooking. I have duly considered the distances between the neighbouring properties and the application building and I would consider these to be reasonable. Whilst there may be a degree of perceived overlooking this would be no worse than the existing situation. As such I would not consider a refusal could be sustained on this ground.

Additional works are proposed as part of the application including repairs, replacement and/or reinstatement of windows, doors, rainwater goods, vents/flues etc. The precise details of these will be secured by detailed conditions, as set out in Section 8 of this report.

In terms of amenity, I am satisfied following the submission of amendments that the residential living environment created for those future occupants of the development is acceptable and would satisfy relevant planning policy, in this regard.

In the conversion of 25 – 26 St Marys Gate the applicant has duly amended their scheme to ensure there is no overlooking or perceived overlooking on to the Caretakers Lodge.

The application also proposes a single storey modest extension to the Caretakers Lodge. This extension will remove an existing timber addition which is of little architectural merit. Given the modest scale of the extension, its location and setting I

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am satisfied that its introduction will not have a detrimental impact on Caretakers Lodge, wider site or the street scenes of St Marys Gate and Bold Lane.

There are no objections to the scheme in respect of its design, siting, and overall appearance. The proposal therefore satisfies relevant planning policy in this regard.

When considering general amenity, regard must also be given to noise. The application site is located within the city centre in close proximity to a number of drinking establishments all of which operate late into the evenings. Colleagues in Environmental Health already have noise complaints from local residential properties regarding high levels of noise and disturbance from drinking establishments on Iron Gate and Sadler Gate. The applicant has sought to consider noise through the submission of a noise assessment, which has been amended during the life of the application. The content of the assessment has been duly considered by colleagues in Environmental Health who have objected to the application on noise amenity grounds.

Clearly, the introduction of residential properties in the City Centre given the different uses and their requirements will create conflict. However the provision of city centre living is crucial to establishing a vibrant and viable city centre along with securing the other benefits set out in Section 7.3 of this report. Therefore the decision maker must, again, weigh in the balance, the importance of city centre living and the impact on noise on occupiers residential amenity.

The application site is clearly desirable for a residential use as it would see the introduction of much needed housing in an extremely sustainable location. Furthermore, in weighing in the balance these material consideration great weight must be given to bringing back into use a heritage asset. Matters which are acknowledge by colleagues in Environmental Health. For this reason, it is recommended that a condition requiring further monitoring and mitigation is included. The exact wording of this condition has been agreed with the applicant and colleagues in Environmental Health.

7.5. Transport and Access

The application site benefits from a single point of access off St Marys Gate which has been utilised previously by occupiers of the former offices. The access point leads to an area of surface car parking. Given the former use of the site trip generation is likely to reduce and as such there is no material impact on the highway network and no objections have been received from colleagues in Highways Development Control.

There are concerns relating to the usability of some of the car parking spaces due to their size, location and accessibility. The applicant has also indicated the introduction of electric vehicle charge points which is welcomed. A condition requiring the submission of a car parking plan will be imposed to secure adequately sized car parking spaces, accessible parking and EV charge bays. Should the level of car parking reduce I am satisfied, given the sustainable location of the application site that this would be acceptable and remain in line with relevant planning policy. Of course a reduction in car parking would be a management issue for the applicant, if few spaces were provided than the number of apartments.

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The former garage block is to be converted to provide covered and secure cycle parking. The precise details of type and number of cycle bays to be provided will be secured by condition. In addition to cycle parking the garage block will also provide bin storage. The distance of the bin store from the public highway will exceed guidance however the emptying of bins would be a management issue for the applicant. It is noted that there is an opportunity for a bin refuge within close proximity of the access which would meet bin carry distances. The movement of the bins to this location would be for the applicant to resolve through appropriate management.

7.6. Environmental Impacts

Land Contamination

Whilst the site has not been identified as being at risk of significant ground contamination, due to the sites historical use along with the sensitive nature of the proposed land use conditions relating to contaminated land are recommended.

Flood Risk and Land Drainage

The application site is located within Flood Zone 1 according to both the Environment Agency's and Council's Strategic Flood Risk Assessment. The application seeks to change the use of a 'less vulnerable' development to a 'more vulnerable' development. It is noted that the car parking is already hard surfaced however there may be opportunities to implement and introduce a more sustainable drainage system. Therefore a condition requiring the submission of a sustainable drainage scheme is recommended.

Ecology

The application is accompanied by a Bat Survey which has been duly considered by Derbyshire Wildlife Trust whose comments are set out in Section 5 of this report. Whilst DWT have no objections to the proposed development and they agree with the recommendations and conclusions of the submitted report and request that a condition requiring the submission of bat mitigation strategy prior to any works commencing on site. They have also requested an external lighting condition is attached to ensure all exterior lighting is sympathetic to bat foraging. Subject to compliance with relevant conditions DWT offers no objections to the proposals.

Trees

There are a number of trees surrounding the application site and within the application site which have been assessed by the applicant in the submitted Arboricultural Impact Assessment (AIA) and design stage Arboricultural Method Statement (AMS). However it is noted that the submitted information indicates these trees are within the Conservation Area and also benefit from a Tree Preservation Order this is in correct. Whilst they are protected by the Conservation Area legislation it is not a TPO. In addition further information is missing from the submitted AMS and as such it does not follow BS5837:2012. Therefore further information is required by condition prior to any development commencing on site.

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7.7. Planning Balance

In coming to a decision as to whether the acknowledged harm on the aforementioned heritage assets, as detailed within this report, is acceptable 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 196 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 need to alter the building in order to provide suitable living accommodation. The principle of development on this site is accepted by consultees, Conservation Area Advisory Committee and the Council's Built Environment Officer. 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-medium in terms of the degree of harm as a result of the heritage assets intervisibility with the proposal, the existing townscape and the limited external alterations introduced by the development. 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 re-use of a vacant Grade II Listed Building which has been vacant for a period of time and has been subject to vandalism. The re-development of the site would also knit together previously approved residential development along St Marys Gate. The introduction of residential development would increase footfall in the City boosting Derby's economy and increasing the vitality and viability of the City Centre. Introducing further residential accommodation into the City Centre in this locality seeks to realise the Council's City Centre Masterplan 2030 and City Centre Living Initiative along with increasing natural surveillance.

In terms of S106 the scheme requires contributions to be made to Amenity Green Space, Major Open Space, Sports Facilities and Health Facilities. There is no requirement for affordable housing as the scheme qualifies under the Government's Vacant Building Credit system. This waives the requirement for affordable housing on vacant buildings being brought back into residential use.

The applicant indicated that the scheme could not afford the remaining contributions therefore they submitted a full viability appraisal that was independently assessed by the District Valuer. The conclusion of the DV report was that although the scheme could not afford all the contributions being sought, it could afford to pay a lesser amount. Based on the conclusions of the report the applicant has agreed to enter into an agreement to pay just under £50,000 before any units are occupied. Just before this payment is due, the viability of the scheme will be tested again to determine whether this sum can still be afforded or whether a higher or lower amount can then be paid. The remaining balance of all the contributions originally required will be the subject of our standard overage clause which requires a further viability assessment to be submitted at the end of the development. If this shows an increased profit level, the uplift will be shared 50/50 between the Council and the applicant.

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The scheme seeks a comprehensive design solution that is viable for construction and to provide suitable mitigation for the development under the requirements of the national and local planning policy. Whilst there are concerns with regards to the residential amenity created, due to noise from surrounding night-time uses, I am satisfied that compliance with the recommended noise mitigation condition would seek to address this issue. Furthermore, I am satisfied that there are no highways, flood risk or drainage issues that cannot be adequately addressed by condition. Conditions are also recommended in respect of ecology and trees. I therefore consider the proposal broadly conforms to the relevant national and local planning policy.

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 196 of the NPPF I conclude that the planning benefits arising from this proposal outweigh the harm and welcome this amended proposal, investment in the fabric of the city and all the associated benefits it will bring to the area.

8. Recommended decision and summary of reasons

8.1. Recommendation:

- A. To authorise** the Director of Planning and Transportation 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 Planning and Transportation 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 City Centre Conservation Area and Listed Buildings on St. Marys Gate including the Cathedral. However this harm is considered to be outweighed by the 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, or flood risk matters. Furthermore there would not be any unreasonable impact upon neighbouring properties. Accordingly the development would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework, the Derby City Local Plan – Part 1 and the saved policies within the adopted City of Derby Local Plan Review.

8.3. Conditions:

Time Limit/General Conditions

1. Time Limit - Full Planning Permission

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

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

2. List of Approved Plans and Drawings

The development shall conform in all aspects with the plans and details shown in the application.

Reason: For the avoidance of doubt.

Pre-Commencement Conditions

3. Boundary Treatments

Reason: To protect, preserve and enhance the character of the site and the area and to ensure its appearance is satisfactory

4. External Materials including

- roof vents
- kitchen extracts
- bricks and mortar mix and finish
- roof materials
- windows and doors

Reason: To ensure that the external appearance of the building is satisfactory

5. Window and doors site precise details of all external joinery

Reason: To ensure that the external appearance of the building is satisfactory

6. Site Specific Demolition Environmental Management Plan to reduce the effects of noise, vibration, dust and site lighting

Reason: In the interests of the amenities of surrounding occupiers during the demolition of the development.

7. Construction Management Plan

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development

8. Site Specific Construction Environmental Management Plan

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

9. Noise updated assessment and noise insulation measures

Reason: In order to safeguard residential amenity. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

10. Contaminated Land – Site Characterisation

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Contaminated Land – Submission of Remediation Scheme

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Contaminated Land – Implementation of Approved Remediation Scheme

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Protection of Retained Trees during the Construction Period including arboricultural method statement and tree branch works schedule

Reason: To protect the retained trees from damage during construction.

14. Sustainable Drainage System

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

15. Recording of the Fabric of Buildings of Historic or Architectural Importance

Reason: To ensure that features of building / building archaeology importance within the building are recorded before their destruction, alteration or concealment.

16. Bat Mitigation Strategy

Reason: To preserve ecology.

Pre- Occupation

17. Improving basement natural daylight

Reason: In order to safeguard and improve residential amenity

18. Completion and Maintenance of Cycle Provision

Reason: To ensure the provision and availability of adequate cycle.

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19. Submission and Approval of Landscaping Scheme

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

20. Artificial Lighting (external) to minimise light spill onto any foraging areas for bats.

Reason: In order to safeguard the amenities of adjoining residential occupiers and preserve ecology.

21. Car Parking precise details of the car parking layout including turning areas, accessible parking bays and electric vehicle charging points

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Post Occupation/Management Conditions

22. Non Opening and Obscured Glazed Window

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

23. Protection of Parking and Servicing Provision

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/ unloading facilities for the development.

24. Nesting Birds protection measures

Reason: To preserve

25. Access to Iron Gate

The pedestrian and vehicular access from Middleton House to Iron Gate shall be used for emergency purposes only.

Reason: To preserve the residential amenity of neighbouring.

8.4. Notes to applicant:

- Natural England regarding Bat licences
- That the proposed apartments do not qualify for residents parking permits
- Renumbering/address of property contact details.

8.5. S106 requirements where appropriate:

Contributions to be made to Amenity Green Space, Major Open Space, Sports Facilities and Health Facilities

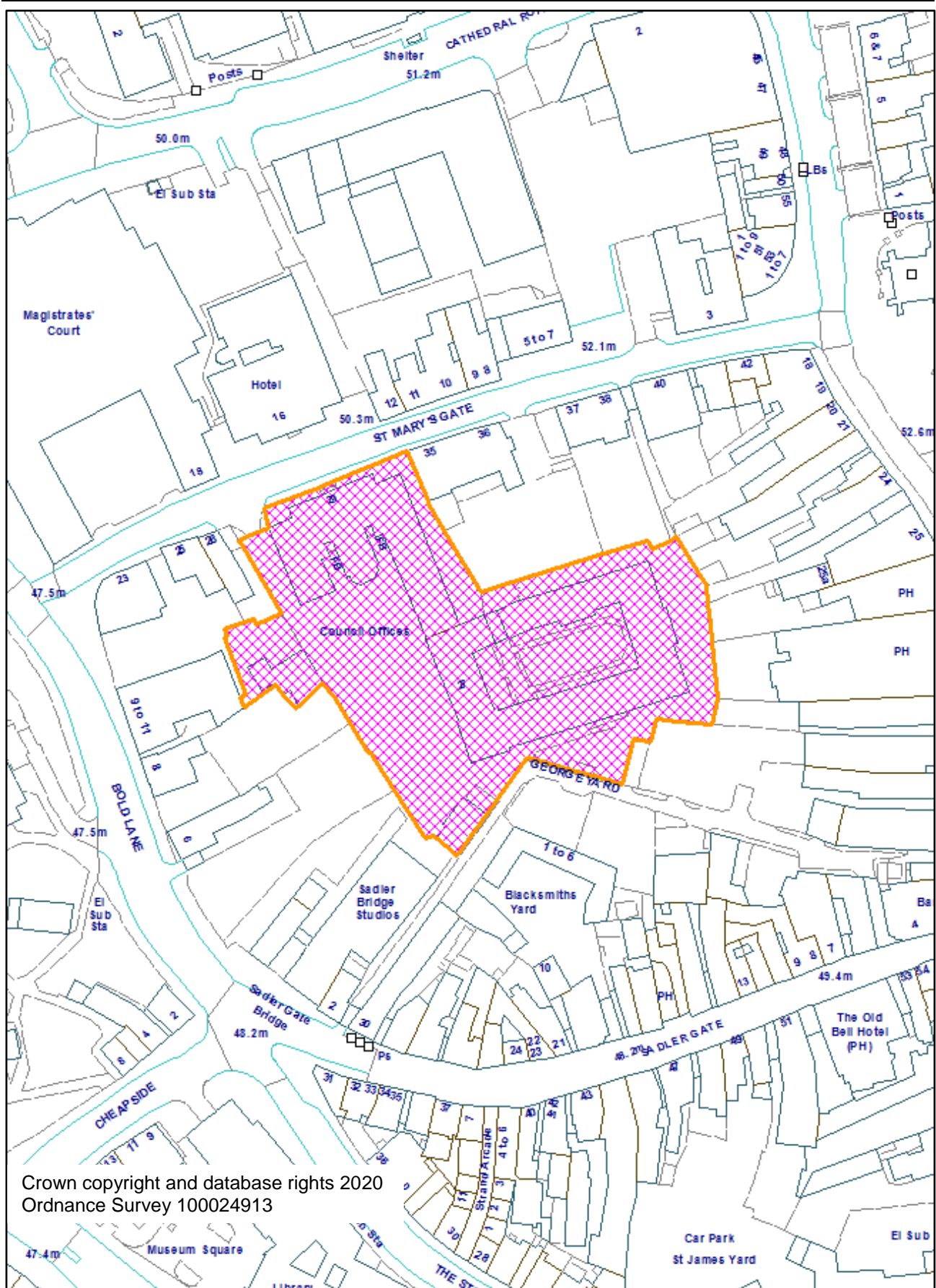
8.6. Application timescale:

The applicant has agreed to an extension of time until the end of February.

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**Type: Full Planning
Application**



Committee Report Item No: 4

Application No: 19/01698/FUL

Type: Full Planning Application

1. Application Details

1.1. Address: 72 Radbourne Street, Derby

1.2. Ward: Mackworth

1.3. Proposal:

Change of use from a dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (HIMO) (Sui Generis Use) including a single storey side/rear extension, raising of the roof height, hip to gable roof alteration, installation of a rear dormer and roof lights

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/01698/FUL>

The Site and Surroundings

The site comprises part of a large Victorian, villa-style building, on the corner of Cobden Street. The building is currently subdivided into 3 units and the application property at the eastern end of the building. No. 72 comprises a 2-storey property, last occupied as a single dwelling. The property is currently vacant and in the process of conversion. There are existing side extensions and an attached garage on the east side. The property is constructed of painted brickwork and concrete tiles.

The site is surrounded by residential properties. The rear garden is enclosed by fencing. There are high conifers along the east boundary (with no. 68), which has a blank side elevation facing the site. The surrounding area is predominantly residential, with a mixture of house types, some being traditional houses but others being existing HIMOs.

The Proposal

This proposal seeks permission for the conversion of this existing single dwelling to a “sui generis” large 8-bedroom HIMO. The proposals include various internal works to facilitate the conversions, as well as other extensions. The proposal results in the provision of 4 bedrooms and a small (14.8sqm) communal living area on the ground floor, 2 bedrooms at first floor and 2 bedrooms at second floor, accommodated in the extended roof area. The bedrooms all have en-suites and the room sizes vary between 8.8-15.8 sqm. Internal refurbishment works have already commenced, which would not require planning permission.

The proposed external works comprise the following;

- Construction of a full length hip-to-gable roof extension, matching the existing ridge height and constructed of matching brickwork and tiles. This roof extension would rationalise the existing different roof pitches from the existing extensions. It would involve the removal of the existing side chimney and the insertion of a front rooflight. Accommodation of 2 bedrooms in this roof space.
- Construction of a small, flat-roofed rear dormer, 2.3m x 2.5m. The dormer would serve the staircase/en-suite and be clad in grey upvc hanging tiles.
- Conversion of ground floor, wrap- around rear/side extension. This would be the full width of the rear elevation, projecting out 2.8m. It would have a dual-pitched

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roof (height: 3.7m). There would be one ground floor side-facing bedroom window.

- Conversion of the existing garage to a bedroom, involving the blocking-off of the garage doors and insertion of a window and re-roofing in matching tiles.

The applicant has submitted additional information, to address concerns raised by the Council's Housing Standards team. The applicant has confirmed that the property would be occupied by eight persons.

2. Relevant Planning History:

No previous planning applications

3. Publicity:

- 3 Neighbour Notification 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:

Ward Member, Cllr Adrian Pegg:

"I have several concerns with this application, including the proposed size of the development, the lack of car parking to cater for potentially 16 residents and generally the development would not be appropriate for the area. The area and specifically the street concerned is already swamped with multiple occupancy properties any further increase in population would be unacceptable for the area. The street is already full of parked cars any further increase would not only add to pollution but also congestion and safety".

Neighbours:

2 representations were received from local residents, objecting on the following grounds:

- The local area is already over populated, with most of the dwellings in Radbourne Street being HIMO's with a minimum of 4 persons occupying each house.
- The HIMO's have introduced more cars parked on the street, which - coupled with student parking - is already overflowing on capacity.
- Existing parking problems create highway safety issues and impact on emergency vehicles.
- Student accommodation in Derby is not sparse. This will add more to an already overloaded neighbourhood, bringing many negative issues.
- Concerns raised regarding work already having started and the building site being dangerous.

5. Consultations:

5.1. DCC- Planning Policy

The site of the proposal is not allocated for any particular use in the Local Plan – Part 1. H13 specifically refers to C1, C2, C3 and hostels but can, by extension, be considered as guidance for other residential uses such as HMOs.

The main concerns appear to be the ability of the proposal to create a high quality living environment and any implications for the amenity of the area due to the increased level of use of the property.

No policy objections to the principle of the proposal.

5.2. DCC – Highways

Recommendation: The Highway Authority has No Objection to the proposals, subject to condition

Observations: These observations are primarily made on the basis of information shown on submitted drawings “19089-P-901” and “19089-P-900”.

Radbourne Street is within a sustainable location with easy access to local shops and public transport opportunities. Radbourne Street is not subject to any parking controls.

The site currently has the use of a garage and a single off-street parking space (with dropped kerb); according to drawing 900, the off-street parking space will be retained; and the drawing shows a refuse store to the frontage also.

I note that no provision is made for the storage of cycles; developers should be encouraged to make suitable provision in order to further encourage sustainable travel and to (in part) mitigate against a lack of off-street parking provision. This can be dealt with by appropriate condition.

Considering vehicular demand; I am advised that “permitted development rights would allow for the use of the building to accommodate 6 people without requiring planning permission under permitted development rights as a House in Multiple Occupation”.

This being the case, the Highway Authority can only consider additional vehicular trips associated with the two additional occupants.

The 2011 Census Summary Report (published by Policy, Research & Engagement – Derby City Council) suggests that 28.9% of households do not own a car or van.

Taking a coarse assessment that 70% of the occupants will own a vehicle (due to the sustainable location of the site this is by no means a certainty); the development could attract 1-2 additional vehicles to the vicinity.

The site contains a small amount of off-street parking, but this effectively remains unchanged from the existing use.

Para 109 of the National Planning Framework Policy states that

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

Whilst the scheme would potentially increase demand for parking spaces, it is the view of the Highway Authority that would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety or that the proposals would have a severe impact upon the nearby highway network.

Recommendation: The Highway Authority has No Objections to the proposals, subject to the following suggested conditions:

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

Reason: To promote sustainable travel.

Notes To Applicant

The consent granted will result in alterations to a building which may need renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact: traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site location in relation to existing land and property, and the placement of front doors or primary means of access.

5.3. DCC – Housing Standards

Initial comments:

Whilst bedrooms within the property are all in excess of 10sqm (with the exception of Letting 8), the size of the proposed kitchen and living area does not appear to be of sufficient size for the proposed number of occupants. I would advise that the applicant reviews DCC Housing Standards, Standards of Amenity Guidance in regards to the recommended size of communal space and the provision of cooking facilities. Whilst it is appreciated that the amenities provided within the kitchen on the plans may be for illustrative purposes only, Housing Standards would require a property occupied by eight people to be fitted with at least 2x full sized sinks and drainers, 2x cookers with 4 ring hobs, 2x fridge freezers and sufficient worktop space; the kitchen must also be of sufficient size and layout to allow multiple users to occupy the space safely.

Lettings 7 and 8 are fitted with velux roof lights, allowing natural light to enter the bedrooms; however the positioning of these roof lights potentially do not allow for any view other than sky. It should be noted that where the only view of outside is via skylights, this can lead to feelings of isolation and are therefore not an ideal situation in a House in Multiple Occupation (HMO) bedroom setting unless other compensatory amenities are available such as sufficient alternative living room(s). As the current communal space is listed as being 14.8sqm, which is inclusive of all kitchen facilities, this does not appear to be sufficient in size.

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It is unclear of roof height within bedrooms within the loft space. I would like to take this opportunity to advise that any floor area with headroom which is less than 1.5 meters would not be considered in the overall floor area of the room.

Letting number 4 appears to have access only via the kitchen/living space and as such it must be ensured that an alternative means of escape is provided, recommended by the provision of a window which is suitable for use as an escape window in an emergency.

The applicant should be advised that if approved, the property will require a license in accordance with the Housing Act 2004. Where a property is occupied as a HMO with five or more people, a license must be obtained from the Housing Standards team. Further information is available on the Council's website. If applied for in the currently proposed layout without an increase in the proposed communal living space, it may be unlikely that the property will be deemed suitable for use by 8 persons.

Further comments, in response to additional information:

No general objections but gave advice regarding alternative means of escape from rooms with kitchens. Outlined the detailed minimum requirement for achieving an HMO Licence. These standards will generally be enforced as the minimum acceptable. Where facilities fall short of these guidelines in a licensable HMO, the upgrading of facilities will normally be included as a licence condition with a specified timescale for completion. If planning permission is approved, failure to meet these standards within the bedrooms could result in the property being subject to conditions in accordance with a HMO Licence issued, or under Part 1 of the Housing Act 2004.

5.4. Derbyshire Wildlife Trust

It is noted that no bat survey report has been submitted with the application and that a statement has been provided by Wilson Architects outlining the reasons why a bat survey is considered not to be necessary.

We do not agree with this statement and point out that the Trust database holds records for a number of bat roosts within highly urbanised areas of Derby City including a record for Common Pipistrelle bats on the adjacent Cobden Street. Bats may utilise gaps or other features on the building rather than using lofts or roof spaces. In the absence of a daytime building assessment, carried out by a suitably licensed ecologist, it is not possible to be confident that the building does not support features suitable for roosting bats.

The works associated with the proposed development includes raising of the roof height and the installation of a rear dormer and roof lights. Such work has potential to result in the loss of bat roosts and the killing or injuring of any bats that may be present at the time of the works. This would result in an offence under the strict legislation that protects bats.

Paragraph 99 of ODPM 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".

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It is considered that the application as submitted is not accompanied by sufficient information to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of sufficient information on European Protected Species (i.e. roosting bats) the Local Planning Authority is unable to discharge its duty in respect of the requirements of the Conservation of Habitats and Species Regulations 2017.

It is recommended that, as a minimum, prior to the determination of the application, a preliminary bat roost assessment is undertaken to determine the suitability of the buildings to support roosting bats and to search for evidence of roosting bats. This type of survey can be completed at any time of year and should be carried out by a suitably experienced and qualified ecologist. If this initial survey identifies bats or assesses the buildings as having potential to support roosting bats, then further bat activity survey work will be required which would need to be undertaken between May and August. The results of this survey work will be required prior to determination of the application.

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 Place making Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development – General Criteria
- H14 Re-use of Underused Buildings

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. The Principle of development

7.2. High Quality living environment

7.3. Design/visual appearance

7.4. Impact on residential Amenity.

7.5. Highways/Parking

7.6. Biodiversity

7.7. Impact on the character of the surrounding area

7.1 The Principle of the Development

NPPF 2019 states that the Government's objective is to significantly boost the supply of homes, and that a sufficient amount and variety of land should come forward to address the needs of groups with specific housing needs.

The application site is not allocated for any particular use in the Core Strategy. However, Policy CP6 states that the Council will continue to encourage the re-use of under-utilised or vacant properties for residential uses. Saved Local Plan Policy H14 states that the Council will support the re-use of underused buildings, throughout the City, for residential purposes including proposals for intensifying existing residential uses; and converting redundant buildings, including large commercial buildings.

The proposal comprises the conversion of the former dwelling, including a hip-to-gable roof extension, to create additional bedroom units at second floor level. This would create an 8-bed HIMO.

The proposal will increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. There are no planning policy objections to the proposal. Subject to an assessment of the quality of the proposed living environment (as required by Core Strategy Policy H13) and the effect that the intensification of use may have on the amenity of the surrounding area (Local Plan Policy GD5 applies), the proposal is considered to be acceptable in principle.

7.2 High quality living environment

The proposed conversion shows all bedrooms with en-suites and a minimum amount of communal facilities. Although the smallest bedrooms are on the minimum limit, they all achieve the required minimum size standard. Housing Standards have raised concerns and further information has been provided by the applicant.

This includes a revised plan which shows further detail to the bedrooms that should satisfy the Housing Standard's requirements. The plans recognise that some rooms are large enough to be capable of having kitchen facilities. The fire strategy includes a bedroom escape window as an alternative means of escape. With regard to number of occupants, the applicant anticipates each room to be single occupancy, so a maximum of eight occupants in total. The numbers can be the subject of an appropriate condition.

Other than raising issues regarding the HIMO Licence requirements, Housing Standards have not raised any objections to the proposed living environment. The issues are mainly related to internal room arrangements and would be addressed separately through the HIMO Licence process. Overall, there is no reason to believe that the proposal will not achieve a high quality living environment for the future occupants.

7.3 Design/Visual appearance

The proposed external alterations to the building are substantial. The hip-to-gable extension would fundamentally alter the appearance of the block. However, its symmetry has already been altered as the unit at the Cobden Street end has a 2-storey side extension and a similar roof extension, higher than the existing ridge.

The proposed side extensions will rationalise the roof lines of the existing 2-storey extensions. These will be visible from Cobden Street but would be mainly screened from public views. Similarly, the ground floor rear and side extension would not affect the visual character of the surrounding area.

For all the proposed extensions and roof alterations, matching materials are proposed. The rear dormer would use grey upvc cladding, which would be in keeping with the tiled roof and is considered to be acceptable.

In all respects, the site has no heritage designation and there are no overarching architectural qualities which need to be protected. Overall, it is considered that the proposed extensions and external alterations would not be out of character with the surrounding area and would be acceptable in terms of design and appearance.

7.4 Impact on residential Amenity.

The proposed rear extension has a pitched roof sloping away from the neighbour (no. 74) at a shallow angle. There is also a 1.8m fence on the boundary, such that the proposal would not appear unduly overbearing or cause a loss of amenity. The proposed ground floor side-facing bedroom window would look towards the blank side elevation of no. 68. The applicants also propose to increase the fence height along this boundary to 1.8 metres and retain the conifers along the boundary to a height of 1.8 metres. No neighbour objections have been received concerning any

impact on amenity (such as loss of light or privacy). It is considered that the proposed residential use would not have any overriding adverse impact on residential amenity.

The proposed intensification of use, from an extended family house to an 8-bedroom HIMO must be considered. The applicant has confirmed that the property would be occupied by eight persons and a planning condition can be imposed to ensure this level of accommodation is maintained. In any respect, the site is located within a dense urban area and the dwelling could be converted into a 6-person HIMO under permitted development rights. It is considered that two additional persons would not cause any overriding harm to neighbours amenity or the character of the area.

7.5 Highways/Parking

The proposed development would have minimal on-site car parking. The site is located in a relatively sustainable location, close to a supermarket and approx. 200-300m from public transport routes. The Highway Authority considers that it would be difficult to argue that the additional residents would lead to a severe impact upon the adjacent highway network, or would lead to 'unacceptable impacts' to highway safety. Therefore, subject to appropriate conditions, no highway objections have been raised to the proposed use.

7.6 Biodiversity

The Derbyshire Wildlife Trust (DWT) highlight that there may be evidence of bats in the vicinity of the site and that, contrary to the applicant's statement, a preliminary bat roost assessment should be undertaken to determine the suitability of the building to support roosting bats and to search for evidence of roosting bats. This should be carried out prior to the determination of the application. The applicant has been requested to carry out such a survey and also any further required bat activity survey work. Members will be updated on progress of this matter at the meeting and the recommendation will reflect this requirement.

7.7 Impact on the character of the surrounding area

Cllr Pegg and the 2 objectors have raised concerns that the proposed size of the development and lack of car parking would not be appropriate for the area, exacerbating problems caused by existing multiple occupancy properties.

Regarding the intensification of use of the property and the impact of an HIMO on the character of the surrounding area, Planning Control Committee have recently refused several similar applications for proposed HIMOs, contrary to the officer recommendation. In particular, an application (ref: 04/18/00518) at 135 Brighton Road was refused in July 2018, on the grounds of that the proposed change of use to a HIMO would have a detrimental impact on the wider character of the area by virtue of the loss of a family dwelling house and that this would erode the prevailing character of the area, through an unacceptable intensification of the residential use, being injurious to residential amenities and exacerbation of congested on-street parking levels.

However, this refusal was allowed on appeal, with the Inspector stating that, *"the loss of a family dwellinghouse ... would alter the character of the area, [but] in this*

particular circumstance the change of use would not represent substantial change to the character ... it is unclear what elements of neighbouring amenity would be affected by the intensification of use ... Whilst I agree that the scheme would potentially increase demand for parking spaces, I do not feel that the scheme would lead to 'unacceptable impacts' to highway safety".

The property is a substantial residential unit, which could be occupied lawfully by either an extended family or a 6-person HIMO. This is an area of mixed residential uses, with several existing HIMOs. To refuse this application, Members must be convinced that the additional two occupants would cause a detrimental impact to the wider character of the area. In this instance, it is considered that the proposed change of use would not represent a substantial change to the character of the surrounding area and that, given the recent precedent a refusal is unlikely to be sustained on appeal.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant permission, subject to the following conditions, and subject to a preliminary bat roost assessment and any further required bat activity survey work being satisfactorily undertaken.

8.2. Summary of reasons:

The proposed residential use would increase the variety and amount of housing delivery, hence the proposal is considered to be acceptable in principle. The proposal meets all the Council's housing standards, regarding room sizes. A satisfactory quality of living accommodation is proposed. The proposal would not cause any overriding adverse impact on highway and neighbour amenity. Overall, it is considered that the proposed extensions and external alterations would not be out of character and would be acceptable in terms of design and appearance.

8.3. Conditions:

1. Standard three year time limit condition.

Reason: Time limit reason

2. Standard plans condition.

Reason: Approved plans reason

3. Definition of development, restriction of use and limit on occupancy numbers.

Reason: To control the occupation of the building to comply with legislation and in interests of amenity.

4. Requirement to use matching materials.

Reason: For satisfactory appearance of the development in interests of visual amenity.

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5. Provision of cycle parking.

Reason: To promote sustainable travel.

6. Erection of boundary treatment.

Reason: For satisfactory appearance of the development in interests of visual amenity.

8.4. Informative Notes:

1. Building re-numbering

8.5. Application timescale:

The 8-week determination period expired on 5 February 2020. This application was referred to Planning Committee by the Ward Councillor. An extension of time has been agreed by the applicant.

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Type: Full Planning Application



Committee Report Item No: 5

Application No: 18/01795/RES

**Type: Reserved
Matters**

1. Application Details

1.1. Address: Site of 50 Sitwell Street, Spondon.

1.2. Ward: Spondon

1.3. Proposal:

Residential development for four dwellings – approval of reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission code reference DER/03/17/00333.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/18/01795/RES>

Brief description

The application site is located on the north-west side of Sitwell Street just outside the Spondon District Centre and close to the Spondon Conservation Area. The site is currently used as a car repair business. To the immediate north of the site is the Spondon village hall and library and public toilets and a group of trees including a tree protected by a TPO. To the east side of Sitwell Street is a car sales garage. To the immediate south are post-war dwellings, comprising No.46 and 48 Sitwell Street. To the west are residential properties at the head of the Ingle Close cul-de-sac. The site is bounded on its north and east perimeter by a 2.5m brick wall. The southern part of the site comprises a large single storey building with a hipped roof profile and a flat roof attached section which runs parallel to Sitwell Street. To the rear of the site is a slightly taller building. All these buildings appear to be former stables and workshops, which are now in use as a vehicle repair garage. A TPO protected Beech tree is located immediately north-west of the application site.

The proposal seeks approval of reserved matters under an outline permission for residential development granted in February 2018 (ref:DER/03/17/00333). Detailed approval for all matters is sought for erection of four dwellings of 2.5 storey scale. The site measures approx. 23 metres in width and 18m depth. The dwellings would be arranged as two blocks being a pair of semi-detached dwellings. Each dwelling would measure 4m width by 8.5m depth and 8.5m in height. A single dormer window would occupy the front roof plane and a roof light to the rear elevation. Two windows are shown to the north side elevation of the end plot. The front garden area would be landscaped and enclosed with railings and rear of each plot would comprise amenity space.

2. Relevant Planning History:

Application No:	03/17/00333	Type:	Outline (all matters reserved)
Decision:	Granted Conditionally	Date:	21/02/2018
Description:	Demolition of buildings and residential development with all matters reserved (up to 6 dwellings)		

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**Type: Reserved
Matters**

3. Publicity:

Neighbour Notification Letters sent to 6 nearby residential properties

Site Notice placed on nearby street light column

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

4. Representations:

Councillor Williams – Objection and called in to committee.

Councillor Roulstone – I would like to call this in to planning committee please we have received a number of concerns from a variety of residents and local community groups and businesses I would also like the opportunity to speak at planning committee.

Five letters of objection have been received from local residents. The main points raised include:

- Uncertainty of side and rear boundary height and position
- Plans do not detail where parking would be located
- Likelihood of overspill parking at village hall car park
- Still a 3 storey development
- Potential overlooking toward No.21 Ingle Close
- Overdevelopment for such a small site
- Built at bottom of neighbouring driveway
- Massing effect to neighbour and entrance to Spondon Village generally- with a vast amount of brickwork viewed side on
- Development would generate 8 cars
- No information on the retaining walls separating both 48 Sitwell Street and the Village car park
- Amenable to one or two units but not that proposed
- Merely labelling the development 'car free' does not guarantee that residents will not own cars.
- Far from preserving community heritage, the entire structure is apparently to be demolished
- Lack of detail to the south west rear corner of site
- Structural effect on neighbouring garage
- Concerns with structural effect on front amenity border
- The plans show a building with a vertical height of 10m which would be overbearing

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-
- This private development would, therefore, have a serious impact on the car park preventing it operating for its proper purpose. If the development cannot provide parking within the site it is clearly too intensive.
 - In this location a car free development would result in 'misuse' of the public car park.
 - In the unfortunate situation that the development is to be permitted, this should be mitigated by a s106 agreement requiring an appropriate sum to be used for district centre environmental improvements

5. Consultations:

5.1. Highways Development Control (revised comments):

Recommendation:

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

Following the Highway Authority Objection of 02/09/2019; the applicants agent has provided revised drawings "...064A" and "...063A" and confirmed that the development is to be a "Car Free Development", with drawing 064A confirming that the existing vehicular access will be removed.

The site is in a sustainable location, with easy access to a local district centre with shops, amenities and easy access to public transport links.

The site is fronted by a "no waiting at any time" (double yellow lines) parking restriction, which means that occupants will be unable to park in the vicinity, which in turn means that they would need to use alternative transport arrangements.

As the site falls towards the highway, adequate measures will need to be put into place to prevent surface water washing out of the site onto the adjacent highway; this can be dealt with by appropriate condition.

No details of proposed refuse collection points are shown on the drawings; as the site is new development, the applicant/developer should make provision for the storage of refuse/recycling off the highway on collection days, especially in this case due to restricted footway widths. This can be dealt with by appropriate condition.

Drawing 064A shows railing to the site frontage; it is assumed that such railings would be likely to have gates to each curtilage. Such gates must enter inwards in order to prevent obstruction of the highway. This can be dealt with by appropriate condition.

Drawing 064A also shows the existing vehicle access to be removed; this will entail the lifting and subsequent reinstatement of the existing dropped crossing. This can be dealt with by appropriate condition.

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

5.2. Natural Environment (Tree Officer):

The key to the development and its impact on the tree is whether tree roots have trespassed into the site. It is noted that there is a difference of levels between the tree and the site; whether the difference in levels has acted as an effective barrier to tree root trespass is unknown. Even if tree roots have entered the site in theory development is still achievable subject to developing out of the RPA or employing engineering solutions within the RPA. Sensitive site investigations could be carried out to ascertain whether the wall and difference in levels has acted as an effective barrier to tree root trespass. 4.6.3 is the relevant section in BS5832:2012 Trees in relation to design, demolition and construction – Recommendations

I would suggest that we condition that a tree survey, Arboricultural Impact Assessment (AIA) , Tree Constraints Plan (TCP) , Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) are submitted and approved prior to development. These should be used to influence the final design and should be supplied and approved prior to any ground works. If tree roots have not trespassed the site due to the wall and difference of levels then the AIA, TCP, TPP and AMS will be fairly simple; obviously if roots have trespassed then greater detail will be required.

The proposed plan DE217FG-AMC-03.3-XX-DR-A-0064 shows the proposed dwellings; the dormer of the north east most plot will be facing towards the tree canopy of the TPO'd Beech. No assessment has been provided to see if a suitable juxtaposition is attained between the proposed dwelling and the tree. In this case a cross section plan should be produced showing the proposed dwelling in relation to ground levels and tree constraints.

I would not like to see permission granted if it were then to put the tree under pressure to be pruned to allow increased light levels. The difference in levels, orientation and adjacent wall coupled with the tree canopy would also make the amenity space quite dark and claustrophobic again leading to pressure to prune the tree.

For the purpose of clarity the following should be submitted:

Tree Constraints: The Root Protection Area (RPA) and other relevant constraints should be plotted around each of the category A, B and C trees on relevant drawings including proposed site layout plans. The BS 5837:2012 tree constraints plan (TCP) must be supplied detailing:

- The current and ultimate height and spread of the tree
- The shade cast by the tree must be indicated on the TCP by plotting a segment, with a radius from the centre of the stem equal to the height of the tree, drawn from due north-west to due east thus indicating the shadow pattern through the main part of the day.
- Species characteristics, including evergreen or deciduous, density of foliage and factors such as susceptibility to honeydew drip, branch drop, fruit fall etc.

Arboricultural Impact Assessment: An Arboricultural Impact Assessment (AIA) is required to evaluate the direct and indirect effects of the proposed design and where

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necessary recommend mitigation. Scaled cross-sections and drawings may be required to demonstrate the feasibility of the scheme.

The AIA should include:

- The tree survey.
- Trees selected for retention, clearly identified and marked on a plan with a continuous line.
- Trees to be removed, clearly identified and marked on a plan with a dashed outline.
- Trees to be pruned, including access facilitation pruning, identified and listed.
- Areas designated for landscaping that need to be protected during construction to prevent the soil structure being damaged.
- Evaluation of impact of proposed tree losses.
- Evaluation of tree constraints and draft tree protection plan.
- Issues to be addressed by an Arboricultural Method Statement.

5.3. Derbyshire Wildlife Trust (revised comments January 2020):

Further to our consultation response dated 2nd December 2019 we advise that the details shown on the amended drawing in respect of the provision of bat and swift boxes is acceptable and addresses the issue raised in our earlier comments.

Original comments (October 2019):

Our only comment on this application is the provision of bat and bird enhancement measures as required by condition 4 of the outline permission DER/03/17/00333.

We note that the contents of a letter from Arc Ecology to Alan McGowan include options for bat and bird enhancements but we would advise that we would prefer to see the incorporation of in-built bat tubes/bricks and swift bricks within the new buildings to meet the requirements of this condition. The locations of the bat and swift bricks need to be clearly shown on a plan submitted either with this reserved matters application or before the commencement of development. Either way it is essential that the bat and bird enhancement plan corresponds with that submitted for approval as part of the reserved matters.

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

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CP6 Housing Delivery
CP20 Historic Environment
CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5 Amenity
H13 Residential Development – general criteria

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

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. Context

7.2. Appearance, scale and layout

7.3. Access

7.4. Landscaping

7.5. Amenity

7.1. Context

This is a brownfield site currently in commercial use within an established residential and commercial area adjacent to the Spondon District Centre and, as such, must be considered against the general criteria of saved policy H13 of the City of Derby Local Plan Review and Policy CP6 of the Local Plan – Part 1 (Core Strategy). In principle, the site is a suitable location for residential development. Under the outline permission, the principle of residential development is considered acceptable on this site and it remains so under the current reserved matters proposal. The site is located in a sustainable location within Spondon, on a main road through the District Centre and is well related to existing residential areas to the south and west of the

site. It is highly accessible to the public transport network which runs through the District Centre and is considered to be capable of creating a sustainable form of residential development.

The demolition of the buildings has been fully appraised under the outline application. None of the buildings on site are covered by any statutory protection through Listing or Conservation Area designation. Nor is the site on the Council's Local List and is therefore the lowest level of non-designated heritage asset, as defined by the NPPF. As the significance of this non-designated heritage asset is very limited and has lost much of its original setting the proposal to deliver new housing on the site would outweigh the loss of the buildings on this site.

7.2. Appearance and Layout

The layout of the development would be arranged with the two blocks fronting Sitwell Street and orientated with their principal elevation facing the highway and rear elevation facing in a westerly direction. The southern block would be 2 metres from the public highway and 7 metres further forward than the immediate neighbouring property No.48 Sitwell Street and northern block is to be positioned 0.5m from the public highway. Each dwelling would contain a garden area varied in size from 3m in depth to 6.5m in depth. Undoubtedly, the layout of the four dwellings would be influenced by the site boundaries and density of four dwellings. In terms of the layout, two blocks fronting the site is a logical form of development with a 3m gap between the buildings. The 1.5m margin to the side boundaries and overall width of the two buildings would give the appearance of filling the width of the plot.

The design and appearance of the proposed dwellings would amount to traditional-style additions to the street scene. The eaves fronted pitched roof design would assimilate reasonably well, particularly given the built context of mixed housing types in this part of Sitwell Street. With a good quality brick finish, the appearance of the dwellings would be acceptable. When viewing this section of Sitwell Street, the mix of historic dwellings and 1970's era pairs of semi-detached dwellings is evident as well as the commercial frontage of single storey flat roof buildings comprising the car sales business. As there is such a variety of buildings within the street scene, the proposed development would result in a reasonable addition to the local built environment.

In terms of the proposed 2.5 storey scale, 8.5m building height, the main point of reference here is from the period 2.5 storey property further south of the application site (No.44 Sitwell Street). In particular the small pitched dormer window to the roof plane frontage echoes those found on the period dwelling at No.44. Given the existence of this 2.5 storey scale building, 20m south of the application site, the proposed 2.5 storey scale would be reasonable in this context along Sitwell Street.

7.3. Access

Policy CP23 requires development to make safe and appropriate provision for access to and egress to from the development for all road users. Given, the highly sustainable location of the site and small scale of the proposal, it is unlikely to create substantial traffic generation to the locality and is not likely to be any greater than the current repair garage use.

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The application has specified a car free development, because vehicular access into and out of the site could be difficult or dangerous. As the application site is situated immediately adjacent to the District Centre, with good transport links, amenities and services, a car free development could be accepted in this instance. While there is no provision for off-street parking within the site, the granting of planning permission would not prevent future occupiers would not use / own cars / park locally.

I note the concerns of the Highways Officer in relation to the scheme as originally submitted, however during the life of the application their objection has been removed, by making it a car free scheme. The entire existing boundary wall would be removed and landscaping / railings put in its place, which is acceptable in terms of visual amenity.

7.4. Landscaping

In ecological terms, the submitted habitat survey work has not revealed any evidence of bat roosting features and no further survey work is recommended within the report. No evidence of nesting birds has been identified and the report states that nesting birds are not considered to be a constraint to development. Derbyshire Wildlife Trust provided consultee comments and consider that adequate survey work has been undertaken in support of this planning application for it to be determined without further survey work being required. The plans show the incorporation of swift bricks and a bat box upon the northern elevation, which satisfies the requirements of Derbyshire Wildlife Trust for biodiversity enhancement.

A TPO protected Beech tree is located immediately north-west of the application site. The tree is mature and of good visual form and condition. It is visible from many vantage points along Sitwell Street and part of the canopy spread hangs over the north west corner of the application site. Certainly, the extent of the root protection area, canopy spread and proximity to the most northerly dwelling is a material consideration, where it impacts on the development site. The built relationship between the rear garden of the proposed northern block and the nearby Beech tree could result in future pressure to reduce / prune the tree. Undoubtedly, the rear garden and rear windows would be cast with some shadowing at certain times of the day when the tree is in leaf. A number of mitigation measures are recommended by the Council's Tree Officer to ensure any construction works would not damage the tree. The application ground level is 2m lower than the tree with a 2m high masonry retaining wall along the existing boundary which is shown for retention.

A tree appraisal plan has been submitted which shows the canopy spread and notional line of the root protection area, with a one metre corner of the dwelling potentially crossing a segment of the root protection area. However, the Tree Officer considers that it is highly likely that the underground tree roots would extend below the 2m depth of land level difference between the application site and land level where the tree exists. A method statement for the building works which affect the RPA of the Beech tree can be appropriately secured through condition. The development would slightly reduce the public amenity value of the TPO Beech tree as viewed from Sitwell Street, however the tree would still be appreciable from various vantage points along Sitwell Street and the village hall/District Centre.

7.5 Amenity

The nearest neighbouring dwellings are No.21 Ingle Close sited beyond the rear boundary to the west and No.48 Sitwell Street immediately adjacent. The building to building distance to No.21 Ingle Close would be approximately 27m at a similar land level. While there would be small degree of potential overlooking from the rear first floor windows of the proposed dwellings beyond the rear boundary, the 27m distance to the rear elevation of No.21 Ingle Close is tolerable and the new dwellings would be partly screened by existing retaining wall along the rear boundary. Furthermore, with the revised drawing now showing rooflights rather than dormers upon the rear roof plane, it is considered the built relationship would be entirely reasonable in amenity terms.

In respect of No.48 Sitwell Street, it is a semi-detached dwelling with an integral garage, which abuts the application boundary. A retaining wall runs along their northern boundary and so any boundary wall works would need a Party Wall Act agreement. The proposed building line along their northern boundary would be similar to the existing building line, which projects forward from the front elevation of No.48. The obvious difference with the proposed scheme is the increased height of the proposed dwellings to 8.5m (ridge level) but with a 2m gap formed from the common boundary to the proposed side wall. Certainly some degree of massing effect would occur to the frontage of No.48, particularly to the first floor nearest bedroom window. Yet given the 5 metre distance from the nearest principal habitable bedroom window to the side of the wall of the proposed left hand block it is considered the amenity impact on the adjacent residents in terms of massing and overlooking would not be significantly adverse.

While the objection letter from this neighbour highlights structural and foundation issues surrounding the retaining wall and garage, this would be assessed and regulated by the Building Regulations regime and be subject to Party Wall Act agreements. Taking this into consideration I am satisfied that the proposal meets criteria set out in Policy GD5 of the adopted City of Derby Local Plan Review, 2006.

The internal layout of the scheme is entirely satisfactory as the four plots are situated with sufficient distances between each other and orientated so overlooking or massing impacts on neighbouring properties would be kept to a minimum. There is adequate rear/side garden space for all the proposed dwellings, with varying garden depths dependent on plot size.

Having considered all applicable material planning matters, I conclude that the proposed development would reasonably satisfy the requirements set out in the specified Local Plan Policies of the saved CDLPR (2006) and relevant policies of the adopted Core Strategy-Part 1 (2017). The scheme would be acceptable in design, amenity, highways, policy and environmental terms. A recommendation is given to grant reserved matters approval with appropriate conditions is therefore given.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed four dwellings are acceptable in terms of the principle of residential development and the scheme layout and amenity implications and environmental impact would achieve a satisfactory density and form of development that would integrate reasonably well in this setting of a mixed townscape environment and not result in unreasonable harm to residential amenity. Moreover, the development would not result in harm to the protected TPO Beech tree on adjoining land and not have adverse impacts on ecology. The car free nature of the development also would not have adverse highway safety impacts in this sustainable and accessible location.

8.3. Conditions:

1. List of approved plans, including revised plans

Reason: For the avoidance of doubt

2. Time limit condition

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

3. Condition requiring further landscaping information

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

4. Condition requiring a site specific arboricultural method statement and tree protection plan to protect the Beech tree, during and after construction.

Reason: To protect the Beech tree from damage during construction, including all ground works and works that may be required by other conditions.

5. Condition requiring details of bin/ recycling storage within the site.

Reason: To ensure provision of appropriate bin storage for the occupiers and in interests of visual amenity of the area.

6. Condition requiring further details of materials.

Reason: In order to ensure a satisfactory external finish to the development.

7. Condition requiring redundant accesses to be permanently closed and reinstated.

Reason: To protect the structural integrity of the highway, to allow for future maintenance and in the interests of highway safety.

8.4. Informative Notes:

- N1. The minor access reinstatement works referred to in Condition 4 above involve work on the highway and as such require the consent of the City Council. Please contact maintenance.highways@derby.gov.uk.

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- N2. No part of the proposed buildings, walls or 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 new buildings which need numbering. To ensure that the 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 plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.

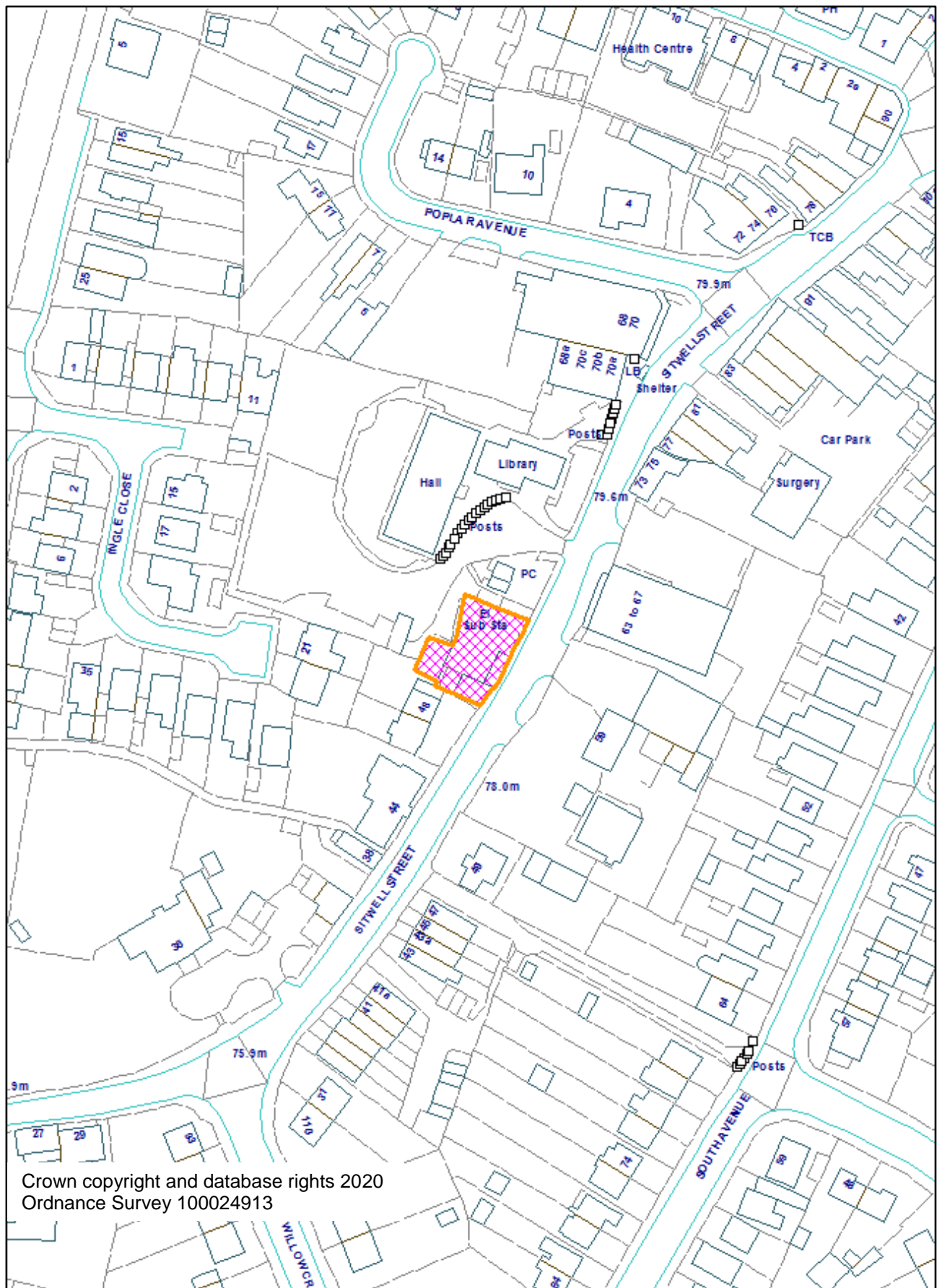
8.5. Application timescale:

The application target date was 26 September 2019 and an extension of time has been agreed.

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Delegated decisions made between Between 01/12/2019 and 31/12/2019



Application No:	Application Type	Location	Proposal	Decision	Decision Date
05/18/00791	Full Application	85-89 King Street Derby	Refurbishment Of Commercial Ground Floor Units Together With Formation Of 6 Residential Units On First And Second Floors. Installation Of Glazing And Repair To External Masonry Including Bricking Up Of Existing Openings	Approval	09/12/2019
05/18/00818	Full Application	10 Chaffinch Close Spondon Derby	Two Storey Side Extension To Dwelling House (Kitchen, Utility, Study, Two Bedrooms And Bathroom), Roof Alterations To Form Rooms In The Roof Space (Two Bedrooms And En-Suite) And Erection Of An Outbuilding (Garage/Store)	Approval	24/12/2019
19/00174/FUL	Full Application	The Knoll 241 Village Street Derby DE23 8DD	Erection of two residential units for supported living (use class C3b) and associated ground works	Approval	19/12/2019
19/00659/FUL	Full Application	Carlyle Infant School Carlisle Avenue Derby DE23 3ES	Siting of a shipping container for use as a library	Application Withdrawn	20/12/2019
19/00729/VAR	Variation of Condition	Land Adjacent To 29 Arthur Street Derby DE1 3EF	Demolition of three garages and erection of one dwelling house for student accommodation (Use Class C3) - variation of conditions 2 and 6 of previously approved planning permission Code No. 12/17/01581 to amend the design of the dwelling house	Approval	02/12/2019
19/00784/FUL	Local Council Own Development Reg 3	Oakwood Junior School Holbrook Road Derby	Installation of extraction system with ducting	Application Withdrawn	03/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE24 0DD			
19/00815/FUL	Full Application	Land To The Rear Of 41 Anglers Lane Derby	Erection of a dormer bungalow (Use Class C3)	Refused	12/12/2019
19/00872/DISC	Compliance/Discharge of Condition	Former The Yarn Spinner Stoney Lane Derby DE21 7QG	Demolition Of Former Public House And Erection Of 13 Dwellings - Discharge of Conditions 3 & 8 of previously approved application No. DER/07/18/01064	Discharge of Conditions Complete	11/12/2019
19/00901/FUL	Full Application	59 Dewchurch Drive Derby DE23 1XP	Two storey side and single storey rear extensions to dwelling house (sun lounge, sitting room, two bedrooms, bathroom and kitchen) and erection of an outbuilding (double garage)	Approval	11/12/2019
19/00946/RES	Reserved Matters	Land Adjacent To 26 Portreath Drive Derby DE22 2BH	Residential development (one dwelling) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to previously approved outline planning permission Code No. 19/00121/OUT	Approval	20/12/2019
19/00976/FUL	Full Application	Pumping Station By 5 Poplar Row Poplar Row Derby	Erection of a dosing rig with emergency shower unit to serve the existing pumping station and erection of a boundary wall	Approval	05/12/2019
19/01096/CLP	Lawful Development Certificate -Proposed	24 Davenport Road Derby DE24 8AX	Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Use Class C4)	Refused	09/12/2019
19/01097/FUL	Full Application	70 Friar Gate Derby DE1 1FP	Change of use from storage building to two dwellings (Use Class C3)	Refused	24/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01128/FUL	Full Application	34 Penrhyn Avenue Derby DE23 6LA	Two storey and single storey rear and first floor side extensions to dwelling house (kitchen/dining area, two bedrooms. en-suite bathroom and enlargement of lounge)	Approval	02/12/2019
19/01141/FUL	Full Application	Northcliffe House Meadow Road Derby DE1 2BH	Change of use from storage and distribution (Use Class B8) to indoor go-karting centre (sui generis use) together with minor external alterations	Application Withdrawn	13/12/2019
19/01145/TPO	Works to a tree with a TPO	8 Potter Street Derby DE21 7LH	Removal of branch of a Pine tree protected by Tree Preservation Order No. 478	Refused	10/12/2019
19/01165/FUL	Full Application	Littleover Manor 453 Burton Road Derby DE23 6FL	Change of use from care home (Use Class C2) to a house in multiple occupation (Sui Generis Use) and change of use of outbuilding to an apartment (Use Class C3) including alterations to the front and rear land levels	Approval	05/12/2019
19/01166/TPO	Works to a tree with a TPO	Trees In Front Of 7 And 13 Darley Park Drive Derby	Felling of a Lime tree and reduction of a Lime tree protected by Tree Preservation Order no. 465	Approval	16/12/2019
19/01223/FUL	Full Application	Land At The Side Of 4 Renfrew Street Derby DE21 6GB	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	11/12/2019
19/01234/DISC	Compliance/Discharge of Condition	Land Between 80 And 82 Bramfield Avenue Derby DE22 3TL	Erection of a dwelling house (Use Class C3) - Discharge of Conditions 3, 4 and 5 of previously approved planning permission Code No. 19/00531 to approve floor levels, external materials and surface water drainage.	Discharge of Conditions Complete	02/12/2019
19/01253/FUL	Full Application	19 Cowley Street Derby DE1 3SL	Single storey rear extension to dwelling (en-suite and enlargement of kitchen)	Approval	13/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01300/FUL	Full Application	124 Chaddesden Park Road Derby DE21 6HG	Two storey side extension to dwelling house (covered way, two bedrooms and en-suite)	Approval	04/12/2019
19/01381/FUL	Local Council Own Development Reg 3	22 Bute Walk Derby DE21 6BN	Change of use from care home (Use Class C2) to six apartments (Use Class C3) including alterations to the elevations and other ground works	Approval	12/12/2019
19/01382/TPO	Works to a tree with a TPO	1 Cardinal Close Derby DE21 4TH	Crown lift to give 2m clearance of branches overhanging the adjacent properties and crown reduction by 1-2m of an Oak tree protected by Tree Preservation Order no. 124	Approval	02/12/2019
19/01386/TPO	Works to a tree with a TPO	1 Cooper Street Derby DE22 3BT	Various works to trees protected by Tree Preservation Order no. 133	Approval	03/12/2019
19/01388/TPO	Works to a tree with a TPO	Brookside Kedleston Street Derby DE1 3JY	Various works to trees protected by Tree Preservation Order No 209	Approval	16/12/2019
19/01402/FUL	Full Application	7 Market Place Derby DE1 3QE	Erection of a sliding gate	Approval	13/12/2019
19/01404/FUL	Full Application	22 Cavendish Avenue Derby DE22 2AR	Single storey side extension to dwelling (sitting room, utility and enlargement of bedroom) with a raised platform to the rear elevation	Approval	16/12/2019
19/01406/FUL	Full Application	39 - 40 Iron Gate Derby DE1 3GA	Change of use from retail (Use Class A1) to tattoo studio (Sui Generis Use) and offices units	Approval	12/12/2019
19/01422/FUL	Local Council Development Reg 4	6 Hatfield Road Derby DE24 0BU	Installation of hard surfacing to the front garden	Approval	04/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01426/FUL	Full Application	67 Rose Hill Street Derby DE23 8FZ	Demolition of existing outbuilding and erection of a retail unit (use class A1) with three flats above (use class C3), installation of front dormer windows and raising of the roof height of the existing building	Refused	13/12/2019
19/01433/CLP	Lawful Development Certificate -Proposed	2 Crossdale Grove Derby DE21 2QZ	Single storey side extension to dwelling house	Approval	02/12/2019
19/01434/FUL	Full Application	Unit B1 Crown Park Parcel Terrace Derby DE1 1LY	Erection of a compound for use as a data centre. Installation of eight air conditioning units, two generators with a boundary fence and gates	Approval	02/12/2019
19/01435/OUT	Outline Application	Land At The Rear Of 85 Grasmere Crescent Derby DE24 9HT (access Off Grampian Way)	Residential development - two dwelling houses (Use Class C3)	Approval	09/12/2019
19/01436/CLP	Lawful Development Certificate -Proposed	10 Keats Avenue Derby DE23 4ED	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Refused	04/12/2019
19/01440/FUL	Full Application	9A Cornhill Derby DE22 2GG	Single storey front and rear extensions to dwelling house (porch and dining/garden room) and alterations to the front boundary wall	Approval	04/12/2019
19/01445/FUL	Full Application	24 Thornhill Road Derby DE22 3LX	Two storey side and single storey rear extensions to dwelling house (kitchen/diner, store, utility and two bedrooms)	Approval	13/12/2019
19/01446/FUL	Full Application	30 Shaldon Drive Derby DE23 6HY	Retention of two storey side and single storey rear extensions to dwelling house (study, wet room, kitchen/dining area, bedroom, en-suite and enlargement of lounge)	Approval	10/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01447/FUL	Full Application	2 Rough Heanor Road Derby DE3 9AZ	Two storey side/rear extension to dwelling house (utility room and bedroom) together with raising of the roof height of the existing single storey side projection and raise the height of the existing garden wall	Approval	04/12/2019
19/01449/FUL	Full Application	Land At The Side And Rear Of 35 Keats Avenue Derby DE23 4EE	Erection of a dwelling house (Use Class C3)	Approval	02/12/2019
19/01450/DISC	Compliance/Discharge of Condition	Land To North Side Parcel Terrace Derby	Erection of 2 no. units (Use Class B1(c), B2 & B8 (with ancillary Trade Counter Use), formation of car parking area and associated infrastructure - Discharge of condition nos 5, 9 and 10 of previously approved permission DER/18/01840	Discharge of Conditions Complete	19/12/2019
19/01452/LBA	Listed Building Consent - Alterations	39 - 40 Iron Gate Derby DE1 3GA	Removal of stud walls and installation of new partition walls	Approval	12/12/2019
19/01453/FUL	Full Application	103 Western Road Mickleover Derby DE3 9GQ	Erection of an outbuilding	Approval	02/12/2019
19/01454/VAR	Variation of Condition	Car Park 1, Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Retention of single storey ward and adjoining link for a temporary period of up to 12 months - variation of condition 2 or previously approved planning permission Code No.18/01759/FUL to allow the building to remain until 28 February 2021	Approval	02/12/2019
19/01456/FUL	Full Application	31 Sackville Street Derby DE23 8TD	Single storey rear extension to dwelling house (conservatory)	Approval	03/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01457/FUL	Full Application	28 Hartington Way Derby DE3 9BG	Single storey rear extension to dwelling (snug and enlargement of kitchen/dining area)	Approval	12/12/2019
19/01458/TPO	Works to a tree with a TPO	76 Parkway Derby DE73 5QA	Felling of an Ash tree protected by Tree Preservation Order no. 55	Approval	10/12/2019
19/01459/CLP	Lawful Development Certificate -Proposed	49 Cordelia Way Derby DE73 5AT	Single storey rear extension to dwelling house (family room and enlargement of kitchen)	Approval	09/12/2019
19/01461/PNRIA	Prior Approval - Shop / Bank to Resi	60 Balaclava Road Derby DE23 8UJ	Change of use from hot food takeaway (Use Class A5) to flat (Use Class C3) including alterations to the fenestration to the front and rear elevations	Prior Approval Approved	17/12/2019
19/01463/TPO	Works to a tree with a TPO	30 Keats Avenue Derby DE23 4ED	Crown reduction by up to 3m of a Silver Birch tree protected by Tree Preservation Order No. 357	Approval	11/12/2019
19/01467/FUL	Full Application	78 Woodford Road Derby DE22 4EG	Two storey side and single storey front and rear extensions to dwelling house (bedroom, en-suite and enlargement of kitchen/dining area and garage)	Approval	04/12/2019
19/01468/FUL	Full Application	1 Wilson Street Derby DE1 1PG	Retention of change of use from social club (Use Class D2) to three flats in multiple occupation - two units with 10 bedrooms and one unit with 5 bedrooms (Sui Generis Use) together with external alterations to include alterations to the existing fenestration and installation of new roof lights and render	Approval	04/12/2019
19/01469/FUL	Full Application	16 Carsington Crescent Derby DE22 2QZ	First floor side and single storey rear extensions to dwelling house (two bedrooms, bathroom, shower room and enlargement of kitchen/family room and study)	Approval	05/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01470/TPO	Works to a tree with a TPO	1C Greenfields Avenue Derby DE23 3EP	Crown lift to 1.8 metres and crown reduction by 1.5 metres to upper crown of a Silver Birch tree protected by Tree Preservation Order No. 511	Approval	20/12/2019
19/01474/FUL	Full Application	156 Littleover Lane Derby DE23 6JL	Retention of the installation of a dormer to the rear elevation	Refused	18/12/2019
19/01475/FUL	Full Application	1 Willson Road Derby DE23 1BY	Two storey side and single storey rear extensions to dwelling house (garage, office, two bedrooms, bathroom, en-suite and enlargement of kitchen/dining area)	Approval	13/12/2019
19/01477/FUL	Full Application	2 Franklyn Drive Derby DE24 0FR	Single storey rear extension to dwelling house (enlargement of kitchen/living space)	Approval	11/12/2019
19/01478/FUL	Full Application	Land Adjacent To 22 Farnway Derby DE22 2BP	Erection of a bungalow (Use Class C3)	Refused	12/12/2019
19/01479/FUL	Full Application	9 Folly Road Derby DE22 1ED	Two storey side and single storey side and rear extensions to dwelling house (utility, dining area, bathroom and enlargement of kitchen and bedroom) and formation of a raised patio area to the rear elevation	Approval	12/12/2019
19/01480/FUL	Full Application	6 Arlington Drive Derby DE24 0AU	Two storey side extension to dwelling house (garage and bedroom)	Approval	11/12/2019
19/01481/FUL	Full Application	26 Brackens Avenue Derby DE24 0BE	Two storey side extension to dwelling house (garage, bedroom and en-suite)	Approval	11/12/2019
19/01483/CAT	Works to Trees in a Conservation Area	10 Mickleover Manor Derby DE3 0SH	Felling of a Cherry tree within the Mickleover Conservation Area	Approval	02/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01484/PNRJ	Prior Approval - Offices to Residential	38 Full Street Derby DE1 3ST	Change of use from offices (Use Class B1) to 20 flats (Use Class C3)	Refused	16/12/2019
19/01488/FUL	Full Application	68 Cadgwith Drive Derby DE22 2AE	Single storey side and rear extensions to dwelling house (store, utility, shower room, guest/play room and dining area)	Approval	16/12/2019
19/01490/FUL	Full Application	198 Birchover Way Derby DE22 2RT	Two storey side and single storey rear extensions to dwelling house (garage, utility, w.c., bedroom, en-suite and enlargement of dining/family space)	Approval	16/12/2019
19/01495/FUL	Full Application	25 Sunny Grove Derby DE21 6QP	Two storey side and two storey and single storey rear extensions to dwelling house (store, w.c, utility, family room, bedroom, dressing room, en-suite and enlargement of bedroom) and formation of a raised patio area to the rear elevation	Refused	16/12/2019
19/01496/TPO	Works to a tree with a TPO	Ashtree Lodge 105 Uttoxeter New Road Derby DE22 3NL	Felling of a Sycamore tree protected by Tree Preservation Order No. 292	Approval	18/12/2019
19/01497/TPO	Works to a tree with a TPO	8 Hamlet Court And 2 Nestor Close Derby DE73 5AH And DE73 5AD	Various works to four Oak trees protected by Tree Preservation Order no. 177	Approval	19/12/2019
19/01501/CAT	Works to Trees in a Conservation Area	Land At The Corner Of North Street And North Parade Derby DE1 3AZ	Felling of sixteen trees within the Strutts Park Conservation Area	Approval	09/12/2019
19/01502/FUL	Full Application	6 Harvest Way Derby DE21 2XB	Two storey rear extension to dwelling house (dining/family space and bedroom) and installation of a new window to the first floor	Approval	20/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			side elevation		
19/01503/FUL	Full Application	14 Kings Croft Derby DE22 2FN	Two storey rear extension to dwelling house (utility, dining/family space, bedroom and ensuite), raising height of roof ridge, installation of a new window to the first floor side elevation and formation of a raised patio area to the rear elevation	Approval	04/12/2019
19/01505/FUL	Full Application	10 Birkdale Close Derby DE3 9YG	Single storey front extension to dwelling house (enlargement of garage)	Approval	04/12/2019
19/01506/TPO	Works to a tree with a TPO	Nuffield Health Fitness And Wellbeing The County Ground Nottingham Road Derby DE21 6DA	Various works to trees protected by Tree Preservation Order No. 216	Approval	19/12/2019
19/01507/CAT	Works to Trees in a Conservation Area	60 Belper Road Derby DE1 3EN	Pollarding of four Lime trees and removal of sucker growth from a Cherry tree within the Strutts Park Conservation Area	Approval	04/12/2019
19/01513/TPO	Works to a tree with a TPO	Park Lane House And The Coach House Park Lane Littleover Derby DE23 6FX	Various works to trees protected by Tree Preservation Order no. 127	Approval	19/12/2019
19/01514/FUL	Full Application	42 Locko Road Derby DE21 7AQ	Two storey and single storey rear extensions to dwelling house (kitchen/dining area, playroom, utility, w.c., two bedrooms and bathroom)	Approval	05/12/2019
19/01515/TPO	Works to a tree with a TPO	2 Marston Close	Crown lift by 4m, crown reduction away from	Approval	20/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 2NW	the building by 2m and crown thin by 20% of a Beech tree protected by Tree Preservation Order no. 453		
19/01516/TPO	Works to a tree with a TPO	Birch View 100 Mill Hill Lane Derby DE23 6SY	Various works to trees protected by Tree Preservation Order no. 146	Approval	20/12/2019
19/01518/FUL	Full Application	39 East Street Derby DE1 2BL	Installation of cladding to parapet wall	Approval	20/12/2019
19/01519/LBA	Listed Building Consent - Alterations	39 East Street Derby DE1 2BL	Installation of cladding to parapet wall	Approval	20/12/2019
19/01520/FUL	Full Application	19 Abbey Hill Road Derby DE22 2PT	Single storey side/rear extension to dwelling house (kitchen and dining room)	Approval	04/12/2019
19/01523/CAT	Works to Trees in a Conservation Area	25 Gascoigne Drive Derby DE21 7GL	Crown reduction by 1 metre, crown clean and removal of deadwood of an Oak tree within the Spondon Conservation Area	Approval	11/12/2019
19/01528/FUL	Full Application	317 Duffield Road Derby DE22 2DF	Installation of four roof lights to form rooms in the roof space	Approval	16/12/2019
19/01530/FUL	Full Application	74 Field Lane Alvaston Derby DE24 0GR	Single storey side extension to dwelling house (utility and enlargement of kitchen/diner)	Approval	04/12/2019
19/01534/FUL	Full Application	15 Freesia Close Derby DE3 9NJ	Single storey rear extension to dwelling house (conservatory)	Approval	13/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01535/FUL	Full Application	109 Sancroft Road Derby DE21 7ES	Two storey side and single storey front and rear extensions to dwelling house (bedroom, en-suite, study, garage, hall, utility, w.c and family area)	Approval	13/12/2019
19/01536/FUL	Full Application	4 Glamis Close Derby DE21 2QJ	First floor side and single storey front and rear extensions to dwelling house (porch, family/dining space, bedroom, bathroom and enlargement of hall and garage)	Approval	12/12/2019
19/01540/PNRJ	Prior Approval - Offices to Residential	110 And 112 Park Farm Centre Park Farm Drive Derby DE22 2QN	Change of use of first and second floors from Offices (Use Class B1) to two flats (Use Class C3)	Approval	12/12/2019
19/01542/FUL	Full Application	72 Chapel Lane Spondon Derby DE21 7JW	First floor rear extension to dwelling house (bedroom)	Approval	18/12/2019
19/01546/FUL	Full Application	Land At The Side And Rear Of 52 Bedford Street Derby DE22 3PB	Erection of a dwelling house (Use Class C3)	Approval	05/12/2019
19/01547/FUL	Full Application	22 Dewchurch Drive Derby DE23 1XP	Two storey side and single storey rear extensions to dwelling house (garage, wet room, guest room, kitchen/dining room, two bedrooms and en-suite)	Refused	13/12/2019
19/01548/FUL	Full Application	25 The Chase Derby DE24 9PD	Two storey side and single storey front and rear extensions to dwelling house (porch, sitting room, wet room, kitchen/dining area, utility, bedroom and en-suite)	Approval	04/12/2019
19/01549/FUL	Full Application	Telecommunications Mast Site 5536 Station Road	Installation of a replacement 17.5m high monopole with six antennas, two relocated	Approval	18/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Mickleover Derby DE3 9GJ (Rear Of Mickleover Memorial Hall)	transmission dishes and ancillary development		
19/01552/NONM	Non-Material Amendment	12 Crompton Street Derby DE1 1NY	Erection of an annexe building to accommodate two additional rooms to the existing house in multiple occupation and felling of a Cherry tree and pollarding of a tree within the Green Lane and St Peter's Conservation Area - non-material amendment to previously approved planning permission 19/00634/FUL to include a picture window to elevation B	Approval	03/12/2019
19/01554/FUL	Full Application	47 Sackville Street Derby DE23 8TD	Change of use from dwelling house (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis use) including a single storey rear extension and alterations to the front and rear elevations	Approval	16/12/2019
19/01555/FUL	Full Application	47 Badgerdale Way Derby DE23 3ZA	Change of use from a dwelling house to two flats (Use Class C3)	Approval	09/12/2019
19/01561/FUL	Full Application	2 East Avenue Derby DE3 9FR	Alterations to the existing house and garage roofs to convert them from flat to pitched	Approval	04/12/2019
19/01562/NONM	Non-Material Amendment	29 Church Lane Darley Abbey Derby DE22 1EX	Two storey rear extension to dwelling house (w.c, living room, study and bedroom) - non-material amendment to previously approved planning permission 18/01617/FUL to include a roof light to the side elevation of the extension	Approval	11/12/2019
19/01566/FUL	Full Application	70B Pastures Hill Derby DE23 4BB	First floor extension to dwelling house (balcony)	Approval	04/12/2019
19/01577/FUL	Full Application	94 Blagreaves Lane	Retention of the erection of an outbuilding	Approval	18/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 1FP	(garden store/gym)		
19/01584/FUL	Full Application	11 Windermere Crescent Derby DE22 2SF	Single storey rear extension to dwelling house (dining room and w.c.)	Approval	20/12/2019
19/01586/FUL	Full Application	28 Thirlmere Avenue Derby DE22 2RX	Single storey front, side and rear extensions to dwelling (porch, study, bathroom, en-suite, bedroom, dining/sitting area and enlargement of lounge)	Approval	19/12/2019
19/01589/FUL	Full Application	66 Lynton Street Derby DE22 3RU	Demolition of existing garage and single storey rear extension (bedroom and en-suite) to HMO (use class C4) . Erection of 2.1m boundary fence.	Approval	13/12/2019
19/01593/FUL	Full Application	8 Windermere Crescent Derby DE22 2SE	Two storey side and single storey rear extensions to dwelling house (playroom, lobby, utility, w.c., dining room, bedroom, store and enlargement of bathroom)	Approval	20/12/2019
19/01595/ADV	Advertisement Consent	Wickes 806 London Road Derby DE24 8WA	Display of various signage	Approval	09/12/2019
19/01596/PNRH	Prior Approval - Householder	59 Littleover Lane Derby DE23 6JH	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 2.9m, height to eaves 2.9m) to dwelling house	Prior Approval Not Required	09/12/2019
19/01597/PNRH	Prior Approval - Householder	105 Hollybrook Way Derby DE23 3TU	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	16/12/2019
19/01604/FUL	Full Application	114 Laburnum Crescent Derby DE22 2GS	Two storey rear and single storey side extensions to dwelling house (enlargement of kitchen/dining area and bedroom) together with installation of a dormer window to the	Approval	19/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01609/NONM	Non-Material Amendment	The Lofts 51 Lodge Lane Derby DE1 3HB	front elevation Change of use from offices (Use Class B1) to four six bed flats in multiple occupation (Use Class C4) including a third floor roof extension - non-material amendment to previously approved planning permission 05/18/00812 to exclude the third floor roof extension, retain the existing roof structure, install roof lights and amend the internal layout	Approval	04/12/2019
19/01610/FUL	Local Council Own Development Reg 3	169 Upper Dale Road Derby DE23 8BS	Single storey rear extension to dwelling house (wetroom)	Approval	17/12/2019
19/01611/ADV	Advertisement Consent	Pizza Express 25 Iron Gate Derby DE1 3GL	Display of two externally illuminated fascia signs, one externally illuminated projecting sign, one illuminated roundel sign and retention of an internally illuminated menu board and poster box	Approval	23/12/2019
19/01612/LBA	Listed Building Consent - Alterations	Pizza Express 25 Iron Gate Derby DE1 3GL	Installation of signage, painting of the windows frames and door and retention of existing menu board, poster holder and sign	Approval	23/12/2019
19/01637/NONM	Non-Material Amendment	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of 796 dwellings comprising 773 dwellings and apartments, conversion of Wilderslowe House into 10 apartments conversion of nos 123-129A Osmaston Road into 12 apartments, alteration and refurbishment of The Lodge together with conversion and extension of the 'Pepper pot' buildings into a cafe, exhibition/meeting space, and gym/fitness facilities. Relocation of the listed Queen Victoria statue, together with formation of vehicular access, public open space, landscaping and associated engineering works - non-material amendment to previously approved planning permission	Approval	13/12/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			18/01677/FUL to increase parking numbers by 20 spaces adjacent to Block E6, and 3 further spaces and amend the affordable housing distribution (plots 84-91)		
19/01639/FUL	Full Application	30 Queen Street Derby DE1 3DS	Change of use from retail (Use Class A1) to cafe/restaurant and hot food takeaway (Use Classes A3 and A5) including the installation of an extraction duct to the rear elevation	Refused	23/12/2019
19/01644/FUL	Full Application	Land At The Side Of 40 South Avenue Littleover Derby DE23 6BB	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	20/12/2019
19/01653/FUL	Full Application	67 Elms Avenue Derby DE23 6FB	Single storey side and rear extensions to dwelling (utility, w.c. and dining/family area)	Approval	23/12/2019
19/01661/RES	Reserved Matters	Former The Yarn Spinner P.H Stoney Lane Derby DE21 7QG	Demolition of former public house and erection of 14 dwellings - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no 01/17/00044 for 13 dwellings	Application Withdrawn	16/12/2019
19/01673/DISC	Compliance/Discharge of Condition	Land At The Junction Of Meadow Lane London Road Derby	Erection of a compound for use as a data centre. Installation of eight air conditioning units, two generators with a boundary fence and gates - discharge of condition No 5 of previously approved permission DER/19/01343	Discharge of Conditions Complete	02/12/2019
19/01678/DEM	Demolition - Prior Notification	805 London Road Derby DE24 8UU	Demolition of an outbuilding	Approval	23/12/2019



Derby City Council

Delegated decisions made between Between 01/01/2020 and 31/01/2020



Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
07/18/01009	Full Application	Land Adjacent To 38 Keats Avenue Littleover Derby	Erection Of A Dwelling House (Use Class C3)	Approval	29/01/2020
19/00216/FUL	Full Application	42 St Marys Gate Derby DE1 3JZ	Change of use from offices (use class B1) to 3 apartments (use class C3)	Approval	17/01/2020
19/00217/LBA	Listed Building Consent - Alterations	42 St Marys Gate Derby DE1 3JZ	Alterations in association with the change of use from offices (use class B1) to 3 apartments (use class C3) to include the installation of partition walls, removal of a spiral staircase and installation of a roof light	Approval	17/01/2020
19/00425/OUT	Outline Application	214 Osmaston Road Derby DE23 8JX	Demolition of previous extensions and outbuilding. Change of Use from engineers club to six apartments (Use Class C3) and residential development - 18 apartments (Use Class C3) to the rear of the site	Approval subject to Section 106	17/01/2020
19/00646/FUL	Full Application	Jacobean House 33 - 35 Wardwick Derby DE1 1HA	Change of use of upper floors from cafe/restaurant to large-scale house in multiple occupation (Sui-Generis Use) and associated alterations	Approval	17/01/2020
19/00647/LBA	Listed Building Consent - Alterations	Jacobean House 33 - 35 Wardwick Derby DE1 1HA	Alterations in association with the change of use of vacant accommodation to large-scale house in multiple occupation (Sui-Generis Use), including the subdivision of the ground floor commercial unit (Use Class A3)	Approval	17/01/2020
19/01078/FUL	Full Application	10-12 Victoria Street Derby DE1 1EQ	Change of use of second and third floors to residential use. (Use Class C3) Extension to third floor to form additional apartment together with, insertion of mezzanine level	Refused	22/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			and altered roof to form eight apartments.		
19/01164/FUL	Full Application	The County Hotel Sinfin Lane Derby DE24 9GP	Demolition of public house. Erection of MOT testing station, car repair workshop (Use Class B2) and use of land as hand car wash (Sui Generis)	Refused	20/01/2020
19/01199/FUL	Full Application	4 Cherry Close Derby DE3 9DD	First floor rear extension to dwelling house (bedroom & ensuite)	Approval	14/01/2020
19/01202/DISC	Compliance/Discharge of Condition	37 - 38 Iron Gate Derby DE1 3GA	Change Of Use Of First, Second And Third Floors From Offices (Use Class B1) To 12 Apartments (Use Class C3) - Discharge of condition 2 of previously approved application code No. DER/09/18/01363	Discharge of Conditions Complete	30/01/2020
19/01212/DISC	Compliance/Discharge of Condition	Site Of Rose And Crown PH And St. Ralph Sherwin Centre Swarkestone Road Chellaston Derby	Demolition Of Existing Buildings And Structures And Erection Of (Use Class A1) Retail Shop, Car Parking And Servicing Areas, Access And Associated Works - Discharge of Condition 14 of previously approved application Code No. DER/02/18/00176	Discharge of Conditions Complete	21/01/2020
19/01239/FUL	Full Application	20 Duffield Road Derby DE1 3BB	Change of use from retail (Use Class A1) to Hot Food Shop (Use Class A5) and installation of extraction flue	Approval	15/01/2020
19/01318/FUL	Full Application	967 And 969 London Road Derby DE24 8PX	Change of use from two dwelling houses (Use Class C3) to a ten bedroom house in multiple occupation (Sui Generis use) including single storey rear extension and roof alterations to include a hip to gable conversion and installation of a rear dormer	Approval	02/01/2020
19/01378/FUL	Full Application	Former Derby Caravan Centre Meadow Lane Alvaston Derby	Change of use from sales area for touring caravans to provide maintenance workshop, community hall, informal resident and visitor parking ancillary to the use of the adjoining	Approval	20/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE24 8QQ	mobile home park		
19/01442/FUL	Full Application	3 Ullswater Drive Derby DE21 7JY	Two storey side and single storey front extensions to dwelling house (snug/family area, w.c., bedroom and en-suite)	Refused	15/01/2020
19/01448/FUL	Full Application	74 Blagreaves Lane Derby DE23 1FL	Two storey front/side extension to dwelling house (hall, study, bedroom and landing) and erection of an outbuilding (garage)	Approval	17/01/2020
19/01460/FUL	Full Application	Flat 9 Overfields House The Green Mickleover Derby DE3 0BU	Installation of two roof lights and enlargement of an existing rooflight	Approval	23/01/2020
19/01511/FUL	Full Application	Millbrook Snelsmoor Lane Derby DE73 6TQ	Two storey side extension to dwelling house (kitchen/dining area, bedroom and en-suite)	Approval	23/01/2020
19/01517/FUL	Full Application	53 Lincoln Avenue Derby DE24 8QY	Two storey rear extension to dwelling house (kitchen and bedroom)	Approval	15/01/2020
19/01524/FUL	Local Council Own Development Reg 3	123 Hawthorn Street Derby DE24 8BB	Change of use of youth centre (Use Class D1) to dwelling house (Use Class C3)	Approval	20/01/2020
19/01525/VAR	Variation of Condition	Land At Holmleigh Way Chellaston Derby	Residential Development -157 Dwellings (38 Within Derby City Boundary And 119 Within South Derbyshire Boundary) and associated infrastructure, landscaping, pumping station and Public Open Space - Variation of Condiiton 12 of previously approved Permission Code No.	Refused	17/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			DER/03/18/00391 to amend the Construction Method Statement to allow Saturday working.		
19/01532/FUL	Full Application	50 Bedford Street Derby DE22 3PB	Change of use from a six bedroom (six person) house in multiple occupation (Use Class C4) to a six bedroom (eight person) house in multiple occupation (Sui Generis Use)	Approval	22/01/2020
19/01533/FUL	Full Application	74 Woods Lane Derby DE22 3UD	Change of use from a six bedroom (six person) house in multiple occupation (Use Class C4) to a six bedroom (eight person) house in multiple occupation (Sui Generis Use)	Approval	22/01/2020
19/01541/VAR	Variation of Condition	15 South Street Derby DE1 1DS	Erection of a gazebo - Variation of condition 2 of previously approved planning permission Code No. 09/17/01186 to amend the design, size, location and foundation details of the gazebo	Approval	15/01/2020
19/01543/CAT	Works to Trees in a Conservation Area	4 Welney Close Derby DE3 0NZ	Pollarding of a Sycamore tree within the Mickleover Conservation Area	Approval	09/01/2020
19/01544/FUL	Full Application	99 Blagreaves Lane Derby DE23 1FG	Single storey rear extension to dwelling house (kitchen diner, wet room and utility room) and an increase in height of the front boundary walls	Approval	17/01/2020
19/01545/FUL	Full Application	67 Chaddesden Lane Derby DE21 6LN	Formation of a vehicular access	Approval	08/01/2020
19/01551/FUL	Full Application	7 Elmwood Drive Derby DE21 4GB	Single storey side and rear extensions to dwelling house (living space, utility. cloak room and w.c.)	Approval	07/01/2020
19/01559/FUL	Full Application	4-5 The Spot	Change of use of first and second floors to six	Approval	22/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Osmaston Road Derby	apartments (Use Class C3)		
19/01563/FUL	Full Application	110 Village Street Derby DE23 8DF	Two storey side extension to dwelling house (covered way and bedroom)	Approval	22/01/2020
19/01564/TPO	Works to a tree with a TPO	5 Fairview Close Derby DE23 3SF	Crown reduction by 1.5 - 2 metres and crown lift up to 5m of a Cedar tree protected by Tree Preservation Order No. 30	Approval	02/01/2020
19/01567/CAT	Works to Trees in a Conservation Area	Trees At The Rear Of 9, 11 And 15 Roman Road Derby	Crown reduction by 3m in height and crown raise to 2.1m from ground level of two Silver Birch trees, crown raise by 2.1m from ground level and crown thin by 20% of three Paper Birch trees and crown thin by 25% of a tree within the Little Chester Conservation Area	Approval	15/01/2020
19/01568/FUL	Full Application	194 Dale Road Spondon Derby DE21 7DL	Single storey rear extension to dwelling house (orangery)	Approval	07/01/2020
19/01569/CLP	Lawful Development Certificate -Proposed	Dwelling 468 Osmaston Road Derby DE24 8AH	Sub-division of residential unit to form two flats (Use Class C3)	Refused	15/01/2020
19/01572/FUL	Full Application	97 St Chads Road Derby DE23 6RP	Change of use from a dwelling house (Use Class C3) to a six bedroom (eight person) house in multiple occupation (Sui Generis use) including installation of a dormer to the rear elevation	Approval	03/01/2020
19/01574/FUL	Full Application	139 Blenheim Drive Derby DE22 2LH	Two storey side and single storey rear extensions to dwelling house (store, w.c., utility, bedroom, en-suite and snug/dining area)	Refused	09/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01575/CLP	Lawful Development Certificate -Proposed	50 Drewry Lane Derby DE22 3QP	Installation of a dormer to the rear elevation and roof lights to the front elevation	Approval	03/01/2020
19/01576/CLP	Lawful Development Certificate -Proposed	48 Chaddesden Park Road Derby DE21 6HD	Single storey rear extension to dwelling house	Approval	03/01/2020
19/01578/FUL	Full Application	1 Thorn Close Derby DE22 2JG	Two storey side and rear and single storey front extensions to dwelling (porch, kitchen/dining/family space, two bedrooms and en-suite) together with alterations to two front dormer windows and formation of a raised patio area to the rear elevation	Approval	20/01/2020
19/01585/FUL	Local Council Own Development Reg 3	Nottingham Road Cemetery Nottingham Road Derby DE21 6FN	Alterations to toilet block including a new entrance door and installation of an access ramp	Approval	21/01/2020
19/01587/TPO	Works to a tree with a TPO	Orchard Close West Avenue South Derby DE73 5SH	Felling of a Poplar tree, pollarding of an Ash tree and crown reduction by 3m of three Beech trees protected by Tree Preservation Order no's 260 and 96	Approval	15/01/2020
19/01603/FUL	Full Application	37 Springwood Drive Derby DE21 2HE	First floor front and side and two storey and single storey rear extensions to dwelling house (bedroom, landing and enlargement of dining/family area and two bedrooms)	Approval	22/01/2020
19/01608/FUL	Full Application	76 Shardlow Road Derby DE24 0JQ	Sub-division of dwelling house to form two flats (Use Class C3) in addition to the dwelling house. Including installation of new doors to the rear elevation	Application Withdrawn	13/01/2020
19/01614/VAR	Variation of Condition	74 Burlington Way Derby DE3 9BD	Two storey side and single storey rear extensions to dwelling house (garage, utility, kitchen/dining/family space, bedroom and en-suite) - variation of condition 2 of previously	Approval	08/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			approved planning permission 19/00057/FUL to amend the roof design of the single storey rear extension		
19/01615/FUL	Full Application	1A Corden Avenue Derby DE3 9AQ	Erection of a 1.8m high boundary wall	Refused	17/01/2020
19/01616/FUL	Full Application	211 Derby Road Chellaston Derby DE73 5SE	Retention of change of use to a dwelling house (Use Class C3) and erection of a single storey rear extension (sun room)	Approval	29/01/2020
19/01618/FUL	Full Application	10 Waldene Drive Derby DE24 0GZ	Installation of a new roof	Approval	13/01/2020
19/01626/FUL	Full Application	48 Shaldon Drive Derby DE23 6HY	Two storey side and two and single storey rear extensions to dwelling house (lounge, kitchen, utility, w.c. , two bedrooms, bathroom and enlargement of dining room) and formation of rooms in roof space (bedroom and bathroom) with rear dormer	Approval	13/01/2020
19/01627/TPO	Works to a tree with a TPO	2 Longshaw Gardens Derby DE24 0EY	Pollarding of eight Lime trees to be carried out once every 3 years within a 10 year period protected by Tree Preservation Order No. 334	Approval	20/01/2020
19/01628/CAT	Works to Trees in a Conservation Area	116 Belper Road Derby DE1 3EQ	Crown reduction by 1m of two Prunus trees and a Laburnum within the Strutts Park Conservation Area	Approval	20/01/2020
19/01630/TPO	Works to a tree with a TPO	4 Westfield Grove Derby DE22 3SG	Felling of a Sycamore tree and crown reduction by 2m using reduction via thinning technique of an Ash tree and two Sycamore trees protected by Tree Preservation Order no. 242	Approval	15/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01631/FUL	Full Application	Rykned Tean Hansard Gate Derby DE21 6RR	Single storey extension to industrial unit (warehouse) and erection of boundary fence and gates	Approval	15/01/2020
19/01633/FUL	Full Application	28 Stiles Road Derby DE24 0PG	Single storey rear extension to dwelling house (enlargement of kitchen and bedroom)	Approval	15/01/2020
19/01634/FUL	Full Application	42 Brayfield Road Derby DE23 6GT	Single storey rear extension to dwelling with rooms in the roof space (bedroom and en-suite)	Approval	27/01/2020
19/01638/FUL	Full Application	121 Shardlow Road Derby DE24 0JR	Formation of a vehicular access	Approval	13/01/2020
19/01647/FUL	Full Application	8 Pulborough Gardens Derby DE23 3UE	Two storey and single storey rear extensions to dwelling house (day room, play room, bedroom and enlargement of two bedrooms)	Approval	06/01/2020
19/01651/FUL	Full Application	42 Taddington Road Derby DE21 4JW	Single storey side/rear extension to dwelling house (utility, w.c and enlargement of kitchen/dining area)	Approval	07/01/2020
19/01652/FUL	Full Application	159 Station Road Mickleover Derby DE3 9FL	Single storey front extension to dwelling house (bay window) and installation of a dormer to the rear elevation	Approval	21/01/2020
19/01655/FUL	Full Application	21 Willson Avenue Derby DE23 1DB	Single storey rear extension to dwelling house (dining/breakfast room)	Approval	09/01/2020
19/01656/FUL	Full Application	24 Marsden Street Derby DE24 8LW	Single storey side extension to dwelling house (lounge) and re-positioning of the existing outbuilding (store)	Approval	09/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01657/FUL	Full Application	14 Avondale Road Normanton Derby DE23 6SG	Change of use from a dwelling house (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis use) including installation of a new rear dormer extension, with juliet balcony.	Approval	07/01/2020
19/01658/FUL	Full Application	16 Derwent Avenue Derby DE22 2DQ	Two storey and single storey rear extensions to dwelling house (balcony and enlargement of dining and living areas) and installation of a canopy to the front elevation	Refused	22/01/2020
19/01659/FUL	Full Application	26 Rowsley Avenue Derby DE23 6JY	Two storey side extension to dwelling house (covered way and bedroom)	Approval	07/01/2020
19/01660/FUL	Full Application	20 Horncastle Road Derby DE21 4BU	Two storey side extension to dwelling house (study, utility and bedroom)	Approval	21/01/2020
19/01663/CLP	Lawful Development Certificate -Proposed	27 Arnold Street Derby DE22 3EW	Installation of two dormers to the rear elevation and two rooflights to the front elevation	Approval	20/01/2020
19/01664/CLP	Lawful Development Certificate -Proposed	27 Etwall Street Derby DE22 3DW	Installation of a dormer and window to the rear elevation and two roof lights to the front elevation	Approval	20/01/2020
19/01666/FUL	Full Application	21 Appledown Way Derby DE23 3YU	Two storey and single storey rear extensions to dwelling house (sun lounge, bedroom and enlargement of kitchen)	Approval	22/01/2020
19/01667/FUL	Full Application	27 St Albans Road Derby DE22 3JJ	Single storey front, side and rear extensions to dwelling house (bay window, utility and enlargement of kitchen and dining area)	Approval	09/01/2020
19/01668/ADV	Advertisement Consent	Bristol Street Motors Locomotive Way Derby	Display of one internally illuminated double sided digital display screen	Approval	07/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE24 8PU			
19/01671/FUL	Full Application	18 Lockington Close Derby DE73 6XD	Installation of a new roof to the existing conservatory	Approval	20/01/2020
19/01674/DEM	Demolition - Prior Notification	The Lodge Normanton Park Warwick Avenue Derby DE23 8DA	Demolition of changing rooms and pump house	Approval	09/01/2020
19/01676/CAT	Works to Trees in a Conservation Area	Yew Tree Cottage 19 Cornhill Derby DE22 2GG	Reduction in height by 3m and spread by 0.5m of a Cypress tree within the Allestree Conservation Area	Approval	15/01/2020
19/01677/FUL	Full Application	31 Crich Avenue Derby DE23 6ET	Two storey and single storey side extensions to dwelling house (bedroom, shower room, store and two bedrooms) and installation of a dormer to the rear elevation	Approval	22/01/2020
19/01679/ADV	Advertisement Consent	Unit 2A Meteor Centre Mansfield Road Derby DE21 4SY	Display of two LED illuminated display boards	Approval	29/01/2020
19/01689/ADV	Advertisement Consent	Intu Centre Traffic Street Derby DE1 2PG (Albion Street Entrance)	Display of one internally illuminated digital display screen and an internally illuminated fascia sign	Approval	31/01/2020
19/01693/CLP	Lawful Development Certificate -Proposed	97 Portreath Drive Derby	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	20/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 2SA			
19/01695/FUL	Full Application	22 Lime Avenue Derby DE1 1TU	Retention of the installation of dormers to the side and rear elevations	Approval	22/01/2020
19/01696/FUL	Full Application	17 Glenwood Road Derby DE73 6UB	Single storey rear extension to dwelling house (enlargement of kitchen and lounge)	Approval	27/01/2020
19/01700/PNRH	Prior Approval - Householder	7 Fairway Close Derby DE22 2PD	Single storey rear extension (projecting beyond the rear wall of the original house by 4m,, maximum height 3.6m, height to eaves 2.45m) to dwelling house	Prior Approval Not Required	02/01/2020
19/01703/FUL	Local Council Own Development Reg 3	2 Tay Walk Derby DE22 2SG	Single storey side extension to dwelling house (bedroom and wet room)	Approval	22/01/2020
19/01705/FUL	Full Application	20 Burlington Road Derby DE22 4JE	Erection of an outbuilding (garage)	Approval	30/01/2020
19/01712/FUL	Full Application	The Coach House 98 Whitaker Road Derby DE23 6AP	Single storey side/rear extension to dwelling house (utility and shower room)	Approval	30/01/2020
19/01714/CAT	Works to Trees in a Conservation Area	65 Belper Road Derby DE1 3EP	Crown reduction by 1.5 metres and crown lift by 1m of a Copper Beech tree within the Strutts Park Conservation Area	Approval	17/01/2020
19/01721/DISC	Compliance/Discharge of Condition LB	Convent Of Mercy 11 Bridge Gate Derby DE1 3AU	Refurbishment, change of use to Use Class D1 together with internal and external alterations to include formation of meeting room, offices, creche and associated garden play space - Discharge of condition Nos 3, 4, 5 and 6 of previously approved permission 19/01156	Discharge of Conditions Complete	07/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01722/DISC	Compliance/Discharge of Condition	Convent Of Mercy 11 Bridge Gate Derby DE1 3AU	Change of use to Use Class D1 together with internal and external alterations to include formation of meeting room, offices, creche and associated garden play space - Discharge of condition 3 of previously approved permission 19/01155	Discharge of Conditions Complete	08/01/2020
19/01724/FUL	Full Application	7 Western Road Mickleover Derby DE3 9GN	Single storey front and side extensions to dwelling house (porch, utility and enlargement of kitchen)	Approval	30/01/2020
19/01725/CAT	Works to Trees in a Conservation Area	94 Belper Road Derby DE1 3EQ	Felling of a Silver Birch tree, reduction of Cherry, Prunus and Magnolia trees and reduction of a Conifer hedge within the Strutts Park Conservation area	Approval	20/01/2020
19/01727/CLP	Lawful Development Certificate -Proposed	8 Hargreaves Close Derby DE23 3YH	Single storey rear extension to dwelling house (enlargement of family room, kitchen and dining areas)	Approval	30/01/2020
19/01730/FUL	Full Application	11 Alma Heights Derby DE3 9BF	Single storey front and rear extensions to dwelling (lobby, utility room and en-suite) and raising of the existing garage roof	Approval	31/01/2020
19/01763/ADV	Advertisement Consent	290 Osmaston Road Derby DE24 8AE	Display of one internally illuminated digital display screen and ancillary "vertical meadow"	Refused	20/01/2020
20/00024/DISC	Compliance/Discharge of Condition	Land Adjacent To 3 Cheam Close Derby DE22 4HY	Erection of a bungalow (Use Class C3) - Discharge of condition 3 of previously approved application No. 19/00826/FUL	Discharge of Conditions Complete	09/01/2020
20/00082/DISC	Compliance/Discharge of Condition	12 Pastures Avenue Derby DE23 4BE	Extensions And Alterations To Bungalow To Form Dwelling House To Include First Floor, Three Storey Rear And Single Storey Side	Discharge of Conditions Complete	22/01/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			Extensions (Garage, Terrace, Four Bedrooms, Bathroom, Living Space, Kitchen/Dining Area, Utility Room And W.C.)		