

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

- 5.1 None.

Other options

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

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None.

Climate implications

9.1 None.

Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	25/03/2021
Other(s)	Ian Woodhead	25/03/2021

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

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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 39	20/00899/CAD	Assembly Rooms Market Place Derby	Demolition of the Assembly Rooms and adjacent multi-storey car park.	<p>A. To refer the application to the Secretary of State for the Ministry of Housing, Communities and Local Government with this report and a resolution that members are minded to grant planning permission with conditions.</p> <p>B. Subject to the application not being 'called in' for determination by the Secretary of State, to grant planning permission with conditions.</p>
2	40 - 104	20/01646/OUT	Former Celanese Site 1 Holme Lane Spondon	Outline planning application, with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to secure and accept the Unilateral Undertaking to achieve the objectives set out in Part 8.5 below.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant outline permission with conditions upon satisfactory receipt of the Unilateral Undertaking.</p>

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3	105 - 145	20/01570/FUL	8 - 14 Agard Street Derby	Demolition of existing buildings. Erection of student accommodation block comprising of 94 bedrooms within 70 units and associated works	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
4	146 - 177	20/01474/FUL	Land Between Slack Lane And Etwall Street And Junction Uttoxeter Old Road Derby	Erection of nine apartments (44 rooms) in a three storey building for use as student accommodation (Sui Generis Use)	<p>A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
5	178 - 183	20/00945/FUL	28 Blagreaves Lane Littleover	Two storey side and rear extensions	To grant planning permission with conditions.

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Demolition**

1. Application Details

1.1. Address: Assembly Rooms, Market Place

1.2. Ward: Arboretum

1.3. Proposal:

Demolition of the Assembly Rooms and adjacent multi-storey car park

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00899/CAD>

Brief description

This application has been submitted by Derby City Council and seeks planning permission for relevant demolition in a conservation area to demolish the Assembly Rooms and its associated multi-storey car park. The submitted demolition plan outlines the area of the proposed demolition works and it covers an area of some 6215 sqm.

The Assembly Rooms was subject to fire damage in March 2014, destroying the plant room above the multi-storey car park adjoining the venue, and rendering the venue inoperable. The venue is vacant at present and has not been in use as a performance venue following the fire in 2014.

The building dates from the 1970s and it is recognised as being part of the Brutalist school of modernist architecture. It is the collaborative work of Casson, Conder and Partners in conjunction with the then Borough Architect. Although its modernist style contrasts with more traditional classical elements in the Market Place the building has a scale, form and layout that encloses and contributes to this important public space.

The building sits within the historic core of the city centre and is situated within the City Centre Conservation Area. It is near to a number of grade II listed buildings, including the former Magistrates Court, the Guildhall, 33 and 35-36 Market Place, the war memorial on the Market Place, 2-4 Market Place, 7 Market Place (former NatWest Bank), 11 Market Place, 3-4, 6-7, 9, 10, 11, 15-17 Iron Gate and 2 Amen Alley.

The site is close to the Cathedral (grade I listed) and the former grade II Magistrates Court building and just outside the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer zone.

The building has a Certificate of Immunity which expires in May 2021. This is a document which, for a period of 5 years, guarantees that a building will not be statutorily listed or be served with a Building Preservation Notice (BPN) by the local planning authority.

The proposed demolition of the Assembly Rooms and adjacent multi-storey car park would involve the felling of trees situated in the main body of the complex and also within the Market Place. The submitted Arboricultural Impact Assessment identifies 6 trees to be felled with an additional recommendation to fell a further tree in the interests of public safety.

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The application is supported by a suite of documents and it has recently been supplemented by visual presentations and commentary about concept visuals for potential 'meanwhile' uses and prospective longer-term end uses for the site. However, it is important to note that the ambit of the application embraces the demolition only and not any re-development scheme.

Rationale for the proposal

The rationale and comments on certain representations made following the first round of application consultations, is re-emphasised in the applicant's planning consultants' letter of 19 October 2020. It states:

...“Following the fire in 2014, the Council has considered a full range of options for the Assembly Rooms including an alternative mixed-use refurbishment of the building for retail, restaurants, bar and leisure uses which was discounted on viability grounds due to the costs of bringing the building back into a safe and usable condition.

In 2018, the Council endeavoured to pursue a refurbishment scheme which would retain the Assembly Rooms as a performance venue. The brief was to extend the life of the building by additional 15 years: it also set a budget aspiration of £10m - £15m. This was tested by the multi-disciplinary consultants Perfect Circle Joint Venture (PCJV) via a feasibility study during August – October 2018 and a budget of £23m set. However, in January 2020 the project was stopped when surveys showed the cost of bringing the Assembly Rooms back into use would be circa £33.5m, some £10.5m over the Council's budget, which for a building with only 15 years remaining lifespan was economically unviable. A detailed narrative on costs is set out in the Faithful+Gould Economic Viability Report submitted with the planning application.

Representations have been made in relation to the extent of remedial works that would be required to bring the building back into use (or even to retain it unused). An addendum to the Faithful+Gould Economic Viability Report is provided at Appendix A which addresses this issue in greater detail. In addition, it also considers whether the building's structural problems could be dealt with by repair or replacement and explains the rationale behind the proposed refurbishment scheme which was a mixture of essential works and enhancements. The report concludes that an Essential scheme (i.e the baseline structure and infrastructure works to render the building usable for any purpose) would cost over £30.5m and would have been contradictory to the Council's objectives / parameters for the project, from both a capital, revenue and value for money perspective. Moreover, it would have been economically unviable.

Representations have been made that the building surveys upon which Aecom Structural Report on the RAAC roof panels was based were not available for review and comment. In the interests of transparency, these have been provided as an appendix to the Economic Viability Addendum. The PCJV structural survey report considered three options: (1) localised repairs, (2) the installation of a new lightweight structure beneath the RAAC panels and (3) full replacement. The Council concluded that full replacement was the logical choice but that this was economically unviable due to the cost, which was assessed to be in the region of £3.8m. This cost excluded

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extending the construction programme and redesigning the building services, which were assessed to be a further £750,000 - £800,000.

In addition, and as set out in the addendum report, the Council's insurers have recently advised that they will not insure the building unless remedial measures are taken which would involve replacing the RAAC roof panels in full. This is in addition to other ongoing significant maintenance costs which are being funded out of the Council's budget on a site which is offering no return".

Environmental Impact

The European Court of Justice has made it clear that demolition works are capable of constituting a 'project' within the meaning of the Environmental Impact Assessment Directive and can therefore be subject to Environmental Impact Assessment. Therefore, local planning authorities need to consider whether demolition projects are likely to have significant environmental effects and require a screening opinion to be issued; as such projects can fall within [Schedule 2](http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made) (<http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>) of the 2017 Regulations (particularly Schedule 2.10(b) - urban development projects).

In this case, given the size of the application site and its location beyond the bounds of any 'sensitive area' - as defined in the Regulations, it is considered that this proposal does not constitute Schedule 2 development. An Environment Impact Assessment is not, therefore, required.

2. Relevant Planning History:

Application No:	19/00898/FUL	Type:	Full application
Decision:	Granted conditionally	Date:	13 September 2019
Description:	Refurbishment works comprising of front extensions at ground floor level to the Market Place elevation and the change of use of the existing Tourist Information Centre to create new retail (Use Class A1) and restaurant (Use Class A3), together with other external alterations including cladding to the exterior of the multi-storey car park and new plant to the car park roof.		

3. Publicity:

Neighbour Notification Letter: Yes

Site Notice: To publicise the application and the supplementary supporting information submitted on 19 October 2020. Copies of both site notices are on the e-planning pages.

Statutory Press Advert: Yes

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

4. Representations:

To date 19 indications of support have been received:

- Marketing Derby has provided strong support (see Part 5.2.).
- A number of local businesses have provided supportive comments in response to the proposal. Many of the supportive indications centre on the following sentiments:
 - The Assembly Rooms is a very important site and needs to be redeveloped to regenerate this vital part of the city centre.
 - The City Council, under both current and previous administrations has demonstrated that the building is not capable of economic repair.
 - The physical structure is redundant.
 - The loss of the Assembly Rooms would have a positive impact on the overall development of the City Centre including the historic buildings.
 - Removal will give an opportunity to breathe new life into the very important site.
 - The interim landscaping will provide the backdrop for the creative development of the square in the future.

To date 38 objections have been received:

- A petition containing 1379 signatures to 'Save the Assembly Rooms', with further signatures are anticipated before the meeting, has been submitted.
- The Civic Society has a range of comments in response to those provided in the submitted planning statement.
- Many of the objections centre on the following sentiments:
 - The Assembly Rooms are a very important part of Derby's architectural portfolio and it represents a period of modernist architecture which formed part of an unrealised wider plan for the central area.
 - The Assembly Rooms is the result of collaborative work by an esteemed firm of Architects and it should be preserved and refurbished.
 - The Assembly Rooms should be reassessed, and a case made for listing.
 - The loss of the Assembly Rooms would have an adverse impact on the overall character of the City Centre Conservation Area and the setting of nearby listed buildings.
 - The loss of the Assembly Rooms would have a negative impact on the overall vitality of the city centre.
 - Demolition is a wasteful exercise and is at odds with the climate change responsibilities of the Council.
 - The case for demolition and the costings provided in the submission have been scrutinised and questioned.

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Given the volume of representations, all readers are encouraged to visit the application webpages and scrutinise all comments.

5. Consultations:

5.1. City Development and Tourism:

The full comments from the Head of Regeneration and Projects are reproduced below.

1. Summary

This statement has been prepared to describe the importance of the early demolition of the Derby Assembly Rooms. Regenerating this site forms a critical part of Derby City Council's economic recovery strategy for the city centre. Due to rapid technological change and shifts in consumer habits, the decline in the vitality of the city centre had already been evident – the Covid-19 pandemic has further accelerated this trend¹.

This statement assumes the Local Planning Authority has noted the supporting documents as part of the planning application that establish the following:-

- That the Assembly Rooms are functionally and economically obsolete²
- The background to the heritage designation of the building – most notably the absence of any Local Listing and the presence of a Certificate of Immunity from Listing issued by Historic England³
- The approach taken in providing new space for cultural events elsewhere in the city centre⁴
- Initial assessments of the viability of new development, the importance of re-doubling efforts to attract a high quality development partner by reducing the overall risk profile of the project as well as attracting public sector funding⁵
- The City Council's approach to mitigating the risk of the site laying vacant in the event of a delay in securing a developer following the conclusion of the proposed demolitions works⁶
- Significant support from the development and regeneration community⁷

The focus of this statement is to describe the following:

- Derby City Council's current proposal to plan and execute the demolition works in parallel with the preparation of a series of actions that enables the timely procurement and selection of a high-quality development partner.
- The implications of failing to obtain planning consent to demolish prior to the selection of a development partner. This will result in the adoption of a serial approach whereby permission to demolish is only sought once a development partner has been secured. This will lead to an indefinite delay in delivering the project and place in jeopardy the Council's wider work in stemming the decline of the city centre and re-configuring it as a much more attractive place for people to live, work and enjoy.

This statement argues that the earliest demolition of the Assembly Rooms and clearance of the site will significantly improve the prospects for the City Council succeeding in its work to regenerate the city centre.

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2. The City Council's proposed parallel approach to the planning of the regeneration of the Assembly Rooms ('the site')

The City Council's current proposal to demolish the building and clear the site is to undertake these works in parallel with an extensive programme of sequenced interventions aimed at securing the highest possible quality of new development on the site in the shortest timeframe. It has been formed in response to the City Council's recent experiences in tendering sites and selecting development partners as well as advice from external advisors.

The key elements of the Council's approach are as follows (broadly in chronological order):

- The production of a Design Brief for the site in conjunction with Planning and Conservation colleagues to provide a basis for further feasibility work and ultimately tendering. This would comprise setting key site development parameters and standards such as:
 - The site boundary / developable area
 - Preferred land uses
 - Approach to ground floor uses including
 - Massing
 - Layout
 - Car parking requirements
 - Public realm
 - Connectivity (to other sites and locations)
 - Approach to sustainability
 - Preferred façade treatments
 - Materials palette
 - Planning gain (affordable housing, s.106 and CIL)
- Provision of technical information such as:
 - Existing utilities (locations and capacities)
 - Ground reports (if available)
 - Level surveys (if available)
- Appropriate consultation aimed at engaging stakeholders and Derby residents in the redevelopment of the site that will have a dramatic impact in enhancing a much-loved but under-used space.
- Exploration and where possible confirmation of the form and quantum of partner and external funding available to bridge the potential gap between the costs and value of proposed schemes.
- A draft Heads of Terms for a Sales Purchase Agreement / Agreement for a Lease governing the planned approach to a range of commercial issues as well as securing controls post completion on key aspects of the project (e.g. signage, management of ground floor uses etc.) and the Council's approach to land value and overage.

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- A procurement strategy that reflects the UK Government's approach to public procurement and is cognisant that in order to get the best out of developers a staged approach to bidding will need to be adopted to reflect concerns that they might incur significant losses from mounting a bid when in open competition with several competitors.
 - Engagement with potential local and national occupiers of property whose knowledge of the project may attract them to join forces with bidders and improve viability.
 - A site marketing strategy that engages the UK development industry that highlights the advances being made by Derby in the regeneration of its city centre, the city's aspirations for the site and prepares potential bidders for the issuing of tender documents.
 - Comprehensive tender documentation designed to give prospective bidders a clear sense as to what the City Council considers to be acceptable and how their bid will be evaluated alongside those of others including the Design Brief (see above).

To manage this process the City Council has created a new post that is solely responsible for the Assembly Rooms, Market Place and Market Hall projects and by doing so improve the integration of both their planning and implementation. The post has recently been filled by a new member of staff that has considerable experience in managing complex regeneration projects in the UK as an advisor to both public and private sector clients.

The *serial* approach to tendering the site whilst the Assembly Rooms is still standing

If the City Council is required to conclude the signing of a development agreement for the site before the commencement of demolition works then the adoption of a serial approach would delay the start date by at least 18-24 months. Whilst this delay is arguably relatively minor, based on our recent experiences on sites, professional advice and knowledge of the development sector, the actual impact of the approach would be disproportionately greater for the following reasons:

- Developers can pick and choose where to spend their time and money in bidding for new opportunities. They will naturally select the most 'shovel ready' ones over those where there is risk in delay in 'getting out of the ground'.
- Occupiers tend to plan on relatively short time horizons which makes it harder for developers to gain pre-lets / pre-sales and suitably priced funding agreed from the outset. Adding the length of the demolition period to the building construction period makes the job of securing pre-lets and pre-sales even more difficult, adding further to the project risk profile, making viability even harder to achieve.
- Developers are attracted by the prospect of working with Local Authorities that can demonstrate their appreciation of project risk, their willingness to help manage this and a commitment to real partnership to achieve a good scheme that attract occupiers and is enjoyed by residents.

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- Public sector funders are similarly put off by delays in the start of projects as they often have targets to disburse funding within relatively short timescales. This makes gaining their support for future funding more difficult.

For these reasons, on 15 July 2020, Council Cabinet approved demolition of the Assembly Rooms subject to planning consent, based on a careful assessment of the risks and benefits of adopting a parallel approach to the demolition and tendering of the site to a development partner.

3. Summary – balancing the risks of the parallel vs. serial approach

We acknowledge that the decision to adopt a parallel approach to the Assembly Rooms project by twin-tracking the demolition and tender phases is one that is not without risk for the city. We must maintain vibrancy, footfall and the 'feel' of the centre at a time when many city centre occupiers are making decisions regarding their continued 'high street' trading as the move online continues apace and the economic impact of the pandemic bites. The proposals for 'meanwhile use' will help mitigate these risks.

Arguably, far more riskier for the City Council is the alternative serial approach that will have two possible outcomes:-

- a) A complete failure to secure a developer resulting in the indefinite blight on the most important part of the city centre due to the presence of a decaying building. Given the already vulnerable state of the city centre property market, particularly the proximity of the Assembly Rooms to the Cathedral Quarter, it is likely that the presence of the building would further undermine market sentiment. In contrast the knowledge that the building was to be demolished and that the Council had a well-developed Delivery Plan could have the reverse impact and be seen as a positive change

OR:-

- b) The quality of bids for the project falling well short of how the City Council and its residents expect to see its most central and historic site.

The Cabinet decision in July 2020 favoured clearing the site and in doing so adopting the option that carries the lowest risk by doing everything possible to attract high quality bids from as wider a field of experienced and committed developers as possible.

(Please note these comments include numerical referencing in the opening part and these references and associated documents are included in the consultation in the application web pages).

5.2. Marketing Derby:

The full comments of Marketing Derby are reproduced below.

This letter is written in support of the application for demolition.

Introduction

Marketing Derby is the place marketing and inward investment agency for Derby – a key partner of Derby City Council, receiving funding from 350 business Bondholders from the public, private and third sectors and coordinator of the Derby Economic Development Advisory Committee (DEDAC).

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Our mission is to attract investment into Derby and we strongly support the city's ambition for a post-Covid recovery by developing the city centre as a place fit for purpose for living, working and visiting in the 21st century.

Derby City Council's corporate, regeneration, economic and planning strategies are summarised in the Local Plan Part 1 AC1 policy, which states that 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."

Setting the context

The summary above ties into Derby City Masterplan 2030 which informs development and regeneration of Derby city centre.

The Assembly Rooms suffered damage in March 2014 when a large fire ripped through the top floor of its car park. The whole top floor was destroyed, and it is this level which contains the M & E plant room, which provides the heating, hot water, and air conditioning services for the Assembly Rooms.

The city of Derby has been without a performance venue since closing after the fire. Referring to the Derby City Masterplan, a performance venue remains a key priority to rejuvenate Derby.

The proposed scheme

Since its closure there have been various iterations and schemes for the Assembly Rooms, none of which have been progressed and, by January 2020 costs for a refurbishment were recognised as being excessive. This strategy was no longer seen as a viable and plans were put on hold for the foreseeable future.

The subsequent announcement that a new 3,500 capacity performance venue will be created in Becket Well will now provide a significantly larger, more flexible space than the city has had in the past meeting the needs of the masterplan.

The development team at St James Securities has already had strong interest shown from an excellent range of leading operators. The scheme is set to generate more than £10m per year and over 200 new local jobs will be created.

This leaves the question as to the future of the Assembly Rooms complex itself.

The age, design and structure of the Assembly Rooms have meant that any attempt to refurbish the facility would be prohibitively expensive with costs now exceeding at least £30m. Refurbishment is therefore out of the question.

Furthermore, having such a large, empty, and derelict building in the heart of the city has led to a serious sterilisation of the Market Place and the site urgently needs clearing for future development.

We understand that plans to demolish the Assembly Rooms will save Derby City Council a minimum of £70,000 a year - the cost to maintain the building in its current derelict state – an ineffective use of public money in current times. The building is riddled with asbestos and structural reports have also highlighted that roof panels on

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the Assembly Rooms are more than 10 years beyond their serviceable design life and left alone, the building will soon become a health and safety hazard.

In its current state, the Assembly Rooms only encourages anti-social behaviour and is a blight on the Cathedral Quarter, a prime destination for visitors to the city – so, the empty building now works against the objectives set out in the Derby City Masterplan.

We understand that demolition will be followed by pro-active quality ‘meanwhile’ uses for the site as a new use is identified.

I might add that advice given to us in conversations with investors over many years is that the Assembly Rooms site would prove very attractive to the market for a variety of uses. We would certainly encourage soft market testing to help ascertain ideas on what those uses might be and how they might contribute to our vision for the site and city.

In conclusion, Marketing Derby supports the demolition of the Assembly Rooms.

5.3. Conservation Area Advisory Committee:

At its meeting on 3 December 2020 the Committee resolved...

To maintain their previous objection with the following two recommendations:

1. In the event that the committee are mindful to grant consent, a scheme should be put in place before the consent is granted which ensures that great care is taken to ensure the protection of the Jacobean ceiling within the premises.
2. The decision to demolish the building should not be taken until a full Environmental Impact Assessment has been prepared and considered.

CAAC reiterated their previous objections. There was continued concern at the loss of the building without knowledge of what will replace it in the future, once the building has been demolished; this was contrary to National Planning Policy Framework (NPPF) advice. In the event of demolition CAAC also raised concerns about the need to ensure the rescue of the Jacobean ceiling in the Darwin Street; including its removal and safe storage and eventual re-use elsewhere; and the accuracy of the structural calculations. One member considered that the proposal needed an Environmental Impact Assessment (EIA) for a demolition of the Assembly Rooms. This had not been included in the package so far, but, for a development of this type it should accompany the application.

In summary; CAAC noted that the certificate of immunity expires on 11.05.21. They felt that the current proposal was not overly problematic in terms of the multi storey car park. The Assembly Rooms, however are considered to be a significant building fronting the marketplace and are recognised as a quality design and a fine example of their period of construction. The National Planning Policy Framework (NPPF) paragraph 1.98, states that local planning authorities should not permit the loss of whole or part of a heritage asset without taking all reasonable steps to ensure that new development would proceed after the loss has occurred. The current application fails to offer any certainty of development and was silent as to the nature of any development that would be constructed in replacement.

CAAC agreed to maintain their previous the objection, having considered the additional information that has become available in terms of the structural survey and the roof.

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They also suggested two additional conditions. If the committee are mindful to grant consent, a scheme should be put in place, before the consent is granted, which ensures that great care is taken to ensure the protection of the Jacobean ceiling within the premises. The decision to demolish the building should not be taken until a full Environmental Impact Assessment has been prepared and considered.

5.4. Highways Development Control:

The Highway Authority has no objections to the proposals, subject to the following suggested condition:

Condition:

The works hereby permitted shall be carried out in accordance with the details submitted and approved in the "Outline Demolition Method Statement".

Reason:

In the interests of highway safety.

In terms of the loss of the multi-storey car park as an established city centre parking facility, colleagues in the Council's Traffic & Transportation Team are satisfied that there are workable solutions in terms of accommodating existing car park users who work in the nearby hotel and other areas.

5.5. Built Environment:

The full comments are reproduced below and additional comments, in relation to the supplementary information submitted on 19 October, are included in ***bold italics*** for ease of reference.

Designated Heritage Assets and Heritage Assets affected

- The building is located within the City Centre Conservation Area.
- It is near to a number of grade II listed buildings, including the former magistrates court, the Guildhall, 33 as well as 35-36 Market Place, the war memorial on the market place, 2-4 Market Place, 7 Market Place (former NatWest), 11 Market Place, 3-4, 6-7, 9, 10, 11, 15-17 Iron gate and 2 Amen Alley. There is also a need to assess the impact on the setting (as part of significance) of the Cathedral (grade I listed) and the former grade II Magistrates Court building.
- The site is just outside the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer zone that intensifies its immediate setting but not all its setting.
- The Assembly Rooms building is also a heritage asset. It is a large iconic Modernist Brutalist style of Architecture constructed in the 1970's and the building designed and constructed by Sir Hugh Casson's firm 'Casson, Condor and Partners' in tandem with the borough Architect (completed in 1977). It is of its time, a civic building and is of architectural quality.
- The Council house is a heritage asset, located outside the conservation area, so is locally listed.

Impact of the proposals on the conservation area, the setting of the listed buildings, locally listed buildings and the setting and impact on the OUV of the DVMWHS (NPPG, 2019) will be assessed within these comments.

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Impact of proposals on Heritage Assets and comments

The impact on the Assembly Rooms building as a heritage asset is demolition and total loss of significance as a result of this proposal. This proposal is harmful to this heritage asset and in its role, it plays within the conservation area and how it contributes to the setting of nearby listed buildings. The accompanying Heritage statement (6.32) acknowledges that there is harm to the conservation area as a result of the loss of the Assembly rooms building.

The Assembly rooms is in a very prominent location on the northern edge of Derby's Market Place which is a key location and historic open space within the City Centre Conservation Area and the historic part of Derby's centre. The original Georgian Assembly rooms building was located on the eastern edge of the Market Place and there were buildings along the northern edge which surrounded and enclosed the Market Place – this enclosure is a key part of the character and appearance of the conservation area including the Market Place and the current and historic building's relationship (as part of their setting) with listed buildings that surround the Market Place; such as the Guildhall, 33 as well as 35-36 Market Place, 2-4 Market Place, 7 Market Place (former Nat West), 11 Market Place. The carpark attached to the assembly rooms encloses Full Street. There is also a relationship between the grade I Cathedral and the building as viewed from the Market Place and the views from the cathedral tower towards the building. The setting of the cathedral would also be impacted. The current building positively contributes to the character of the conservation area and loss of a built form along the edge of the Market Place does not preserve or enhance the character or appearance of the conservation area which is one of the statutory duties the Local Planning Authority has within The Planning (Listed buildings and conservation areas) Act 1990. There are also key views identified within the Derby Skyline work that include the Assembly rooms, and other important views within and into and out of the conservation area. These will be negatively affected by the proposal to demolish the building. The setting of nearby listed buildings and locally listed building will also be impacted negatively. There is impact on DVMWHS's setting and the view from the silk mill, at its southernmost point. There would be change to the World Heritage Site monitoring view from Causey Bridge, located adjacent to the Silk Mill looking towards the city centre (VP02, Derby Skyline work, 2019). This proposal will have a significant impact on other key views across the city in particular VP04 Council House, VP05 Market Place and VP07 St Mary's Bridge.

Lack of proposals for area if demolition took place

There are no proposals, ***only meanwhile uses (Appendix C)***, as part of this application, for the site once the building is demolished. In applying the statutory duty section 72 of the Planning (Listed buildings and conservation areas) Act 1990 that proposals should preserve or enhance the character or appearance of the conservation area the removal of this building and the loss of enclosure results in a negative harmful impact on the character and appearance of the conservation area. I also have concern that should the building be demolished the resulting gap site may remain for some time (and could be another Duckworth square). Para 198 of the NPPF (2019) states that '*Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred*'.

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Other uses for the building

The adaptive reuse of the existing building would be a more sustainable outcome, when looking at the buildings embodied energy versus the energy needed for demolition and rebuilding which is carbon intensive. I suggest that in this time of a climate change emergency this needs to be a key consideration. I would strongly suggest that both previous and other uses are looked at as possible options.

The structure and repair

The application outlines the main components of the reinforced concrete construction of the Assembly rooms and car park structure. I note the reference to the use of Reinforced Autoclaved Aerated Concrete (RAAC) roof panels and the issues with this material raised. I note that it is not a form of roofing material used in new buildings today. The information does suggest the 'discontinuing the use of the space underneath until it has **been strengthened or replaced**' (p17, Structural and health and safety implications associated with form of building construction, AECOM, July 2020). As the issue is with just the roof panels of the building and not with the rest of the structure, they may be able, as suggested, to be strengthened or replaced. Has this been considered and costed? If it has, I would suggest inclusion within the options and viability report. ***I note that PCJV considered local repairs and a new lightweight structure beneath the existing panels, but these were discounted due to the cost, that the structure may not have a further 15-year life and the Council's insurer would not cover the building. It would have been useful if the costs of these options, predicted lifespan and whether other insurers had been approached was supplied. It is summarised that the only long-term option which would be insured by the current insurer would be to replace the roof panels / roof. There is a cost given for this and impact on building services. In terms of roof replacement there is no details of the design of the new roof and the options of doing this are numerous and varied in costs. What type of replacement roof is this costing based on? Although suggested as the only long-term option the roof replacement is discounted within the information supplied due to the costs and described as 'not practical'? I suggest more information on the type of new roof options looked at, their associated costs and why reroofing is 'not practical'.***

Viability

I suggest that the viability study costings are scrutinised. The options looked are 'continue with refurbishment', 'do nothing' and 'demolish the building'. Within the 'continue with refurbishment' option have the costs of works been identified, prioritised, itemised and the priority roof and M&E replacement been costed separately? I suggest there is another option within option 1 – which is the option of looking at alternative uses which may or may not include a venue. Also have the demolition costs been included within the costings for option 3. Are asbestos costs for removal included in all options? ***I note the additional information and the addendum to the F&G Economic Viability Report (Appendix A). I still suggest that all viability study costings are independently scrutinised.***

National Policies - summary

The Planning (Listed Building and Conservation Areas) Act 1990 para 66 regarding listed buildings and 72 as regards the conservation area are relevant here. The proposals are contrary to these two statutory duties within this Act. Section 16 on

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Conserving and enhancing the historic environment of the NPPF is relevant, in particular, para 189, 192, 193, 194, 195, 196, 197 and 198.

- Para 192 includes that in determining applications local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable new uses consistent with their conservation'. Consideration of whether this building could be repaired and reused is not part of the application and does not seem to have been explored. ***I note that this has now been explored but further clarification on the roof repair is needed as outlined above.***
- 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' irrespective of whether the potential harm is substantial or less than substantial (Para 193, NPPF, 2019).
- Paragraph 194 (NPPF, 2019) states that any harm to the significance of a designated heritage asset (from its alteration or destruction or from development within it's setting) should require clear and convincing justification. ***I am currently still unconvinced of the justification put forward for the demolition of this building.***
- There is harm caused to these designated heritage assets. As regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as a high level of less than substantial harm) should be considered under para 196. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 196). ***This means that this high level of harm should be weighed against the public benefits of the proposal. This is undertaken by the Development Management Case Officer.***
- As regards the building as a heritage asset itself para 197 (NPPF, 2019) is relevant also and states 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly... affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the asset'
- Paragraph 198 is relevant here and says that 'Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'. ***There is no proposal for appropriate new development or replacement-built form included within this application. This is a major issue as this means that this important part of the city centre and the conservation area, on the Market Place will have a negative impact as it remains vacant. This is the reason why this National Policy is in place.***

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Local Policies - summary

- Policies E18 Local Plan Review (2006) for conservation areas states that planning permission will not be including views into and out of them. It states that development proposals will not be approved where they would result in the demolition of buildings that make a positive contribution to the character and appearance of the conservation area. Policy E19 Local Plan Review (2006) covers listed buildings is also relevant. The proposals have a negative impact on the setting of listed buildings (as part of their significance) nearby.
- CP20 of the Local Plan – core strategy (2017) recognises the importance of heritage and sets out policies to ensure preservation, enhancement, restoration and repair. It states that development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted. ***This Derby City Local Plan – core strategy policy is to protect heritage assets.*** Policy AC9 relates to the DVMWHS and is also relevant.

Conclusion

Strongly object to proposals to demolish the building as a heritage asset that contributes positively to the character and appearance of the conservation area and proposals do not preserve or enhance its character or appearance. The demolition of the building would have a negative impact on the setting, as part of significance, of nearby listed and locally listed buildings and have impact on the wider setting of the DVMWHS. I have strong concerns about this proposal to demolish the building and that there are no proposals for its replacement in this key location. This is clearly contrary to National and Derby's Local Planning Policies as outlined above. I note the structural reports, viability assessment and justification supplied. However, as explored in more detail above, I am not currently convinced that the proposals are fully justified and that all options for repair and reuse have been explored.

Recommendation: Maintain objection to proposals on heritage grounds.

5.6. Natural Environment (Tree Officer):

To the full comments of the Tree Officer are reproduced below.

The submission of an AIA is welcomed. The AIA has identified the trees which are a material constraint. The AIA has identified six trees to be removed (T1, T2, T7, T8, T9 and T12).

Trees T1, T2, T7, T8, and T9 are located within the Assembly Rooms complex. T12 is located within the Market Place.

The AIA also includes a TPP.

T10 (within the Market Place) is also proposed to be removed although it is shown as being retained on the TPP.

T12 is part of a double row of Lime trees planted within the Market Place. The double row runs in a north to south orientation. It is proposed to remove T12 to facilitate the demolition. Its importance in the landscape is acknowledged within the report but states that its removal is unavoidable. The report states it may be feasible to replace the tree with a suitable size to maintain the appearance of the double row following demolition. This replacement tree would be of considerable size to maintain uniformity and I would

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like to see the availability of the proposed replacement tree. I would like to see a detailed statement and drawing demonstrating that the removal of T12 is necessary.

The tree removals will obviously result in a loss of tree canopy. The report states that tree removals should be mitigated with a high quality scheme of new tree planting and associated landscaping work (likely to be detailed within a subsequent application for the site).

The remaining trees have been to a certain extent suppressed by the Assembly Rooms building. The demolition of the assembly rooms will result in the west side of the tree canopies having greater exposure to the elements than they currently experience. This may result in a rather odd form and an increased risk of branch failures due to either a change in wind exposure or sun scorch. Their long term retention is in my opinion in doubt.

It is likely that in order to achieve a high quality landscape scheme that the subsequent application to develop the site would necessitate the removal of the remaining trees. Certainly Appendix C – Meanwhile Use Concept Visuals supports this. Any landscape scheme should seek to increase canopy cover.

In conclusion and before I would support the proposal the following must be addressed/actioned:

- Supporting details for the removal of T12.

If you are minded to approve then compliance with the supplied TPP must be adhered to. The final landscape scheme could be addressed with the subsequent planning application to develop the site once demolished. It must be clear that future canopy cover provision must be based on what is present now and not post development.

For the purposes of clarity It would have been useful within the AIA to give a greater detail upon the long term retention of the remaining trees.

Glossary:

- AIA: Arboricultural Impact Assessment
- AMS: Arboricultural Method Statement
- CEZ: Construction Exclusion Zone
- RPA: Root Protection Area
- TCP: Tree Constraints Plan
- TPP: Tree Protection Plan

5.7. Twentieth Century Society:

The full comments of this National Amenity Society, who are concerned with the protection, appreciation and study of post-1914 architecture, townscape and design are reproduced below.

The Twentieth Century Society has been notified of the above application. The application seeks conservation area consent to demolish the Derby Assembly Rooms and multi-storey carpark, a non-designated heritage asset which the Society continues to believe is worthy of being listed Grade II. The Society wishes to reiterate its objection on the 23rd September 2020 in response to the application for full planning permission to demolish the Assembly Rooms (20/00899/FUL). We strongly object to the proposals

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due to the loss of a valuable heritage asset and harm caused to the character of the Derby City Centre Conservation Area.

Background

The Derby Assembly Rooms was built in 1971-6 to designs by Casson, Conder & Partners, in association with the Borough Architect's Department. Sir Hugh Casson was a founding partner of the practice, and a major figure in post-war British architecture, perhaps best known for his role as the Director of Architecture for the Festival of Britain. Casson, Conder & Partners specialised in the design of adaptable auditorium spaces and venues. The practice is widely celebrated for their university buildings, many of which are listed and contain theatres and lecture halls, such as Little Hall, 1957 and Lady Mitchell Hall, 1956, both Grade II, Cambridge.

The Derby Assembly Rooms are on a larger scale than these earlier academic projects, but they share a similar ethos and aesthetic language. The Assembly Rooms are constructed on an exposed concrete frame, with large bay windows on the ground floor and an enclosed, cantilevered walkway above ground-level. These walkways form a striking feature as they are clearly expressed through the external structure. The staggered levels and bold sculptural form offer spatial interest and draw people in from the market place. The Assembly Rooms were intended as the centre of an unrealised grand civic scheme in Derby city centre, and this civic character is expressed through its form and the integration of a range of spaces for a variety of functions. We understand that the original halls remain, and that these inter-connecting spaces are supplemented by shops, bars, a booking hall, and a multi-storey car park.

Proposals

The proposals seek to demolish the Assembly Rooms and adjacent multi-storey car park to allow for the future regeneration and growth of Market Place and the City Centre.

Policy

Derby City Council's Local Plan (2017) specifies the following in relation to applications affecting heritage assets:

The Council is committed to ensuring that the city's heritage is appropriately preserved and wherever possible enhanced. Proposals that would undermine this objective will not be permitted by the Council. (5.20.2, CP20 - Historic Environment)

Development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted. (CP20 - Historic Environment).

We consider paragraphs 192, 193, 194, 196 and 197 of the National Planning Policy Framework (February 2019) to be of relevance to this application.

Furthermore, paragraph 148 of the NPPF (February 2019) advises that

The planning system should support the transition to a low carbon future in a changing climate [...] [and] encourage the reuse of existing resources, including the conversion of existing buildings

Comments

The Society strongly objects to the demolition of the Derby Assembly Rooms on the grounds that it will cause substantial harm to a valuable non-designated heritage asset.

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We believe the application does not take into account the historic, aesthetic, architectural and communal significance of the post-war building. The Society believes the Assembly Rooms could be retained and sensitively re-used as part of the wider regeneration of the Market Place and City Centre. As outlined in our September letter of objection, the opportunity for modern buildings to lead the regeneration and re-branding of urban centres is demonstrated by projects such [as] the recent renovation of Patrick Gwynne's 1967 extension to York Theatre Royal by De Matos Ryan. The continuing success of schemes such as London's South Bank have highlighted the popularity and importance of post-war performance venues in the UK.

The Society also considers that the demolition of this building contravenes the spirit of paragraph 148 of the NPPF. Buildings such as this contain a large quantity of embodied carbon, and substantial environmental harm results from their demolition and from the construction of a replacement building. The Society believes that the Assembly Rooms can be beneficially repurposed to help meet local and national commitments to tackling climate change.

Summary

The Society is deeply concerned about the proposed demolition of the Derby Assembly Rooms. In our view, demolition will result in the loss of an important non-designated heritage asset and will have an adverse impact on the Derby City Centre Conservation Area. For these reasons, we advise that the Local Planning Authority refuses the application.

In its response to the latest round of consultation, the Society commented...

The Twentieth Century Society has been alerted to the proposal to demolish the Derby Assembly Rooms and show its image (or the proposals for the redevelopment) on a "shroud" erected in its place. This has been suggested to limit the impact of the proposed demolition on the Derby City Centre Conservation Area. The Society wishes to voice its objection to such an idea, and to again call for the building to be retained. Built in the 1970s by the major 20th-century practice Casson, Conder & Partners, the Derby Assembly Rooms is a heritage asset which could be sympathetically refurbished for re-use. We again draw attention to paragraph 197 of the National Planning Policy Framework (NPPF, February 2019) which states that

The effect of an application on the significance of a non-designated 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.

The section in Derby City Council's Local Plan (2017) on the Historic Environment should also be noted here:

The Council is committed to ensuring that the city's heritage is appropriately preserved and wherever possible enhanced. Proposals that would undermine this objective will not be permitted by the Council (5.20.2, CP20 - Historic Environment).

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5.8. Environmental Services (Health – Pollution):

The full comments are reproduced below.

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues.

Land Contamination

1. I note that the ground under the site could be contaminated due to historical industrial uses of the land, including a former printing works.
2. In its current state, the site poses limited risks, however excavation of the ground could lead to disturbance of any contamination, with a particular concern for construction workers involved in such works.
3. In this regard, I note the submission of a Demolition Works Report (AECOM, Dated: September 2020), which acknowledges potential contamination risks (Section 2.11) and outlines management measures in order to minimise risks.
4. The measures outlined appear sensible and should be implemented in full.

Noise and Dust

5. The proposed demolition has the potential to cause significant disturbance to the occupants of neighbouring commercial and residential premises.
6. The submitted Demolition Works Report (AECOM, Dated: September 2020) contains relatively detailed measures for the control of noise and dust.
7. I would strongly advise that the measures outlined in the report (Sections 2.12, 2.13 and 2.14) are implemented in full throughout the duration of the works.
8. Where possible, full compliance with the submitted Demolition Works Report should be secured by a suitably worded planning condition.

5.9. Historic England:

The full comments of Historic England, in response to the supplementary information submitted on 19 October, are reproduced below. The comments of Historic England in response to the original submission can be accessed via the hyperlink in Part 1.4 of this report.

Thank you for your letter of 20 October 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application. We previously provided advice in relation to the proposed demolition of the Assembly Rooms and associated car-park in our letter of the 18th September 2020 which still remains relevant.

Historic England Advice

Significance

As previously advised the Market Place lies at the heart of the City Centre Conservation area. It is a key open space which is medieval or possibly earlier in origin. It is also an important civic space. The conservation area rich in historic and architectural interest, reflected through the high number of statutory listed buildings

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and non-designated heritage assets. The Market Place forms the immediate setting of the listed buildings within and surrounding the Market Place.

The Assembly Rooms building occupies a commanding position in the Market Place, reflecting its civic use and status. Its height is reflective of the surrounding historic buildings and its form and scale provide a strong sense of enclosure to the northern side and part of the eastern side of the Market Place. This sense of enclosure provided by the Assembly Rooms is an essential component of the character and significance of this part of the conservation area. The associated car-park provides a sense of enclosure to Full Street.

Impact

We have been consulted on additional information which includes ‘*The Derby Market Place- Meanwhile concept use after the Assembly Rooms demolition*’ document. However, in the absence of a long term scheme for the site our comments remain as outlined in our previous letter. As previously advised, the proposed demolition would completely remove the essential enclosure of a substantial part of the Market Place, leaving it open on the northern and eastern sides. The character of the Market Place as an enclosed urban space would be seriously eroded. The proposed demolition and loss of enclosure of this important civic space would reveal the rear sides of buildings located on Iron Gate and other unintended views, which would form an unsightly backdrop to the historic Market Place.

The application documents suggest that the Market Place could well remain open and unenclosed in the medium term, which could be a considerable number of years. The lack of any replacement development to suitably enclose the Market Place would constitute an on-going adverse impact and could have a negative impact on investment and confidence in this area. For these reasons, we continue to advise that the proposed demolition would have an extremely harmful impact on the Market Place, which is the focal point of the conservation area. This would result in a high level of less than substantial harm to the significance, character and appearance of the City Centre Conservation Area. It would also have a harmful impact on the setting of the nearby listed buildings in the Market Place, including the Guildhall.

Legislation and policy

We refer to our previous letter with regards policy and legislation. Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 2-3.

Position

As previously advised, we consider that the proposed demolition of the Assembly Rooms without any redevelopment proposals to suitably enclose the Market Place would have an extremely harmful impact on the Market Place. This would result in a high level of less than substantial harm to the significance of the City Centre Conservation Area and harm the significance of the nearby listed buildings in and around the Market Place, by negatively impacting on their setting.

The justification for the proposed demolition put forward in the application, refers to the defective nature of the roof structure and associated safety concerns. In our previous letter, we asked whether all options had been considered as from a conservation point

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of view and whether such problems could be dealt with by repair or replacement, or affording temporary support and provision of adequate security as a short term measure. We therefore continue to advise that your authority should explore the feasibility and cost of 'mothballing' the building in a safe and secure way, in order to allow your authority the minimum time necessary to bring forward a long term scheme for the site.

We note the submission of an addendum viability report. For the reasons outlined in our previous letter, we continue to advise that we are not convinced by the conclusions of the Economic Viability Report.

Historic England recognises the City Council's significant investment in the refurbishment of the Guildhall and Market Hall as part of a wider regeneration strategy. However, we continue to advise that with no redevelopment proposals to justify the demolition and present a long term high quality, sensitively-conceived scheme, we believe the demolition of the Assembly Rooms would work against this strategy.

This is a cause for serious concern. We do not believe that a clear and convincing justification has been provided for the harm that the proposal would cause. Demolition without an appropriate redevelopment scheme in place is clearly contrary to national policy in paragraph 198 of the NPPF and saved policy E18 of the City of Derby Local Plan Review (2006). It is for you as the Local Planning Authority to be satisfied that robust justification of heritage impact and assessment of options inform any decision which you are ultimately minded to take, in particular where, as in this instance, a local authority own application raises issues of conformity with local or national planning policy alongside safety, public amenity and resourcing.

Historic England remain keen to work with your authority to find a long term solution which enhances this important civic space; sustaining the significance of the historic townscape and the listed buildings therein.

Recommendation

Historic England has serious concerns regarding the application on heritage grounds as outlined

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194, 196, 198 and 201 of the NPPF 2019. As it stands, the proposal is in conflict with saved policy E18 of the City of Derby Local Plan Review (2006).

If your authority is minded to grant consent for the proposal despite our comments, we recommend that an appropriate scheme of recording is undertaken to a level agreed by your in-house conservation officer and that an appropriate location and methodology for the careful removal of Jacobean ceiling is secured prior to demolition.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

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5.10. Theatres Trust:

The full comments of the Theatres Trust are reproduced below.

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

Thank you for consulting Theatres Trust regarding this application for demolition in a conservation area. We have been contacted because the site to be demolished includes the Assembly Rooms.

The Assembly Rooms has served as Derby's largest theatre and venue over the last few decades, following the closure of the Grand Theatre in 1950 and the Hippodrome in 1959. It is on the site of the previous Assembly Rooms which was demolished in 1971 following a fire. The current Assembly Rooms opened in 1977 and contained a main flexible auditorium for both standing or seating and a capacity of around 1,200 and a smaller flexible venue called the Darwin. The Darwin had its own foyer and bar which featured an original Jacobean ceiling salvaged from a house which previously sat on the site. The main Assembly Rooms foyer was sizeable and it had two bars and a coffee bar. However the venue had some limitations which restricted the shows it could receive, primarily that it lacked a fly tower. The Assembly Rooms have been closed since 2014 following a fire which damaged the plant room, also impacting the adjoining car park.

Since that time Derby has been without provision for large-scale theatre and performance, other than the relatively limited range of events which can be feasibly hosted at the much larger Derby Arena. This has been further compounded by the indefinite closure of the Guildhall. The lack of theatre and cultural provision within Derby means spend leaving the local community due to audiences travelling to venues in other areas as well as the city missing out on inbound spend and footfall. In turn this will be undermining the attractiveness and viability of Derby as a centre; it is widely recognised that as retail and town centres come under increasing pressure cultural facilities have an important role to play in arresting decline. They also contribute to the social and cultural wellbeing of local people.

The Trust accepts that the viability of retaining the existing Assembly Rooms is a challenge in light of the costs and financial risk associated with repair and refurbishment, particularly because as outlined within the Economic Viability Report accompanying the application the venue has technical constraints. This is also acknowledged by the Trust and partially described above in our overview of the Assembly Rooms. However, in the absence of commitment to and permission for a suitable replacement venue with a realistic delivery plan we are currently unable to support the application for demolition of the Assembly Rooms.

It is notable the Economic Viability Report considers only 'continuation with refurbishment', 'do nothing' or 'demolish the building'. Option 1 (continuation with

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refurbishment) notes assessment of a “new state-of-the-art building” being in the region of £45 million which a figure repeated elsewhere within the document. Such a project is not further considered or substantiated; we consider there needs to be a realistic fourth option for demolition and replacement. The Planning Statement discusses the potential new venue as part of the Becketwell scheme but this is at an early stage of planning and with a capacity of 3,500 and also catering to conferences and other events will not necessarily address Derby’s gap in provision due to its size and nature. We would note there is no reference or assessment as to whether there is a role for the Grade II listed Hippodrome as part of a strategy for theatre and cultural provision in Derby.

We would strongly encourage the Council to commit to replacement of the Assembly Halls and for such a scheme to have full planning permission before demolition of the Assembly Rooms is undertaken. We would also encourage such plans to be finalised as soon as is practical given the continuing lack of provision in Derby. Alternatively, another solution might be to provide interim provision while a permanent scheme is taken forward, potentially on the Assembly Rooms site. The Troubadour theatres in Wembley and White City in London provide a model for this, along with the ‘Mercury at Abbey Field’ in Colchester which ran its pantomime and a small number of touring shows and comedians from an 800-seat heated marquee during construction works.

Policy CP14 of the Derby City Local Plan Part 1: Core Strategy (2017) commits the Council to elevating Derby’s identity and reputation as a cultural and leisure destination, increasing visitor numbers and increasing participation in cultural and leisure activities. Demolition of the Assembly Rooms without replacement provision would conflict with this objective. Furthermore paragraph 92 of the NPPF (2019) seeks decisions to plan positively for community facilities including cultural buildings. There is therefore a policy basis for securing re-provision.

In conclusion although we are broadly accepting of the need to demolish the Assembly Rooms we cannot support this application unless larger-scale theatre provision in Derby is safeguarded. If permission is granted, we would encourage the Jacobean ceiling within the Darwin foyer to be retained for future re-use or recorded. We also recommend that any equipment is salvaged and made available to other theatres, especially those which are community or volunteer-run.

In response to the second round of consultation the Trust concluded...

...The Executive Summary discusses future potential land uses for the site, which on the basis of information provided would seem to preclude performance use. As articulated in our initial comments and in previous correspondence and engagement with the Council we have great concerns about the ongoing lack of large-scale theatre provision in the city. Until such time as a suitable replacement facility is secured although a mixed use scheme would be acceptable in principle on this site we would object to the loss of the site’s cultural function should the current Assembly Rooms be demolished.

We note that concept visuals suggest meanwhile use of the site for outdoor markets and event screenings which is relatively common across other towns and cities. As stated in our previous comments, we consider there is an opportunity for mid-large scale theatre to be held on this site pending future permanent re-provision. Otherwise

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we maintain our original position that demolition could only be supported if future permanent provision is safeguarded.

5.11. Derbyshire County Council Archaeologist:

The full comments of the Archaeologist relating to the original submission are reproduced below.

Thank you for consulting us on this application. We were consulted on application 19/00898/FUL for the redevelopment and provided the following advice:

Thank you for consulting us on this application. The building complex in question is included as an entry in the Derbyshire Historic Environment Record (MDR 16534).

The existing structure on this site was built in 1973-7 as an entertainment complex to the designs of Casson, Conder and Partners. It replaced an earlier building of 1765-74 which was destroyed by fire in the 1960s. There is a strong possibility that the foundations of this earlier building may survive in the footprint of the existing structure.

The site is also within the medieval core of Derby and the City Council's Archaeological Alert Area corresponding to this zone of medieval interest (City of Derby Local Plan Review Saved Policies E21, para 9.46 and Proposals Map).

In 1972 excavations of an area on the south-west corner of Full Street, Derby, where it runs into the Market Square, were conducted in advance of construction of the new Civic Centre, and recovered a medieval and post-medieval series of pottery and other finds, which it is suggested represents the domestic refuse from tenements close to the Market Place.

The building underwent a full assessment by Historic England (HE) in 2015-2016, following a request for a Certificate of Immunity from Listing. HE recognised that Derby Assembly Rooms as a distinctive example of modern design by a major post-war practice, however it lacked the coherence and high quality design that is necessary for a building of this late date to merit listing.

Given that the building has been recognised to have some historical significance (though not sufficient to merit listing) and is within the Derby City Conservation Area, the advice of your Conservation Officer should be sought on the current proposals.

As the archaeological advisers to Derby City Council we were approached to provide pre application advice on this proposals. At this stage it was considered that, as the levels of ground disturbance associated with this scheme were likely to be minor, archaeological monitoring of excavations associated with construction of the extension to the building would be appropriate.

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 the following condition be attached to any grant of permission for the scheme:

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning

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authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- "b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
- "c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

Taking the above in to account I was surprised at the statement in the demolition method statement (section 2.7) supplied with the current application that:

'The demolition works are considered to have a low risk of impacting significant archaeological remains. Consultation with Derby City Council has confirmed that no investigations are necessary in advance of or during works relating to the site. Therefore, there is no requirement for an archaeological watching brief during the works.'

The other issue is that in October last year we were contacted by the consultancy, PCAS Archaeology, as they had been commissioned by Pick Everard to undertake monitoring of engineer's test pits which were being undertaken to inform the re-development of the Assembly Rooms site.

To date we have not been issued with a copy of the report on this work, and I would ask that we be supplied with this to inform our advice on this application.

The comments of the Archaeologist in response to the supplementary submission are reproduced below.

We note that the additional application documents include a letter dated 19th October, from Tom Smith of Aecom, which includes a reference to the acceptance of our recommendations for archaeological evaluation of the site of the Assembly Rooms as part of the overall scheme. Below is the latest correspondence (this is not included here but on the application web pages) that we have had on this matter which

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describes the requirement for desk-based assessment, followed by trial trenching inside the standing building.

We consider this to be an acceptable approach, but would reiterate that the required desk based assessment and WSI for trial trenching, based on this information, should be produced in advance of a planning decision on this proposal. This is because the site is within the medieval core of Derby and the City Council's Archaeological Alert Area corresponding to this zone of medieval interest (City of Derby Local Plan Review Saved Policies E21, para 9.46 and Proposals Map).

5.12. Environment Agency:

No comments.

5.13. Derbyshire Wildlife Trust (DWT):

The full comments of DWT are reproduced below:

Thank you for consulting the Derbyshire Wildlife Trust with regard to the above 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 following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

We have considered the submitted supporting ecological information prepared by AECOM and advise that there are unlikely to be any ecology issues arising from the proposal.

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)

AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP5	Regeneration of Communities
CP9	Delivering a Sustainable Economy
CP12	Centres
CP14	Tourism, Culture and Leisure
CP16	Green Infrastructure
CP19	Biodiversity

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CP20 Historic Environment

Saved CDLPR Policies

GD5 Amenity

E12 Pollution

E18 Conservation Areas

E19 Listed Buildings and Buildings of Local Importance

E21 Archaeology

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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.

A statement was also published by Robert Jenrick, the Secretary of State for the Ministry of Housing, Communities and Local Government on 14 July 2020, which sought to prevent the loss of theatres and performance venues in response to the 2020 Coronavirus pandemic. In relation to the demolition of long-term vacant theatres and performance venues, it states the following:

...“Where an alternative use or demolition for a long-term vacant theatre, concert hall or live music performance venue is proposed, local planning authorities should consider the application in the normal way”.

7. Officer Opinion:

Key Issues:

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

7.1. Over-arching Planning Policy

7.2. Heritage Policy

7.3. The Development Approach

7.4. Alternative Performance Venue

7.5. Sustainability Issues

7.6. Other Environmental Issues

7.7. Conclusions

7.1. Over-arching Planning Policy

The site of the Assembly Rooms and associated multi-storey car park are located within the Central Business District (CBD), just on the periphery of the Core Area - which is the primary shopping area. The site is located within the Cathedral Quarter character area, as defined by policy AC2 of the Derby City Local Plan: Part 1 – Core Strategy (DCLP1). It is also within the City Centre Conservation Area and a defined Archaeological Alert Area. The site is at the heart of the city centre forming the backdrop to the main civic space - the Market Place.

In terms of the DCLP1, policy AC2 provides overt support to the redevelopment of the Assembly Rooms site. Reinvention of the Market Place through the development of a performance venue and the creation of more active frontages (to the Market Place) are also identified as key priorities in the Council's 5-year delivery plan as set out in the City Centre Masterplan 2030.

In addition, the Council's Retail and Centres Study (RCS) recognises the importance of rediscovering the role of the Assembly Rooms site as a major events venue at the heart of the city centre and ensuring that future design and management lead to a greater sense of vibrancy, creativity and community interaction. The RCS notes that a key objective of any future use of the site should be to better engage with Market Place, breaking down the barriers between the internal and external public realm and reinforcing the role of Market Place as the civic heart of the community.

The existing buildings (are not statutory or locally listed) and, whilst there may be some debate about their architectural merits and the contribution they make to the conservation area, the site is important in terms of its significance and location at the heart of the historic city centre.

Policy AC2 acknowledges that the Council recognises the historic environment as one of Derby's greatest resources and will protect it through the preservation, enhancement, restoration and repair of heritage assets. The City Centre Conservation Area is a designated heritage asset and therefore proposals for significant demolition within it, should be considered in the context of this statement. The duties and relevant

policy tests in relation to heritage issues are specifically addressed in the next part of this report.

A key consideration is the relationship between the site, once buildings are demolished, and the adjoining buildings including those on Irongate that are statutory listed. Great care would need to be taken to ensure that a satisfactory relationship can be achieved that does not adversely impact upon the significance of the Conservation Area and the listed buildings within it.

It is acknowledged that demolition is likely to be the first phase of redevelopment, but this proposal does not seek redevelopment, only demolition. It does not provide any certainty in relation to the future permanent use of the site. The only reference is to potential 'meanwhile uses' which have been proposed during the life of the application, and emerging options for the long-term use of the site. Considering the merits of demolition in isolation means that it is not possible to conclude that the proposal is consistent with the stated aims of the DCLP1, the Council's own Masterplan or the professional advice contained in the RCS.

The proposal would result in the loss of city centre public parking spaces, in the form of the multi-storey car park. Policy AC4 seeks to ensure that a sufficient level of good quality and accessible public parking is provided, subject to meeting sustainability objectives.

The redevelopment of the existing buildings is strongly supported, in principle, but the absence of any definite proposals for a permanent replacement use of the site presents a risk that the site will remain vacant for a sustained period. This would be contrary to the objectives of the DCLP1 and more specifically those contained in policies AC1 and AC2, which seek to improve the quality of the built environment, reinforce the character and role of the Cathedral Quarter and, overall, enhance the vitality and viability of the city centre as a whole.

The site of the proposal is too important historically and to the future role, function and health of the city centre to embark on demolition in isolation, without a degree of certainty about future permanent use of the site.

7.2. Heritage Policy

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

The proposal must also be considered under the adopted DCLP1 policies and those saved in the adopted City of Derby Local Plan Review (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. Policy CP20(c) requires development proposals which impact on heritage assets to be of the highest

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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.

In terms of impact, the specialist opinion of Historic England, as outlined in its consultation response of 18 September 2020, is...*"the proposed demolition would have an extremely harmful impact on the Market Place, which is the focal point of the conservation area. This would result in a high level of less than substantial harm to the significance, character and appearance of the City Centre Conservation Area. It would also have a harmful impact on the setting of the nearby listed buildings in the Market Place, including the Guildhall"*.

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. The Assembly Rooms falls into this category.

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.

The applicant's heritage consultant concludes that... *"The harm to the Conservation Area has been assessed as less than substantial as a building which makes a neutral contribution to the special interest of the area. With regard to designated assets, the NPPF takes the planning balance further, requiring any harm to be weighed against the public benefits of the scheme. The PPG expands on this to state that the justification for a building's proposed demolition needs to be proportionate to its relative significance and its contribution to the significance of the Conservation Area as a whole. The building has significance in its own right, but its contribution to the significance of the Conservation Area as a whole is low."*

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Derby City Council local planning policy is consistent with national policy. Local Plan Policy E18 states that ‘planning permission will not be granted for development which would be detrimental to the special character of Conservation Areas, including views into and out of them’. In particular, development proposals will not be approved where they would result in the demolition of buildings that make a positive contribution to the character and appearance of a Conservation Area. It has been concluded by this assessment that the Assembly Rooms do not make a positive contribution to the City Centre Conservation Area or to the key views identified. With regard to the key views outside the Conservation Area, the demolition of the building, particularly the car park, will remove an acknowledged detracting feature”.

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 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 identified in the consultation responses from the Built Environment Team and Historic England and to the setting of nearby listed buildings and the character and appearance of the City Centre Conservation Area.

Paragraph 7.4 of the applicants planning statement concludes... “*The total loss of the Assembly Rooms building does amount to substantial harm to a non-designated asset and that impact on the wider Conservation Area would be less-than substantial. It is considered that this harm is heavily outweighed by the public benefits associated with the demolition of a building that has no prospect for any future use*”.

It is also important to note that recent case law has stated that in considering public benefits in the “harm versus public benefits” balancing exercise the NPPF references to the ‘optimum viable use’ of a heritage site should be interpreted as including *potential* as well as *actual* benefits.

In that context Marketing Derby, in its supportive letter of 19 October 2020, has stated... “*in conversations with investors over many years is that the Assembly Rooms site would prove very attractive to the market for a variety of uses. We would certainly encourage soft market testing to help ascertain ideas on what those uses might be and how they might contribute to our vision for the site and city*”.

In terms of the longer term re-development of the site the supplementary information provided by the applicant’s planning consultant, in his letter of 19 October 2020, also states... “*the Council commissioned Thomas Lister Ltd and Justin Smith Architects to undertake a high-level assessment of the feasibility and viability for redevelopment. The Executive Summary to that feasibility study is provided at Appendix B and it highlights the development potential of the Assembly Rooms site to deliver a major mixed-use development scheme, transforming the Market Place area.*

The Council has also had confirmation from Marketing Derby of interest from investors and developers in the Assembly Rooms site as an opportunity for redevelopment. More detailed feasibility work is ongoing to inform the development of more detailed proposals which will, of course, need to be sensitive to the character and appearance of Market Place, the neighbouring listed buildings and the wider Conservation Area, but the Council is confident in a range of potential options.

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While tangible redevelopment proposals cannot be presented at this stage, the Local Planning Authority can take some assurance from the feasibility study, that ...the Council is committed to progressing an appropriate and sensitive replacement scheme [my emphasis].

7.3. The Development Approach

In the consultation response from the Council's Head of Regeneration and Projects, the commercial rationale for the approach to demolish the Assembly Rooms, in parallel with the pursuit of a replacement redevelopment scheme, is fully outlined. It is emphasised that... *"the City Council's current proposal to demolish the building and clear the site is to undertake these works in parallel with an extensive programme of sequenced interventions aimed at securing the highest possible quality of new development on the site in the shortest timeframe. It has been formed in response to the City Council's recent experiences in tendering sites and selecting development partners as well as advice from external advisors"*.

This approach is compared to the alternative 'serial approach' which would lead with the demolition of the Assembly Rooms and then follow with the pursuit of the redevelopment scheme. This approach is viewed as being commercially inferior and could result in...

"a) A complete failure to secure a developer resulting in the indefinite blight on the most important part of the city centre due to the presence of a decaying building. Given the already vulnerable state of the city centre property market, particularly the proximity of the Assembly Rooms to the Cathedral Quarter, it is likely that the presence of the building would further undermine market sentiment. In contrast the knowledge that the building was to be demolished and that the Council had a well-developed Delivery Plan could have the reverse impact and be seen as a positive change

OR;-

b) The quality of bids for the project falling well short of how the City Council and its residents expect to see its most central and historic site".

The parallel approach is, therefore, considered to be the most commercially appropriate venture in this case and was endorsed by the Council's Cabinet in July last year.

7.4. Alternative Performance Venue

The submitted planning statement makes the following comment... *"A modern, purpose-built performance venue is now being progressed at Becketwell, as part of the regeneration of the area. This will have a capacity of 3,500 and will have the facilities to accommodate a wide range of performance types including concerts and touring West End musical shows, representing a significant improvement on the Assembly Rooms building"*.

The commitment to the alternative performance venue has been well publicised and it is understood that negotiations are advancing with the developer, St James Securities, who are the developer-partner for the Becketwell regeneration area. Outline planning permission has been granted for the phased overall development of the Becketwell

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area and the Phase 1 reserved matters submission for a significant city living scheme was duly approved by this committee at its meeting on 7 January 2021.

The comprehensive and co-ordinated regeneration of the Becketwell area is warmly welcomed however, it is very important to note that, unless the investment in an alternative performance venue is (part) reliant on funds being realised by the eventual redevelopment of the Assembly Rooms site (and such funds having been earmarked for that purpose) then the link between the two schemes would appear to be tenuous and should not be weighed in the planning balance for this application.

The submission also refers to the on-going costs associated with the maintenance and upkeep of the Assembly Rooms, in its current state of not being in productive use, and the detrimental impact of this commitment on Council finances. It is stated that the Council's insurers are effectively threatening to withdraw cover unless remedial works are carried out. Marketing Derby has provided commentary on the use of public money to maintain the Assembly Rooms as an ongoing financial pressure for the Council.

I have considered whether the consequences for the Council as landowner can weigh in the balance as a "public" benefit and concluded that, in planning terms, the Council should be treated no differently than a private landowner, and that any such benefit is therefore "private" not "public" in this context.

7.5. Sustainability Issues

The City Council declared a Climate Emergency in May 2019 as a clear commitment to raise the profile of the importance of climate change and the UK Governments 2050 net zero carbon commitment. In order to play its part in this challenge and to set the example for others to follow, it's important that all the Council's activities and services are challenged to make sure that climate change and energy management are fully considered. This is particularly important for those buildings that the Council owns where it should be striving to achieve the very best environmental standards in relation to the construction and ongoing performance of the development in question.

With regards to the demolition of the Assembly Rooms the repurposing of the building would likely be the preferred option from an environmental perspective considering the embodied energy in the building and the amount of concrete used in its construction. This has obviously been discounted on economic grounds and we don't yet have a permanent replacement building to compare against in terms of a like for like carbon footprint exercise. It would, however, be useful to undertake this exercise when a permanent replacement scheme is submitted to make sure that the new scheme has the head room to compensate for the environmental impact of demolishing the Assembly Rooms.

7.6. Other Environmental Issues

Archaeology

As part of ongoing dialogue following the initial consultation response the Council's Archaeological advisor suggested that, initially, a rapid desk-based assessment (DBA) be undertaken of the site and its immediate environs by Aecom's archaeologists or other CIFA registered organisation. This should focus on map regression and a review

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of the results of archaeological investigations which have been undertaken in the vicinity of the Assembly rooms in the past.

On the basis of the results of the DBA a scheme of trial trenching should be devised in order to sample areas within the footprint of the building which are deemed to be of high archaeological potential. The results of this work should then feed into the demolition plan. It may be necessary to leave certain areas undisturbed pending further investigation under a subsequent planning application. It may also be possible to simply leave certain archaeological deposits and remains *in situ* if the existing piled foundations are to be retained. Such decisions can only be made in the light of the results of the trial trenching evaluation, however.

Therefore, it is recommended that the required desk-based assessment and WSI for trial trenching, based on this information, should be produced in advance of demolition below slab level. This of course can be a condition as part of the necessary redevelopment of the site also.

The desk-based assessment and the WSI have now been agreed with the County Archaeologist. Clearly, the applicant won't be in a position to appoint an archaeological contractor until the main demolition contractor is appointed, who in turn won't be appointed until the future redevelopment proposals have been submitted and approved under a separate planning application. That element of the WSI will therefore need to be subject to an appropriately worded pre-commencement condition.

Noise & Air Quality

There are no objections to the proposal on environmental protection grounds subject to a condition tying the works to the submitted Demolition Works Report.

Highways

There are no objections to the proposal on highways grounds subject to a condition tying the works to the submitted Demolition Works Report.

Trees

The Council's Tree Officer has commented on the proposal and has requested further information in relation to one particular Lime tree labelled T12. The loss of existing trees would not be mitigated by replacement planting and, therefore, the proposal would be contrary to policies CP16 and CP19 of the DCLP1.

7.7. Conclusions

Progress on the development of this central site in Derby is very welcome. Certainty over its future would provide confidence and contribute to the recovery of the city from the impact of the Coronavirus pandemic. It will form an important element of the new City Centre Masterplan expected over the next 12 months.

This Assembly Rooms site is an important component of the Market Place within the City Centre Conservation Area. In heritage policy terms the building is a non-designated heritage asset that sits within the bounds of a designated heritage asset. Although the building itself is not statutorily listed, and its style does polarise popular opinion, it is representative of modernist architecture. It also provides a sense of scale and enclosure of the Market Place which has existed in various forms for hundreds of years.

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The application has generated a range of detailed representations from people and organisations from across the country and I would recommend that these are given careful consideration.

As the Development Plan starting point, DCLP1 policy AC2 provides overt support to the redevelopment of the Assembly Rooms site. Reinvention of the Market Place through the development of a performance venue and the creation of more active frontages (to the Market Place) are also identified as key priorities in the Council's 5-year delivery plan as set out in the City Centre Masterplan 2030. In addition, the Council's Retail and Centres Study (RCS) recognises the importance of rediscovering the role of the Assembly Rooms site as a major events venue at the heart of the city centre and ensuring that future design and management lead to a greater sense of vibrancy, creativity and community interaction.

The RCS notes that a key objective of any future use of the site should be to better engage with Market Place, breaking down the barriers between the internal and external public realm and reinforcing the role of Market Place as the civic heart of the community.

In terms of future uses for the site the applicant's team, in the letter of 19 October 2020, has provided the following commitment to the re-invention of this site.

... "In terms of the longer-term redevelopment of the Assembly Rooms site, the Council commissioned Thomas Lister Ltd and Justin Smith Architects to undertake a high-level assessment of the feasibility and viability for redevelopment. The Executive Summary to that feasibility study is provided at Appendix B and it highlights the development potential of the Assembly Rooms site to deliver a major mixed-use development scheme, transforming the Market Place area.

The Council has also had confirmation from Marketing Derby of interest from investors and developers in the Assembly Rooms site as an opportunity for redevelopment.

More detailed feasibility work is ongoing to inform the development of more detailed proposals which will, of course, need to be sensitive to the character and appearance of Market Place, the neighbouring listed buildings and the wider Conservation Area, but the Council is confident in a range of potential options.

While tangible redevelopment proposals cannot be presented at this stage, the Local Planning Authority can take some assurance from the feasibility study, that the Council is committed to progressing an appropriate and sensitive replacement scheme.

If the long-term redevelopment proposals are not sufficiently advanced by the time the Assembly Rooms site is cleared, the Council has a meanwhile use option which would be implemented to avoid an empty site in such a prominent city centre location. Indeed, since the submission of the planning application, the Council has commissioned 'Katapult' to develop the meanwhile use proposals for the site and concept visuals are provided at Appendix C. These show a variety of hard and soft landscaped areas, providing a flexible range of functions including public open space, a pop-up market, events space and car parking. The Council is confident that these meanwhile use proposals are deliverable and, if required, would implement these using permitted development rights (where possible)".

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The application has generated strong commercial support from Marketing Derby and other interested parties. It is suggested that the demolition of the Assembly Rooms and the resultant market confidence from the anticipated redevelopment of this site would generate wider public benefits, in terms of future expenditure, footfall and activity that would benefit the city as a whole.

In my opinion these public benefits could be considerable, particularly in the context of significant investment in the refurbishment of the Guildhall and Market Hall as part of a wider regeneration strategy in the heart of the city. However, there would be significant harm to the character, appearance and function of the Market Place if planning permission were to be granted in isolation of any long-term redevelopment solution for this site. It would be contrary to policies E18, E19 and CP20 and the heritage tests in the NPPF which carries considerable weight in the overall planning balance.

The proposed meanwhile uses do not demonstrate sufficiently, in the illustrated scale, or form, the delivery of future public benefits that would outweigh the resultant harm to the character and appearance of the Conservation Area. In its updated comments Historic England state... *"the proposed demolition would completely remove the essential enclosure of a substantial part of the Market Place, leaving it open on the northern and eastern sides. The character of the Market Place as an enclosed urban space would be seriously eroded. The proposed demolition and loss of enclosure of this important civic space would reveal the rear sides of buildings located on Iron Gate and other unintended views, which would form an unsightly backdrop to the historic Market Place"*.

The concept visuals provided for the proposed 'meanwhile uses' would not, in my opinion, provide that essential element of enclosure for the Market Place which is an integral component of this part of the city centre.

- As such, a mechanism is needed to ensure that there are safeguards to ensure that a long-term development scheme is in place before the Assembly Rooms and its car park are demolished. This could be achieved using a condition precedent which would prevent the demolition of the Assembly Rooms until a viable long-term redevelopment solution is secured and deliverable. This approach also recognises the preferred development approach assessed in 7.2, as it would give the comfort of a decision as the development of the long-term solution is pursued.

As you will be aware, when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.

This reasonable approach would, on balance, accord with the Development Plan when read as a whole and would tilt the planning balance for this finely balanced case. It would meet the tests for planning conditions and would align with the sentiments of partners like Historic England who wish... *"to find a long term solution, for this important site, which seeks to enhance this important civic space, the surrounding townscape and listed buildings within"* and Marketing Derby who state that, *"the Assembly Rooms site would prove very attractive to the market for a variety of uses. We would certainly*

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encourage soft market testing to help ascertain ideas on what those uses might be and how they might contribute to our vision for the site and city”.

It would also provide the time and opportunity for the Council to further explore both the overall development potential of the site and its archaeological potential in advance of any demolition works.

A condition precedent needs to be agreed with the applicant and the following has been duly agreed in writing.

No demolition works shall take place until a scheme for the comprehensive re-development of the site has been submitted to and approved in writing by the local planning authority and until that approved scheme is covered by a contract with an approved timeframe for its implementation.

Of course, any re-development scheme to discharge this condition would be the subject of a separate application for planning permission which would have all the necessary consultation, publicity, assessment, and committee scrutiny.

Given the impact of the Covid-19 pandemic across all sectors of the economy and to provide the applicant with enough time to deliver a scheme for this site, I consider that it would be reasonable to include a five year timeframe for this permission, should members be minded to agree with the recommendation.

With this in place, together with other necessary conditions, I recommend that planning permission be granted accordingly. (The conditions in Part 8.3 include the full wording of conditions 1 and 2. The others are in an abbreviated format and will be fleshed out before any decision is dispatched).

There has been a formal request by an interested third party that the application be ‘called in’ for determination by the Secretary of State for the Ministry of Housing, Communities and Local Government. In this context the Secretary of State will only begin to consider if call in is appropriate once an application has completed the planning process at a local level and the local planning authority is minded to approve the scheme. Therefore, the recommendation is split to accommodate this procedural arrangement. (At this stage, it is not known precisely how long this process will take).

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To refer the application** to the Secretary of State for the Ministry of Housing, Communities and Local Government with this report and a resolution that members are **minded to grant** planning permission with conditions.
- B. Subject to the application not being ‘called in’ for determination by the Secretary of State, to grant** planning permission with conditions.

8.2. Summary of reasons:

In the opinion of the local planning authority the proposed demolition of the Assembly Room and its multi-storey car park would, subject to the conditional control of the demolition works until an acceptable long term redevelopment scheme has been secured as part of a separate application for planning permission, deliver future public

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Application No: 20/00899/CAD

Type: Relevant
Demolition

benefits that would outweigh the identified “less than substantial harm” to the wider character of the City Centre Conservation Area and the setting of nearby listed buildings.

8.3. Conditions:

1. No demolition works shall take place until a scheme for the comprehensive re-development of the site has been submitted to and approved in writing by the local planning authority and until that approved scheme is covered by a contract with an approved timeframe for its implementation.

Reason: To ensure that the Assembly Rooms is not demolished in isolation of any re-development scheme and to ensure that the local planning authority has full control over the access, scale, form, layout and overall design across this site in accordance with policies GD5, E18, E19 and E21 of the adopted City of Derby Local Plan Review and policies CP3, CP4 and CP20 of the Derby City Local Plan – Part 1: Core Strategy.

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

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

3. Condition to accommodate all submitted documents which need to be adhered to during the implementation of demolition and associated works.

Reason: To ensure all demolition works proceed safely and in line with the submitted information and to accord with policies GD5, E18, E19 and E21 of the adopted City of Derby Local Plan Review and policies CP3, CP4 and CP20 of the Derby City Local Plan – Part 1: Core Strategy.

4. Condition to accommodate a scheme of works to remove and retain the Jacobean ceiling within the Assembly Rooms prior to any building demolition commencing.

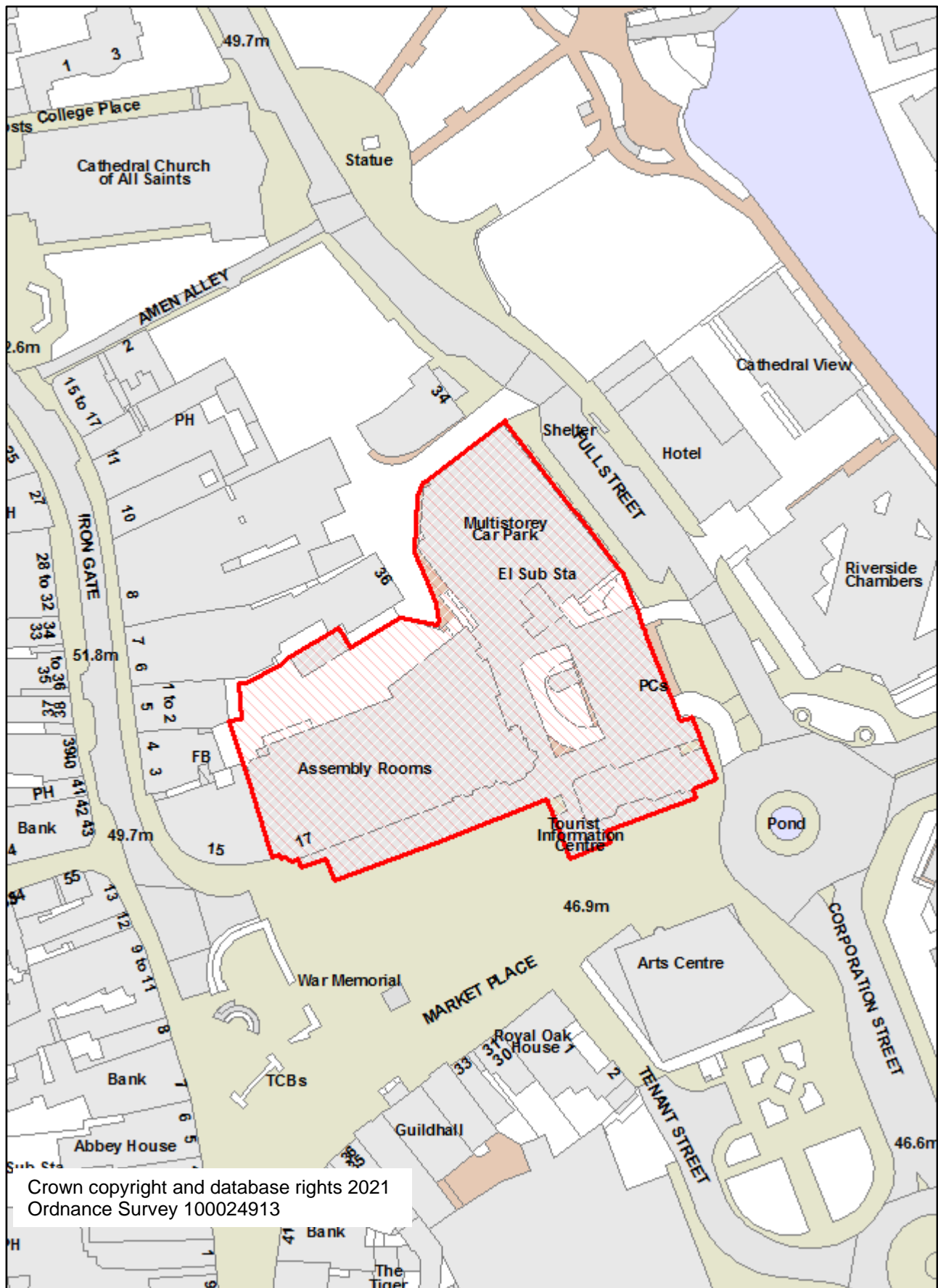
Reason: To ensure this important part of the internal fabric of the Assembly Rooms is retained for future generations and to accord with policy CP20 of the Derby City Local Plan – Part 1: Core Strategy.

5. Condition regarding the desk-based assessment and WSI for trial trenching, prior to any demolition works.

Reason: To ensure that any below ground archaeology is properly explored and preserved and to accord with policy E21 of the adopted City of Derby Local Plan Review.

8.4. Application timescale:

An extension of time until 7 May 2021 has been requested to enable the application to be referred to the Planning Casework Unit.



Committee Report Item No: 2

Application No: 20/01646/OUT

Type: Outline, including access and scale

1. Application Details

1.1. Address: Former Celanese Site, 1 Holme Lane, Spondon.

1.2. Ward: Spondon.

1.3. Proposal:

Outline planning application, with access details and scale parameters included, for the re-development of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01646/OUT>

Brief Description

Outline planning permission is sought, with access and floorspace/scale parameters also applied for, to re-develop a large part of this former industrial site. Most readers will be very familiar with the location and history of this site which has formed an integral part of the industrial portfolio of our city for some 100 years. At its peak the heavy industrial operation housed some 180 buildings on-site accommodating some 225,000 sq.m. of floorspace.

The application site is an irregular shape and covers an area of some 55 ha. A small component of the site would be retained by Celanese for its 'Clarifoil' operation and this is located in the northern part of the overall site with access and parking taken from Holme Lane.

The application site abuts the railway line on its north-eastern flank and wraps around the former Derwent Power Station site and the Derby Commercial Park. It adjoins the water treatment site operated by Severn Trent Water and the local nature reserve, the latter of which falls within blue edged land under the control of the application and covers an area of some 10 ha. The red edge of the application site also extends along the full extent of Fernhook Avenue, which is private road, to connect the proposed southern access of the site with the public highway at the entrance to Derby Commercial Park on the Raynesway/Alvaston By-Pass intersection.

The application seeks permission for access into the site from its historical access to the north from Holme Lane via Station Road and from the south via Fernhook Avenue. The northern access into the site from Holme Lane would be re-engineered to accommodate a priority junction and associated bus/taxi loop. The proposed priority junction has been negotiated during the life of the application to address perceived issues with a signalised junction which formed part of the original submission. The application seeks permission for new floorspace up to a ceiling of 209,000 sq.m., on a footprint of 168,000 sq.m., and the height of any new building would be no greater than 30m in height from ground level.

The site is located in flood zone 3.

Proposed End Use and Phasing

The Planning Statement provides the following background for the submission.

...“SmartParc’ is a development specifically targeted at the production, processing, and distribution activities within the food industry together with technological and research facilities that are intended to allow SmartParc to be a state of the art location for the food industry in the UK. The introduction to the SmartParc energy strategy confirms that the location of the site and proposals within it (together with the experience of the SmartParc team in the food industry) – are expected to attract a number of specialist operators within the food industry to the SmartParc site. This would allow them to take advantage of the site location; the state of the art technology to be employed in the production and distribution buildings; the ability to use shared energy and the critical mass of services and distribution facilities as well as back up education/research and technology facilities.

The proposed masterplan for the site, albeit illustrative at this stage, provides the following framework and quantum of development for future reserved matters submissions. It includes:

1. A number of buildings dedicated to food production – 13 such buildings are shown indicatively having footprint areas between 6,240 sq.m. (8,112 sq.m. floorspace) and 37,250 sq.m. (46,563 sq.m. floorspace). Food production will be one of the major functions of the SmartParc site and the size of units proposed is considered to be typical of the likely requirements of occupiers for modern production units.
2. A distribution centre of some 30,030 sq.m. footprint (and floorspace) which is intended to serve both the food producers on the SmartParc site but also any other operators with the need for a distribution unit within the East Midlands area.
3. A technology centre – intended to be in the south-western corner of the site (with a footprint of some 3,696 sq.m. / 7,910 sq.m. floorspace). This building is intended to be the research and development hub of the site which will be combined with an education function providing courses for students of the food technology industry that will relate directly to the SmartParc operation. It is intended that discussions will take place with tertiary education providers in Derby – the college and the university – in relation to the joint provision of such courses in partnership with SmartParc.
4. A starter unit building (footprint and floorspace 2,680 sq.m.) housed in the southern part of the site. These are intended to provide floorspace for small start-up businesses linked to the food industry.
5. Energy/waste centres – there will be dedicated energy generation provision within the SmartParc site as well as a waste centre. The indicative locations of these facilities are shown on the masterplan.
6. Strategic landscaping – areas for strategic landscaping are shown on a combination of the masterplan and the strategic landscaping plan prepared by Aspect (within the visual and landscape assessment report).
7. Footpath and cycleways – there is a cycle route through the site which runs from the northern entrance down the western boundary before exiting into the local wildlife site. There will also be cyclist provision alongside the main access routes through the site (see transport assessment).

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8. Car parking – a total of circa 2,100 car parking spaces (including accessible spaces) can be provided including approximately 130 EV spaces with 60 cycle spaces and 20 motorcycle spaces.

The initial phase of the development is intended to start from the north side of the site with the improved northern access being constructed together with unit 1, the central spine road and then unit 13 in the south-eastern corner. It is indicated that the central spine road being constructed in this phase would then allow immediate access to the main body of the site where production and distribution units are located. It also takes account of the intention of Celanese to retain the area shown on the masterplan for its 'Clarifoil' manufacturing plant. This is a material which is used in the packaging of products including food related products and is, therefore, intended to have synergy with the food related development on the SmartParc site.

The submitted Design and Access Statement, together with other supporting documents, explain the rationale and overall approach to accommodate and assimilate the development into the site and surrounding area.

Pre-Application Engagement

In advance of the application, the proposals were the subject of a web-based consultation exercise hosted by the applicant's team. Leaflets were distributed in the Spondon Ward informing residents of the information on the website. A virtual exhibition was also held of the proposals over a two week period finishing on 2 November 2020. This set out details of the proposals and the commercial intent of SmartParc.

A pro-active Development Team comprising colleagues, consultees and consultants worked on key policy and technical issues at the pre-application stage and this detailed work has continued through the life of the application.

The applicant submitted a request for a Screening Opinion, Pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, and the Council's formal response was duly provided in writing on 24 November 2020. It concluded that the development did not constitute EIA development but recommended a suite of documents to address the key technical issues. A copy of that response is included on the application web pages.

The Application Package

Based on the above, the application is accompanied by the following:

1. Indicative masterplan and a site layout plan option 5. These show how the scale of development applied for (up to 209,000 sq.m.) can be accommodated on the site.
2. Site constraints plan, a parameters plan/zoning layout – indicating the general development areas and the maximum height parameter and a transport plan showing transportation links through the site.
3. Design and Access Statement (DAS) – this includes the plans referred to and an indicative schedule of floorspace on page 22.
4. Flood Risk Assessment (FRA) and separate drainage strategy.
5. Transport Assessment (TA) - with accompanying draft travel plan, including plans for the detailed access proposal for the northern access into the site. Detailed

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proposals for an access into the site from the south are not part of this application. However, the masterplan shows the intention to provide an access from the south and this is also addressed by the submitted site location plan which extends the red edge of the application site to the public highway at the intersection of Raynesway/Alvaston By-pass.

6. Statement of Community Involvement (SCI).

7. Landscape Visual Impact Assessment (LVIA).

8. Statements from SmartParc explaining their ethos and intention for the development and operation on the site relating to sustainable energy and waste disposal strategy.

9. Noise and Air Quality Assessments.

10. Economic Statement.

11. Preliminary Ecological Appraisal and related species surveys.

12. Desk Based Archaeological Assessment.

13. Geo-Environmental Risk Assessment.

This is a list of the original package and additional documents have been submitted, and are available on the application web-pages, to address on-going work and issues raised across some of the technical areas.

2. Relevant Planning History:

In 2014 the City Council gave prior approval for the demolition of buildings on site and a separate planning permission was granted for further demolition in 2016. The application form submitted with that 2015 submission stated that an additional 155 buildings and structures were being proposed for demolition in addition to those granted prior approval for demolition as phase 1 information in 2014.

The site was densely occupied by industrial buildings and related infrastructure that would have most probably been defined under current Use Class B2 or other specialist industrial classes of historic Use Class Orders. The Council also decided that no Environmental Impact Assessment (EIA) was necessary for the purpose of granting permission for the demolition process – the letter dated 29 March 2012 responding to a request for a screening for an EIA decided one was not required.

In view of the age of this site and its current physical state it would be wasteful to reproduce a list of historic planning permissions. This exercise would add little value to the report or facilitate a wider understanding of this proposal.

3. Publicity:

Neighbour Notification Letter - Yes

Site Notice - Yes

Statutory Press Advert - Yes

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Other – Reference to the pre-application publicity exercise hosted in late 2020 is included in Part 1.4 under 'Pre-Application Engagement'.

The applicant and case officer have also discussed the proposal with a neighbouring occupier during the life of the application.

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

4. Representations:

To date the application has generated 5 expressions of support. The supporters include Marketing Derby and they warmly welcome this proposal that would facilitate:

- An injection of much needed economic confidence to drive Covid recovery
- Significant inward investment
- Comprehensive brownfield site remediation and re-development
- Pioneering food production and manufacturing capabilities
- Large scale job creation and local/regional spin-off benefits

The application has generated 4 comments which centre on:

- Synergy with the ongoing restoration of the local canal network and the need to assist with this work
- The need to encourage modal shift and to improve the experience for pedestrians, cyclists, rail, and bus patrons to the site
- Encouragement of potential freight train access to serve the development
- The future bio-diversity potential and improvements to the adjacent nature reserve using native species
- The impact of the development in terms of noise, air quality and the overall environmental impact for local residents

5. Consultations:

5.1. British Transport Police:

The comments of British Transport Police are reproduced in full.

...As a Designing Out Crime Officer for British Transport Police it is part of my role to comment on applications that may impact on the railway. I have been sent documents regarding the above mentioned proposal in Spondon.

Please could you take my comments below into consideration.

Whilst I have no objection to the development, I share concerns with NWR that the level crossing will see a substantial increase in usage which will need to be addressed.

More specifically I would also like the developers to consider that fencing will need to be to a good standard along the railway boundary, especially as there is to be a new cycle route running parallel to it for some distance.

Also, the creation of new jobs on the currently empty space could potentially increase the risk of trespass across the tracks from the eastern (River Derwent) side of the development. There seems to be extensive palisade fencing already in place along this stretch which does offer adequate protection for the most part, however, this will need to be checked for any weaker points or gaps, and reinforced where they are identified prior to completion.

I ask that the developers consider the potential for trespass in the area and work with NWR in minimising the risk.

5.2. Marketing Derby:

Both sets of comments from Marketing Derby are reproduced in full.

1...This letter is written in strong support of the formal planning application being put forward for the redevelopment of a previously industrial brownfield site into a £300 million food manufacturing and research campus.

Marketing Derby are very supportive of the proposals that will help to diversify the local economy through the creation of up 4,500 new jobs. The project fits perfectly with Derby's economic recovery ambitions with its focus on innovation and lowering carbon.

Marketing Derby has been working with the team at SmartParc for some time and we believe the site will be a beacon in the latest ways to cut food waste, food miles and carbon output. It will also increase UK food security and our competitiveness around the world, as well as bringing much needed jobs to a city that has seen its primary employment sector, aerospace, hit hard due to the effects of the Covid-19 pandemic.

This is an opportunity for the city to build back better, to fuel a greener economic recovery, and deliver long-term sustainable economic growth. The project has received high-level government support, along with £12 million investment through the government's Getting Building Fund.

This is a welcome development - at a time of an uncertain economic future - and it will be the largest single inward investment into the area since Toyota UK Manufacturing in 1989. SmartParc will support the creation of a world-leading sustainable food-manufacturing facility that will deliver pioneering innovation, boost jobs, and transform the local economy.

Please accept this letter as a confirmation of our ongoing support for this project and the economic benefits that the project will provide.

2...This letter is written to reaffirm Marketing Derby's support for the formal planning application to turn the former Celanese site in Spondon into a state-of-the-art food and manufacturing campus.

The site has lain waste for too long. Since our first letter of support, Marketing Derby has held a series of meetings with the developer SmartParc, supporting them with links into our inward investment pipeline and opening the doors to academia.

The former Celanese site in Spondon has seen little interest from major developers over the years and has been a key regeneration challenge for the city. Public sector intervention, through the government's 'Getting Building Fund' and from Derby City

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Council has provided the necessary seed funding to accelerate development and bring forward a site that was previously failed by the market.

SmartParc will support Derby City Council's agenda to diversify to a greener economy, along with creating new roles outside of the primary planes, trains, and automobiles sector that the city has been heavily reliant on for several years.

The site, which once had a workforce of over 20,000 people will create 4,500 direct new jobs. Additional to this the project would generate further employment in the supply chain and throughout the local region.

Please accept this letter as a confirmation of our ongoing support for this project and the economic benefits that the project will provide.

5.3. Environmental Protection:

The comments of the Environmental Protection Team are broken down into the areas of Land Contamination, Noise and Air Quality. The individual comments on both Land Contamination and Air Quality were updated during the life of the application. The Team has helpfully provided clear individual conclusions and recommendations for these topic areas. Bold text has been retained to ensure the correct emphasis is conveyed.

Land Contamination

1. Further to comments provided by this Department on land contamination considerations in respect of this application dated 25th February 2021, I note the submission of a further document relating to land contamination, namely:
 - Remediation & Verification Strategy *Delta-Simons, Ref: 20-1304.04, Dated: February 2021*).
2. I can comment on the submitted documentation and its implications for the proposed development as follows.
3. As for earlier comments, the following comments focus on the *human health* risks associated with the site, since the Environment Agency will be commenting separately on controlled waters risks.
4. In addition, the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the Strategy, other than within a land contamination context.

Remediation & Verification Strategy

5. As you will be aware from our earlier comments, an outline remediation strategy has already been provided in support of the application, documented within the *Outline Environmental Strategy*.
6. This later submission expands on the outline strategy and provides some further detail, with the focus of the report primarily on ground water remediation and risk control associated with the two solvent plumes recorded on site.
7. The Strategy aims to achieve 90% contaminant mass reduction of the MCA plume, however the remediation techniques for achieving this are not yet

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detailed. Such details are proposed once a remediation contractor has been appointed.

8. Given that groundwater has been detected as high as 0.9m from the surface, it is unclear at this stage whether such a reduction will be appropriate from a human health perspective when considering outdoor/indoor inhalation risks, however it is acknowledged that soil vapour risks will be assessed as part of the human health risk assessment and remediation programme at the enabling works stage.
9. Sections 7 and 8 of the report reiterate the phasing programme for remediation works associated with enabling works and construction works, including those measures required to address human health risks for each phase.
10. Section 8 provides further details in respect of potential clean soil cover systems proposed on site in order to protect above-ground human health where soil contamination is identified. The Strategy assumes that any clean soil cover will comprise of imported soils.
11. In the event that site-won material is proposed for use within any clean soil cover system on site, further details will be needed to confirm the remediation targets and sampling protocol for that material.
12. For imported soils intended to be used within the clean cover system, the current proposal under the Strategy is to test on the following basis:
“One composite sample will be taken for every 250m³ of imported topsoil to be used and one samples per 500m³ for general fill (other than as dug aggregate), with a minimum of 3 No. samples of each soil type tested from each source/supplier.”
13. I note that these proposals provide for less comprehensive analysis than this Department usually accepts. For clarification, this Department normally requires testing of imported soils as follows:
 - *At a rate of one sample per 100m³ for material from a ‘greenfield’ source, or one sample per 50m³ for soils from an unknown or potentially contaminated source and a minimum of three samples are required per material source.*
14. It may however be possible to agree an alternative strategy given the scale of the site and depending upon further evidence relating to the source of imported soils, but the above requirements will be needed as a minimum for any site-won soils intended for use within the clean capping layer.
15. Outline details are provided to explain how vapour barriers/membranes might be incorporated into buildings on site where necessary, however no details are provided to determine the risk assessment targets which would dictate whether a vapour membrane would be required or not.
16. Further clarification is therefore required on soil vapour risk assessment criteria in order to determine when protection measures might be needed.

Conclusions and Recommendations

17. The submitted *Remediation & Verification Strategy* provides some additional clarity regarding groundwater contamination targets, but with respect to human health risks it does not expand significantly on the previously discussed *Outline Environmental Strategy* approach.
18. I would therefore reiterate outstanding concerns regarding the provisional remediation targets, soil testing ratios and targets for volatile contaminant vapour inhalation risks.
19. **In this regard, in order to allow a decision to grant planning permission for the development, robust planning conditions are needed to control and regulate the outstanding contamination risks for each phase and stage of development.**

Recommended Planning Conditions

20. Subsequently, I have drafted below proposed wording for recommended conditions to be attached to the consent, should it be granted, which have been designed to provide regulatory control over human health risks for each phase and stage of the development process.
21. It is important to note that the following conditions have been designed to address 'human health' risks only. It is advised that separate conditions are attached to regulate 'controlled waters' risks and these should be developed in conjunction with colleagues at the Environment Agency.
22. The proposed conditions are as follows:
 - i) **Prior to the commencement of the construction phase of works on each Phase of the development, the results of a detailed site investigation and human health risk assessment shall be completed for that Phase and a report of the findings shall be submitted to and agreed in writing by the Local Planning Authority.**
 - ii) **A *Human Health Remediation Method Statement* providing details of measures designed to mitigate human health risks for that Phase shall also be submitted for approval by the Local Planning Authority prior to commencement of the construction works for that Phase. The *Human Health Remediation Method Statement* shall detail the measures and remediation targets proposed to mitigate human health risks for that Phase.**
 - iii) **All of the measures detailed in the agreed *Human Health Remediation Method Statement* shall be implemented in full and appropriate validation shall be completed for each Phase of the development to demonstrate that the remediation measures have all been implemented and the remediation targets have all been met. A *Human Health Validation Report* shall then be submitted to and agreed in writing by the Local Planning Authority for each Phase of the development, before that Phase can be occupied.**

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23. The above conditions are deemed to provide suitable regulatory control over land contamination human health risks and as such, the inclusion of the above should allow the granting of planning permission without any further information needed prior to determination.

Noise

The two submitted noise assessments provide a reasonable indication that the development is unlikely to cause significant harm with respect to noise.

When considered against the previous Celanese operations, which the report does not do, the impacts are likely to be negligible and probably even less than they were in respect of the historical use of the site.

However, there is a concern regarding higher than reported traffic noise increases, should the southern access point (to Fernhook Avenue) be delayed such that all development-generated traffic is forced to use the northern access onto Station Road.

Notwithstanding this concern, the Environmental Protection Team has no objections to the development in principle, subject to the following recommendations.

Given the absence of detailed information regarding the nature of plant and equipment proposed on site, it is advised that a condition is attached to the consent requiring the following:

- ***For each phase of the development, an assessment of noise impacts arising from any plant/equipment proposed on site shall be determined through the completion of a BS4142:2014 assessment and the conclusions of the assessment shall be agreed in writing with the LPA prior to commencement of the construction of that phase. Where the agreed assessment makes recommendations for noise mitigation, the agreed mitigation measures shall be incorporated into the development in full before occupation of that phase.***

I would strongly advise that the proposed southern access road is brought forward as early as possible into the phasing plan in order to avoid a situation where 100% of development-generated traffic is using the northern access along Station Road, in the circumstance that a large proportion of the development is operational.

Further detailed assessment of potential noise impacts arising from such a situation is advisable in order to inform if a pinch-point might arise as a result of noise impacts, in terms of the phasing of the development.

Air Quality

Whilst my fundamental judgement on this site remains, namely that planning permission should not be refused when considering the scheme against the former Celanese operations, I am still of the opinion that further, more conservative, modelling is needed in order to properly consider any necessary mitigation.

Of key concern are overly optimistic predictions based on EFT emission factors/future fleet make-up and also a more detailed analysis of the potential scenario where the northern access road is the only access available into the

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development for a certain period of time, particularly bearing in mind that there are no guarantees that the southern access will be delivered at this stage.

Further detailed modelling will be necessary however, in order to demonstrate the extent to which air quality mitigation may be needed on site. I would therefore recommend the following condition is attached to the consent, should it be granted:

- ***Sensitivity analysis of air quality impacts assuming less optimistic assumptions, shall be completed in order to predict emissions arising from traffic generated by the development and also emissions associated with energy production plant proposed under the scheme. Where increases in local emissions at sensitive receptors have been predicted using conservative analysis, commensurate levels of air quality mitigation (using an appropriate damage cost calculator) shall be designed for the site and submitted in an 'Air Quality Mitigation Strategy' to be approved by the LPA. The agreed Strategy shall be implemented into the site in full prior to occupation.***

As previously, I would also recommend a further condition requiring the submission of a detailed Construction Dust Management Strategy, which takes into account the potential risks of contaminated dust being generated on site.

Given the potential for odour to be produced in association with large-scale food production proposed on site, I would also strongly recommend that potential odour nuisance is assessed. Detailed odour assessment is therefore recommended in connection with each phase of development.

5.4. Severn Trent Water (STW):

The latest comments of STW are reproduced in full.

... Following our holding objection letter of 29th January, in which we laid out our concerns as to how the proposed development could impact flood risk on our adjacent sewage treatment works, we have now completed a review of the flood risk assessment (FRA) and modelling report submitted by SmartParc as part of this application. As such, we now have a better understanding of the impacts of the proposed development on our land and assets.

Our review of the FRA has concluded that the development proposals would result in a significant increase in flood risk (with an increase in flood depths of up to 240mm in places) to our site. The documents show there will also be an appreciable increase in the velocities of flood water on certain areas of our site. Taken together these impacts could impact on the operation of our assets, our ability to access our assets, lead to unacceptable risk to the safety of colleagues on site and limit our options for future use of our landholding.

With this in mind consideration must be given to possible solutions to mitigate such an impact, whether this be through design or through phasing of the development. Such mitigations could involve:

- Provision of further commitment/guarantee to delivery of phases 2 and 3 of OCOR within a specified timeframe;

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- Phasing of the development until OCOR is delivered;
 - Specific mitigation measures to deal with the risk; OR
 - A combination of some or all the above that is satisfactory in terms of flood risk management.

You will appreciate that the above are purely our suggestions and should not be seen as an exhaustive list of all available options.

Being cognisant of the profile of this application and the positive impacts it could have for the city we will be pleased to discuss the situation and possible options with yourself, the Environment Agency and the applicant. If satisfactory options are put forward that deal with our concerns, and can be appropriately secured, then we will be prepared to remove our objection.

I can confirm that SmartParc has already reached out to us to discuss potential mitigation options and we see this as a positive move.

Meanwhile, you will be aware that my colleagues are also working with the applicant to agree how sewage waste from the site will be dealt with and these discussions continue. Until we reach agreement on this point it also forms a part of our holding objection to this application.

Negotiations have been ongoing with STW, the EA and developer's consultants to address these important flooding/drainage issues. Discussions have been productive and remain ongoing with all parties at the time of writing the report and it is hoped that updated comments from all parties will be reported before the meeting or orally at the meeting.

5.5. Historic England:

The comments of Historic England are reproduced in full.

...Thank you for your letter of 5 January 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

5.6. Cadent Gas:

The comments of Cadent Gas are reproduced in full.

...Looking at the above planning application we (Cadent) would not object as the Intermediate and high pressure gas pipelines in the area would not be affected by the application.

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5.7. Department for Transport:

The comments of the Department for Transport are reproduced in full.

...Thank you for your email to the Secretary of State dated 19 January 2021 about the above Notification of a planning application. Your correspondence was passed to the MML Programme team and I have been asked to reply.

I understand that the application has been forwarded to Network Rail for their attention as the lead organisation in this matter. We have noted the application and can confirm that no further action is required from us.

5.8. Environment Agency (EA):

Negotiations have been ongoing with the EA, STW and developer's consultants to address a potential issue with additional flooding of the neighbouring water treatment site, as a result of the proposed development. Discussions have been productive and remain ongoing with all parties at the time of writing the report and it is anticipated that updated comments from all parties will be reported before the meeting or orally at the meeting.

Comments from the EA and its 'Brown Water team', in relation to the impact of the development on controlled waters and land contamination, are also awaited. Negotiations between the EA and our Environmental Protection Team have also been productively addressing the scope and form of potential conditions.

5.9. Land Drainage:

The comments of Land Drainage are reproduced in full.

...We are pleased that the development is proposed and that an outline application has been submitted and that the drainage strategy incorporates open SuDS features.

The FRA submitted with the application shows an increased risk of flood to areas outside of the development. Including areas within the Seven Trent property.

The applicant should confirm with Severn Trent that this is acceptable to Severn Trent and that any operational issues are addressed. Indeed the applicant should ensure any increase in the floodplain is discussed with the affected land owners and appropriate mitigation is in place.

To consider the application further we will need further details of the full extents of the new area of flooding, including water levels and details of the pre development area too. Thus allowing determination of the increase in land potentially exposed to flooding and evidence that any increase in flood plain area is agreed with the affected land owners.

Whilst pdf copies of drawings will be useful for general discussion it is likely that 3D cad drawings, flood modelling and GIS information that is accessible to the Council, be provided. I note the Council uses Cadcorp as its GIS platform.

We would also like to see further analysis of the interruption and mitigation of overland flow routes affected by the proposed development.

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The Applicant or their Agent is invited to discuss this information with the Land Drainage team at an early opportunity. It is hoped that early sight of the details referred to above will enable us to return comments.

5.10. Derbyshire County Council Archaeologist:

To be reported.

5.11. Derbyshire Wildlife Trust:

The comments of Derbyshire Wildlife Trust are reproduced in full.

...Thank you for consulting the Derbyshire Wildlife Trust with regard to the above planning 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 following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

The application is supported by the following ecological information prepared by Brooks Ecological;

- Preliminary Ecological Appraisal Report (PEA) dated 05/11/2020
- Bat Activity Survey dated 09/11/2020
- Badger Assessment & Report dated 01/12/2020
- Ornithological Scoping Survey Summary dated 01/12/2020
- Invertebrate Scoping Survey Report dated 06/01/2021
- Reptile Survey dated 01/12/2020
- Riparian Mammal Survey dated 01/12/2020

The Preliminary Ecological Appraisal is based upon surveys carried out during July 2020 and was informed by an appropriate desk study. Further surveys for bats, badger, reptiles, birds, invertebrates and riparian mammals were recommended. These were subsequently completed and reported in separate reports. A Biodiversity Metric Assessment assessed the site to comprise 71.64 habitat units.

The PEA states that no buildings are present on the site and the likely absence of roosting bats can be reasonably concluded. This is incorrect.

The redline boundary clearly shows the presence of an existing building (3 Holme Lane) within the site in an area shown on the Masterplan as overspill parking. It is unclear if the property will require demolition as part of the scheme. We are aware of a Common Pipistrelle bat roost in the property. This is contrary to the information provided in the PEA which states that there are no buildings on site and that there are no bat roosts on site. The ecology reports need updating to include this information and propose appropriate mitigation if the roost is to be lost through demolition.

The Ornithological Scoping Survey Summary report states that a male Peregrine was observed on the towers of the adjacent Derwent Power Station during the site survey

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carried out on 4th August 2020. The report wrongly assumes that the bird was one of a pair that nests on Derby Cathedral as a pair has been known to nest on the adjacent Derwent Power Station site for a number of years. Given the proximity of the site to the Derwent Power Station site which is proposed for demolition and the erection of a number of tall buildings within the Smartparc development we advise that consideration should be given to the installation of a Peregrine nesting box/platform on one of the buildings or on a standalone tower/structure as part of biodiversity enhancement measures.

To avoid impact on nesting birds we advise that the development should be carried out in strict accordance with the measures detailed in section 27 of the Ornithological Scoping Survey Summary report prepared by Brooks Ecological dated 01/12/2020 as a condition of permission.

It is noted that the invertebrate surveys did not commence until July. This would place a limitation on the survey in respect of identifying any insects with an early flight period such as the Dingy Skipper butterfly, a Species of Principal Importance, which is typical of such open brownfield habitat. We therefore strongly support the options in section 94 of the Invertebrate Scoping Survey report for the retention of areas of invertebrate value within the layout as part of the development.

No reptiles were recorded on the site during a detailed reptile survey. However, we strongly support the recommendation for the inclusion of a reptile mitigation strategy within a Construction Environmental Management Plan (CEMP) required by a pre-commencement planning condition.

No badger setts showing recent use were recorded within the site and we concur that no significant impact on badger is anticipated. However, we strongly support the recommendation for the inclusion of a badger mitigation strategy within a Construction Environmental Management Plan (CEMP) required by a pre-commencement planning condition.

We concur that otters are unlikely to present a constraint to the proposed development.

We strongly support the recommendation R3 in the PEA for the production and submission of an Ecological Impact Assessment (EclA) to supersede the PEA now that the impacts have been largely identified. Based on a more advanced layout the report needs to demonstrate, through use of biodiversity metrics, how a net gain for biodiversity will be achieved through the retention and creation of habitat within the layout and shown on a Landscape Masterplan. This needs to be in line with the mitigation hierarchy with any residual impact compensated for by offsite habitat provision in addition to the enhancement of the adjacent nature reserve. Such information is required as part of the determination process to ensure that the development results in a net gain for wildlife in accordance with the environmental dimension of sustainable development as required by paragraph 170(d) of the NPPF and policy CP19 of the Derby City Local Plan.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

5.12. City Development and Tourism (CD&T):

The comments of CD&T are reproduced in full.

...Derby City Council, with support from D2N2 Local Enterprise Partnership's Getting Building Fund, are supporting the delivery of the SmartParc proposals for an innovative food manufacturing park and the redevelopment of the former Celanese site. The proposed development represents the use of a strategic employment site identified in the Derby City Local Plan – Part 1 Core Strategy January 2017.

Since the end of full-scale production at the Celanese site, there have been proposals to bring the redevelopment of this site forward in conjunction with the landowners, but unfortunately the market has been unable to deliver a solution. The comprehensive and sustainable redevelopment of the former Celanese site for continued employment use is consistent with the Local Plan Policy (AC13). The development will transform a 112-acre brownfield site which will be retained as a key strategic employment site and lead to the remediation of a contaminated site.

SmartParc's proposal will lever substantial private sector investment and has the potential to create up to 5,000 jobs. It will provide a boost to the local economy by between £250m and £300 million of gross value added, a measure of the value of goods and services the scheme will make to the local economy over the next decade.

The vision for SmartParc meets the core themes of Derby's Recovery Plan which is built around three key areas – maintaining confidence, diversifying the employment base and decarbonising the City.

The commencement of such a significant investment will maintain confidence for the business community within our city which has been impacted by the Covid-19 pandemic and will help to shape a better future for our residents.

A dedicated site for food sector growth will create economic resilience and massively support the diversification of the City and deliver the vision of the Derby Recovery Plan. Developing a new sector will generate opportunities for inward investment enabling businesses seeking to expand to co-locate leading to opportunities for collaboration and innovation and the creation of long-term sustainable jobs.

The SmartParc visions will deliver decarbonisation through the reduction in food waste, reduced energy consumption, maximising sustainable forms of energy generation within the production process and the reduction in food miles through centralised distribution.

This diversification of the local economy is aligned to D2N2 Local Economic Partnerships' strategic economic policy which has identified food and drink manufacturing as a key investment priority of the region. By bringing food producers together the scheme will cluster knowledge and investment – reducing food waste, lowering carbon outputs, and increasing UK food security and providing sector diversification to the local and regional economy. The scheme has been allocated up to £12 million of Getting Building Funding, subject to full business case approval, which is the largest allocation within D2N2s funding award.

The project will add to Derby's innovative economy through the plans for a Food Manufacturing Technology Centre of Excellence which will provide support for occupiers on the park to transition food innovation from concept to onsite production.

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This will be driven by R&D support from leading local academic institutions in areas of sustainable food production and packaging, and opportunities to collaboratively tackle innovation challenges in partnership with global businesses in the East Midlands such as Unilever, Mondelez and PepsiCo. In addition, the size and scope of the SmartParc will provide multiple skill and training development opportunities whilst shaping a better future for our local residents through the creation of up to 5,000 sustainable jobs. These jobs will have an attractive spread across skill levels, with around 60% being low-to-medium skilled, 25% medium skilled and 15% high skilled or management level.

In summary, the City Growth and Development Department fully supports the proposed development, which will support economic growth. The proposed development has the following benefits: -

- It will contribute towards delivery of economic development objectives identified in the Local Plan.
- Will deliver objectives of the Derby Recovery Plan.
- Redevelopment and remediation of a redundant brownfield site which will be retained as a strategic employment site whilst delivering sustainable growth.
- It will improve the resilience of the City's economy through the development of the food manufacturing park.
- It will promote the creation of new jobs and have a positive impact on economic activity in the city.

5.13. Network Rail (NR):

The comments of Network Rail are reproduced in full.

We have no objection in principle to the development, recognising that it has the potential to deliver significant regeneration benefits to the city. However we do have two areas of interest; these are the Spondon level Crossing and Spondon station itself.

We note in the Transport Assessment that the scheme is to be developed in a number of phases, but it is the ultimate goal to establish an access to the site from the south via Fernhook Avenue which will remove the dependence on access via Spondon Level Crossing. The application does request that the initial phase 1 access will continue over the crossing, and data has been provided to show that there will be around a 35% increase over the crossing once phase 1 has been fully developed out.

The level crossing has recently been upgraded and shortened to full barrier manually controlled obstacle detection. As such, and with the proposed changes to the approach road we are satisfied the phase 1 development can be accommodated without undue detriment to the operation of the existing level crossing. This is borne out by our estimate that the ALCRM score for the crossing does not change from its current G4 ranking, based on the predicted phase 1 traffic flows, though there is a small increase in the fatalities weighted index. It should be noted that in suggesting an induction loop mechanism to work in synchronicity with the level crossing barriers

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it may be necessary to modify the Level Crossing Order which would have to be done at the developer's expense.

However we cannot support the development of the full site with the majority access and egress over Station Road and therefore it is important that any grant of outline consent should include a Grampian condition precluding the development of phase 2 onwards until such time as the access via Fernhook Avenue has been provided. Additionally the Travel Plan should be amended to demonstrate how, once the new access is in place, unrestricted use of Station Lane is removed/reduced either through total closure to road vehicles or other measures including possibly additional CCTV road monitoring, weight restriction orders along Station Road or other measures as appropriate.

Turning to the impact of the development on Spondon station, the proposal for a public transport interchange is noted. Whilst it is recognised that the interchange is not ideally situated being on the opposite side of Station Road, thereby meaning passengers for the railway station having to cross the road to access the platforms, we understand this may be because there is insufficient land on the south side of the station east of Station Road to achieve the required scale of turning area. It is also unclear whether all traffic exiting the interchange would have to turn left and go over the crossing, even if they wish to continue along Celanese Road.

Having examined the proposal we do wonder whether it can be improved slightly by having a one-way movement through the interchange (see sketch scheme below), which may give better circulation and less impact on the level crossing and junction, and also give a much needed drop off point for cars and the possibility of limited parking in the area coloured orange. We appreciate such a layout would need to be tested in traffic management and safety terms to see if it would work satisfactorily. It may also be possible to incorporate the existing NR maintenance access to achieve a simpler road layout. A further alternative is perhaps an alteration to the road layout to the Celanese plant to allow for access to our land at the station where there is scope to achieve the interchange in a more advantageous location by utilising unused NR land (again shown below).

Please see the annotated plans on the original consultation response which can be reviewed on the application webpages.

We also wonder whether there is scope to approach East Midlands Trains with a view to considering additional stopping trains at Spondon, particularly to accommodate the early morning shift pattern, with an arrival at the station before 6am. This does not appear to be discussed in the Travel Plan, but an initial discussion with the train operator has indicated that there will be a better spread of departures throughout the day at Spondon following the introduction of the May 2021 timetable and it is recommended that further dialogue be entered into with EMT to discuss the possibilities of additional stops at the station. This is also pertinent to the role of the station in the travel plan and the possibility of additional facilities being provided to recognise the projected increase of use at the station as well as the ability to attract higher use to achieve and exceed the current projected 2% modal split when fully developed. We welcome the suggestion of additional cycle parking at the station (para. 7.2.6 of the Travel Plan) but wonder if this may be extended to

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cover other facilities at the station including better waiting shelters and more visible timetable information.

In addition, detailed conditions would be expected covering surface water drainage, boundary treatments, landscaping, external lighting and construction methodology (including construction traffic management, and any potential abnormal loads over the level crossing). This latter condition is particularly important in relation to the requirement to discuss the scheme with our Asset Protection team.

5.14. Highways England (HE):

Following the scrutiny and clarification of modelling work and information in the TA, HE offers no objection to the proposed development.

5.15. Traffic & Transportation/Highways Development Control:

The comments of Traffic & Transportation/Highways Development Control are reproduced in full

1) Introduction

Although this application is in outline, planning consent is being sort in full for access. As such, the Transport Assessment sets out proposals for a new northern junction access off Holm Lane, and a southern access off Fernhook Avenue and the existing roundabout that has been constructed as part of the distribution road within Derby Commercial Park.

Further, the Transport Assessment sets out a Phased approach to the site with a Phase 1 for 58,983 sqm of development to be served off the northern access only.

It is fully understood that the applicant has served all the notices required by the Planning Act in respect of land required to carry out the development as proposed. However, in practical terms, it should be noted that the applicant cannot provide either the Northern or Southern accesses to the site without the co-operation from third party land owners.

It is worth noting that although the former Celanese manufacturing site once employed over 20,000 people, this was in the interwar years. Over the past 20 years at least, there has only been around 500 people working at the plant. Indeed, Celanese Clarifoil are retaining a manufacturing plant on part of the site, which will be served off its own access.

Local Planning Policy

Derby City Local Plan Part 1 – Policy AC13 states: “The former Celanese Acetate site is a significant, brownfield regeneration opportunity with the potential to contribute towards the aims and objectives of this Plan. Continued use of the site for employment uses (B1, B2 and B8) would be acceptable in principle, however the Council will continue to work positively with the landowner to identify an appropriate comprehensive redevelopment scheme for the site that is sustainable and takes full account of the constraints including development viability.

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In terms of transport AC13 states the Council will only permit the redevelopment of this site where it can be demonstrated that:

- (a) proposals are capable of creating a sustainable form of development;
- (b) proposals would contribute to the wider aims and objectives of this Plan and would not undermine the Strategy;
- (d) appropriate access arrangements can be provided, taking account of the level crossing on Station Road;
- (g) proposals could be served by public transport;
- (j) proposals would provide good quality cycle and pedestrian links, including links to the riverside cycle route.

2) National Planning Policy Framework (NPPF)

The 2010 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.

Paragraph 108 of the NPPF says: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, also:

Paragraph 111 says: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Paragraph 109 of the NPPF says: 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.

Considering the above criteria, Highways Development Control has the following comments:

●● 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.

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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 for education, commuting and personal business can be longer.

On average a person walks around 1.4 metres per second. On this basis a 20 minute walk distance is around 1.7 kilometres or 1 mile. Locally, from the centre of the development site, this is around the walking distance to Spondon Village Centre, Bobbins Lane off Nottingham Road, or Aspen Drive on Derby Road. Alvaston District Centre is around a 2.6 kilometre walk distance or around 32 minutes.

There are communities within walking distance of the development site. However, the site is located in the green wedge with no adjoining communities to the east. It is also further severed by the Midland Main Line, which means there are limited access points to the site for the communities to the north.

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.

Most of Spondon is within a 2km (a 10 minute cycle) of the Site. Further afield, the Borrowash, Ockbrook, Chaddesden, Pride Park, and much of Alvaston are within a 25-minute cycle journey. This provides opportunity for commuting journeys to be undertaken between the Site and a substantial residential area.

There are a number of good cycle links in the vicinity of the proposed development. The Spondon Linear Park is a segregated off road route, which follows the alignment of the former Derby and Sandiacre Canal as far as Borrowash. It is an attractive tree-lined walk/cycle route, with a 3m wide shared footway. There is an entrance to Spondon Linear Park on Station Road, as well as at Bridgeside Way, Megaloughton Lane by the A52 Spondon Junction, and Anglers' Lane. However, there is presently no lighting in Spondon Linear Park, which is likely to reduce its use during hours of darkness.

National Cycle Route 6 is located to the south of the Site, and is a continuous traffic-free path on the southern side of the River Derwent. The route to the east joins the Spondon Linear Park route and westwards travels through Derby Commercial Park, under the A5111(T) Raynesway, around the back of the Raynesway Works, through Pride Park and into the City Centre. There is an off road cycle link from Route 6, which would link to the proposed development, that provides a connection over the A6(T) Alvaston Bypass via a bridge into Alvaston area.

Also Fernhook Avenue includes a 3.0m wide shared footway/cycleway along the entire length of the southern side of the road. Fernhook Avenue is subject to a 20mph speed limit and has street lighting. The shared footway links into a network of shared cycle/pedestrian footways around the A6(T) grade separated junction leading into Alvaston and the north-south cycle paths that follow the A6(T) Alvaston Bypass and A5111(T) Raynesway.

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Megaloughton Lane, Celanese Road, Station Road and Lodge Lane form part of the Derby orbital Cycle Route 66 and are used by around 100 cyclists per day. The route is signposted and utilises the main carriageway on roads in the vicinity of the Site. Celanese Road is relatively lightly trafficked, with around 250 vehicles using the road in the AM and PM commuter peaks. Similarly Station Road is also lightly trafficked with peak flows around 370 vehicles per hour. As a result of the full development peak flows are predicted to increase on Celanese Road by 130 vehicles in the peak commuter hours, and on Station Road by 235 vehicles. The increase in traffic will decrease the attractiveness of these on road routes for cyclists, which on Celanese Road will be the main HGV route until the southern access to the development site is open.

The footpaths on Celanese Road are not suitable for shared use by cyclists. The Spondon Linear Park provides an alternative connection north of the mainline railway but the steep pedestrian bridge over the railway breaks the connection and cyclists have to dismount and push their bikes up the steps. Improving the east west cycle linkages around Raynesway and Celanese Road are technically difficult. DCiC for a segregated cycle route along Celanese Road, however, it requires third party land and there is no certainty this could be delivered.

As part of the development, it is proposed that an off road cycle route will be provided along the western boundary of the site, providing a link between the Spondon Linear Park and Route 6. Potentially, this could offer an alternative off route for cyclists to Celanese Road, particularly if they are connecting to Route 6 and direction of the city centre.

It is suggested that a condition is sort to provide an improvement scheme to the east west cycle connections along the Celanese and Raynesway cycle network.

Public Transport – Spondon Rail Station is located just north of the development site, close to the proposed new access junction. Local stopping services are limited during the day, however, between 06:00 - 09:00 and 17:00-19:00 there are hourly services that stop between Derby and Nottingham in each direction. Whilst the frequency is limited, the close proximity of the rail station to the development does provide some direct rail service connections, which no other employment site across Derby could offer.

The closest bus stops to the site that are presently served by buses are on Derby Road in the vicinity of the Station Road Junction. The bus stops are around 400 metres from the northern extremity of the development site and 800 metres from the centre. This is approximately a 5 and 10 minute walking time from these two points.

The bus services on Derby Road include the Spondon Flyer, I4. and Indigo, providing 9 buses per hour during the day to and from Derby City Centre, with a journey time of around 25 minutes. Further, the Indigo and I4 provide links to Sandiacre, Borrowash, Long Eaton, and eventually Nottingham with journey times of between 1 hour and 1 hour 20 minutes. The first service from Derby Bus Station is the Spondon Flyer at 5:25 AM, potentially providing a service for shift workers from the City Centre. Services on the Spondon Flyer, I4 and Indigo reduce after around 6:00PM but there are still hourly or half hourly services until around 11:00 PM, providing a relative good level of bus services into the evening for shift workers.

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The developer is proposing a bus hub to be located on land to the north of the access junction, opposite Spondon Station. Proposals include a bus stop with turning circle, waiting shelter with seating and real time information, cycle parking and taxi rank. The developer states in the TA that they will explore opportunities to extend/divert existing bus services to serve the hub and development directly. However, no discussions have taken place with operators and experience of extending bus services to serve developments is difficult and bus operators are very protective of their timetables. Further, the frequent operation of the level crossing is likely to add too much uncertainty into any bus timetable and make any bus service extension unattractive. However, as part of the Transforming Cities Fund DCiC is exploring the possibility of introducing a demand responsive transport service to the south eastern quadrant of the city. There may be an opportunity in the future for Smartparc to feed into this scheme. However, with a phased approach to the development it is unlikely that an economy of scale, in terms of potential passengers numbers, will build up until after Phase1.

Further, the developer is also proposing to provide a free on-site mini-bus service which calls at all units within the development, and the interchange. This will provide a link for all employees of the proposed development to access any extended/diverted bus services, Spondon rail station, and to facilitate taxi drop-off/pick-up outside the security gates.

Depending on the outcome of the Transforming Cities Fund proposals for either a Park and Ride or Mobility Hub to be located off the A52 Spondon Junction on Megaloughton Lane, there may be an opportunity to link the development using their proposed mini-bus service. However, at this stage there is no certainty over these proposals.

A condition will be included to develop a minimum bus service to the site that allows some flexibility for the developer to explore a viable scheme. Further, a condition will also be included to deliver the proposed hub before the opening of Phase 1 of the development.

Travel Plan – A Travel Plan will be provided for the development. The draft travel plan includes a number of initiatives to support sustainable travel. For example:

- The provision of a Travel Plan Co-ordinator (TCP) for each unit.
- Cycling action plan.
- Secure covered cycle parking provided close to the entrance of each unit.
- Public transport interchange with turnaround facility to the north of the Site access.
- Site minibus transferring people around the site to the transport hub.
- The Staff Travel Induction Pack prepared by the TCP and given to new employees.
- Monitoring demand for an Indigo service from Nottingham that would allow employees to get to the Site before 0600.
- Car sharing scheme.
- 5% of spaces have EV charging available.

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- Marketing Strategy.
- Action Plan detailing initiatives and programme of delivery
- Monitoring strategy first survey within 3 months of first occupation of the development. Subsequently, annually on the anniversary of the initial survey, until 5 years after first occupation of each unit.

It is suggested that the travel plan will be secured through condition based on the draft that has been submitted with this application. It is proposed that a penalty clause is included for non-delivery of the travel plan.

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

It is proposed that the access to the development is phased with a new northern access junction initially serving 58,0000 sqm of development. As such, traffic would access the site from either the A5111(T) Raynesway and Celanese Road or Station Road. **Figure 1** shows the proposed access junction. It should be noted that Holm Lane is currently a private road and that the developer will put forward the section between Celanese Road and Station Road for adoption.

The developer has designed the access junction to include wide shared 3.5 metre footways, crossing facilities and a 5.0 metre shared cycle/pedestrian link from the Spondon Rail Station pedestrian bridge into the site.

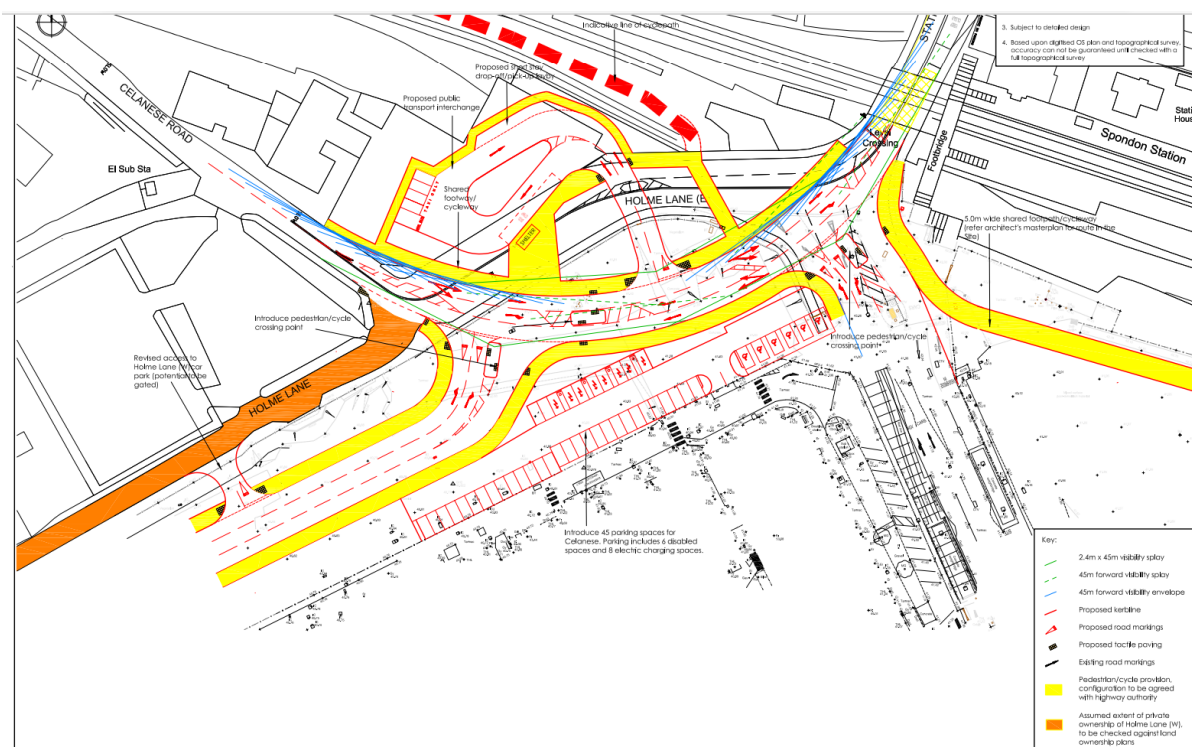


Figure 1: Proposed Northern Access Junction

With the development of the remaining site, a southern access would be formed off the existing roundabout that has been constructed as part of the new distribution road within Derby Commercial Park, known as Fernhook Avenue. See **Figure 2** below. In addition, a 3.5 metre shared cycle/pedestrian path is proposed on the northern side of Fernhook Avenue to provide a link to the development. Users would

have to cross the road to access the shared cycle/pedestrian route that runs along Fernhook Avenue and connects into the cycle links that run north/south along the A6(T)/A5111(T) Raynesway.

There is also a proposed off-road route through the development that will potentially provide direct link to the segregated Route 6 Riverside cycle route.

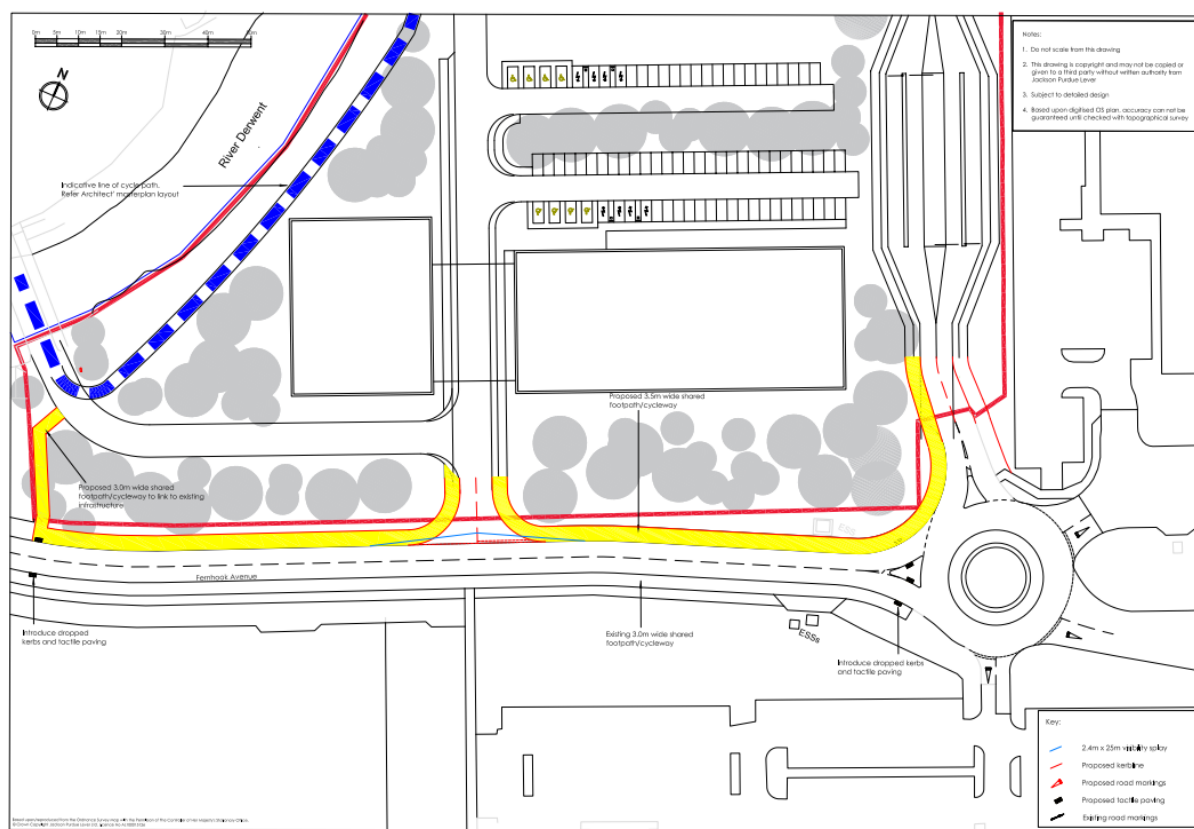


Figure 2: Proposed Southern Access Junction

Heavy Goods Vehicles will be routed via Celanese Road and the A5111(T), until the southern access is open. Celanese Road is a 30 mph road that varies in width, with its narrowest point measuring 6.0 metres. This is not ideal for HGVs to pass each other and normally a modern industrial road would be constructed to a width of 7.3 metres. However, this is an existing road that serves existing industrial development. For new roads with vehicle speeds below 37mph (60kph), Manual for Streets suggests a minimum width of 5.5 metres for two ridged lorries to pass and for a bus route is 6.0 metres, which is the minimum practical width that articulated lorries can pass.

However, control of HGV routing to the development relies on the operators implementing a route management plan. A route management plan will be conditioned, however, enforcing such a condition is not technically possible, particularly restricting access via Station Road. As such, it will rely on the operator's moral commitment and relationship to the surrounding community that will determine how access is managed to the site.

It is concluded that the developer has provided a safe and suitable access for all modes of transport.

“●● 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 suggests 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.

Impacts of Covid-19 on the Assessment of Existing Traffic Conditions

The impacts of Covid-19 on travel behaviour has significantly changed travel patterns in the short term. The applicant had no choice but to undertake surveys in November 2020, between the spring and winter 2020 lockdown periods, in order to gather some information on turning movements and traffic flows.

The applicant’s transport consultant used historical count information from the last 5 years to factor their observed counts to provide turning movements for the transport assessment. The historical count information showed, that generally in the AM Peak that flows in November 2020 were between 12% and 21% lower. In the PM Peak flows were broadly similar to flows recorded Pre-Covid.

This is a fair methodology considering the issues of undertaking traffic surveys during the pandemic. However, there is very little historical information around the Derby Road/Station Road, Willowcroft/Derby Road and A6(T)/Fernhook Way/Blue Jay Junctions. In particular, any recent queue length surveys or pedestrian counts. Queue length surveys were undertaken as part of the November 2020 counts and used to validate the junction modelling, which was useful. However, transport systems are dynamic and queuing can become exponential where there is a failure in the system. Further, where traffic signals include the pedestrian stage in the cycle, it is important to understand how frequently the crossing is used because it impacts on the capacity of the junction for traffic.

However, as the impacts on Derby Road are significant with the full development, the lack of historical survey information does leave a risk in predicting the operation of the network post Covid.

Transport Assessment

Traffic Generation – The proposed development is specifically for 175,000 sqm of B2 food production and 30,000 sqm of B8 Commercial Warehousing. The latter land use tends to be lower in terms of trip generation than the B2 land use.

Predicted trip generation of proposed developments is usually obtained from a national database of traffic surveys called ‘TRICS’, which is the industry standard methodology. However, the estimation of trip generation for Industrial B2 is difficult to evaluate because the TRICs sample rates for this land class vary significantly. For example, the user class can include anything from a car manufacturing plant, steel manufacturing, aviation parts or furniture manufacturing. Further, there are not many food production sites within the database and the example sites also vary from bakeries, milk production to sweet manufacturing. All of these examples have very

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different trip profiles based on their shift patterns, hours of operation, the type and volume of materials used and intensity of employees on the production line.

As such, the applicant's transport consultant used a 'first principles' method to calculate the trip profile. This assumed the following

- 5000 full time equivalent workers at the Site;
- 88% (4400) of workers available on any single day (ie assumes that 12% of workers do not attend on any given day due to holiday leave or sickness);
- 74.5% (3278) of workers travel to work by car (based on Journey to Work data from the 2011 Census for the Raynesway and Southern Spondon area
- 40% (1311) of staff work a conventional AM-PM shift, arriving between 0630 and 0930 and departing between 1530 and 1830.
- 36% (1180) of staff work a 3-shift system comprising 0600-1400, 1400-2200, 2200-0600;
- 24% (787) of staff work an alternative or flexible shift pattern (eg delivery drivers, sales reps, canteen staff, part-time staff, etc; arrivals and departures are evenly distributed between 0700 and 1900)
- The heavy goods vehicles trip generation is based on the trip proportions derived from TRICs, and equates to a 10% (626 two-way movements) increase of the overall trip profile. HGVs are assumed to arrive and depart across the whole day between 0700-1900.

Table 1 provides a summary of the weekday AM Peak, PM Peak and total daily two-way vehicles movements.

Link	Time Period	Phase 1, Northern access only	Total Development with southern access
Arrivals	AM Peak	152	585
	PM Peak	36	115
	24 Hour	1008	3632
Departures	AM Peak	40	152
	PM Peak	145	537
	24 Hour	982	3540
Total Two-way Vehicles Movements	AM Peak	192	737
	PM Peak	228	652
	24 Hour	1990	7172

Table 1: Weekday AM Peak, PM Peak and 24 Hour Trip Generation

In total, the overall daily trip arrival and departures are predicted to equate to 7172 two-way vehicle movements for the total development. For Phase 1, which is 58,000 sqm of development, this equates to around 1990 two-way vehicle movements and around 1387 employees, or 910 employees on site on any single day.

The hours with the highest trip generation are related to the shift change over. For the total development this is 786 two-way vehicle movements between 5:30-6:30, 837 between 13:30-14:30, and 786 between 21:30 and 22:30.

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The first principles trip profile was validated against the trip profiles from the TRICs database for B2 Industrial user class, and it provides the highest overall vehicle movements. As such, it is considered that the first principles analysis provides a fair assessment of trip generation for the development. However, the assessment is based on a three-shift pattern cycle, which is the norm for 24 hour food processing plants. Depending on the end user shift patterns and operation, the trip patterns could be different, which might have an impact on the peak trip generations.

Parking – The proposed number of parking spaces for the development are below the suggested standard given in Derby's Core Strategy Part 1. The development provides 2100 spaces compared to DCiC's suggested maximum of 2246 spaces. Further, the development proposes to install double the suggested minimum cycle parking spaces, and standard number of disabled parking spaces. As such, the suggested parking is considered acceptable.

A further test of the trip generation is to compare the parking accumulation generated by the trip generation profile. It is calculated that the maximum parking accumulation will be around 14:00 hours when the day shifts switch over and a total of 1803 spaces are in use. This fits with the number of parking spaces that the developer is providing.

Trip Distribution – the transport assessment has been undertaken using a manual methodology based on a distance and population density gravity model. **Table 2** below provides a summary of the total weekday AM and PM trip distribution of two-way traffic on key links.

Two-way Link	Peak Hour	Phase 1, Northern access only	% distribution	Total Development with southern access	% distribution
Development Northern Access Station Road	AM	119	62%	251	34%
	PM	112	62%	222	34%
Development Northern Access Celanese Road	AM	73	38%	140	19%
	PM	69	38%	124	19%
Development Southern Access Celanese Road	AM	0	0%	346	47%
	PM	0	0%	306	47%
A6005 Nottingham Road east of Station Road	AM	56	29%	213	29%
	PM	52	29%	189	29%
A52 east of Spondon Junction	AM	33	17%	125	17%
	PM	31	17%	111	17%
A52 west of Raynesway	AM	33	17%	125	17%
	PM	31	17%	111	17%
Derby Road west of Acorn Way Roundabout	AM	15	8%	59	8%
	PM	15	8%	52	8%
Acorn Way	AM	6	3%	23	3%
	PM	5	3%	19	3%
Raynesway, Alvaston District Centre	AM	25	13%	96	13%
	PM	24	13%	85	13%
A6(T) Alvaston Bypass	AM	25	13%	96	13%
	PM	24	13%	85	13%

Table 2: Vehicle Trip Distribution

Appendix A provides a network plot of the predicted distribution of the development traffic for Phase 1 based on a northern only access. **Appendix B** provides predicted distribution of the development traffic for the full development with the inclusion of the southern access.

Analysis of the Level Crossing - A survey of the level crossing on Station Road was carried out by the applicant in September 2020. The survey recorded the frequency and duration that the barrier was down.

During the AM and PM Peak periods the barriers closed around 8 times in each hour for a total of around 23 minutes out of the whole hour. On average the barrier was closed for 2 minutes 40 seconds, and during each peak hour the barrier was closed at longest for 4 minutes 15 seconds. Further, at 16:25 on the survey day the barrier was recorded closing for a total of 15 minutes 15 seconds. This was the longest closure recorded over the 24 hours of the survey.

Based on a flat arrival profile over the Peak Periods, Table 3 estimate the queue length at the level crossing for Phase 1 of the development. The analysis assumes a PCU length of 5.75 metres.

Existing					With Phase 1 Development			
Queue at Crossing AM Peak					Queue at Crossing AM Peak			
Mins Down	South Bound Queue	South Bound Metres	North Bound Queue	North Bound Metres	South Bound Queue	South Bound Metres	North Bound Queue	North Bound Metres
2.6	7	40	2	12	11	63	3	17
4.25	12	69	3	17	19	109	5	29
15	42	242	12	69	66	380	18	104

Queue at Crossing PM Peak					Queue at Crossing PM Peak			
Mins Down	South Bound Queue	South Bound Metres	North Bound Queue	North Bound Metres	South Bound Queue	South Bound Metres	North Bound Queue	North Bound Metres
2.6	5	29	2	12	6	35	5	29
4.25	8	46	4	23	9	52	8	46
15	30	173	14	81	33	190	27	155

Table 3: Estimate Queue Lengths at Level Crossing with Phase 1 Development and Northern Access only

The basic analysis indicates that Phase 1 of the development will add around 50% to the existing queue lengths on Station Road when the barrier is down. In the average case the southbound existing queue reaches 40 metres and with Phase 1 it increases to 62 metres, or the canal bridge, when the barrier is down for 2 minutes 36 seconds. In the worse case scenario, when the barrier is down for 15 minutes the queue in the existing case is predicted to reach 242 metres in length. With Phase 1 this is predicted to increase to 380 metres, which is basically onto Derby Road.

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However, this is unlikely to be a frequent event and drivers will avoid using Station Road when they see a queue forming.

Network Rail has been consulted by the LPA on the application and stipulated that they want a planning condition to limit traffic from the development to Phase 1 levels on Station Road.

Traffic Impact – The major impacts from this development are at the points where traffic distributes from the development and first access the surrounding network. Namely, Raynesway and the on and off slips to the A5111(T); the A6(T) Alvaston Bypass grade separated roundabouts; and Nottingham/Derby Road.

As a result, the following Junctions were assessed in the Transport Assessment.

- A6096 Willowcroft Road/A6005 Nottingham Road Traffic Signals (DCC)
- Lodge Lane/Nottingham Road/Station Road/Derby Road Roundabout (DCC)
- Merchant Avenue/Derby Road/Megaloughton Lane/A52 Slips Roundabout (DCC)
- Acorn Way/Derby Road/Raynesway Roundabout (DCC)
- Megaloughton Lane/East Service Road Priority Control (DCC)
- West Service Road/A5111 On/Off-Slips Priority Control (Highways England)
- East Service Road/A5111 On/Off-Slips Roundabout (Highways England)
- Fernhook Avenue/A5111 On/Off-Slips/A5111 Overbridge Roundabout (DCC/Highways England).
- Belmore Way/A5111 On/Off-Slips/A5111/Raynesway Roundabout (DCC/Highways England).

Not all of the junctions are within Derby City Council's administrative control, and because the A5111(T) Raynesway and A6(T) Alvaston Bypass are trunk road routes, some junctions are managed and maintained by Highways England. As such, the following only considers Derby City Council's junctions.

The junctions were assessed using a forecast year of 2026, assumed to be the opening year of the development. As such, traffic has been factored, using growth indices from DfT's National Growth Forecasts, by around 5% to account of background growth over that period. Further, committed development was also included in the forecast traffic flows, such as the new Lidl in Alvaston that opened on the 18th February 2021, and the remaining development on the Derby Commercial Park.

Industry standard modelling software, such as LINSIG for traffic signals and Junctions 8 for priority give-way junctions, was used to predict the performance of the listed junctions with and without the development traffic.

A6096 Willowcroft Road/A6005 Nottingham Road Traffic Signals – This is a critical junction in the local road network. Willowcroft Road is the only direct route for Spondon traffic that wants to travel into Derby, or Station Road. As such, it is a junction that is known to be congested. The table below shows the average queue across the hour for the AM and PM Peaks at the junction.

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Arm	2026 AM Peak				2026 PM Peak			
	Number of Vehicles in Queue				Number of Vehicles in Queue			
	Base	Phase 1	Full Dev	Full Dev + Mitigation	Base	Phase 1	Full Dev	Full Dev + Mitigation
Willowcroft Road	69	82	124	114	26	31	58	47
Nottingham Road East	42	52	83	81	15	15	14	13.5
Nottingham Road West	12	11	13	14	24	28	58	47.3
PRC	-18.9	-21.7	-30.8	-24.3	-6.6	-10.4	-20.3	-15.3

Table 4: Willowcroft/Nottingham Road Signal Junction.

Number of Queuing vehicles on each arm

The modelling predicts that in the 2026 AM Peak the junction is operating over capacity and that the average queues on Willowcroft Road reach 69 vehicles during the hour. Phase 1 of the development adds around 13 vehicles to the average queue on Willowcroft Road and 10 vehicles to Nottingham Road East. The increase in traffic as a result of Phase 1 is only around 55 vehicles during the AM and PM Peak. In traffic terms this is not large but because of the existing congestion at the Willowcroft Road Junction, any additional traffic will add to the existing queuing problem.

With the whole development in place traffic is predicted to increase through the junction by around 200 vehicle movements in the AM and PM Peak, or an increase of around 10% in traffic. As a consequence the queues significantly increase. For example, on Willowcroft Road the in the AM Peak the average numbers of vehicles queuing almost doubles.

The applicant has considered an improvement scheme at Willowcroft Road Junction, which is provided in **Figure 3**. Basically the scheme staggers the signalised pedestrian crossing by providing a central reserve refuge. This allows the pedestrian stage of the signals to work in conjunction with the traffic phases, reducing the red time given to the Willowcroft Road traffic stage. However, the scheme only reduces the impact of the full develop at the junction by around 50% in the AM Peak and 30% in the PM Peak.

Further, the junction has been modelled assuming a certain level of pedestrian activity and that the signal stage is called 20 times per hour. Every time the pedestrian stage is called, 22 seconds of traffic green time is taken out of the junction. This equates to over 7 minutes in every hour if the crossing is used 20 times. However, because of Covid-19 restrictions this assumption could not be validated. As such, the junction could potentially operate better than predicted. This means that the benefits of the scheme, from reducing delays caused by the crossing being called, will not be realised. Due to the ground levels, multiple utility infrastructure around the junction and the position of the crossing in front of the

shops, the scheme will be difficult to deliver and potentially meet local opposition. As such, we need to ensure that there is a need for the for the scheme.

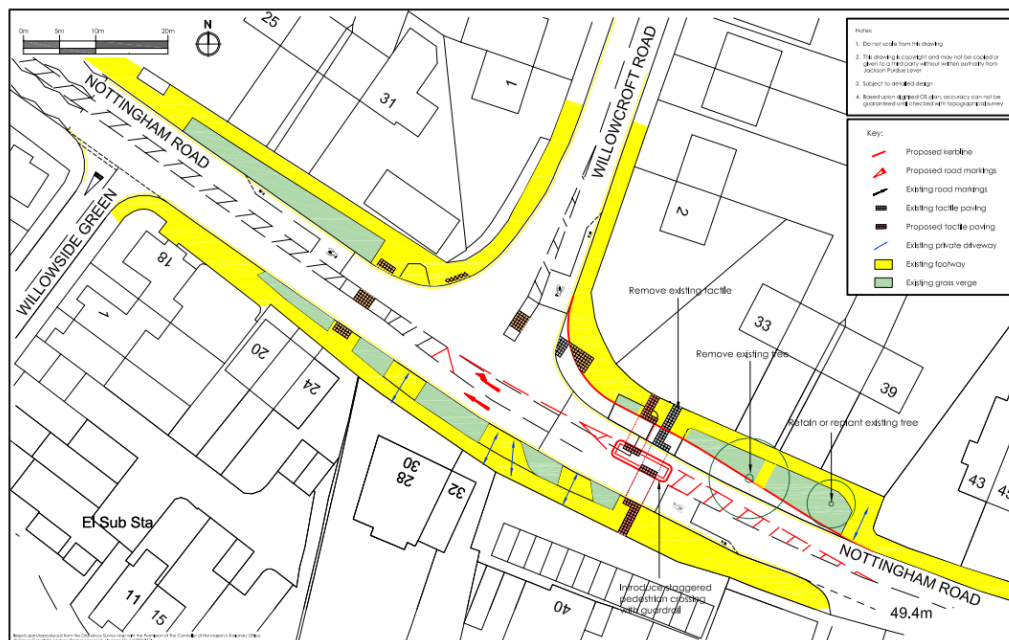


Figure 3: Proposed Nottingham Road/Willowcroft Road Mitigation Scheme

As such, it is suggested that the delivery of the Willowcroft Road junction scheme is condition post Phase 1 through a Section 278, and that this is linked to a survey of the junction. Nonetheless, the Willowcroft Road junction scheme does not mitigate the full development and the residual traffic impacts are likely to be significant. Network Rail has requested a Grampian Condition for a scheme to control the level of traffic on Station Road to Phase 1 traffic levels. Such a scheme would be welcome by the Highway Authority because it would help manage the residual impact of the development on Nottingham Road and access to the site. Indeed, such a scheme might remove the need for the Willowcroft Road junction scheme.

Lodge Lane/Nottingham Road/Station Road/Derby Road Priority Give-way Roundabout – Modelling predicts that in isolation this junction operates within capacity in 2026 in the PM Peak with and without the full development. In the AM Peak it predicts that the eastern arm from Willowcroft Road is operating at 96% capacity, and that the average queue across the hour reaches 16 vehicles or back to Willowside Croft Road. With Phase 1 the queue increases slightly to 22 vehicles. With the full development this queue increases to 74 vehicles and would queue through the Willowcroft Road Junction. However, in reality this Junction and flow of traffic is controlled by the amount of traffic that is released from the Willowcroft Road signals. So in reality the queues will be held at the signals.

There is very little that can be done to improve the capacity of the Station Road/Nottingham Road Junction without widening Nottingham Road to three lanes. This would require a central reservation to provide a pedestrian refuge at the signal crossing, reducing footway widths and taking third party land where the highway extends narrow towards Willowcroft Road. Critically the queues on Station Road are not predicted to be significant and this is related to the existing low level of traffic,

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which is around 350 vehicles two-way in the AM and PM peak. This is compared to Nottingham Road where the two-way flows are around 1900 vehicles.

For reasons discussed at the Willowcroft/Nottingham Road Junction, it is better to control development traffic on Nottingham Road by restricting access via Station Road.

Fernhook Avenue/A5111 On/Off-Slips/A5111 Overbridge Priority Give-way Roundabout (DCC/Highways England) – DCC has responsibility for the maintenance of this junction, with the exception of the southbound on and off slip, which forms part of the Trunk Road Network. As such, Highways England has an interest in the operation of the junction and has independently assessed it.

The Junction was assessed with the full outline application only, which assumes 50% of the development traffic will use the southern access and Fernhook Avenue. This is because the access via Fernhook Avenue will not be constructed until after Phase 1. In total the development increases the level of traffic through the junction by around 350 vehicles during the weekday AM and PM Peaks. However, the junction is predicted to operate within capacity with and without the development. The modelling predicts that there is spare capacity in the junction.

It should be noted that there have been problems in the past caused by the Raynesway Household Waste Recycling Centre, and queues building up and impacting on the operation of the roundabout. This mainly occurred during busy weekend periods, although at certain times of the year such queues have been observed during the weekday. However, the current booking control of customers to the waste centre has completely resolved this issue.

Belmore Way/A5111 On/Off-Slips/A5111/Raynesway Signalised Roundabout (DCC/Highways England). – DCC has responsibility for the maintenance of this junction, except for the northbound on and off slip, which forms part of the Trunk Road Network. As such, Highways England has an interest in the operation of the junction and has independently assessed it.

The Junction was assessed with the full outline application only, which assumes 50% of the development traffic will use the southern access and Fernhook Avenue. This is because the access via Fernhook Avenue will not be constructed until after Phase 1. In total the development increases the level of traffic through the junction by around 180 vehicles during the weekday AM Peaks, and 230 vehicles in the PM Peak.

DCC's analysis of the junction identified that in the 2026 PM Peak Scenario the Junction is forecast to operate over capacity. Based on the outline application and assumption that 50% of the development traffic will use the southern access, the modelling predicts that average queuing on the overbridge will increase from 19 to 33 vehicles. The junction is very sensitive to the right turn movement from the development northbound onto the A5111(T) Raynesway. This is because of the short right turn lane on the overbridge and low storage capacity on the roundabout circulatory. **Tables 5** summarises the queuing predicted in the signal junction modelling.

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Arm	2026 AM Peak			2026 PM Peak		
	Number of Vehicles in Queue			Number of Vehicles in Queue		
	No Mitigation		With Mitigation	No Mitigation		With Mitigation
	Base	Full Dev South Access Open	Full Dev South Access Open	Base	Full Dev South Access Open	Full Dev South Access Open
Overbridge	10	11	9	19	33	18
A6(T) On/Off Slip	4	4	4	2	3	3
Raynesway	13	14	9	18	23	12
Belmore Way	1	1	0	1	2	1
PRC	8.3%	4.5%	12.6%	-5.3%	-11.5%	-3.1%

Table 5: Belmore/A6(T)/Raynesway Signal Junction.**2026 AM & PM Peak Number of Queuing Vehicles on Each Arm**

A number of options have been considered to provide an improvement at the junction. These include widening the southern arm on the Alvaston side of the junction to provide a third short ahead and left lane. This improvement allows more vehicles across the southern arm stop line and more green time to be given to the overbridge arm and right turn movement. Alternatively, the applicant favours a scheme to lengthen the right turn short lane on the overbridge by widening the carriageway on the eastern. The options all achieve the same outcome and provide a benefit in the AM Peak, and negate the impact of the development in the PM Peak scenario. An example of the mitigation benefits is also provided in **Table 5** above.

It is likely that there is an improvement scheme that can be implemented on the northern approach to the junction from the overbridge. However, a scheme on this link is complicated because it is on a gradient and bend, it is also constrained by the position of safety barriers and embankments, and it requires a change in the horizontal radius, which is constrained by the position of the bridge structure and the signalised roundabout. Further, depending on highway design standards the latter may require widening on both sides of the carriageway in order to obtain a satisfactory design. As such, a detailed design based on accurate dimensions taken from a topographic survey is required in this case, so that the suitability of any design can be determined. Further, written justification will need to be provided of any departures from highway design standards. For this reason a Grampian Condition will be sort for an improvement scheme at the Belmore Way/A6(T)/Raynesway Signal Junction before any further development after Phase 1.

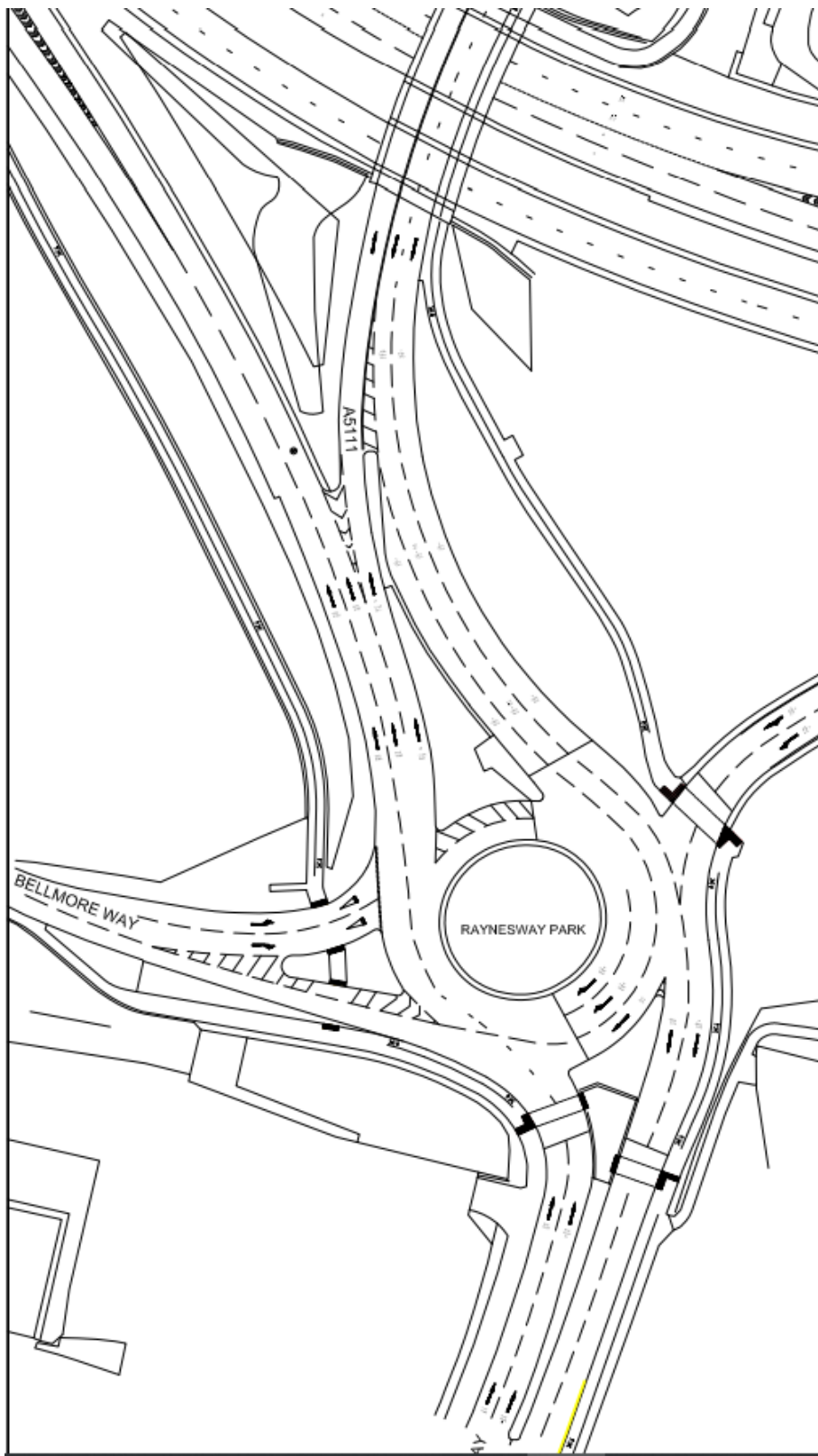


Figure 4: Belmore Way/A5111/A6(T) Junction, Existing Layout

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Merchant Avenue/Derby Road/Megaloughton Lane/A52 Slips Roundabout (DCC) - Phase 1 of the development adds around 65 vehicles to this junction in the weekday AM and PM peak hours. With the full development this decreases to around 35 vehicles. The reason for this change in flows is that when the southern access is open some vehicles on the A52 will choose to access the development via Raynesway and the southern A6(T)/Fernhook Avenue Junction.

The junction modelling from the Transport Assessment predicts that the junction will operate within capacity. In isolation this is probably right considering the size of the gyratory and the separation of the A52 flows from the Derby Road traffic. However, there are known problems at the junction, mainly caused by the blocking of the exit flows as a result of vehicles queuing at the Asda signal Junction. The consequence of this is that queues occur on the circulatory reducing traffic's ability to enter the roundabout from the A6005 Nottingham Road Arm.

However, because of the relatively low development flows compared to the background traffic, the modelling does not predict a material impact as a result.

Acorn Way/Derby Road/Raynesway Priority Give-way Roundabout – Phase 1 of the development adds around 20 vehicles to this junction in the weekday AM and PM peak hours. With the full development this increases to around 70 vehicles.

The junction modelling from the Transport Assessment identifies that the junction operates within capacity in the AM Peak and that the development doesn't really have a material impact. However, in the PM Peak the analysis predicts that the junction is operating over capacity with queuing on the Derby Road arms and the Raynesway arm. As a consequence, the additional development traffic adds to these queues, increasing the Raynesway queue by another 15 vehicles in each lane. The applicant has put forward a minor improvement to increase the flare length at the junction. Whilst the modelling suggests that the improvement negates the impact of the development, in reality small geometric changes to junctions will not provide any real benefit. Further, Derby City Council is considering improvements as part of its TCF programme and it is suggested that a contribution is taken to the value of the proposed scheme for corridor improvements.

Megaloughton Lane/East Service Road Priority T Junction - Phase 1 of the development adds around 70 vehicles to this junction in the weekday AM and PM peak hours. With the full development this increases to around 140 vehicles. The junction modelling from the TA predicts that the junction operates within capacity in both the AM and PM Peak. In fact, in the full development scenario the junction is predicted to have 50% capacity remaining. This is not surprising considering the existing traffic movements through the junction are relatively low.

Monitoring and Restriction of Development Traffic on Station Road – Network Rail has requested a Grampian Condition for a scheme to control the level of traffic on Station Road, and therefore Nottingham Road, to Phase 1 traffic levels. It is not as simple to assume that any subsequent phases to Phase 1 will add traffic to Station Road. This is because the opening of the southern access will potentially change development trip route patterns, perhaps reducing the use of Station Road initially until a tipping point is reached between Phase 1 and the full build-out. Further, the actual access patterns to the site might be different to those predicted in the TA.

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At this stage it is not clear how traffic could be restricted to use Station Road. For example: Physical measures on Station Road to discourage its use; the introduction of a one-way restriction; reconfiguring the northern access junction to right in and left out only; or through gate controls based on an electronic pass system. Potentially, the physical schemes might not be popular with residents or businesses on Station Road.

Such a scheme would be welcome by the Highway Authority to manage the predicted residual impact of the development on Nottingham Road and access to the site. Indeed, such a scheme might negate the need for the Willowcroft Road junction scheme.

A suggested condition for the monitoring of Station Road and the Willowcroft Road signal junction is provided in the next section.

Conclusion – NPPF says, ***“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*** The question therefore is, does the additional travel demand likely to be produced by the above development make the existing situation on these routes so bad that this or any other development producing similar levels of traffic should be resisted.

It is considered that with the proposed off-site improvements and non-car mode initiatives, that the developer has mitigated their impacts as far as is reasonable possible.

However, the assessment has been carried using data collected during Covid restrictions. Whilst a fair method has been applied in the transport assessment to standardise traffic flows using historic data, post Covid travel patterns may be different to the forecast predictions.

Suggested Conditions and Notes

1) No development shall be undertaken on site until:

- a. The applicant has demonstrated to the LPA they control sufficient land to construct the Northern Access and Transport Hub as shown on Drg No, 1721-16

Reason: to ensure a safe and suitable access can be provided.

2) Prior to development commencing the following shall be provided in accordance with details to be submitted to and approved in writing by the LPA:

- a. a suitable access to accommodate construction traffic into the site;
- b. A wheel washing facility;
- c. Details of the Construction Management Plan including routing for construction traffic.

Reason: In the interests of highway safety.

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3) Prior to occupation of Phase 1 of the development the following shall be provided and available for use in accordance with details to be submitted to and approved in writing by the LPA:

- a. The transport hub as identified on Drg 1721-16, shall be constructed and operational;
- b. Secure covered cycle parking;
- c. A travel plan based on the Framework Travel Plan by Jackson Purdue Lever;
- d. A bus service to serve the development and proposed transport hub. Details should include the service start trigger, the frequency of service, hours of operation, route map and operator agreement. Unless otherwise agreed with the LPA.

Reason: To ensure a sustainable development

4) Monitoring and Restriction of Development Traffic on Station Road

Prior to the construction of any subsequent phase to Phase 1 the following shall be submitted to and agreed in writing with the LPA:

- a. a traffic monitoring strategy for Phase 1, which shall include
 - i. a survey of development trips;
 - ii. survey of rail crossing gate closure times, duration and queuing on the southbound approach;
 - iii. surveys (by vehicle type) of all traffic on:
 - Station Road,
 - Nottingham Road/Station Road Junction
 - Willowcroft/Nottingham Road Junction (including pedestrians using the crossing).

Reason: In the interests of highway and railway safety.

5) No development shall be undertaken on Phase 2 unless or until:

- a. the applicant has demonstrated to the LPA they have the legal right to access the development from the A6 Trunk Road via the southern access in perpetuity.
- b. access from the A6 via the proposed southern access roundabout on Fernhook Ave, as shown for indicative purposes on Drg No, 1721-13;
- c. the proposed Willowcroft Road/Nottingham Road improvement scheme, as shown for indicative purposes on Drg No, 1721-17;
- d. an improvement scheme at the Belmore Way/A6(T)/A5111 Raynesway Junction to mitigate the impacts of the right turn, and potential queuing back, of northbound development traffic towards the A5111(T) Raynesway, shall be constructed to the satisfaction of the LPA in accordance with details to be submitted and approved.

Reason: To ensure a safe and suitable access

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- e. a scheme to restrict the level of development traffic, to that identified in the Transport Assessment for Phase 1, shall be submitted to and agreed in writing with the LPA. The scheme must be implemented before the occupation of Phase 2, unless otherwise agreed with the LPA.

Reason: In the interests of highway and railway safety.

6) Prior to occupation of Phase 2 of the development the following shall be provided and available for use in accordance with details to be submitted to and approved in writing by the LPA:

- a. Car and lorry parking and service areas which shall be suitably lit, metaled and drained;
- b. Secured covered cycle parking;
- c. A travel plan based on the Framework Travel Plan by Jackson Purdue Lever.
- d. A bus service to serve the development and proposed transport hub. Details should include the service start trigger, the frequency of service, hours of operation, route map and operator agreement. Unless otherwise agreed with the LPA
- e. The shared north/south cycle link, as identified in the masterplan, shall be constructed to provide a link between Holm Lane and Fernhook Avenue.

Reason: In the interests of highway safety and to ensure a sustainable development.

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 641767 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 the Highways Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

5.16. Local Enterprise Partnership (D2N2):

To be reported.

5.17. Derbyshire Constabulary:

The comments of Derbyshire Constabulary are reproduced in full.

...Thank you for referring this application for our comments.

At present the vacant site has no great impact upon crime or public order, and whilst regeneration is welcomed, this will bring significant movement into the area, and probably through it with the connection of Fernhook Avenue and the A6005.

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There will need to be a managed approach to crime prevention of the anticipated 2,000+ cars, 200+cycles, associated users, workers and the buildings within the site.

I'm encouraged by part 5.9 of the supporting design and access statement, which tackles these matters, although not in any detail, which is expected at this stage. May I suggest that these matters are addressed by condition, for outline approval a broad-based security management strategy which might expand upon cross cutting items such as scheme lighting, CCTV coverage and detail of the dedicated 24 hour security management provision which pulls these items together. This is alluded to in the latter part of section 5.9 where a crime impact statement is referenced, which I would see as the same.

Subsequently as individual phases or buildings are designed, each should have its own bespoke security provision, required by condition, to address the individual needs of the end occupier and dovetail into broader site spanning security management.

I expect that this could include enclosure to secure hazardous or high value items and separate public from private commercial space, which may be more appropriate on an individual basis rather than for the entire site at the current stage, although for continuity a site wide pallet of the form of enclosure would be preferred, so might be better determined now.

5.18. Western Power:

To be reported.

5.19. Health & Safety Executive:

To be reported.

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
- CP9 Delivering a Sustainable Economy
- CP10 Employment Locations
- CP11 Office Development
- CP13 Retail and Leisure Outside of Defined Centres
- CP15 Food, Drink and the Evening Economy
- CP16 Green Infrastructure
- CP18 Green Wedges

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CP19	Biodiversity
CP20	Historic Environment
CP21	Community Facilities
CP22	Higher and Further Education
CP23	Delivering a Sustainable Transport Network
CP24	Transport Infrastructure
AC7	The River Derwent Corridor
AC8	Our City Our River (OCOR)
AC13	Former Celanese Acetate Site, Spondon
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
E12	Pollution
E13	Contaminated Land
E14	Development in Proximity to Existing Operations
E17	Landscaping Schemes

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-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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.

Beyond the policies of the Development Plan and national planning guidance, the wider national priorities of the UK Industrial Strategy are relevant and this proposal also aligns with the Local Enterprise Partnership's (D2N2's) Recovery and Growth Strategy, which identifies food and drink manufacturing as a key investment priority for the region.

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. Economic Benefits and Delivery

7.3. Traffic and Transportation

7.4. Environmental Impact and Enhancement

7.5. Planning Balance and Conclusions

7.1. Policy Context

The former Celanese site is specifically identified in the Derby City Local Plan: Part 1 – Core Strategy (DCLP1) as a regeneration opportunity and is covered by the provisions of Policy AC13. In identifying the site for regeneration, the Council worked closely with Celanese and their representatives to develop a flexible policy framework to help encourage the redevelopment of this important site.

Policy AC13 recognises the site as a significant, brownfield regeneration opportunity and allows for the continued use of the site for employment uses (B1/B2/B8), subject to it being demonstrated that criteria (a)-(j) can be met. Nonetheless, Policy AC13 also allows for non-employment based uses, subject to other criteria being met.

The criteria against which employment proposals must demonstrate compliance are as follows:

- capable of creating a sustainable form of development
- contribute to the wider aims and objectives of the Plan and would not undermine the Strategy
- satisfactory remediation of land contamination to a standard appropriate to the proposed use
- provision of appropriate access arrangements, taking account of the level crossing on Station Road
- provide satisfactory flood and environmental mitigation taking account of the impacts of the Our City Our River (OCOR) programme
- contribute to the extension and enhancement of the green infrastructure network, including links to surrounding Local Wildlife Sites and the River Derwent
- proposals could be served by public transport
- proposals for office development (B1a) meet the requirements of Policy CP11
- proposals would provide satisfactory treatment of the area adjoining the River Derwent in terms of visual, recreational, and natural history importance

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- proposals would provide good quality cycle and pedestrian links, including links to the riverside cycle route

As the site has previously been used for employment / industrial uses, the provisions of Policy CP10 relating to the creation of new employment land are not triggered.

The DCLP1 is clear that the redevelopment of the site for the nature of the uses being proposed is generally acceptable in principle. The key issues for further assessment are therefore more detailed / technical ones and can be grouped into the following themes:

- Office Development and Other 'E' and 'F' Uses
- Access, Connectivity and Transportation
- Land Contamination
- Flooding and Land Drainage
- Green Infrastructure, Biodiversity and Climate Change

Policy CP9 seeks to crystallise the Council's economic strategy into the formal development plan and notes that the Council is committed to realising the vision of a thriving, sustainable economy. It goes on to provide support to proposals that:

- create new jobs and help to implement the Council's Economic Strategy, subject to the provisions of the Local Plan
- contribute to an enterprise culture with innovation and creativity
- support the growth and continued success of existing companies in the D2N2 area
- improve Derby as an investment proposition
- help to address barriers to employment
- contribute to the alignment of the supply and demand of skills
- positively influence young people's career aspirations
- take advantage of opportunities in the low carbon economy sector

The proposal would appear to contribute to all of the policy objectives listed above.

The description of the proposal includes reference to the primary uses being B2 and B8 with associated E class and F1 and ancillary uses.

Recent amendments (1st September 2020) to the Use Class Order (UCO) provide greater flexibility to enable commercial units to be occupied by a range of different uses, without the need to apply for planning permission to establish the principle of development. Shops (A1), financial and professional services (A2), food and drink (A3), offices (B1a), research and development (B1b) light industry (B1c), non-residential institutions (D1) and indoor sport and leisure (D2) are now all part of a new use Class 'E'.

The new E Use Class incorporates a wide range of different types of operation, a number of which may cause a conflict with policy and the overriding objectives of the

Local Plan if not specifically justified in this location or appropriately conditioned. For example, office development is subject to the provisions of Policy CP11 which requires a sequential approach to development, with first preference given to the Central Business District (CBD), whilst retail development is subject to the provisions of Policy CP13 which requires a sequential approach (with preference given to the Core Area) and consideration of impact.

In the absence of any justification for standalone 'E' development, further clarification was sought from the applicant about the nature of the proposed E uses.

During the life of the application the agent has provided further information to clarify that all of the floorspace that could be described as falling under the E Use Class umbrella, will be wholly ancillary to the B2 and B8 operations. For example, office space will be required to support the primary operations, whilst some food and drink facilities (for consumption on-site) will be required to support staff. Provided that an appropriately worded condition is included to restrict any E Use Class floorspace to being wholly ancillary to the primary operations of the site and to only serve people visiting and working at the site, then any potential conflict with policy can be avoided. This restriction would not embrace the following components of that Use Class - E(g) (ii – R&D) and E(g) (iii - light industry) from any such restriction as they are more akin to the primary use of the site.

In terms of 'F' uses, the applicant has clarified that these would be limited to educational uses, related to the primary use of the site. Again, a condition is recommended imposed limiting F uses to F1a (education) and only where ancillary to the primary use of the site as a 'SmartParc'.

7.2. Economic Benefits and Delivery

The scheme has the potential to accommodate in the region of 5,000 jobs and will be £150 million investment into the city. This is warmly welcomed, particularly in light of the negative economic impacts of the Covid-19 pandemic. This type of proposal is likely to boost confidence and will create a new use for a difficult, highly constrained, brownfield site which has not been in beneficial economic use for some years. The potential beneficial economic impacts of the proposal weigh heavily in favour of the proposal.

To emphasise socio economic outputs this application is accompanied by an analysis of the proposed development within the context of the Derby socio economic profile and regional/national comparisons. The submitted 'Economic Impacts Statement' concludes as follows:

..."The application proposal represents a high-quality development which will make a significant contribution to the Council's regeneration aims for this part of Derby. It represents employment growth in a sustainable location and will increase job opportunities during the construction phase. The scale of the proposed development will raise the profile of the area and become a catalyst for economic regeneration and growth.

The large scale of the proposed development is a statement of commitment and confidence in Derby as the nature and scale of the proposed development will have economic impacts upon Derby, Nottingham, Erewash and Broxtowe and the wider

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East Midlands area, but these will largely be positive. The most significant impacts of the proposed development will be:

- A £150 million development scheme providing up to 209,000 sqm quality employment floorspace with a focus on food production in a sustainable location within Derby, adjacent to the A52.
- 4,848 FTE jobs to be accommodated on site (which translates into 4,585 full time and 526 part time jobs).
- Not all jobs will benefit those living locally, and some jobs will result in displacement. Nevertheless, the proposed development will have significant wider benefits through the additional employment created which will increase demand and expenditure within the local area. This in turn will lead to the creation of additional jobs to support increased demand. The net additional jobs created would be 6,494 jobs at the regional level, of which 4,901 would be at the local level.
- The proposed development would generate £159.1m gross of wages per annum. Some employees are likely to live outside of the local area and some jobs will be taken by people who are already in work locally. Taking these factors into account reveals that the net additional income (from salaries) of those employed on site which would benefit the local area would be £71.6m per annum, with a further £78.8m per annum from employment created as a result of the indirect and induced effects of the development scheme.
- On site employment created will also generate consumer expenditure which could potentially be spent within the Derby/Nottingham/Erewash/Broxtowe 'local area'. The total gross expenditure available of those employed at the proposed development would be £7.7m per annum on main food shopping, £2.6m on top up food shopping, £16.9m on comparison goods (clothing footwear, personal items, electrical goods, health and beauty etc), and £5.2m on eating/drinking out and takeaway meals/snacks, once complete.
- 1,211 person years of construction activity, equating to 346 direct full time equivalent jobs on site per annum over the build period. Factoring in displacement and acknowledging that some jobs will not necessarily be local, but nevertheless recognising that the construction industry is reliant on an extended and varied supply chain, a total of 285 net additional jobs will be created within the region per annum over the build period, of which 255 will be at the local level.
- The construction programme will provide opportunities for training and skills development over the build period which will benefit Derby/Nottingham/Erewash/Broxtowe and the wider area.
- An estimated £3.7m of business rates per annum (£4.4m with the introduction of the proposed mezzanine floorspace) which will make a significant contribution to business rate growth in Derby.

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- £86.7m of direct GVA over the build period from construction activity. The net additional GVA created would be £19.6m at the regional level of which £18.2m would be at the local level.
- Net operational employment would generate a significant £393.3m GVA per annum at the regional level, of which £296.8m would be within the local area”.

The proposed development is also supported by financial grant assistance from both the LEP and the City Council as part of the public platform to facilitate the redevelopment of this strategically important site.

Policy MH1 of the DCLP1 deals specifically with securing the necessary infrastructure and amenities to accommodate new development. It provides the following commitment:

...”The Council will only permit proposals for new development where a comprehensive and co-ordinated approach to both phasing and infrastructure can be demonstrated. In particular the Council will seek to ensure that the density, layout and design of roads, buildings and green space is comprehensively phased and implemented within identified development sites. Through the use of planning obligations, the Council will ensure that new development will be supported by the necessary and appropriate infrastructure”.

Clearly, the potential socio-economic benefits of the proposal are highly significant.

However, there has to be a balance as, inevitably, a development of this scale will have impacts on the local environment and these need to be understood and addressed using the most appropriate mechanisms. As with all major development proposals the Council has a duty to ensure that reasonable and proportionate mitigation is secured through the planning process. As part of the process the Council, as Local Planning Authority, principally has at its disposal s106 agreements and planning conditions, subject to meeting the necessary tests, to secure the appropriate mitigation and improvements on a case-by-case basis. Members will be familiar with the normal processes and our spirit of negotiation to facilitate development.

During the life of the application the following strategy, for securing the necessary highways and transport mitigation, has been agreed. It includes a Unilateral Undertaking from the developer, which is a simplified version of a planning agreement and is entered into by the landowner and any other party with a legal interest in the development site. The mitigation strategy includes the following:

1. A bus service to serve the development to be addressed by condition and penalties to be included in the developer’s Unilateral Undertaking.
2. Travel Plan Monitoring contribution to be included in the developer’s Unilateral Undertaking.
3. Travel Plan Penalty contribution, if targets missed, to be included in the developer’s Unilateral Undertaking.
4. A cycleway to mitigate impact on Route 66 to be addressed by condition.

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5. Acorn Way/ Derby Road – contribution in lieu of proposed scheme of works to be included in the developer's Unilateral Undertaking.
 6. Off-site highway improvements to the Belmore Way junction to be addressed by condition.
 7. Off-site highway improvements to the Willowcroft Road junction to be addressed by condition.
 8. Monitoring of Station Road beyond Phase 1 and possible mitigation works for Station Road by condition.

7.3. Traffic and Transportation

Policy AC13 requires appropriate access arrangements to be provided, as well as ensuring that the site could be served by public transport and provides good quality pedestrian and cycle routes, including access to the riverside route.

In addition to the requirements of Policy AC13, it is relevant to consider the provisions of Policies CP23 and CP24.

Policy CP23 seeks to ensure that people living, working, and travelling within Derby have viable travel choices and effective, efficient, and sustainable transport networks which meet the needs of residents and businesses while supporting sustainable economic growth and competitiveness. More specifically, Policy CP23 seeks to actively manage the pattern of development to ensure that development:

- is located in accessible locations that are well served by frequent high-quality bus services and which help to facilitate walking and cycling
- connects residents to jobs and educational opportunities
- implements, and/or contributes to, appropriate on-site and off-site measures to mitigate the impact of development
- contributes to improving public transport, cycle and pedestrian infrastructure and public transport service provision
- includes proportionate Transport Assessments and Travel Plans for all major applications and any proposal where transport issues are likely
- is not permitted where it would cause, or exacerbate, severe transport problems, including unacceptable impacts on congestion, road or rail safety, the rail network, access and air quality – including any cumulative impacts on Air Quality Management Areas (AQMA)
- provides appropriate levels of parking for cars, motorcycles and bicycles, having regard to the standards set out in Appendix C.

As noted in the supporting text to Policy AC13, the site is constrained by its isolated location and potential access opportunities. The proximity of the level crossing is also an important consideration. In light of these factors, it is critical that the proposed access arrangements and connectivity proposals are thoroughly assessed and understood. To that end the submitted Transport Assessment (TA) and its addenda has been scrutinised by officers in our Traffic and Transportation Team, Network Rail (NR) and Highways England (HE).

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HE has been involved given the impact of the development on the strategic road network which sits to the south of the southern access and a holding objection was lodged, pending the submission of further information, pursuant to the Town & Country Planning (Development Affecting Trunk Roads) Direction (2018).

Following further scrutiny of the TA, the holding objection has been removed and HE offers no objection to the proposed development.

Access is proposed from the north through a redesigned priority junction on Holme Lane and this detail has been negotiated during the life of the application. The original submission detailed a signalised junction on this access and concerns were expressed about the effective throughput of traffic and issues of queuing/safety over the level crossing and back onto Station Road. Clearly, this is an important public safety consideration and the TA provides details of mean and maximum hourly delay times as a result of the level crossing barriers being in operation. NR has provided comments and it requests the control of traffic movement from the north be restricted to Phase 1 development, with monitoring of that access also recommended.

An important second access from the south (through Derby Commercial Park via Fernhook Avenue) is included and the red edge of the application site extends the full length of that private road up to the public highway boundary to the south. There are no details for the southern access applied for within this application, albeit the TA details future improvements to the access.

In order to present to this particular meeting, officers in the Traffic & Transportation Team and other colleagues have fully prioritised the TA and its supporting information. The output from that Team is thoroughly detailed in Part 5.15 of your report with modelling data included in Appendix A and B.

In terms of traffic, the major impacts from this development are at the points where traffic distributes from the development and first access the surrounding network. Namely, Raynesway and the on and off slips to the A5111(T); the A6(T) Alvaston Bypass grade separated roundabouts; and Nottingham/Derby Road.

As a result, the following Junctions were assessed in the Transport Assessment.

- A6096 Willowcroft Road/A6005 Nottingham Road Traffic Signals (DCC)
- Lodge Lane/Nottingham Road/Station Road/Derby Road Roundabout (DCC)
- Merchant Avenue/Derby Road/Megaloughton Lane/A52 Slips Roundabout (DCC)
- Acorn Way/Derby Road/Raynesway Roundabout (DCC)
- Megaloughton Lane/East Service Road Priority Control (DCC)
- West Service Road/A5111 On/Off-Slips Priority Control (Highways England)
- East Service Road/A5111 On/Off-Slips Roundabout (Highways England)
- Fernhook Avenue/A5111 On/Off-Slips/A5111 Overbridge Roundabout (DCC/Highways England).

Belmore Way/A5111 On/Off-Slips/A5111/Raynesway Roundabout (DCC/Highways England).

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The highways and transportation component of the application has been fully considered in the round, in the context of the Development Plan and over-arching guidance in the NPPF. The crux of the assessment is how the overall development performs in relation to facilitating alternative modes of travel and Travel Plan objectives, the ability to cost effectively accommodate mitigation for the surrounding network and public safety considerations.

Based on this thorough assessment, no over-riding objections are raised on highways grounds in line with DCLP1 Policies AC13, CP23 and CP24 or the salient paragraphs of the NPPF – subject to various conditions and the measures offered by the developer, as included in Part 7.2.

Officers will also deliver a presentation at the meeting which highlights the key areas of the assessment and targeted areas for highway improvements and new infrastructure.

7.4. Environmental Impact and Enhancement

Land Contamination

As noted in Policy AC13, land contamination is one of the key constraints facing the site, due to its historic use. Some remediation has already taken place and that the level of remediation required is likely to be less than required if the site was proposed to be used for residential purposes for example.

Saved CDLPR Policy E13 relates to contaminated land and it allows for the development of contaminated sites provided that proposal would not cause adverse or hazardous effects and that any necessary remedial measures are carried out before development starts.

In order to present to this particular meeting, my colleague in the Environmental Protection Team and partners at the EA have fully prioritised the submitted information. With land contamination issues and consideration of the proposed end users, the Council has ultimate responsibility for public health matters and the EA has responsibility for ground water issues. The output from the Environmental Protection Team is thoroughly detailed in Part 5.3 of your report and the conclusions are provided below.

..."It is my view that, based on the evidence provided in the various submitted evidence and the Outline Remediation Strategy, with appropriately-worded conditions that require each stage of development to be effectively 'signed-off' based on agreed remediation objectives and targets, contamination risks need not delay a decision on whether to grant planning permission for the current application".

The historic activities on this site have left a legacy of very challenging ground conditions that need to be addressed in a phased ongoing manner. My colleague has assessed all the submitted information in a very timely manner and whilst land contamination issues present significant challenges it is considered that conditions are reasonable to secure the necessary objectives under DCLP1 Policies AC13 and CDLPR Policies E13 and GD5. As part of project delivery LEP monies will be specifically targeted towards remediating land contamination.

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Noise and Air Quality

In terms of noise issues my colleague has concluded as follows:

..."When considered against the previous Celanese operations, which the report does not do, the impacts are likely to be negligible and probably even less than they were in respect of the historical use of the site.

However, there is a concern regarding higher than reported traffic noise increases, should the southern access point (to Fernhook Avenue) be delayed such that all development-generated traffic is forced to use the northern access onto Station Road.

Notwithstanding this concern, the Environmental Protection Team has no objections to the development in principle".

There are, however, concerns that over reliance on the northern access and any delays in delivery of the southern access could have an impact on the Station Road area which has, over the past 20 years, accommodated residential development and, therefore, noise sensitive neighbours. It is important, in respect of noise, air quality and traffic generation factors, that the development is served by the two opposing access points to ensure that the environmental impact of the development does not unreasonably affect the immediate area.

In terms of noise, I am satisfied that the issue can be addressed reasonably by condition to accord with Policy GD5 of the CDLPR, which seeks to address 'amenity' concerns across a range of environmental factors.

In terms of air quality issues my colleague states:

..." Whilst my fundamental judgement on this site remains, namely that planning permission should not be refused when considering the scheme against the former Celanese operations, I am still of the opinion that further, more conservative, modelling is needed in order to properly consider any necessary mitigation".

Again, this is an area that needs to be continually assessed as development progresses. The issue of vehicular movement to the site, on-site power generation, construction/dust management and the odour control from food production units need to be assessed and mitigated. The site historically had a recognisable odour that was carried on prevailing winds and it is imperative that conditions are attached, and adhered to, to avoid unacceptable air quality impacts on the local area. CDLPR Policy GD5 is directly relevant.

Flood Risk

The majority of the proposal site is located in Flood Zone 3. As the site has been identified for regeneration in the DCLP1 and as the primary uses being proposed are considered to be 'less vulnerable', there is no need for the applicant to demonstrate compliance with the sequential or exception tests in this case, in line with the PPG.

Whilst Policy AC13 requires 'satisfactory flood and environmental mitigation taking account of the impacts of the Our City Our River (OCOR) programme', Policy CP2 provides more detail in relation to flood risk and water management. More specifically Policy CP2 seeks to:

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- ensure that development takes account of the need to provide access to watercourses
 - ensure that development is flood resilient and resistant, that unacceptable harm would not be caused to people or property through flooding and that development will not lead to an increased risk of flooding elsewhere
 - ensure that where appropriate, development meets the objectives of the Water Framework Directive
 - implement the 'Our City Our River' programme to reduce flood risk through the development of appropriate sites along the River Derwent corridor
 - encourage the use of Sustainable Drainage Systems (SuDS) in all new developments and require developments of 10 dwellings or more and major commercial development to be designed and laid out to incorporate SuDS, unless it is demonstrated to be inappropriate to do so.

The flood risk assessment submitted with the application concludes that the new buildings proposed on the site will need to be built at a level which is generally above the existing site level by between 0.4m and 1.7m. The raised platforms on which the buildings are proposed to be constructed will allow the opportunity for a network of swales and attenuation areas to be provided outside those development platforms.

The application (and pre-application) process has involved serious discussions with the developer and its neighbours STW, together with the EA, about the issue of third party flooding impact. STW issued 'holding objections' during the course of the application to safeguard its operational assets. Negotiations have taken place on site to ascertain how an existing flooding situation is worsened and how any future event would impact on the operational function of the water treatment works. Further detailing modelling work has also been undertaken to assess the issue. Of course, it is important to fully understand the issue of third party flooding in this intervening period before the OCOR project is implemented – the completion of which will address flooding in this area and protect these important sites. The OCOR project is the city's pinnacle flood defence programme and it is hoped that funding will be in place to complete such in the near future.

Policy CP2 requires that...' that development will not lead to an increased risk of flooding elsewhere' and negotiations have prompted the following response to this issue.

At the time of writing the report the objection from STW remains and the EA has not provided its formal consultation response. A condition is proposed to address the third party flooding concern of STW but, in the event that the EA formally object following the publication of this report, the application would have to be referred to the Secretary of State - in accordance with the procedural provisions under Circular 02/09.

Green Infrastructure

The site is located adjacent to the River Derwent and the associated Lower Derwent Green Wedge which runs along the river corridor. The site is also adjacent to the 'Acordis Lagoons', which are a designated wildlife site and are edged in blue on the location plan.

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Policy AC13 seeks to ensure that proposals would contribute to the extension and enhancement of the green infrastructure network, including links to surrounding Local Wildlife Sites and the River Derwent and would provide satisfactory treatment of the area adjoining the River Derwent in terms of visual, recreational and natural history importance.

The application refers to opportunities for improvements to the local wildlife site being discussed with the Derbyshire Wildlife Trust (DWT) and the potential for this to lead to positive gains in biodiversity. DWT (in Part 5.11) has commented on the application and the agent has responded to these as follows:

... On the wider issue of potential enhancement to biodiversity, you will know that SmartParc is mindful of the presence of the DWT local wildlife site to the south-west. They have indicated they are willing to discuss enhancement schemes within that area with DWT. It is also acknowledged by DWT in their comments that in the submitted ecological information relating to the site and specific species (from Brooks Ecological) there is very limited biodiversity value on the main application site itself. It would therefore be our view that in these circumstances – where it is highly likely there would be a net gain in biodiversity – there is no need to carry out more precise calculations of the type mentioned by DWT – indeed neither the NPPF nor DCC Local Plan policy specifically require such calculations. We would suggest there is sufficient information for DCC (and indeed DWT) to be satisfied there would be more than reasonable prospect of overall enhancement and that schemes for mitigation could be submitted in response to an appropriately worded condition on the grant of planning permission.

I am satisfied that the above commitment is acceptable, and it is reasonable to address these improvements by condition.

Policy CP18 relates to Green Wedges and specifically seeks to ensure that ensure that development adjacent to a Green Wedge does not endanger the character and function of the wedge, taking into account scale, siting, design, materials and landscape treatment and would not lead to an excessive increase in numbers of people, traffic or noise.

The previous industrial use of the site is clearly material in this regard and all reserved matters submissions will need to be carefully considered in line with the aspirations of the 'Landscape Strategy Plan' which sits within the submitted Landscape and Visual Impact Assessment (LVIA).

The LVIA considers the context of the site within the round and provides a comprehensive analysis of national, regional, and local plan policies pertaining to green infrastructure, landscape character, visual impact, and design considerations. It provides a thorough analysis of the site in its context – in line with accepted methodologies. In terms of green infrastructure, structural landscaping, and sustainable travel within the site the proposals (see paragraph 4.10 of the LVIA) include the following components:

- The retention and reinforcement of the site's key boundary landscape features including the sensitive green corridors along the River Derwent. This will be enhanced by the provision of extensive native hedgerow, tree and riparian

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woodland planting to enhance the local distinctiveness of the site, in addition to enhancing the visual amenity and integration of the built form;

- Inclusion of specimen tree and shrub planting to enhance key nodal points within the site;
- Primary road corridors, to be planted with avenue tree planting and maintained hedgerows, to reinforce the internal road hierarchy and visually integrate adjacent loading areas;
- High quality landscaping within the internal car parking areas and unify entrances to create a development with high amenity value and ensure that the scale and extent of the proposed hard standing areas are not perceived as excessive or over dominant;
- Ecological enhancements through native planting along the boundaries and sensitive river corridors and cycle routes, will provide a natural feel to these areas, integrating the site with its localised townscape and landscape settings;
- Planted storm water attenuation zones and roadside swales, with diverse wild meadow and locally prevalent tree and shrub species, will create diverse and attractive flood storage and surface run off areas;
- Integrated foot and cycle links will promote modal transport shift and provide positive sustainable new connections between the existing settlement and the river corridor.

In terms of the scale of the proposed buildings on site, which would be considered under reserved matters submissions, approval is sought for the buildings to be up to a height of 30m above ground level. The LVIA has assessed the application site from an agreed range of vantage points and, based upon the various assessments of the site in its context, concludes:

..."Whilst the proposed parameter plan indicates maximum building heights of up to 30m to the eaves, it is anticipated that the majority of the proposed units will not be built up to this height. However, even if this were the case, the surrounding visual environment is clearly characterised by large scale built form, which not only visually contains the site from its immediate and localised settings, but also ensures that new buildings of this scale, would not be perceived as being overly prominent or alien within this context, noting the presence of the Derwent Power Station to the immediate south and the retained Celanese Works which are an established visual component within the site's northern extents".

The application has generated comments of behalf of the Canal Trust and others who are interested in the long term re-instatement of the route. Its reinstatement would provide another sustainable travel corridor near to the site although there are no policy requirements for the developer to contribute towards its restoration at this stage.

Sustainability Credentials

At a strategic level the overall ambitions of the SmarcParc development looks very promising on several different fronts. The proposal is located on a vacant brownfield site, bringing this back into productive use recognising and responding to the former

contamination of the site and the potential flood risk issues. The campus style parc approach, with bespoke shared facilities and services, should provide a real opportunity to optimise energy use across the site along with the potential to reduce waste and other essential resources. The ambition of the development to produce a significant amount of renewable and decentralised energy will also support the City's carbon reduction ambitions. This goal will only be realised if essential improvements can be made to the local grid infrastructure which is a key consideration in maximising the opportunities of the development to import and export electricity.

The inclusion of the on-site energy centre and reference to detailed proposals seeking 'BREEAM Excellent' rating are warmly welcomed and will be addressed by condition. All opportunities to mitigate greenhouse gas emissions and to maximise carbon reductions on-site will be pursued, in line with the provisions of DCLP1 Policy CP2.

7.5. Planning Balance and Conclusions

This application has the potential to unlock significant investment into Derby and be an important part of the economic recovery following on from the Covid-19 pandemic. The potential economic benefits of the project, including the prospect of accommodating some 5,000 jobs, are highly significant, warmly welcomed and should be given considerable weight in determining this application.

The creation of a SmartParc associated with food production would help to diversify the economic base of the city and would contribute to various objectives as outlined in the Council's Economic Strategy and set out in DCLP1 Policy CP9. Beyond the Development Plan it would also align with the broader priorities set out by partners at a regional level.

The principle of the primary use of this substantial brownfield site is consistent with DCLP1 Policy AC13 which specifically allows for re-use of the brownfield site for employment purposes. During the plan making process a flexible policy framework was adopted in relation to this site, acknowledging that its regeneration and re-use is the key priority. This was despite pressure to specifically allocate the site for housing development. The approach appears to have paid off with the submission of this application and the in-principle support it has received from the vast majority of commentators.

There are clearly some major issues to be resolved in bringing this site forward for development, such as land contamination, flood risk and accessibility. However, colleagues and partners have devoted considerable energy to understanding a range of complex technical issues to date and, subject to stretching conditions and commitments from the developer, these issues will be carefully addressed as the phases of detailed development are brought forward.

Therefore, in my opinion and judgment, the proposed development decisively accords with the Development when read as a whole and, as such, it constitutes the right development, in the right place and at the right time for our city.

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Application No: 20/01646/OUT

Type: Outline, including access and scale

Potential Procedural Issue:

As indicated earlier in Part 7.4 under 'Flood Risk', at the time of writing the report the objection from STW remains and the EA has not provided its formal consultation response. However, a Grampian condition is proposed to address the third party flooding concern of STW but, in the event that the EA formally object following the publication of this report, the application would have to be referred to the Secretary of State - in accordance with the procedural provisions in Circular 02/09 - The Town & Country Planning (Consultation) (England) Direction (2009). If this materialises the recommendation would be updated before the meeting.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To authorise** the Director of Planning, Transport and Engineering **to secure and accept** the Unilateral Undertaking to achieve the objectives set out in Part 8.5 below.
- B. To authorise** the Director of Planning, Transport and Engineering **to grant outline permission with conditions** upon satisfactory receipt of the Unilateral Undertaking.

8.2. Summary of reasons:

This application has the potential to unlock significant investment into Derby and be an important part of the economic recovery following on from the Covid-19 pandemic. The potential economic benefits of the project, including the prospect of accommodating some 5,000 jobs, are highly significant, warmly welcomed and have been given considerable weight in the planning balance. The creation of a 'SmartParc' associated with food production would help to diversify the economic base of the city and would contribute to various objectives as outlined in the Council's Economic Strategy and set out in DCLP1 Policy CP9. Beyond the Development Plan it would also align with the broader priorities set out by partners at a regional level.

There are clearly some major technical issues to be resolved in bringing this site forward for development, such as land contamination, flood risk and accessibility. However, Council officers and partners have devoted considerable energy to understanding a range of complex technical issues to date and, subject to stretching conditions and commitments from the developer, these issues will be carefully addressed as the phases of detailed development are brought forward. Therefore, on this basis, the proposed development decisively accords with the Development Plan when read as a whole.

8.3. Conditions:

All conditions listed below are abbreviated. This accords with the advice of Counsel and if any clarification is required about the need or scope of any of the recommended conditions please contact the case officer before the meeting. The final wording of any pre-commencement conditions will be agreed with the developer before any decision is issued.

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Type: Outline, including access and scale

It is anticipated that additional conditions will be provided in advance of the meeting, particularly from the EA in the topic areas of flooding and contaminated land.

General

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

5. Condition relating to the implementation of the approved priority junction to serve the northern access before any development within Phase 1 is brought into use, ongoing monitoring of Station Road traffic and bus service provision.
6. Condition relating to the implementation of a highways construction management plan or construction method statement.
7. Condition relating to the implementation of an agreed scheme of phased off-site highways works at Willowcroft Road junction.
8. Condition relating to the implementation of an agreed scheme of phased off-site highways works at the Belmore Way junction.
9. Condition relating to the implementation of the southern access in accordance with an agreed timetable of phasing and bus service provision.
10. Condition relating to the implementation of a scheme of phased off-site cycle way works on Celanese Road.
11. Monitoring of Station Road after Phase 1 and any off-site mitigation works for Station Road.

Use Restriction

12. Condition relating to the restriction of Use Class 'E' and 'F' uses to ensure they remain ancillary to the principal use.

SUDs/Flooding

13. Condition relating to the agreement of SuDS details for all phases.
14. Condition relating to drainage details and the protection of neighbouring STW land from increased flooding.
15. Condition relating to finished floor levels and provision of specific measures to accord with the submitted Flood Risk Assessment.
16. Condition relating to the maintenance requirements for all flood risk management structures.

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General Environmental Protection

17. Condition relating to Construction Environmental Management Plan, including Dust Management, for individual phases.
18. Condition relating to site Waste Management Plan for individual phases in line with the submitted 'Approach to Waste' document.
19. Condition relating to the provision of EV charging points for individual phases.
20. Condition relating to a local employment strategy for individual phases.

Noise

21. Condition relating to noise mitigation proposals from any plant for individual phases in accordance with BS:4142.

Contaminated Land

22. Condition relating to site investigation reports for individual phases.
23. Condition relating to approval of Remediation Strategies for individual phases.
24. Condition relating to the implementation and validation of Remediation strategies for individual phases.

Air Quality

25. Condition relating to further sensitivity testing to inform Air Quality mitigation strategy.
26. Condition relating to odour assessments for each phase.

Archaeology

27. Condition relating to the need for further site investigations with particular reference to the below ground archaeology.

Ecology

28. Condition relating to implementation of an Ecological Design Strategy addressing mitigation, compensation and enhancement for the adjoining Local Nature Reserve.

Landscaping

29. Condition relating to the implementation of individual landscape schemes to fall under the submitted Landscape Masterplan.
30. Condition relating to surface water drainage, boundary treatments, landscaping, external lighting and construction methodology specifically in relation the rail network.

Sustainability/BREEAM

31. Condition requiring BREEAM Excellent rating across all phases of development.

8.4. Informative Notes:

- 1) Highways works subject to Section 278 Agreements.

Committee Report Item No: 2

Application No: 20/01646/OUT

Type: Outline, including
access and scale

- 2) Highways Design Guide and general construction advice

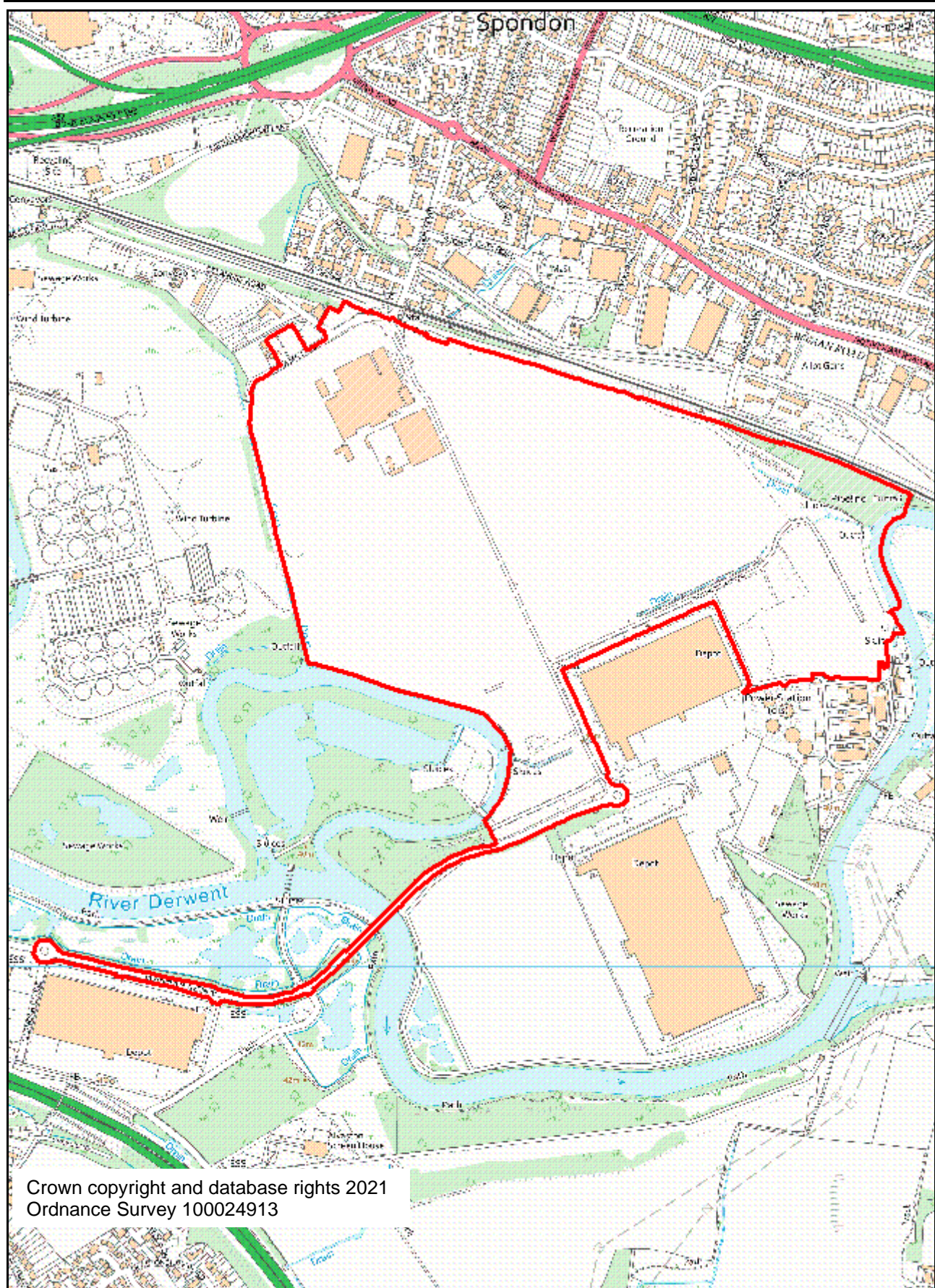
8.5. S106 requirements where appropriate:

During the life of the application the following strategy, for securing the necessary highways and transport mitigation, has been agreed with the following individual components:

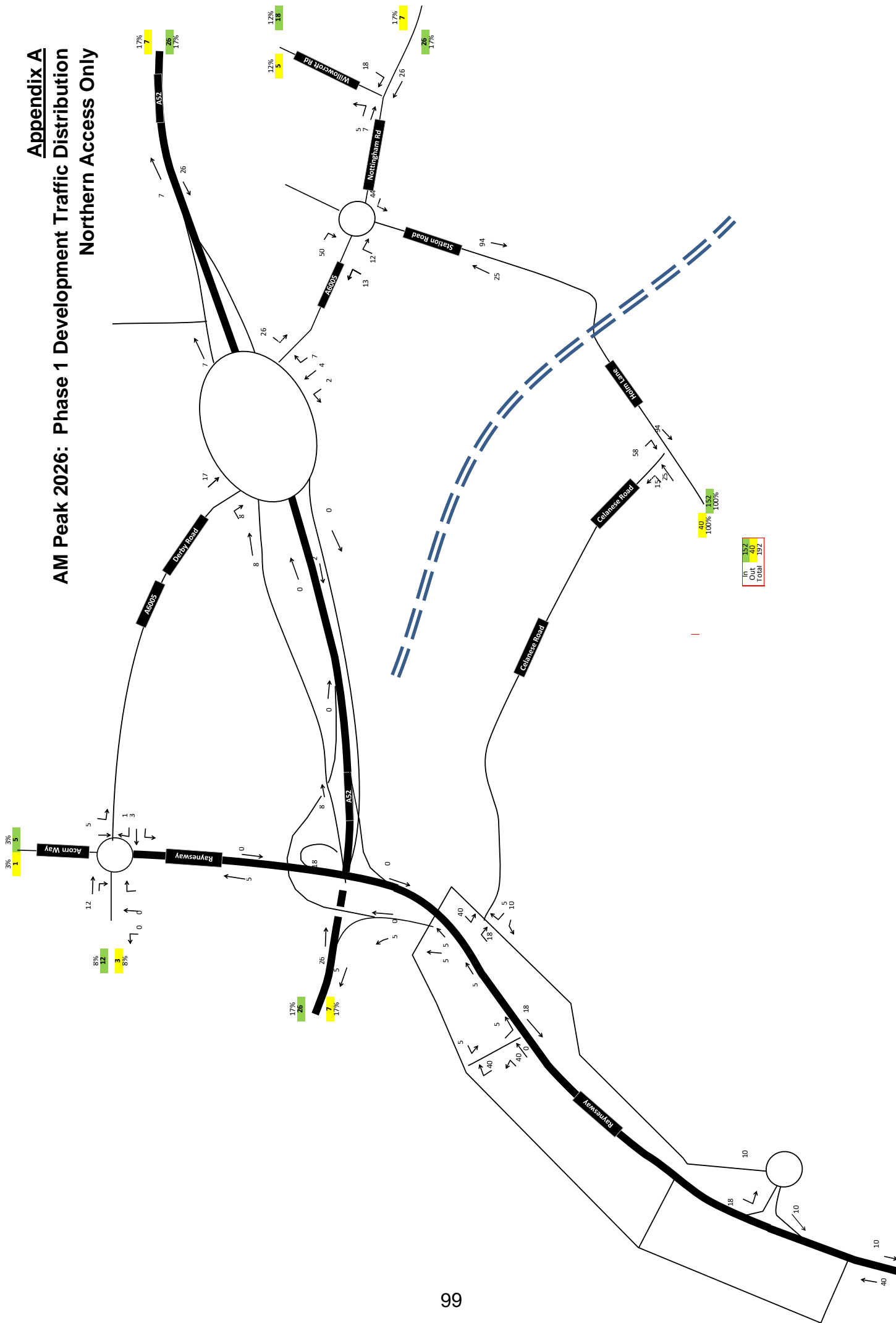
1. A bus service to serve the development to be addressed by condition and penalties to be included in the developer's Unilateral Undertaking.
2. Travel Plan Monitoring contribution to be included in the developer's Unilateral Undertaking.
3. Travel Plan Penalty contribution, if targets missed, to be included in the developer's Unilateral Undertaking.
4. A cycleway to mitigate impact on Route 66 to be addressed by condition.
5. Acorn Way/ Derby Road – contribution in lieu of proposed scheme of works to be included in the developer's Unilateral Undertaking.
6. Off-site highway improvements to the Belmore Way junction to be addressed by condition.
7. Off-site highway improvements to the Willowcroft Road junction to be addressed by condition.
8. Monitoring of Station Road beyond Phase 1 and possible mitigation works for Station Road by condition.

8.6. Application timescale:

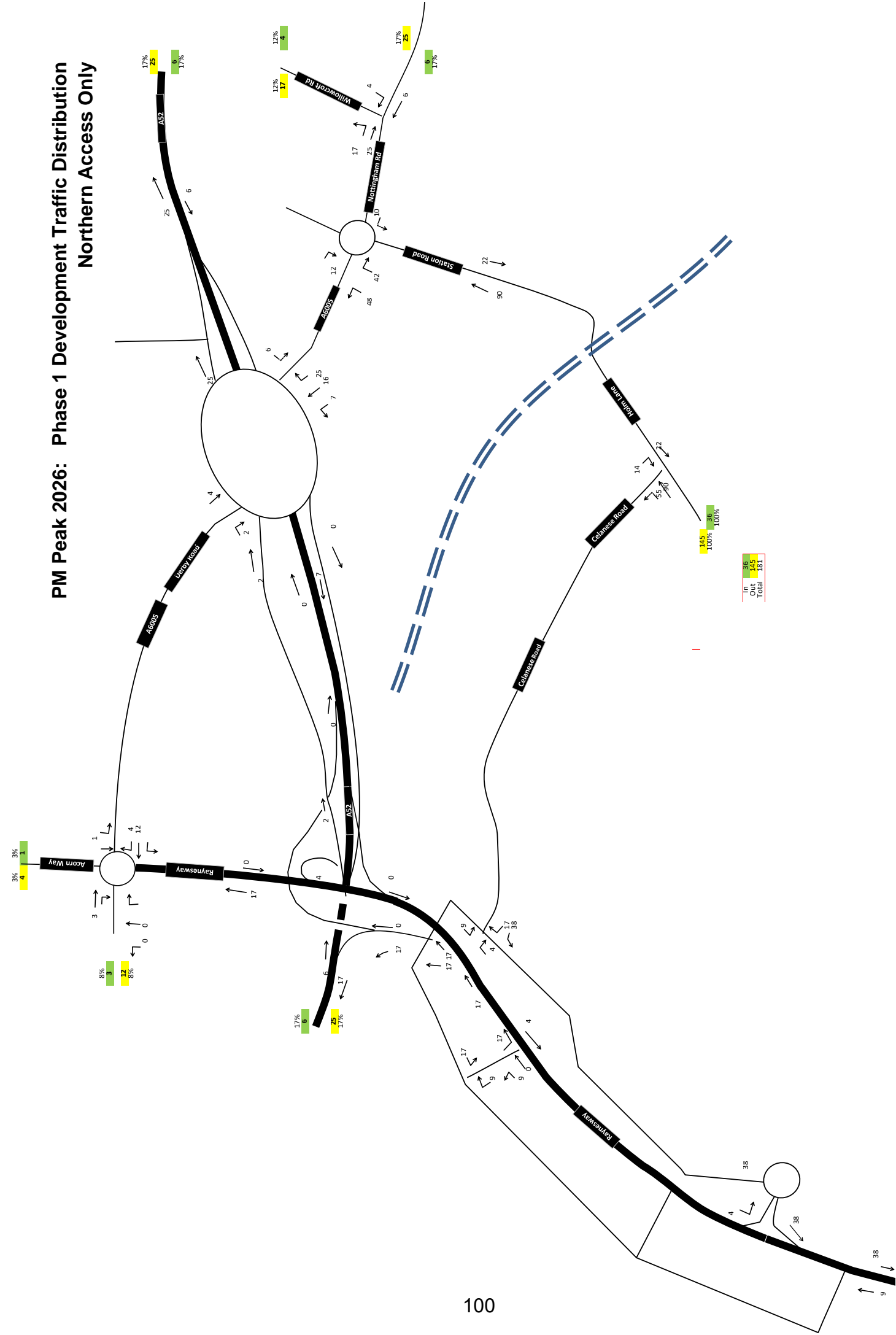
To be updated.



Appendix A AM Peak 2026: Phase 1 Development Traffic Distribution Northern Access Only



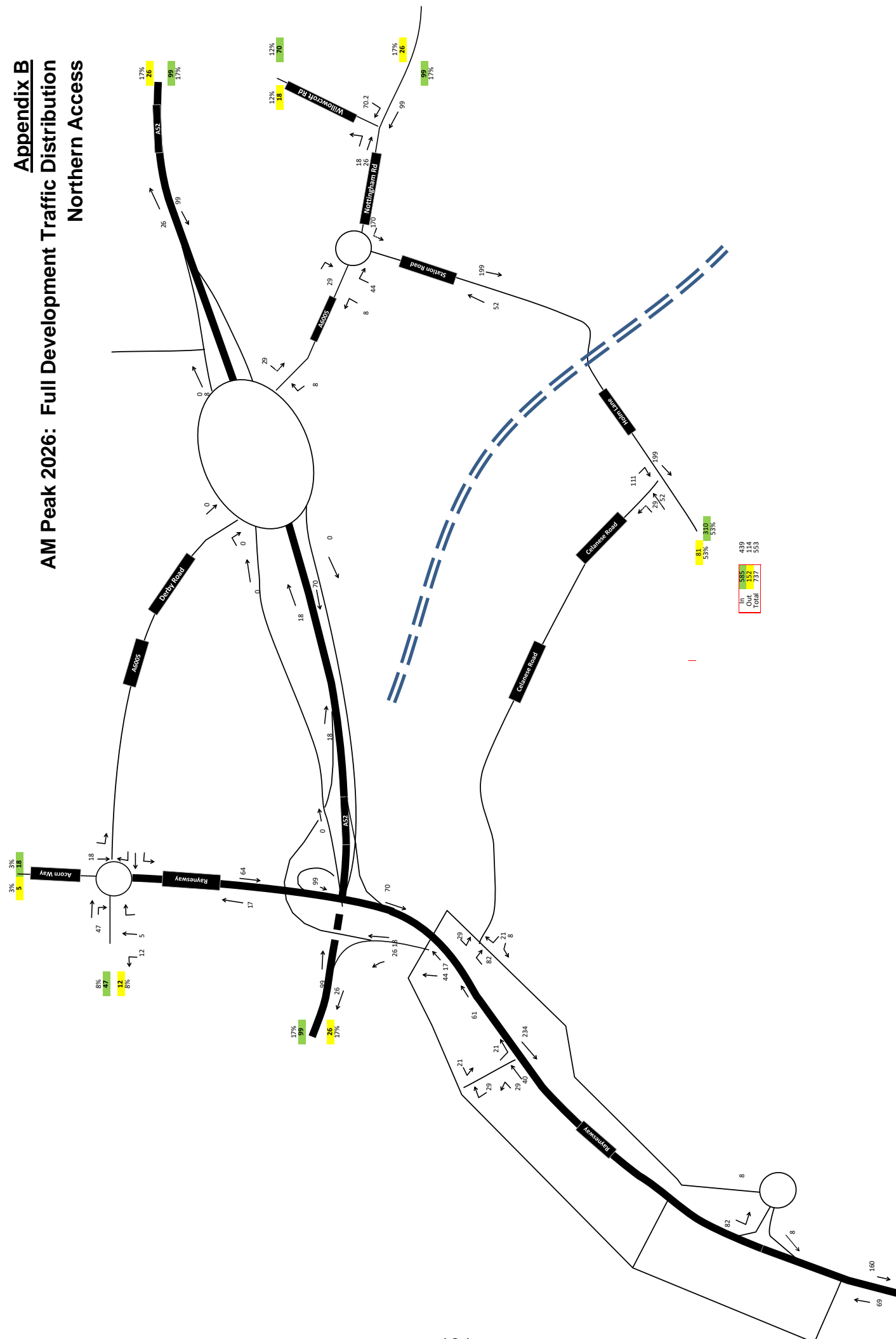
PM Peak 2026: Phase 1 Development Traffic Distribution
Northern Access Only



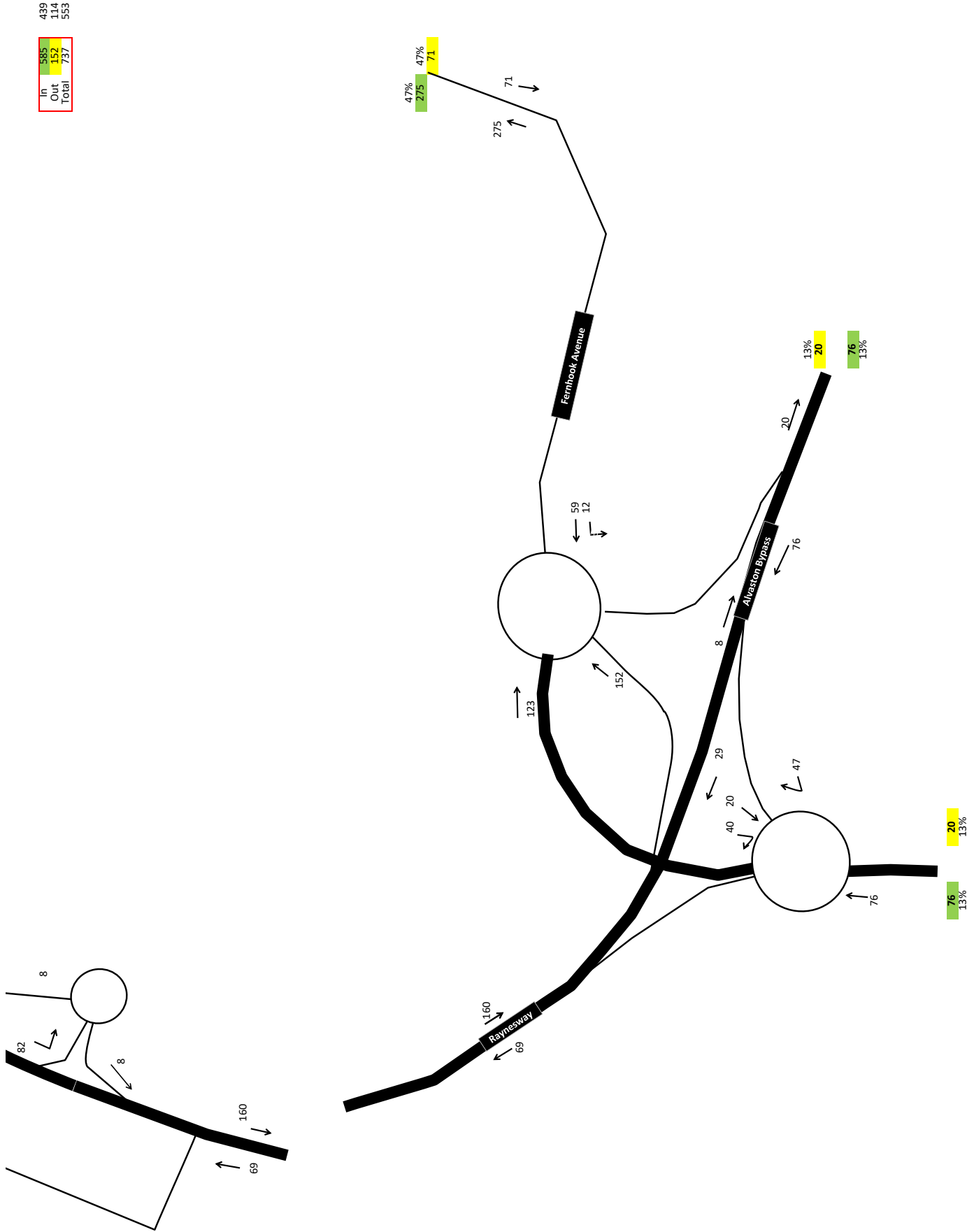
Appendix B

AM Peak 2026: Full Development Traffic Distribution

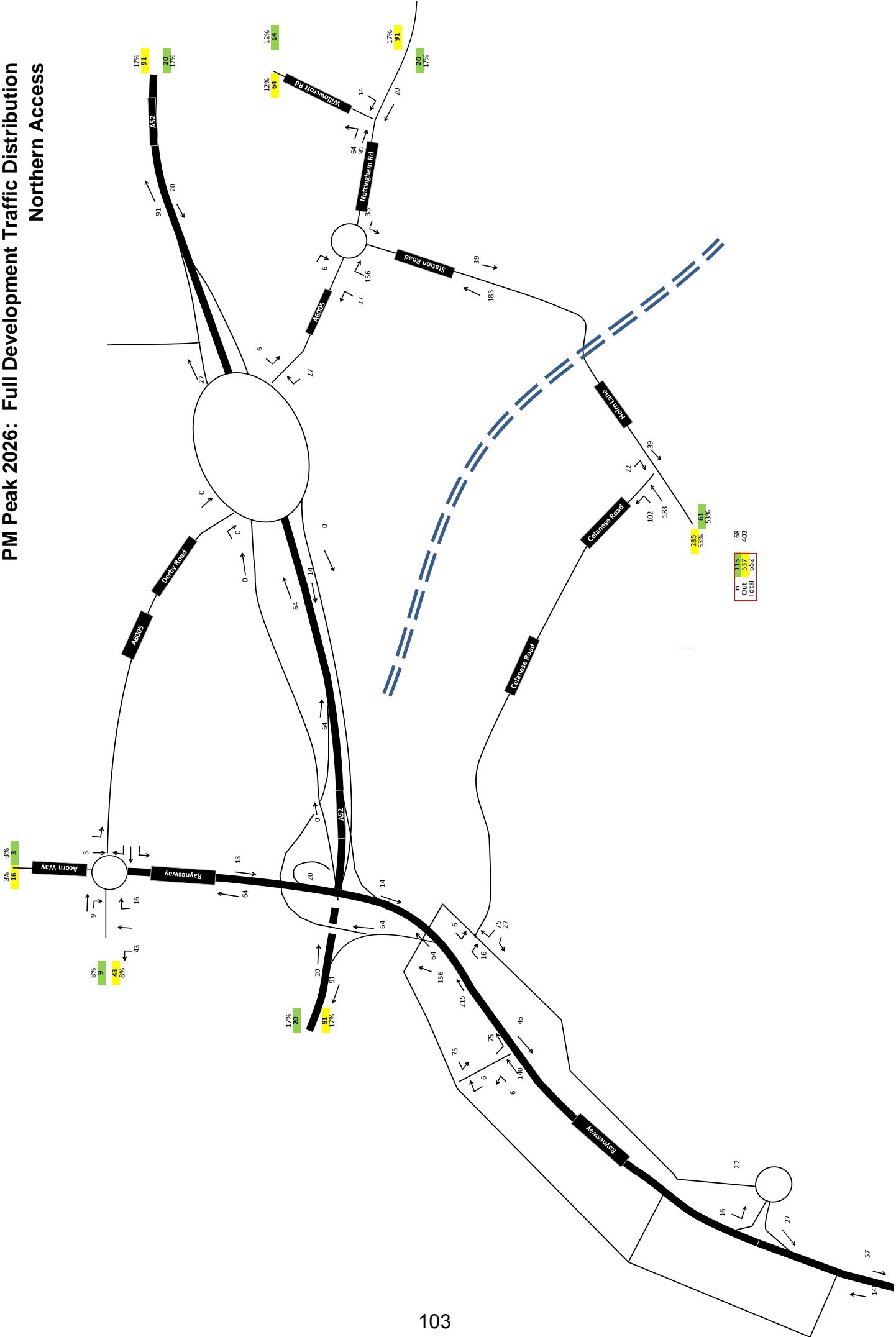
Northern Access



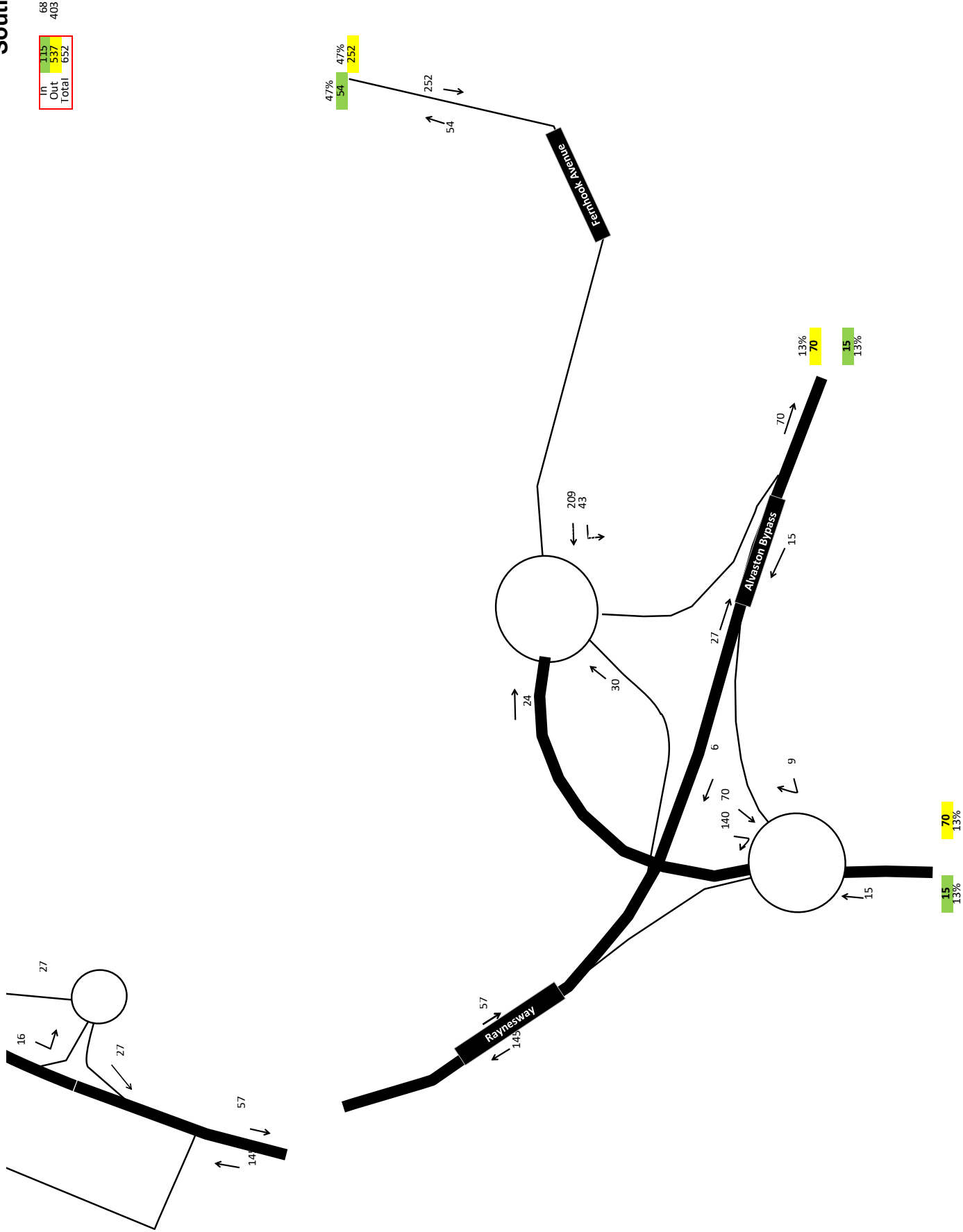
AM Peak 2026: Full Development Traffic Distribution
Southern Access



PM Peak 2026: Full Development Traffic Distribution
Northern Access



PM Peak 2026: Full Development Traffic Distribution
Southern Access



1. Application Details

1.1. Address: 8 - 14 Agard Street, Derby

1.2. Ward: Darley

1.3. Proposal:

Demolition of existing buildings. Erection of student accommodation block comprising of 94 bedrooms within 70 units and associated works

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01570/FUL>

Brief description

Full planning permission is sought to re-develop this site to house a student accommodation block comprising of 94 bedrooms within 70 units and associated works. The development would be comprised of 6 cluster flats (5-beds in each) and 64 self-contained studio apartments. The building would have an L shaped footprint consisting of two wings and would be an overall height of 8 storeys, stepping down to 4 storeys to the rear.

The application site is located on the southern side of Agard Street and it covers an area of some 1200 sqm or 0.12 hectares. It sits adjacent to the recently completed block of student accommodation which stands adjacent to the University of Derby Law School housed in Friar Gate Square 1 – namely ‘the Copper Building’.

The site is located within the Friar Gate Conservation Area and some of the ‘blue edged’ land (land which is also in control of the applicant around the application site) abuts the north-eastern boundary of Pickford’s House at 41 Friar Gate. This property, which lies to the south-west of the site, is one of a handful of Grade 1 listed buildings in Derby.

There are a number of other Grade II and Grade II* listed buildings fronting onto both Friar Gate and Ford Street in the locality, including No’s 35-39 Friar Gate situated to the rear of the site. No’s 36 and 37 Friar Gate are also within the ownership of the applicant and fall within the ‘blue edged’ land.

The application site falls within an Air Quality Management Area (AQMA) designated. This designation is due to high levels of nitrogen dioxide (NO₂) primarily relating to vehicle emissions from the adjacent busy roads. To the rear of the site is Lime Tree (T1). The tree is not covered by a Preservation Order but does lie within the limits of the Conservation Area.

Planning History

Members may remember that a planning application for a similar scheme was considered at the planning control committee meeting on 12th September 2019 (ref. 11/15/01451). This earlier scheme proposed to demolish the existing buildings on the site and construct a student accommodation block containing 71 bedrooms within 60 units.

Members refused the application for the following reason, relating to air quality:

In the opinion of the Local Planning Authority the proposed development would create, by virtue of its siting on the Agard Street frontage, its overall height from ground level and its relationship to the existing student accommodation located opposite at Sir Peter Hilton Court, an unacceptable form of development in air quality terms. The results of the submitted air quality assessment clearly demonstrate that the construction of such a development in this location has the potential to cause unacceptable increases in air pollutants, particularly Nitrogen Dioxide, due to the enhanced 'street canyon' effects along this part of Agard Street. Although air quality mitigation for future occupants of the proposed development could be secured through conditional control there is no similar mitigation proposed to protect the health and amenities of the existing/future residents located opposite this site. Therefore, the proposal is an unacceptable form of development in air quality terms and it is, accordingly, contrary to saved policy GD5 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework which advocates high standards of amenity for existing and future users in well-designed places.

The Current Proposal and Key Changes

The revised scheme now before you seeks to address the above reason for refusal through a shift in position of the building further away from the kerb of Agard Street, with the intention of reducing the air pollution canyon effect caused by the building.

To address this the building has been stepped back from the road by approx. 4m relative to the original scheme and the updated proposals have also been reassessed in line with the amended design and a revised *Air Quality Assessment* has been submitted in support of the application (*Idom, Ref: AQA-22136-20-213, Dated: October 2020*).

The other main change has been an increase in the overall height of the building by one storey along the site frontage, and two storeys along part of the rear outrigger.

Like the original scheme, the development would have a staggered front elevation that would step down along the Agard Street frontage and set back into the site, in terms of footprint and height. However, the revised scheme would now step down from 8/7/6 storeys when travelling east – west along the Agard Street frontage, as opposed to the 7/6/5 storeys proposed under the refused scheme.

Again, similar to the original scheme, a rear component would then run perpendicular to the front block. This part of the building has been increased in height by two-storeys stepping down from 6 to 4 storeys in height, as opposed to remaining at a continuous height of 4 storeys.

Other changes to the scheme include the removal of a balconies on the western elevation of the building and some changes to the fenestration and elevation details. However, in line with the previously refused scheme the proposed elevations would have a strong vertical emphasis with recessed windows at all levels. Although not specifically shown on the submitted elevations, the accompanying Design and Access statement also provides details of green walling which would partly screen the external walkways on the south east facing elevation of the building. The submission states that the superstructure of the building would be timber SIPS

panels, clad in brickwork slips and the fenestration would use a conservation aluminium frame, however, precise details of materials can be controlled through condition. A landscaped internal courtyard would be created to the rear of the building.

As per the previous scheme the application proposes the demolition of all existing buildings on site. These include a row of Victorian terraced properties which front onto Agard Street and a commercial premises which is sited in a backland position and presently houses an MoT company – ‘MoT Masters’. There have been no changes to the vehicle access position into the site, or car parking numbers and effectively the proposal would be a car-free development with only two drop off bays provided to the rear of the site. Provision has been made within the development to accommodate emergency vehicles such as ambulances and fire engines if they are required. Secure cycle storage is proposed (35 spaces) to encourage the use of sustainable travel.

Internally, the accommodation would comprise:

- Ground floor = a 5 bed cluster flat (with an accessible room) and 6 self-contained studio flats. The studio flats differ slightly in terms of floor area and floorspace arrangement across the floors. The building is served by 2 separate stair cases and a central lift core. The ground floor also accommodates a reception area, bin storage and circulation space.
- First floor = Includes a 5 bed cluster flat and 10 self-contained studio flats.
- Second floor = Includes a 5 bed cluster flat and 10 self-contained studio flats.
- Third floor = Includes a 5 bed cluster flat and 10 self-contained studio flats.
- Fourth floor = Includes a 5 bed cluster flat and 7 self-contained studio flats.
- Fifth floor = Includes a 5 bed cluster flat and 7 self-contained studio flats.
- Sixth floor = Includes 9 self-contained studio flats.
- Seventh floor = Includes 5 self-contained studio flats.
- Roof = The proposed flat roof on the building the provision of around 94 solar panels.

Rooms 1-30 are arranged in six cluster flats with 5 bedrooms in each. Each cluster flat comprises of a double bed, workstation, separate bathroom area with a toilet, sink and a shower and a communal kitchen area with table and seating for all residents. The studio apartments consist of a double bed, kitchen area, table with seating and a separate bathroom area with a toilet, sink and a shower. The self-contained flats (studios) have unit sizes ranging from approx. 20-27m².

The application is accompanied by the following documents –

- Application Form and Ownership Certificate;
- Full Suite of Planning Drawings;
- Design and Access Statement;
- Planning Statement;
- Heritage Impact Assessment;

-
- Transport Statement;
 - Flood Risk Assessment and Drainage Strategy;
 - Phase 1 Geo-Environmental Assessment;
 - Air Quality Assessment;
 - Tree Protection Plan and Tree Survey; and
 - Bat Survey.

Applicant's submission:

The applicant's heritage consultant (Locus Consulting) has submitted an updated Heritage Impact Assessment (HIA) to accompany the amended scheme. The Report addresses the impact of the development in terms of the demolition of the late Victorian terraces fronting Agard Street and the ability to appreciate the significance of designated heritage assets from within their setting, including the Grade 1 listed Pickford's House at 41 Friar Gate.

The executive summary from this document is reproduced below.

The development is considered to present moderate to low degree of harm to the significance of the Conservation Area. Moderate degrees of harm are only associated with the demolition of the three terraced houses within the Site. Elsewhere the impact of the development is considered to bring low degrees of harm to the heritage significance of the area.

Redevelopment of the Site will bring a low to at the very most moderate degree of harm to the ability to appreciate the heritage significance of designated heritage assets from within their settings.

The current character of the Site is detrimental to the character and appearance of the Conservation Area and the ability to appreciate the architectural and historical interest of surrounding listed buildings from within their settings. The proposed development presents a significant amelioration of the quality of a badly eroded area of townscape, which has little to no architectural or historical interest, reinforcing a new 21st gateway into the city with a high-quality addition to the townscape.

If encountered archaeological remains are likely to be of local to at most regional archaeological interest. Previous redevelopment of the Site is likely to have impacted on buried remains.

The degree of harm brought about by the proposed development to the significance of designated heritage assets is considered to be less than substantial. As such, in accordance with Paragraph 196 of the NPPF, the low to at most moderate degrees of harm brought about to the significance of designated heritage assets should be weighed against the public benefits of the proposal.

The proposed development will constitute a significant and much warranted improvement to the quality of the townscape, elevate the overall experience and enjoyment of the townscape including nearby designated heritage assets and parts of the Friar Gate Conservation Area.

Committee Report Item No: 3

Application No: 20/01570/FUL

Type: Full Application

The modulated form of the proposed building plays an important role in serving to break up the larger scale and massing of the adjacent building to the east, which rises to nine storeys, bringing the scale of development down to a level more comparable with traditional buildings in the Conservation Area.

In conclusion, the proposed development successfully strikes a balance between the need to preserve the significance of heritage assets, including how they are appreciated from within their settings, and the desire to regenerate an area of badly deteriorated townscape that sits within an emerging modern western gateway to the city of Derby.

Concerns Raised

A number of concerns have been raised by the Derby City Council Conservation Officer, The Conservation Area Advisory Committee and Historic England. These are summarised below:

- The proposal would have an extremely dominant and overbearing effect, with a significant negative impact on the setting (and significance) of nearby listed buildings, in particular the setting of grade I Pickford's House. Key concerns include the views from within the house and its garden.
- Demolition of the 19th century terrace as is harmful to the significance of this part of the Friar Gate Conservation Area as it erodes the evidential and historic value of this part of the conservation area (this terrace is part of the architectural and historic interest of the area and contributes to the character and appearance of the Conservation Area).
- Harm to the conservation area in terms of the views of the development from Friar Gate alongside the building and its garden.
- Harm to the conservation area by virtue of its elevated scale and material palette which fail to reflect the characteristics of surrounding historic buildings and the buildings on the opposite side of Agard Street.
- Proposed building is too high and is a poorer scheme to the approved development. There is insufficient justification in the heritage statement. The impact is so significant suggest should be refused on heritage grounds

2. Relevant Planning History:

Application No:	DER/11/15/01451	Type:	FULL
Decision:	Refused	Date:	18/09/2019
Description:	Erection of student accommodation block containing 71 bedrooms within 60 units and associated works including demolition of existing buildings on site.		

3. Publicity:

Neighbour Notification Letter – yes

Site Notice - yes

Statutory Press Advert

Discretionary Press Advert

Other

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

4. Representations:

The application has generated a range of objections during its life and these are summarised below. Members should note that the application has been re-publicised to address revisions to the scheme and the dates of the individual comments are included on the web-pages.

In total 22 objections have been received. The issues raised are summarised below -

- Loss of the MOT garage on the site/loss of jobs
- The proposal would adversely affect the character and setting of the grade I listed Pickford's House
- The proposal is out of keeping with the historical and architectural beauty of the Friar Gate Conservation Area
- Further student accommodation is not needed.
- There is Japanese Knotweed on the site
- Impact on pollution levels
- Poor quality living environment inside the development – lack of kitchens.

5. Consultations:

5.1. Historic England:

The site lies within the Friar Gate conservation area and within the setting of a number of listed buildings including the Grade I listed No.41 Pickford House. We have previously provided advice on the proposals in relation to this site (Application Ref- **11/15/01451**) in our letters dated 7 January 2016, 23rd January 2018, 14th September 2018 and 8th February 2019 which remains relevant.

The current proposal is for the construction of student accommodation block comprising of 93 bedrooms within 69 units, including the demolition of the existing buildings on the site. Our advice is given in line with Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance, and the Historic Environment Good Practice Advice in Planning Notes 1-3. From our assessment, we consider this proposal is harmful to designated heritage assets drawing particular attention to the impact on Pickford House and the conservation area as outlined below. We do not support this application and accordingly object on heritage grounds.

Historic England Advice

The site lies within the Friar Gate conservation area and within the setting of a number of listed buildings including the Grade I listed No.41 Pickford House. Designed and occupied by the eminent architect Joseph Pickford, the three storey 1770 Georgian town house is a particularly elegant and beautiful house and is of immense evidential, historic and aesthetic value. Now open to the public as a museum, it is of communal value to residents and visitors of Derby alike. The rear courtyard was constructed in the twentieth-century as a small formal garden typical of the late eighteenth-century which, though not original, adds to the experience and appreciation of the house. It is a pleasant environment and within the city centre, one of the few publicly accessible places to enjoy and understand the eighteenth-century legacy of the Enlightenment era.

Pickford House and the adjacent statutory listed terraced housing lies within the Friar Gate conservation area. It is considered the most important conservation area within Derby and is of national importance in terms of its quality. Many of the buildings on Friar Gate are listed with a high proportion of Grade II and II* listed eighteenth-century townhouses of significant architectural and historic interest. Friar Gate is a delightful and imposing historic street, providing a view into the townscape of Georgian Enlightenment Derby and the wealth of the town during this period. The area surrounding Agard Street was developed in the nineteenth-century for industrial type uses including the railway and factories with terraced housing to accommodate the workers. The nineteenth-century terraced housing on the development site, though modest in construction and detail, provides evidential and historic interest as a survival of how this area expanded and developed during this period

Background

We have previously provided advice on the proposals in relation to this site (Application Ref- **11/15/01451**) in our letters dated 7 January 2016, 23rd January 2018, 14th September 2018 and 8th February 2019 which remains relevant. The application sought to provide student accommodation (75 beds within 63 units) and included the demolition of the existing buildings on the site. The proposed 'L' shaped building consisted of two wings. The wing running to the south of the building was four storey's in height whilst the wing fronting Agard Street stepped from 5 to 7 storey's in height. We advised that the proposal would result in harm to the significance of a number of listed buildings, including the Grade I Pickford House and the Friargate Conservation Area, by virtue of its scale and massing. We understand the application was subsequently refused by your authority.

Impact

The current proposal is for the construction of student accommodation block comprising of 93 bedrooms within 69 units, including the demolition of the existing buildings on the site. The proposed building includes two wings. The south wing stepping from 4 to 6 storey's and the wing fronting Agard Street stepping from 6 to 8 storey's.

As previously advised we have no objection to the demolition of the garage. However, we remain of the view that the demolition of the 19th century terraced housing is harmful to the significance of this part of the Friar Gate conservation area.

We believe the proposed loss of the houses erodes the evidential and historic value of this part of the conservation area.

In relation to the proposed new development, we are extremely disappointed to see that despite our previous concerns in relation to the scale and mass of the previous scheme, the current proposal seeks to increase this further. This proposed increase in scale and mass would inevitably result in an increased adverse impact on the surrounding historic townscape.

We continue to advise that, in our view, the scale and mass of the proposed building would have an extremely dominating and overbearing effect when viewed and experienced from within Pickford House and its garden. The building has a sizeable footprint and despite the forward positioning of the building within the plot, the building would loom over Pickford House garden. The building would be highly prominent in views detracting from the appreciation of the architectural and historic interest in this part of the conservation area and erode the setting of this Grade I listed building.

Furthermore, we believe that the proposed building would relate poorly to the positive characteristics and scale of the highly graded listed buildings within the conservation area and the scale of buildings on the opposite side of Agard Street. We believe that the proposed building should seek to compliment and reflect the height of the surrounding historic buildings and the buildings on the opposite side of Agard Street.

Though we would defer to the local authority on consideration of the proposed detailed design and materials, we do not believe the design of the scheme and materials proposed complement the positive characteristics of the historic townscape.

Legislation, Policy and Guidance

As the application affects the setting of listed buildings and the conservation area, the decision-maker must take into account the statutory requirement to have special regard for the desirability of preserving the setting of a listed building (s.66 (1), 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72 (1), Listed Buildings and Conservation Areas Act, 1990) - the requirement applies irrespective of the level of harm.

Your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192 NPPF). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 193). The more important the asset the greater the weight should be given (paragraph 193). The significance of a heritage asset derives not only from its physical presence, but also from its setting. Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 194).

The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the sector wide Historic Environment guidance.

Historic England Position

In our view the proposed scheme would result in harm to a number of listed buildings, including the Grade I Pickford House and the Friar Gate conservation area as outlined above.

The NPPF is clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits associated with the proposal against the level of harm. The greater the significance of the heritage asset affected, the greater the level of justification required. It does not follow that if the harm is identified as 'less than substantial' that little weight should be given to the heritage asset and this has been reinforced by many recent appeal decisions considering this issue.

We continue to advise that the overall scale and massing of the development should be significantly reduced to better reflect the scale of the surrounding historic townscape and townscape on the opposite side of Agard Street. This would reduce its adverse visual impact, in relation to the surrounding highly graded listed buildings, including Pickford House Museum and the character and appearance of the conservation area.

Recommendation

Historic England objects to the application on heritage ground. We recommend that you seek further advice in relation to the issues raised from your in-house Conservation Officer.

We consider the application does not meet the requirements of the NPPF, in particular paragraphs 127, 130, 192, 193, 194, 196 and 200. In determining this application you should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed buildings or their setting or any features of special architectural or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

5.2. Built Environment

Designated Heritage Assets and Heritage Assets affected - This site is within the Friar Gate Conservation Area and to the rear of a number of listed buildings along Friar gate itself. This to the north of Friar gate includes grade I listed Pickford's House (41 Friar gate), grade II 35-39 Friar gate, Friar gate Bridge, all numbers in between 42 and 51 (running consecutively), grade II* 27 Friar gate, grade II listed 28, 29, 30, 31 and 32 and 47 Ford Street. To the south of Friar gate there is grade II* 99 Friar gate and grade II 100 and 93 Friar gate. There are also grade II listed 78 and 82 Friar gate and 83 and 84 Friar Gate. When assessing this proposal the Local Planning Authority has to have regard to the impact on the character and appearance of the conservation area, as an area of architectural and historic interest, and the impact of proposals on the significance, including setting, of nearby listed buildings the most importance of which is Pickford's House due to being grade I. The terrace, proposed to be demolished on Agard Street, is a Heritage Asset.

Background - There was an application in November 2015 (11/15/01451) which was amended a number of times and refused by Planning Committee in September 2019.

Over the life of the previous application amendments were made which included changes to the layout from a 'T' shaped plan form to an 'L' shaped one, narrowing slightly the width of the building along the frontage and stepping back along Agard Street, the further reduction and stepping down along the frontage along Agard Street to, in the end, 7,6 and 5 storeys and from 7 storeys at the front to 4 storeys moving into the site towards Pickford's house. This version had a harmful impact on designated heritage assets.

These further comments are made in response to 'Response by the applicant to Heritage Comments' and additional information submitted.

This new application seeks to address the Environmental Health reason for refusal by moving the building 4m further back from Agard Street but increasing the volume, height and massing of the building which affects the setting (as part of significance) of listed buildings, in particular grade I listed Pickford's House. It also increases building heights; 8 to 7 to 6 storeys along Agard Street and 8 to 6 to 4 towards Pickford's House and other listed buildings on Friar Gate. **Although the previous application was not**

refused on heritage grounds what is now proposed is more harmful to heritage assets than those previous proposals.

Impact on Designated Heritage Assets and Heritage Assets

Impact of the Conservation Area –The proposed removal of the single storey metal shed is a minor benefit. However, the demolition of the 19th century terrace is very harmful to the significance of this part of the Friar Gate Conservation Area as it erodes the evidential and historic value of the conservation area. This is rare as the only surviving terrace, is part of the architectural and historic interest of the area and contributes to the character and appearance of the Conservation Area. There is additional harm to the conservation area in terms of the views within the conservation area, for example, such as the views of the development from Friar Gate. It is clear that despite the deciduous tree in the garden alongside Pickford's House views of the proposal will be clear all year round. The proposed building would be harmful as overly dominant in this location and would not preserve or enhance the character and appearance of the conservation area.

Impact on Listed Buildings nearby - The proposals are harmful and have a significant negative impact on the setting (and significance) of nearby listed buildings in particular the setting of Pickford's House which is grade I listed which are of National Importance.

The proposed building is of a large scale and massing and is of a sizeable footprint. The proposed building would have an extremely dominant and overbearing impact – even more so with the now proposed increase in height. It would be highly prominent in views detracting from the appreciation of the architectural and historic interest in this part of the conservation area and erode the setting of Pickford's House, 41 Friar Gate, as a grade I listed building and other listed buildings as outlined below.

It would negatively affect the experience of Pickford's House as experienced from Friar Gate looking alongside Pickford's House and as experienced adjacent and within the garden of Pickford's House. The view of the proposal alongside Pickford's

House will be clearly visible all year round even though there are trees within the garden area to the buildings east.

There are views of the site and will be of the proposal from within Pickford's House from windows to the rear and from the side windows. The Heritage consultant acknowledges that 'inevitably' the increase in the height will mean that the development will be more evident within views from Pickford's House.

There is also harm as a result of the proposal's dominance to the setting, as part of significance, to other nearby listed buildings e.g. 35-39 Friar Gate and Friar Gate Bridge. The proposal will have a negative dominant impact.

The recent heritage consultants letter agrees with the comments made by Historic England and the Conservation Officer that the proposed development would result in harm to the character and appearance of the conservation area and to the setting of nearby listed buildings.

Impact on Heritage Assets - The 19th century terrace is a heritage asset in its own right, and it is proposed to be demolished which will mean total loss of significance.

Policies - The Planning (listed building and conservation areas) Act 1990 section 66 and 72 as regards the statutory duties regarding listed buildings and conservation areas is relevant here. The Local Planning Authority has a statutory duty in relation to listed buildings to have special regard to '*preserving the building or its setting*' and conservation areas to pay special attention to '*..preserving or enhancing the character or appearance of that area*'.

E18 and E19 of the saved Local Plan Review (2006) are important as is CP20 of the Local Plan – core strategy (2017) and states that proposals that would detrimentally impact upon the significance of a heritage asset will be resisted. Where development would have the potential to impact on the significance of heritage assets it should preserve and enhance their special character and significance – which this proposal does not.

Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in particular, para 184, 193, 194, 196 and 197.

The impact on designated heritage assets are negative and harmful and Para 193 (NPPF, 2018) states that '*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. The more important the asset, the greater the weight should be*'.

As heritage assets are irreplaceable '*...any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification*'. This has not been provided.

There would be a negative impact because of this proposal and harm caused to these designated heritage assets. As regards to heritage policies in the National Planning Policy Framework (and recent caselaw) this proposal's level of harm is classed as less than substantial harm as the impact is on the setting of the listed buildings and the character and appearance of the conservation area. Para 196. '*..Where a development proposal will lead to less than substantial harm to the*

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significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 196). This means that where there is harm, this harm should be weighed against the public benefits of the proposal and this is undertaken Development Management Case Officer.

As the terrace, which is proposed to be demolished, is a heritage asset this also needs to be taken into account in determining the application under 197 (NPPF, 2019).

Recommendation: - Although the previous application on this site was not refused on heritage grounds what is now proposed is more harmful to heritage assets than those previous proposals. Objection to the proposals on heritage grounds.

5.3. Conservation Area Advisory Committee:

Recommendation: Objection Substantial and irreversible harm to the setting and significance of the Pickford's House and other heritage assets in the vicinity of the site. Proposed building is too high and is a poorer scheme to the approved development. There is insufficient justification in the heritage statement. The impact is so significant suggest should be refused on heritage grounds.

5.4. Highways Development Control:

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

Observations:

These observations are primarily made on the basis of information shown on submitted application drawing '17/551 P106' and the Design & Access Statement.; and do not preclude; and should be read in conjunction with the observations of my colleague in Transport Planning.

Historically, similar proposals have had the support (with conditions) of the Highway Authority; in respect of application 11/15/01451 which was subsequently refused (not on highway grounds).

In highway terms the current proposals seek to increase the number of bedrooms from 71 bedrooms within 60 units to 93 bedrooms within 69 units; and to set back the site footprint further back from the highway edge.

In principle, the Highway Authority comments remain much the same, with a general revision.

There is no landscaping plan provided within the proposals; the setting back of the development would leave space on the frontage which could be taken up by parked vehicles; this is not part of the proposals as submitted and would be unlikely to be acceptable to the Highway Authority.

It would therefore appropriate to request a condition to subsequently confirm landscaping proposals to the frontage of the development in order to restrict inappropriate parking adjacent to the public highway.

I do note that no Travel Plan associated with the proposals; this can be dealt with by an appropriate condition.

As has been mentioned in respect of the historic application, pedestrian visibility is restricted in respect of the vehicular access (which is likely to have lesser vehicular movements than the current permitted use of the site) ; it will therefore be necessary for the developer to install as suitable 'traffic calming' feature within the site nearby the access in order to ensure that the speed of emerging vehicles is controlled; this will require careful design to ensure that access to the bin store is not compromised for operatives.

The Local Planning Authority and Applicant are reminded that whilst trip generation associated with the development is (on the whole) will very limited; there will be occasions when there will likely be a high incidence of vehicle parking on the highway in the vicinity of the site.

Whilst this will be short-term and transient in nature, it will nevertheless be likely (at certain times of the day) to have a disruptive effect upon traffic patterns and queues in the area.

As has been pointed out in respect of a similar application elsewhere in the city, the current waiting restrictions fronting the site do not preclude the activities associated with the dropping off of passengers and their possessions; as these strictly fall within the definition of 'loading'. There are no restrictions upon loading in respect of the Traffic Regulation Orders (TRO's) covering Agard Street.

Such practices could have an impact upon the capacity of Agard Street during peak times and would place a corresponding enforcement burden upon the councils Parking Services Section.

Accordingly therefore, the Highway Authority will seek for the applicant/developer to fund alterations to the TRO's to restrict loading along a suitable portion of Agard Street to outside of the morning and evening peak times; in tandem with details for a strategy to control influx of students which would be anticipated to be considered in the Travel Plan (which will need to be provided); this should have the effect of negating the impact of the development during those times.

The applicant/developer is reminded also that occupants of the proposed accommodation would not be eligible for the issue of parking permits.

Recommendation:

The Highway Authority has No Objections to the proposals; if the LPA is minded to approve, it is recommended that a S106 contribution of £10,000 is sought for alterations to local traffic Regulation Orders to restrict loading along the site frontage to times outside of the peak period for traffic, in order to permit the free flow of traffic along the public highway; and subject to the following suggested conditions:-

Condition 1:

No part of the development hereby permitted shall not be brought into use until the site access has been constructed with a suitable 'traffic calming' measure to reduce the manoeuvring speed of vehicles; in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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Reason:

To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

Condition 2:

No part of the development hereby permitted shall be brought into use until the access driveway has been surfaced in a hard-bound material (not loose gravel) for a minimum of 7.5 metres behind the Highway boundary. The surfaced access shall then be maintained in such hard-bound material for the life of the development.

Reason:

To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Condition 3:

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan (17/551/P106). The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

Reason

To ensure that adequate off-street parking provision for the servicing of the site is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Condition 4:

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason:

To protect the structural integrity of the highway and to allow for future maintenance.

Condition 5:

No part of the development hereby permitted shall be brought into use until a suitable frontage landscaping scheme has been first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of Highway safety.

Condition 6:

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway, in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason:

To protect the structural integrity of the highway and to allow for future maintenance.

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Condition 7:

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason:

To ensure surface water from the site is not deposited on the public highway causing a danger to highway users.

Condition 8:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing '17/551/P16' has been provided. That area shall be covered and shall not thereafter be used for any purpose other than the parking of cycles.

Reason:

To promote sustainable travel.

Condition 9:

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, measures to control the arrival and departures of students at the beginning and end of each semester, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason:

To promote sustainable travel.

5.5. Natural Environment (Tree Officer):

Previous comments from application ref: 11/15/01451 are still relevant and have been repeated

Previous comments from Natural Environment (NE) are noted. Site plan drawing number 17/551/P02 appears to show a better juxtaposition between the tree and proposed building however tree protection plan indicates a different site plan. Due to the existing constraints (difference in levels and the presence of the boundary wall) it is more than likely that tree roots have not entered the site. This has been addressed by the Arb report and previous comments from NE. In its present setting the tree contributes to the public amenity and can be clearly seen from Agard Street to the north. If the proposed development is built it would effectively screen a considerable amount of the tree from the public realm resulting in a loss of amenity. A partial view could still be had from the northwest. This loss of visual amenity is particularly

important due to the lack of green infrastructure in the immediate vicinity. Furthermore the proposed plan indicates that there is little scope to replicate the amenity that would be lost.'

The proposed development would result in a loss of green infrastructure public amenity which I would not support.

I note that only the tree schedule and Tree Protection Plan has been submitted with the application. Existing constraints have likely modified the RPA. This has been acknowledged in the TPP. However, there is a chance that roots may have entered the site. No method of construction within the RPA (including surfacing) has been provided to take into account methods of work and mitigation should tree roots be found within the RPA. If permission is granted then an Arboricultural Method Statement (including TPP, root investigations and site monitoring) must be conditioned to be provided an actioned prior to development. Results of the root investigations must be provided to the RPA.

5.6. Environmental Health (Air Quality)

1. You will be aware that a similar scheme on this site was refused planning permission on air quality grounds in 2019.
2. This updated scheme seeks to overcome those concerns through a shift in position of the building further away from the kerb of Agard Street, with the intention of reducing the air pollution canyon effect caused by the building.
3. The updated proposals have been reassessed in line with the amended design and a revised *Air Quality Assessment* has been submitted in support of the application (*Idom, Ref: AQA-22136-20-213, Dated: October 2020*). I can comment on the revised assessment and its implications for the latest proposals as follows.
4. The report includes a qualitative construction phase assessment (using IAQM Guidance) and detailed air quality modelling (using ADMS) in respect of operational phase air pollutant concentrations.
5. Both assessments follow recognised procedures and guidance.
6. The assessment is based upon a new scheme design in which the proposed new building façade is set further back from Agard Street, by a distance of 4 metres. The distance from the existing building on the opposite side of Agard Street (Sir Peter Hilton Court) is variable, as the façade of the proposed building is progressively 'stepped-back' from the road in a westerly direction.
7. Given the height of the proposed development building, it is acknowledged in the report that a street canyon will still be created, since the height of the proposed building is greater than the distance between it's façade and the Sir Peter Hilton Court building façade opposite.
8. AADT traffic numbers used in the assessment are based on DfT counts in conjunction with TEMPro growth calculations for 2022. In addition, although not stated in the report itself, I am aware of further consideration of the impact of

the nearby Stafford Street Traffic Management scheme which has the potential to affect vehicle flows along Agard Street.

9. A series of receptors at varying heights have been modelled, both at the existing Sir Peter Hilton Court and also at the façade of the new development. This is considered a comprehensive approach.
10. As for previously, the predicted concentrations of air pollutants in the predicted opening year of the development are below the National Objectives both with and without the development in place.
11. The maximum predicted concentration of NO₂ at the existing receptors is modelled at 30.33µgm⁻³ (annual average), approximately 10µgm⁻³ below the National Objective level of 40µgm⁻³.
12. Although not specifically modelled, the impact of the Stafford Street Traffic Management Scheme has the potential to reduce this figure even further, due to a predicted reduction in traffic highlighted in the transport model.
13. Table 12 highlights the predicted change in concentrations at the existing receptors (Sir Peter Hilton Court) with and without the development in place. This suggests that the canyon effect created by the presence of the new building is still notable, with an increase in annual average NO₂ ranging between +2.26µgm⁻³ up to a maximum of +4.03µgm⁻³. This represents a 6-10% increase against the National Objective for annual average NO₂, concluding with a '*slight adverse*' impact in the majority of cases with a '*moderate adverse*' impact at receptor ER5.
14. The increases are considered to be significant, however the impact significance is reduced due to the overall concentrations predicted as being well below the objectives.

Conclusions and Recommendations

15. Based on the updated air quality modelling, it is clear that the development is still likely to cause negative impacts on local air quality. This is described, using relevant guidance, as a *slight to moderately adverse impact*.
16. The development does not appear to offer any mitigation in order to offset the significant increases in local NO₂ concentrations, however, it is acknowledged that there are limited mitigation options available under this scheme.
17. Whilst air quality concerns remain, given that the increases in air pollution caused by the development are predicted over a confined area and overall concentrations of NO₂ are not expected to breach National or European air quality standards, it would be hard to sustain a refusal of the application solely on air quality grounds within the context of the NPPF.
18. **Concerns do remain however and therefore, should planning permission be granted, I would strongly recommend a condition is attached to the consent in order to secure air quality mitigation measures commensurate with the predicted increases.**
19. **In this regard, since mitigation options on site appear to be limited, it is advised that a contribution to measures within the Council's Air Quality**

Action Plan are secured where possible, in order to offset the notable increases in NO2 concentrations caused by the development.

5.7. Environmental Health (Noise)

The site is in a central location in Derby and future residents could be impacted by local noise, especially late at night at weekends due to local pubs and the associated 'weekend economy'.

No consideration of noise amenity impacts has been included within the application submissions.

Should planning permission be granted, it is important that future occupants are suitably protected from local noise through an appropriately-designed insulation scheme.

I would therefore strongly recommend the attachment of a condition to the consent, requiring the submission and prior agreement of a noise impact assessment. Where the assessment makes recommendations for insulation, this should be incorporated into the development in full prior to occupation.

5.8. Environmental Health (Land Contamination)

1. The site is on land which has the potential to suffer from contamination due to its historical use as an MOT garage and also former railway land.
2. The application is supported by a *Phase I Geo-Environmental Desk Study (EPS, Ref: UK20.5160, Issue 1, Dated: 30th October 2020)* which I can comment on as follows.
3. The Phase I Desk Study identifies a series of plausible pollutant linkages and recommends the completion of further intrusive investigations in respect of the proposed development.
4. Should planning permission be granted, I would recommend the following conditions are attached to the consent:
 - *Where the submitted Phase I Geo-Environmental Desk Study has identified plausible contamination pollutant linkages, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed report of the investigation will be required for submission to the Council for written approval prior to the development commencing.*
 - *In those cases where the detailed Phase II investigation report confirms that contamination exists, a remediation method statement will also be required for approval prior to the development commencing.*
 - *Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.*

5.9. Environmental Health (Housing Standards):

Updated comments following receipt of amended floor plans (March 2021)

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

Rooms 1-30 are in six cluster flats with 5 rooms in each and 1 communal kitchen. Need to ensure suitable kitchen facilities are provided for 5 rooms. Cluster flats (those with shared facilities) will be classed as HMOs under Section 254 of the Housing Act 2004. They will need to meet the guidelines set out by this cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people housed.

Space and layout

The self-contained flats (studios) have unit sizes ranging from 20-27m². These will not comply with the Nationally described space standard set out by DCLG in March 2015 which requires a self-contained flat to meet the minimum space standard of 37m².

General fire safety issues

Suitable provision should be made for - Automatic fire detection system, AOV smoke ventilation, fire resistant compartmentation, fire doors/protected means of escape etc. and non-combustible external wall structure. All of which should be incorporated and included as part of Building Regulation approval etc.

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

5.10. Derbyshire County Council Archaeologist:

In terms of footprint the scheme is very similar to previous applications in 2015 and 2018. In both of these cases we recommend a conditioned approach to archaeological evaluation and mitigation, with an initial phase of trial trenching followed by fuller excavation and recording where significant remains are present. For the sake of transparency I set out the reasons for these recommendations below, reproduced from our comments in 2015:

With regard to below-ground archaeology, the site is located to the west of the medieval town of Derby, some 150m from the edge of the City Council's Archaeological Alert Area based on John Speed's map of 1610. Recent archaeological work has shown that medieval settlement expanded outside this area, particularly along the line of Friar Gate, where a medieval house was excavated at the junction of Ford Street and Friar Gate in 2009, about 100m east of the proposal site. However, evaluation of the adjacent site immediately to the east of the proposal area in 2010 revealed no evidence for medieval activity, and this suggests that medieval remains are unlikely, though not impossible.

The site is likely to have been first developed during westward expansion of the town during the 18th and early 19th centuries. By the time of the Board of Health map of

1852 it is fully developed, with possible terraced housing and a larger building identified by 1880 as 'Malthouses'. Remains of this 19th century urban archaeology were predominant on the adjacent site and are very likely to survive beneath the current proposal site. Depending on the state of preservation, association with material culture etc, such remains have potential to be of county/regional significance, in relation to a crucial period when Derby underwent a transformative expansion powered by industry and the railways.

Given the similarities in the schemes these observations are still relevant, and I therefore recommend that a similar approach is followed, using the following planning conditions:

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

5.11. Environment Agency:

The site lies fully within flood zone 2 and therefore national flood risk standing advice (FRSA) can be applied by the LPA in this instance.

There are no other environmental constraints associated with the site and therefore we have no further comment to make.

5.12. Land Drainage:

The site is located within flood zone 2 according to the Environment Agency Flood Maps and the Council's SFRA. Therefore I would regard the development as such sequential test is required.

Whilst the nature of the development will lend itself to the inclusion of 'Green or Blue Roofs' and or Green walls, which in addition to drainage benefits would add amenity, biodiversity and thermal efficiencies to the structures. The use of rain gardens, surface level or raised planters as well as the inclusion of permeable paving will also add amenity benefit whilst reducing offsite discharge rates and if required provide opportunity to attenuate the surface water.

Measures to exclude debris from the surface water runoff will help prevent blockages and reduce the frequency of maintenance required.

Consideration of the information included within the FRA should inform the design of the development.

As the site drains to a combined sewer, reducing the surface water burden on that sewer will help mitigate the combined drainage discharge of the development.

For this reason, I would therefore recommend the following condition is placed on any consent to secure the required drainage standard:

1) No development shall take place until a surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

The scheme shall include, as far as reasonably practicable:-

- A sustainable drainage solution,
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Restriction of surface water runoff from the drained area of the site to the equivalent greenfield rate of QBar.
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- Floor levels to be set with a minimum of 600 mm Freeboard, above the 1% AEP fluvial level plus allowance for climate change.
- Details of the arrangements for foul drainage and confirmation that the receiving body can accommodate the discharge.
- Appropriate ability to maintain the system in a safe and practical manner for the life of the development.

2) No development shall take place until details of the safe access and egress from the development has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Details shall include:

- Details will need to demonstrate the safe access and egress from the development to ensure occupants are protected from the effects of flooding for the life of the development.
- Details of the information and signage that will be provided to the occupants and also placed on permanent and prominent display within the development.

5.13. Derbyshire Wildlife Trust:

The application is a revised scheme to an earlier application upon which we provided comments in correspondence dated 29th August 2019.

The revised application is supported by a Bat Activity Report prepared by RammSanderson dated June 2020 which provides an update assessment and bat emergence survey carried out in June 2020.

There are no new ecology issues arising with this submission and, as such, our previous comments still apply and the main points are reproduced below;

We are satisfied that the surveys have been undertaken in accordance with current best practice guidance and that during the surveys no bats were recorded returning to or emerging from any of the buildings on site.

Overall, we advise that the assessment that has been carried out for bats meets guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has now been submitted to enable the Local Planning Authority to reach an informed decision in accordance with the guidelines and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species Regulations 2017. In summary, no evidence of roosting bats was found and as such, we advise that bats should not present a constraint to the proposed works.

The southern part of the site was identified to be used for foraging by common pipistrelle bats. We therefore fully support the recommendation for the provision of a carefully designed lighting scheme. The provision of a bat friendly lighting scheme should be secured by a planning condition.

We advise that the proposed development provides opportunities to incorporate bat roost features and bird nesting boxes within the development to provide a net gain in biodiversity in line with the objectives of the National Planning Policy Framework and Policy CP19 Biodiversity of the Derby City Local Plan Part 1. This should be secured by a planning condition as follows:

“Prior to the commencement of the development, a scheme of biodiversity enhancement (namely the incorporation of integrated bat roost and swift nesting features within the development) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as building progresses and completed prior to the first occupation of the development and retained thereafter.”

No nesting birds were recorded during the surveys but two of the buildings were considered to support access opportunities for nesting birds. We therefore recommend that a condition to secure the following is attached to any permission:

“No demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority”

A stand of Japanese Knotweed was recorded on the site. We therefore recommend that a condition to secure the following is attached to any permission.

“Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.”

5.14. Police Liaison Officer:

The detail is noted as reduced from, but in layout very similar to that of refused application 11/15/01570, consequently my observations don't differ in any great respect from previous responses made between 2015 and 2019 in connection with the former application.

Rationale for recommendations is well documented, so I'll not go over old ground.

For the current submission a set of double gates to control access along the eastern side of the site has been removed. This isn't acceptable and the provision should be reinstated to tie in between the new building and retained wall along this boundary.

Pedestrian gating to control access at the opposite side of the site is not present, as with the refused scheme. This is essential to restrict access into the main courtyard and cycle storage areas, for the security of both.

Conditions for the form and locking schedule for these two access points would be expected to follow the vernacular from Agard Court apartments, as would access control provision for the main internal building access point.

An additional specification or condition for external lighting will be needed. A condition is also for the specification of cycle storage provision for both security and weatherproofing.

5.15 Highways England:

Offer no objection.

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 Housing
CP20	Historic Environment
CP22	Higher and Further Education
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E24	Community Safety
T10	Access for Disabled People
E30	Safeguarded Areas Around Aerodromes

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-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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. Over-arching Policy and Housing Supply

7.2. The Principle of the Development

7.3. Impact on Heritage Assets

7.4. Design and Visual Amenity

7.5 Air quality Issues

7.6. Wider Impact on Amenity of Surrounding Uses

7.7. Access, Parking and Highway Safety

7.8. Prematurity

7.9. Other Issues

7.1. Over-arching Policy and Housing Supply Issues

The updated National Planning Policy Framework (February 2019) promotes a plan led system to deliver sustainable development, it gives an increased emphasis to the re-use of brownfield land and the need to use land effectively and efficiently, especially for residential uses and to meet housing needs.

Proposals for high density development and taller buildings are consistent with the principles of the Framework and the principle of siting a tall building on the site was accepted under the earlier application on the site reference DER/11/15/01451. However, the Framework still gives great importance to the other relevant matters which remain a crucial part of the balance in considering this application. These include design and place making matters and the need to protect and enhance the historic environment and heritage assets.

The need to maintain a 5 year housing supply remains in the Framework but the revision also adds a further Housing Delivery Test (HDT). The application is for student accommodation and the Planning Practice Guidance (PPG) continues to set out that student accommodation can be counted towards meeting housing needs based on the number of people/homes that would be released in the wider housing market.

The Council can count a greater proportion of student accommodation towards meeting our housing requirement than it could previously. In this case for the proposed accommodation schedule highlighted at the start of this report 57 units could be counted towards the Council's housing requirement if the scheme was to be approved and implemented. This is based on a 1:1 ratio for the individual self-contained studio flats and a ratio of 1:2.5 for the cluster flats, as outlined in the Planning Practice Guidance (PPG).

The housing requirement for the city remains 11,000 new homes over the plan period and is set out in Core Strategy Policy CP6. Currently the position is that actual delivery between 2011 and present has created a shortfall.

It is relevant that 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 HMA Local Planning Authorities have agreed that some 5,388 dwellings of Derby's need will 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 AVBC 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 AVBC had submitted for examination.

However, in May 2019 AVBC withdrew its emerging local plan from examination. It has also published updated 5 year supply calculations, the most recent of which (based at 1 April 2020) claims a 5.15 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 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. Amber Valley have confirmed that they have, on a consistent basis, reflected the previously agreed position in respect of the contribution towards Derby City's unmet housing needs, in preparing reports on planning applications for housing development, whether determined by the Borough Council's Planning Board, through delegation or in representing the Borough Council at appeal.

However, given that meeting this element of 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

As such, 74 units would be a positive contribution towards meeting housing needs. Together with the fact that this would be a high density development on brownfield land in a highly sustainable location provides substantial support for the proposal

7.2. The Principle of the Development

Again, the principle of developing this brownfield site for use student accommodation was accepted under the earlier refused planning application reference 11/15/01451. Although it would displace an existing business which has generated objections from the owners of that business, and a number of customers it is a highly sustainable location close to the city centre with good access to local facilities and services.

The new apartments could contribute to the Council's short-term land supply and towards meeting the housing target which is set out in the Core Strategy. The site has the potential to contribute 74 residential units to the housing land supply and 5 year supply as a deliverable site. It would also be a windfall site and contribute towards the windfall allowance included in the housing trajectory. The proposed development meets the objectives in principle of the latest NPPF and Core Strategy Policies CP3 and CP6, by increasing the supply of residential accommodation and increasing the housing mix.

However, the principles of the proposed development, particularly regarding the creation of a high quality living environment, must be given thorough scrutiny, as set out in Core Strategy Policy CP4 and Local plan policy H13, which expect all proposals for new development to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods. Furthermore, this is a very sensitive location, within a Conservation Area and in proximity to highly graded listed buildings – in particular Pickford's House at 41 Friar Gate. The height and scale of the proposal have the potential to create adverse impacts on the heritage assets and the statutory test in the Planning (Listed Buildings & Conservation Areas) Act 1990 requires development proposals to preserve or enhance these important features.

In considering this application initial focus should be directed to the impact on heritage assets and, as appropriate, balancing public benefits of the proposal.

7.3. Impact on Heritage Assets

You are directed to the latest position statement submitted by the applicant's heritage consultant in part 1.4 of this report and the comments of Historic England and the Council's Built Environment Team, provided in Section 5 of this report.

In particular, the Council's Conservation officer strongly objects to the amended proposal, stating that there is harm to the significance of a number of designated heritage assets and the level of harm (less than substantial) means that paragraph 196 of the NPPF is relevant here and, therefore, such harm should be weighed against the public benefits of the proposal.

Historic England (HE) considers the proposed scheme would result in harm to a number of listed buildings, including the Grade I Pickford House and the Friar Gate conservation area as outlined above, highlighting that the NPPF is clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits associated with the proposal against the level of harm. The greater the significance of the heritage asset affected, the greater the level of justification required. It does not follow that if the harm is identified as 'less than substantial' that little weight should be given to the heritage asset and this has been reinforced by many recent appeal decisions considering this issue. HE continue to advise that the overall scale and massing of the development should be significantly reduced to better reflect the scale of the surrounding historic townscape and townscape on the opposite side of Agard Street. This would reduce its adverse visual impact, in relation to the nearby highly graded listed buildings, including Pickford House Museum and the character and appearance of the conservation area.

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Type: Full Application

The Conservation Area Advisory Committee object to the substantial and irreversible harm to the setting and significance of Pickford's House and other heritage assets in the vicinity of the site. The Committee consider the proposed building is too high and is a poorer scheme to the previous development and that there is insufficient justification in the heritage statement. The impact is significant so it is suggested that the application should be refused on heritage grounds.

The applicant's heritage consultants have provided a rebuttal to those comments provided by the heritage consultees, which is reproduced below:

The HIA (Locus Consulting, 2020) Locus Consulting finds that the proposed development would bring both harm and benefit to the character and appearance of the Friar Gate Conservation Area and the setting of listed buildings within it.

Benefits are minor and primarily associated with the demolition of the modern garage workshop which currently lies within the Site. Accounting for the site's clearance, the HIA finds that the proposed development would bring:

- 1. Low to at most moderate levels of harm to the prevailing character and appearance of the Conservation Area through the demolition of three terraced houses within the northwest of the Site and the appearance of the development within tight vista views from Friar Gate.*
- 2. Low levels of harm to the ability to appreciate the heritage significance of designated heritage assets from within their settings, including the Grade I Pickford House.*

As such, there is common ground between the HIA and consultees, in as much that the proposed development will bring harm to the character and appearance of the Friar Gate Conservation Area and the setting of surrounding listed buildings. The degree of harm brought about to heritage assets, both individually and cumulatively, is less than substantial and this appears to be agreed by all parties.

However, disagreement exists over the degree of less than substantial harm incurred, and therefore the weight that the impact should carry in decision-making under Paragraphs 193 and 196 of the NPPF.

In respect to the impacts on the setting and significance of Pickfords House, which is directly to the rear of the site The HIA rebuttal considers that:

The proposed development will rarely be seen in conjunction with the primary elevation of the building, with the only exception being through the alleyway formed by the eastern façade of Pickford House, where the development will be observed as terminating feature behind tree canopies. The sense of enclosure will be heightened and views will take on a more contemporary urban feel than that offered by the current four storey 20th century student apartment block of Sir Peter Hilton Court along the north side of Agard Street. The tight views feature the side elevation of Pickford House which is of significantly less quality than its frontage, having a low impact of the ability to appreciate the building's architectural and historical interest.

Views from within Pickford House and its garden plot will feature the proposed development. Of note is that views over the Site are contained by the house's rear service wing, which itself has few north-easterly views over the site. The character of

views towards and over the site have much changed over the course of two centuries, originally featuring gardens and outbuildings, a substantial industrial complex associated with 19th century malt processing, and most recently a prefabricated garage. Beyond, and to the immediate east, is the large nine storey student apartment block of Agard Court which acts a solid and stark elevated linear barrier to easterly views. Reciprocal views from and across the Site feature the rear elevation of Pickford House, which again are of lesser interest than its frontage, but still of notable interest. Overall, the views have little integrity, with the site acting as a poor fore- and mid- ground, and mid to late 20th century development appearing peripherally, such as Northgate House.

In relation to the revisions to the height of the development: The revised scheme remains convincingly below the height of the student accommodation and fulfils an important role in stepping down in scale from its nine-storey height to a height of 6 storeys to the west, and four at the rear. Inevitably the increase in the height of roadside elements will promote the development more within views from Pickford House. Accounting for the established height of Agard Court and its proximity to the tallest elements of the proposed scheme, alongside the part reduction in scale of the proposed development's outrigger, the degree of any elevated/additional impact in townscape terms will be limited.

Overall, the harmful impact of the proposed development on the ability to appreciate the architectural and historical interest of Pickford House and other listed buildings from within their settings is found to be low and largely consistent with the previous development.

Impact upon the Friar Gate Conservation Area

In respect to the impacts on the significance and character of Friargate Conservation Area, the HIA finds that: the proposed development will bring moderate to low levels of harm to the character and appearance of the Conservation Area.

Importantly, many of the architectural and historical qualities that contribute to the special character and appearance of the Friar Gate Conservation Area are not immediately apparent along the busy street. In this respect, the development is one of a number of existing and future schemes that have a strategic role in the street's redevelopment as an important city centre gateway. Any future development must now consider both the contribution made by the rear elevations of historic buildings along Friar Gate as well as the character of established modern buildings and cleared site's along Agard Street. To this end the Site sits at a fulcrum around which both modern and traditional development convenes, requiring it to develop an architectural narrative in multiple aspects.

In terms of the views of the development from Friar Gate, the HIA considers that the buildings: will not feature within public views from the highway or pavements, except within narrow vista views through the alleyway between Pickford House and Number 35-39 Friar Gate. As such, the proposed development will not impact upon the grand architectural experience of Friar Gate, the main eastern gateway into the city.

The HIA finds that the proposed development will bring moderate to low levels of harm to the character and appearance of the Conservation Area.

The HIA assesses the character of the conservation area as follows:

The Friar Gate Conservation Area is defined (as per the Conservation Area Appraisal) primarily on the major linear historic gateway of Friar Gate and Ashbourne Road, and those 'high-quality', 'key' and 'outstanding collection' of Georgian and 19th century buildings along the street.

The opening section of the CAA states that the special character and appearance of the Friar Gate Conservation Area derives from a number of features, and it is notable that none of these include explicit mention of terraced workers houses or Agard Street. However, the variety of architectural styles (including Victorian) is mentioned, as is the 'prevalent use of local brick,...with slate... roof covering (amongst other materials)'. Both are of relevance to the terraced houses proposed for demolition.

In respect to the proposed demolition of the terraced houses on the site the HIA considers that:

Review of the significance of the three terraced houses along Agard Street shows them to be utilitarian, largely devoid of decoration and entirely unremarkable from the larger villas and houses characterising Friar Gate, Ashbourne Road and other streets explicitly identified by the CAA as positively contributing to the character and appearance of the Conservation Area. The condition of the short terrace, originally twice its length, is also poor with all windows to the front replaced in uPVC and doors substituted. The Spartan aesthetic relates to the former associated within the demolished maltings to the side and rear.

It is considered that the terraces make a positive, but not a key or fundamental, contribution to the general character and appearance of the conservation area. In light of the above, the findings of the original HIA are considered to stand; that the demolition of the terraced houses would bring low to at most moderate harm to the special character and appearance of the Conservation Area.

Overall, it is considered that the proposed development would result less than substantial harm to the setting and significance of the Grade I listed Pickfords House and other nearby listed buildings and the Friar Gate Conservation Area. As per Paragraph 196 of the NPPF, the impacts of the development should be weighed against the public benefits arising from the scheme.

Heritage Policy context

In considering the application decision makers must have due regard to the duties under Sections 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.

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

DCLP 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. In the specialist opinions of both the Council's Conservation Officer and HE there would be a detrimental impact, in relation to the setting of Pickford's House and the Friar Gate Conservation Area, and, as such, the proposal would be contrary to saved policy E19 of the adopted CDLPR.

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.

The applicant's heritage consultants consider that, overall, the harmful impact of the proposed development on the ability to appreciate the architectural and historical interest of Pickford's House and other listed buildings from within their settings is found to be low.

In terms of the demolition of the Victorian terraces on the Agard Street frontage and the resultant impact on the overall character of the Friar Gate Conservation Area the applicant's heritage consultant concludes;

...It is considered that the terraces make a positive, but not a key or fundamental, contribution to the general character and appearance of the conservation area. In light of the above, the findings of the original HIA are considered to stand; that the

demolition of the terraced houses would bring low to at most moderate harm to the special character and appearance of the Conservation Area.

As such, their demolition would bring less than substantial harm the Conservation Area. As per Paragraph 196 of the NPPF, the impact of the development should be weighed against the public benefit. Should the evidential value of the buildings be considered to be of high value, a suitable programme of building recording could be specified in accordance with Understanding Historic Buildings - A Guide to Good Recording Practice (Historic England, 2017).

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

The public benefits of the proposal need to be weighed against the less than substantial harm as identified in the consultation responses from the Conservation Officer and Historic England and to the setting of the listed buildings, including the highly graded Pickford’s House and the Friar Gate Conservation Area. The applicant states that the less than substantial harm to heritage assets can be balanced against the following public benefits:

- 227 total net construction jobs
- The construction phase will generate a total Net Present Value (NPV) Gross Value Added (GVA) of £10.4m
- 16 total on-going net jobs
- Total operational net GVA of £3.6m

The proposed development would result in the following 10 year combined construction and operational benefits:

- 243 net created jobs (direct, indirect and induced)
- Total NPV GVA of £13.9m

In addition to these metrics the proposed development it is considered that the development would generally consolidate the presence of the University in this highly sustainable location and the increased profile of the University would benefit the overall vitality of the city centre economy. The purpose-built student accommodation would also help to free-up existing housing stock in the city for others to take advantage of. There are also wider housing benefits through the delivery of a substantial amount of new and high quality housing which would contribute to the city’s housing supply.

These benefits constitute wider socio-economic 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 finely balanced in favour of the amended proposal.

In conclusion, taking into account the various amendments to the scheme and the public benefits, it is considered overall that those benefits outweigh the harm to the setting of the Friar Gate Conservation Area and of the nearby listed buildings resulting from the proposed development.

In heritage terms, it is considered that the amended 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 in favour of the amended proposal.

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.

7.4. Design and Visual Amenity

DCLP policies CP2, CP3 and CP4 are relevant and saved policy GD5 and H13 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. Policy CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction.

The submitted Heritage Impact Assessment states that the use of brick as a primary construction material and large glass openings to create vertical window bays, coupled with a sense of symmetry to each of the attached blocks that make up the building’s overall form, resonates well with select elements of the traditional townscape, as well as modern development fronting Agard Street. The treatment affords the proposed scheme a structural but light-weight form, with high solid to void ratio that develops active and animated frontages to the front and rear.

The submission states that the proposed development does not seek to replicate or instate a building of comparable scale, construction or character to those townhouses along Friar Gate, for which there are no precedent along Agard Street. Accounting for the street’s established character, a building of 3 to 4 storey scale would quickly appear diminutive amongst large scale modern buildings, emphasising their relatively elevated massing. Notwithstanding, the proposed development falls rapidly to 4 storeys at the rear, a scale commensurate with surrounding listed buildings fronting Friar Gate.

The scheme is very similar to that previously considered under application reference 11/15/01451 which crucially was not refused on design or heritage grounds. Overall, the design of the proposed built form responds well to the parameters of the site, addressing both its traditional and modern context well. As such, the proposal accords with DCLP- Part 1 policies CP3 and CP4 and the wider design aspirations in the NPPF to secure high quality design at all levels of the planning process.

7.5. Air Quality Issues

Air Quality consultants, IDOM, have completed various modelling exercises which have established the air quality levels at different distances where the front block of the building was set back from the pavement. The process resulted in the required air quality levels being met if the front elevations of the building are set back into the site by 4m, to reduce the air quality canyon effected caused by the building.

The Environmental Health Officer (EHO) has assessed the submitted Air Quality Report and the updated air quality modelling and acknowledges that the development is still likely to cause negative impacts on local air quality. This is described, using relevant guidance, as a *slight to moderately adverse impact*.

However, given that the increases in air pollution caused by the revised scheme are predicted over a confined area and overall concentrations of NO₂ are not expected to breach National or European air quality standards. In view of this, **whilst air quality concerns remain, the EHO advises would be hard to sustain a refusal of the application solely on air quality grounds within the context of the NPPF.**

The EHO recommends a condition is attached to the permission in order to secure air quality mitigation measures commensurate with the predicted increases.

7.6. Wider Residential Amenity Issues

Concerns are also raised about the impact of the proposal on future occupants in terms of city centre traffic and wider environmental noise. This is clearly an issue to consider but it needs to be balanced with the Council's aspirations for delivering city centre living and the role and function of the University in this part of the city. The proposed building would also be constructed to modern standards of noise insulation to protect future occupants and, although my EHO colleague raises some concerns in relation to noise impact, it is considered that sound insulation details could be reasonably secured by condition. The neighbouring student accommodation as part of the Friar Gate Square development has also been granted and implemented recently and consistency needs to be maintained in our approach.

It is considered that the scale and mass of the building are acceptable in this location in amenity terms given the scale and form of neighbouring buildings – particularly the neighbouring 9 storey student accommodation to the east of the site. No issues were raised in respect of the wider impact on neighbour amenity (other than air quality) during the previous application.

The revised design also accommodates devices to safeguard the privacy of future occupants and neighbouring occupiers. The green wall proposed for the south east facing elevation of the rear outrigger and the rear elevation of the main block would serve to safeguard the privacy of existing and future residents, as well as providing a planted elevation to enhance visual quality of the building. Outlook from the main front elevation would overlook the existing student accommodation on the opposite side of Agard Street at Sir Peter Hilton Court and there would be some overlooking impact on those occupiers. However, those occupiers are located across a public highway and the relationship would not, in my opinion, be unreasonable in a city centre location. I am therefore satisfied that these elements of the proposal accord with saved policy GD5 of the adopted CDLPR.

7.7. Access, Parking and Highway Safety

The application site is located in a highly sustainable, city centre location and is well served by local transport links and is within easy reach of the city centre and all its amenities. Highway colleagues raise no objections to the proposals, subject to the imposition of conditions relating to include the implementation of an approved travel

plan; the provision of a dropped vehicular crossing and cycle parking, construction of properly drained and delineated parking.

A financial contribution towards a Traffic Regulation Order to restrict the times for loading and unloading at the application site would be controlled through an associated Section 106 legal agreement. No issues with regards to the access location, parking or servicing were raised during the previous application on the site and the current proposal is considered to meet the transport objectives set out in Policy CP23 of the DCLP – Part 1.

7.8. Prematurity

The construction of the two blocks comprising ‘One Friar Gate Square’ (Law School and associated accommodation), together with other permissions, have established some development pressure for tall buildings at the eastern end of Agard Street.

The Council wishes to encourage the redevelopment of these various sites. However, increasing development pressures have led the Council, with full support of CAAC, to consider whether some further planning guidance would be beneficial to set some design parameters for the redevelopment of the various sites along Agard Street. Any design guidance for development on Agard Street is likely to be included in the forthcoming new Local Plan.

In the current absence of a co-ordinated design approach to the various sites along Agard Street, and the likely time scale until such guidance is adopted, it is considered that any current application must be dealt with on its own merits. Therefore, it is not considered that a refusal on the grounds of prematurity would be justified.

7.9. Other Issues and Section 106

No objections have been received relating to an increase in flood risk, subject to the approval of a surface water drainage scheme and a flood warning/evacuation plan through planning conditions, as recommended by the Council’s Land Drainage Officer.

Given the potential for medieval and later archaeology on the site, there is a requirement for a scheme of post-consent archaeological investigation and recording, to be secured through suitable planning conditions.

The Environmental Health Officer recommends that a land contamination site investigation needs to be completed before development commences in order to address outstanding risks at the site. Should the site investigations confirm that contamination exists; a remediation method statement will need to be provided.

Outstanding Housing Standard’s concerns remain in respect of the overall size of the proposed studio apartments. However, the proposed units, which range from approx. 20-27m², are commensurate with similar accommodation approved elsewhere within the City. The building could only be used by students in full time accommodation and its use for wider residential purposes would require a change of use. This would allow the Local Planning Authority to review the acceptability of the accommodation for other residential purposes, in terms of room sizes, layout etc. Other issues relating to fire safety matters would be dealt with through the Building Regulations.

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All impacts on protected species have been properly addressed in line with the Council's legal duties. Subject to conditions, no objections have been raised by Derbyshire Wildlife Trust. The Tree Officer advises that it is more than likely that the tree roots of nearby tree (T1) on a neighbouring site to the south, have not entered the site.

Whilst objections are raised due to impact on views of this tree, this was not raised as issue during the earlier application on the site. The provision of a suitable landscaping scheme and hard surfacing within the development site can be controlled through condition.

Should Members be minded to approve this application, then developer contributions will be required to mitigate the impacts of the development. A Section 106 agreement would be required to secure amenity green space, major open space, sports facilities and health contributions. A Traffic Regulation Order would also be secured to control loading and unloading on the site.

7.10. Conclusion

The heritage tests in the Development Plan and the NPPF have been duly rehearsed and the comments and concerns of specialist consultees such as the Conservation Officer, Conservation Area Advisory Committee and Historic England have been balanced against the public benefits of the proposal. In my opinion the public benefits of the proposal outweigh the identified 'less than substantial harm' to the identified heritage assets, albeit it is a *finely balanced* judgment in that regard.

Objections from third parties have been received in relation to heritage and other matters.

Colleagues in our Environmental Health (Noise and Pollution) Team have expressed concerns about the impact of the development in terms of noise and air quality issues, however, the revised scheme has sought to address air quality issues through the repositioning of the building in relation to Agard Street. Whilst air quality remains a concern, the impact of the development in terms of overall concentrations of NO₂ is not expected to breach National or European air quality standards and therefore it is considered that a refusal could not be justified. Conditions have been recommended to control the submission and implementation of an air quality strategy and a noise impact assessment.

The proposed development has various positive elements and the amended design of the building responds positively to its context, in line with policies CP3 and CP4 of the adopted DCLP – Part 1. The design also includes approx. 94 solar panels on the roof of the 8 storey component of the building and in that regard it accords with policy CP2 of the adopted DCLP – Part 1.

Although slightly taller than the previous scheme on the site, I am satisfied with the scale, mass and impact of the proposal relative to neighbouring occupiers and, in this regard, it accords with saved policy GD5 of the adopted CDLPR. The proposal would support the broader aspirations of the Council to deliver city centre living and to consolidate the University operations in the city centre, in line with policy CP22 of the adopted DCLP – Part 1. Accordingly, support for the proposal is provided by the Council's Regeneration team and Marketing Derby. The proposal would deliver 74

residential units to count towards the housing delivery requirement of the Council up to 2028, in line with CP6 of the adopted DCLP and the amended design solution is acceptable, subject to conditions, in highways terms in line with policy CP23 of the adopted DCLP.

Overall, the proposed development, as amended, is considered to accord with the Development Plan when considered as a whole and subject to conditions and a mitigation package via a Section 106 Agreement (as outlined in Section 8.5 below) the proposed development is deemed 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 below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

The proposed development is in terms of its scale, mass, style and impact on neighbouring listed buildings and the wider Conservation Area, an acceptable form of development. The application has been considered in accordance with the Development Plan and national guidance and the heritage tests, in terms of considering the 'less than substantial harm versus public benefits exercise', has been duly carried out and presented in the committee report. The comments and concerns of objectors and consultees have been assessed in the planning balance together with the positive comments of supporters. Overall, the proposed development, as amended, is considered to accord with the Development Plan when considered as a whole and subject to conditions and a mitigation package via a s106 Agreement the proposed development is deemed acceptable in its context.

8.3. Conditions:

The conditions listed below are presented in an abbreviated format and the full wording of the conditions will be fleshed out in the final decision notice.

Standard Conditions

- 1. Time limit Condition.
- 2. Approved plans Condition.

Pre-Commencement Conditions

- 3. External Materials to be approved
- 4. Boundary Treatment to be approved
- 5. Hard and soft landscaping to be approved and implemented.

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-
6. Construction/Environmental/dust Management Plan to be approved and implemented.
 7. Foul and surface water drainage system to be approved and implemented.
 8. Details of any roof level plant to be approved, together with any ventilation/extraction details and ducting on the building
 9. Air Quality Mitigation
 10. Precise details of fenestration to include details of materials, window proportions and window reveals/recess
 11. Contaminated land risk assessment to be approved and implemented, including a remediation scheme, submission of a verification report
 12. Contaminated land reporting of unexpected contamination
 13. Archaeological written scheme of investigation to be approved and implemented.
 14. Details of a scheme of biodiversity enhancement
 15. Submission of an Arboricultural Method Statement

Pre-Occupation Conditions

16. Provision of car parking/serving
17. Implementation of Dropped Vehicular crossing
18. Scheme for the prevention of surface water discharge to be approved and implemented.
19. Electric vehicle charging scheme to be approved and implemented.
20. Travel Plan to be approved and implemented.
21. Closure of existing dropped kerb
22. Precise details/provision of cycle parking
23. Approval/ Implementation of a noise impact assessment
24. Details of security measures/pedestrian gating
25. Details of external lighting, including a bat friendly lighting scheme
26. Submission of a Flood Warning and Evacuation plan

Management Conditions

27. Definition of permission and restriction of use to student accommodation
28. Restriction on any access gates.

8.4. Informative Notes:

- N1. The development makes it necessary to construct alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact

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StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Contact maintenance.highways@derby.gov.uk tel 03332 006981

- N2. The minor access reinstatement works referred to in Condition 6 above involve work on the highway and as such require the consent of the City Council. Please contact maintenance.highways@derby.gov.uk
- N3. No part of the proposed building or its foundations, fixtures and fittings shall project forward of the highway boundary.
- N4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- N5. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; kerrie.jarvis@derby.gov.uk
- N6. It is possible that the implications of a planning application point towards the need to introduce traffic regulation orders on the grounds of road safety or traffic management. Whilst it is a separate legal process, including public consultation, you need to identify these issues at the planning application stage and the associated costs for these changes need to be met by the developer.
- N7. Notwithstanding any Planning Permission please note that the proposed units will not qualify for the issue of residents parking permits.
- N8. The consent granted will result in the construction of a new building which needs naming and numbering. To ensure that the new address is allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk 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.

Suitable provision should be made for - Automatic fire detection system, AOV smoke ventilation, fire resistant compartmentation, fire doors/protected means of escape etc. and non-combustible external wall structure. All of which should be incorporated and included as part of Building Regulation approval etc.

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

Cluster flats (those with shared facilities) will be classed as HMOs under Section 254 of the Housing Act 2004. They will need to meet the guidelines set out by this cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people housed.

Restriction of demolition during bird nesting/breeding season.

Control and removal of Japanese Knotweed on the site.

8.5. S106 requirements where appropriate:

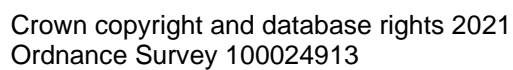
- Amenity open space contribution towards Arboretum Park or open space associated with Friar Gate Bridge
- Major open space contribution towards Arboretum Park
- Contribution towards swimming pools
- Improvements to GP surgeries that would accept patients from the development
- Contribution towards a Traffic Regulation Order to restrict the times for loading and unloading at the application site

8.6. Application timescale:

The extended determination target timeframe for the application is the 30/04/21.

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1. Application Details

1.1. Address: Uttoxeter Old Road, land between Slack Lane and Etwall Street, Derby

1.2. Ward: Mackworth

1.3. Proposal:

Erection of nine apartments (44 rooms) in a three-storey building for use as student accommodation (Sui Generis use)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01474/FUL>

Site and Surroundings

This brownfield site fronts Uttoxeter Old Road on the corners of Etwall Street and Slack Lane. The site slopes up from north to south, with the land to Slack Lane approx. 0.8m higher than the land to Etwall Street. Across the site, east to west, is generally level.

The site was redeveloped in the early 1960's for commercial uses and remained until it was demolished, leaving just a concrete slab on site. The only other site feature is a derelict advert hoarding on the corner of Slack Lane. The site is accessed from both Etwall Street and Slack Lane.

To the north of the site, there are 2-storey traditional terraced dwellings on Etwall Street. On the opposite side of Uttoxeter Old Road is a tool hire store. To the south of Slack Lane is a builder's yard. To the west of the site are office units, formerly Quarndon Electronics, which are currently vacant and have planning permission for conversion into residential units.

The Proposal

This Application seeks to address and overcome the recent refusal of permission (ref: 20/00299) for a four-storey student block.

This Full Planning Application seeks permission to create a purpose-built student accommodation block of 9 cluster flats set over three floors, with 44 rooms in total. The proposed design maximises the site potential by offering a triple fronted elevation.

The proposed main entrance would be located on Uttoxeter Old Road, with a feature elevation to Slack Lane and car parking located off Etwall Street. The design uses curved corners, part-mansard roof and feature dormers. Materials comprise red brick and standing seam zinc metal cladding. Secure cycle and bin storage are provided.

Off-street car parking is located off of Etwall Street, providing five bays and a single disabled space. The proposal offers electrical charge points to each parking space

Along Uttoxeter Old Road, the development is generally set a minimum of 1m from the boundary with a 1.1m high wall to address the level changes and allowing for low level planting in areas. The elevation to Etwall Street is set back a minimum of 1m, this increases to over 5m where the proposed car parking spaces are situated. From Slack Lane, the development is set in around 1m, and to the eastern boundary, the building is set 1.5m off the boundary to allow for secure side access to the rear of the property,

where there would be a 12 space green roofed cycle store. In total, 26 cycle parking spaces are proposed.

The proposal intends to provide a sustainable approach to its surface water drainage, using a mixture of permeable paving, water attenuation crates below the hard landscaped areas and a green roof to the cycle store.

The whole 3-floor development would have 44 rooms within 9 cluster flats. The flats on the upper floors have a total of fifteen bedrooms within three flats. Flats on the road corners would have curved balconies. Whilst elsewhere, Juliet balconies are proposed. The typical size of each double-sized room would be 12sqm. The majority have en-suite facilities.

For the elevations, a simple design is proposed, with red facing brickwork, UPVC Black Double Glazed Casement windows, feature horizontal stepped brick banding. Over the windows there is also a feature black steel lintel beam, to contrast against the red facing brickwork. On the proposed Uttoxeter Old Road front elevation, a black once-weathered concrete coping cap to the top of the flat roof parapet walls is proposed. The balconies will have a black painted industrial metal balustrade. The curtain walling to the principal entrance will be finished with a black powder-coated aluminium curtain wall system. To increase privacy, the glazing at ground floor level will be obscurely glazed at three quarters height.

Soft landscaping is proposed to areas of the front elevation, behind a 1.1m high brick retaining wall, to provide a visual break and establish the boundary between the highway and the proposed development site.

The application is supported by a Design & Access Statement, Transport Statement and Framework Travel Plan. The previous application was also supported by a Noise Survey Report, and a Phase 1 Geo-environmental Assessment.

The Design & Access Statement

The DAS concludes:

Following the refusal of the originally submitted scheme for a four-storey development containing 12 apartments the current application constitutes a greatly reduced scheme that addresses the reasons given for refusal (Parking Pressure and Scale and Massing).

In order to address the perceived issue of additional parking pressure due to the scheme, the revised application is supported by a detailed Transport Statement outlines the potential traffic generation of the building. Further to this a Framework Travel Plan details the sustainable methods of transport available to the proposed residents in order to ensure the viability of this car-free development. Subject to the imposition of conditions, there are no highway objections or technical concerns.

In order to address the perceived issue in relation to the scale and massing of the scheme we have removed an entire storey from the dwelling, significantly reducing the height of the building and its density. The proposed changes bring the building in line with neighbouring development and create an appearance that is not out of character with the area.

The design approach, including the choice of materials and glazing style is sympathetic to the surrounding area. The scale and massing looks to eliminate any overbearing of the existing properties and the layouts of the apartments have been designed to maximise desirable outlook and eliminate overlooking with the use of carefully positioned windows.

As identified previously the client has a track record and enthusiasm for delivering high quality builds and offers a high-quality management system once occupied.

The scheme will enhance the appearance of the existing site and bring new accommodation to the area in line with the Local Authority's development aspirations, providing a diverse mix of housing in the area and community. Creating purpose-built accommodation will free up local housing, returning them to family occupation. There are no other issues that have been identified that are material to the determination of the planning application.

Transport Statement

The summary states:

The report has demonstrated that there are ample opportunities for sustainable travel in terms of pedestrian, cycle and public transport users. The proposed development would lead to a moderate increase in the number of pedestrian movements and a negligible increase in cyclist and public transport user movements. These movements should be satisfactorily accommodated on the existing infrastructure.

With regard to vehicular movements, the proposed development is expected to generate up to 10 daily two-way movements, of which none would occur during the peak hour periods. When taking into account the former commercial uses at the site, it is likely that there would be a net reduction in movements. Hence, it is considered that there would be no material off-site impacts.

Appendix A shows how a total of 6 car parking spaces would be provided. This level of provision is in excess of the expected demand and should be suitable. In addition, the masterplan shows how a total of 26 cycle parking spaces would be provided which meets DCC's minimum requirements.

In summary, this assessment clearly demonstrates that the proposed development should not raise any highway related concerns with regard to additional traffic on the network. It could also achieve safe and suitable access for all users and would be within a sustainable location. It is therefore considered that the proposed development would comply with current planning policy and best practice design guidance contained in Paragraphs 108 and 109 of the NPPF. Hence, the Highway Authority should be in a position to support future planning application.

The Framework Travel Plan

The Plan concludes:

The target of this Travel Plan is to maintain a 0% modal share of student car drivers (outside of start/end of term drop offs and collections) through displacing journeys into other modes. Ensuring that students are aware of the sustainable travel opportunities and providing them with the infrastructure and incentives to encourage greater take up of alternative modes will ultimately be a key element in

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the success of the Travel Plan. The development will provide 22 cycle parking spaces (0.5 spaces per student) [plus 4 visitor spaces,] and at the start of each tenancy students will be provided with a Welcome Pack containing route planning details, maps/timetables of cycle and bus routes along with free bus taster tickets (subject to negotiations with bus operators).

To monitor the success of the Travel Plan, questionnaires will be distributed/emailed to all students within the development on an annual basis (circa 1 to 2 months into each tenancy) to find out how each student travels to university. It will also provide an opportunity for each student to provide feedback and raise any issues or improvements that could be implemented to make it easier to travel using certain modes. Additional measures can then be included within the Travel Plan to ensure it meets students' requirements and to help meet the target of 0% car travel for students.

Monitoring will last for a period of 5 years following the first year of the development opening. Once the initial questionnaires have been carried out for the first year of the site opening, a Full Travel Plan will be prepared, which includes an analysis of the results and outlines whether the targets are being achieved. It will then provide a range of updated measures that reflect the results of the questionnaires to ensure that the targets are being met. For the remaining four years of monitoring, after questionnaires have been carried out a Monitoring Report will be provided which provides an update of progress and whether the targets are likely to be met. It should also include information on changes to the targets and measures (if necessary). The Travel Plan Coordinator should submit these reports to DCC's Transport Planning department.

Developer Contributions

The applicants have prioritised the need to address the Committee's previous concerns over the local parking issues. In which respect, the applicant has agreed to guarantee the payment of a Section 106 transport contribution at the commencement of the development. To further address the concerns of Members, the applicant has also offered in the S106 to commit to a parking restriction covenant in the residents' tenancy agreements and to notify prospective occupiers of the accommodation that they would not be entitled to apply for parking permits.

2. Relevant Planning History:

Application No:	20/00299/FUL	Type:	Full Application
Decision:	Refused	Date:	18/9/2020 by Planning Control committee
Description:	Erection of twelve apartments (59 rooms) in a four-storey building for student accommodation (Sui Generis use)		

Refused for the following reasons:

- In the opinion of the Local Planning Authority the proposed development would create, by virtue of its over-intensive footprint and inadequate supply of on-site car parking, an unacceptable form of development that would exacerbate existing on-street car parking problems in the immediate area, where resident's parking restrictions are being formally considered, to the detriment of the residential amenities enjoyed by local residents; who would be directly affected. For this reason the proposal is contrary to saved policies GD5 and H13 of the adopted*

City of Derby Local Plan Review and the over-arching guidance in the NPPF which seeks to protect the amenities of those affected by the development of land and buildings.

2. *In the opinion of the Local Planning Authority the proposed development would create, by virtue of its scale and mass, an unacceptable form of development that would be out of character with the prevailing scale of the surrounding area to the detriment of the appearance of the wider street-scene and to the detriment of the residential amenities enjoyed by local residents, who would be directly affected.*

For this reason the proposal is contrary to saved policies GD5 and H13 of the adopted City of Derby Local Plan Review, policies CP3 and CP4 of the Derby City Local Plan - Part 1: Core Strategy and the over-arching guidance in the NPPF which advocates high quality design and which also seeks to protect the amenities of those affected by the development of land and buildings.

An appeal was lodged in November 2020, against this decision (ref: APP/C1055/W/20/3261347). The Planning Inspectorate initiated a start date on 25 January 2021. A Section 106 Agreement (in line with that negotiated at the time) was submitted by the appellants. The Inspector's site visit was held during the week commencing March 2021. An appeal decision is imminent.

3. Publicity:

- 3 Neighbour Notification Letters
- Site Notice
- Statutory Press Advert (major development)

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

4. Representations:

Cllr Adrian Pegg requested that the application be reported to Committee and stated: *"I continue to have concerns regarding the proposed building, the impact it will have on the area and that residents on Etwall Street will be adversely affected. I am also still concerned about the impact the proposed number of occupants of the flats will have on the surrounding area especially parking".*

Three representations have been received from local residents, objecting on the following grounds:

- Disagree with statements made in the submitted documents, particularly regarding car parking, traffic movements and
- reiterate that the proposed reduction in height would still create an unacceptable development.
- The proposed student rental accommodation will be out of character and overwhelm the surrounding traditional family residential area.
- The height of the proposed block would be over dominant and out of character with the surrounding terraced housing and will overshadow neighbouring houses.

-
- Insufficient car parking will exacerbate existing road congestion.
 - Proposed building would obscure vehicle visibility.
 - Concern that the Travel Plan measures would not be satisfactorily monitored.
 - The provisions for waste management and recycling are insufficient and unrealistic.
 - Inadequate green open space in the vicinity of the site.
 - The development will eventually lead to an increase in vehicle traffic and air pollution, noise and anti-social behaviour
 - The proposal will set an unacceptable precedent for a similar high development on the Quarndon Electronics site.
 - Alleged that there is no credible evidence that this type of development releases other properties/homes for use by families.
 - There is no apparent benefit from this development for local residents, which will result in a reduced quality of life in an area that already has significant numbers of rental properties and Houses of Multiple Occupation, occupied by students and asylum seekers.

5. Consultations:

5.1. DCC – Transportation Planning

Background

This document is in response to the revised Transport Statement for planning application 20/01474/FUL. The original Transport Statement can be found in the documents of planning application 20/00299/FUL which is a previous submission for this site.

In the previous application the applicant proposed the erection of twelve apartments in a four-storey building to be used for the purpose of student accommodation. The previous application was refused on the grounds of;

“In the opinion of the Local Planning Authority the proposed development would create, by virtue of its over-intensive footprint and inadequate supply of on-site car parking, an unacceptable form of development that would exacerbate existing on street car parking problems in the immediate area, where resident's parking restrictions are being formally considered, to the detriment of the residential amenities enjoyed by local residents; who would be directly affected.”

The new application has now been scaled down to a three storey, 9 apartment, 44-bedroom development. The question of parking is still an issue that needs to be looked into.

Accessibility

The site is located on Uttoxeter Old Road between Slack Lane and Etwall Street. As the development will be for student accommodation, it is important to look at the key student locations around the city which will be relevant. The three sites for the University of Derby, Kedleston Road, Markeaton Street and the Campus in Friar Gate are all at a walkable/cyclable distance within the local area. The campus on Kedleston Road is located 1.3 miles from the site which is a 26-minute walk or 8 minutes by

bicycle. The Markeaton Street Campus is located 0.7 miles from the site which is a 13-minute walk and 4-minutes by bicycle. The Law Building in Friar gate is located 0.6 miles from the development. This only takes an 11-minute walk and 4 minutes by bicycle.

There are good public transport links running in close proximity of the site to all three university locations. The number 8 bus by Arriva is perfect for any student wanting to access the Friar Gate Campus. The number 55 Bus stops at a short walk from the site on Fowler Street. This stops at the Markeaton Street Campus and carries on to the main Kedleston Road site. The University runs a bus service which is free for all students as long as they show a valid student ID card. The number 7 Uni-Bus stops at St. Christopher's Court which is a short walk from the site and takes the student to the main Kedleston Road site. From here the student can access the Number 6 bus which will take them to the Friar Gate building or the Number 4 Bus which will take them to the Markeaton Street Campus.

Car-Free Development

The developer is proposing a car-free development as mentioned in section 4.12 of the Design and Access statement. It is proposed that students would be obliged as a term in their tenancy agreement not to own or operate any vehicles at the site during their tenancy. This 'car-free' development might have the potential to cause issues on days that the students move in or move out as vehicle movements will understandably increase during these times. The applicant has planned to eliminate this by providing 6 off-street car parking spaces which normally will be used for management and maintenance vehicles but also temporarily be booked by students to facilitate moving in and out during semesters.

A car free development does not necessarily mean that the occupants of the accommodation will be free from driving cars away from the development. This runs a risk of on-street parking being affected for the local residents. It also is the reason why the last application was rejected. This is something that is going to be considered for this development. As stated above the tenancy agreements will not allow any cars on site for students. In addition to this, there are good transport links including a free uni-bus service. Upon looking at the University of Derby website it is highly unlikely that a high number of students will be allowed an on-site university parking permit due to very strict rules and therefore it will be inconvenient for a student to own and travel by car. The University states that students that are eligible must be either;

- A blue badge holder or a disable person with a doctor's letter
- More than 25 weeks pregnant
- a part time student around work or external commitments
- A full-time student living more than 15 miles away from campus AND either have children under the age of 11 or have caring responsibilities

This would make it really difficult for all students to be eligible for parking at the University site. Those that would get parking would get it on medical grounds. After this there is the cost associated with being a student and having a car. Even if a student would be able to get a parking permit from the University, their car park is still pay and

display. It would cost the student £5.20 to pay and display in the University car park all day. Another way in which a student could get to University in a car would be to use the University Park and Ride service. The student would purchase a Markeaton Park and Ride Permit for £200 valid for the teaching weeks of the year. Again, this wouldn't be practical as its only valid for the teaching weeks therefore during half term holidays, Easter holidays and the Christmas break the student would be stuck on where to park their car. Additionally, it would be very time consuming to use this method of travel as compared to taking the Uni-Bus.

A HMO (House in Multiple Occupancy) paper recently stated that there is no legal right in highway law to leave a vehicle, or any other property on the highway. General parking on the highway is allowed except where there are waiting restrictions, designated resident parking areas, short stay parking bays or disabled bays. The previous application on the same site was refused on the grounds of "inadequate supply of on-site car parking, an unacceptable form of development would exacerbate existing on-street car parking problems in the immediate area, where resident's parking restrictions are being formally considered." This formal consideration was relayed to the December 2020 committee who were considering parking restrictions from Slack Lane to Uttoxeter Old Road. The committee decided that a consultation will be undertaken by the End of March. As this consultation is not a guarantee that parking restrictions will be placed in the area, we can only take into considerations what we currently have. The HMO paper continues to state that you cannot refuse a planning application on the lack of off-street parking because of existing parking issues, when there is no right for those existing cars to be parked on the highway.

Trip Generation

In the Transport Assessment of the application the developer has used trip generation data to calculate how many trips the development will produce. The site that the developer used was a 197-resident accommodation with 22 car parking spaces available (0.112 spaces per resident). In comparison to this site we have a 44-resident capacity with 6 parking spaces available (0.136 spaces per resident). Below are the trip rates and trip generation estimate that this development could bring.

Trip Rates

• morning peak (0700 to 0800 hours)	0.005 arrive	0.000 depart
• evening peak (1700 to 1800 hours)	0.000 arrive	0.005 depart
• daily (0700 to 1900 hours)	0.120 arrive	0.130 depart

Trip Generation

• morning peak	0 arrive	0 depart	0 total
• evening peak	0 arrive	0 depart	0 total
• daily	6 arrive	4 depart	10 total

Based on the estimates above the proposed development would generate a grand total of 10 two-way trips per day. None of these would occur during the AM or PM peak hours. These movements would mainly be made up of management or service staff travelling to and from the site. Students, as per their tenancy agreements, would not be obliged to operate a car.

Conclusion

Just to summarise everything in this response;

- All three university sites are a walkable/cyclable distance from the development
- Uni-Buses operate in close proximity of the site and run to all three university sites
- Uni-Buses are free of charge for all students
- The tenancy agreement will include a clause that students are not to operate vehicles to and from the site
- The HMO paper states there is no legal right in highway law to leave a vehicle, or any other property on the highway

In light of all the points above Transport Planning has No Objections to the proposal.

5.2. DCC Highways Development Control:

Recommendation:

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

Observations:

These observations do not preclude and should be read in conjunction with those made by my colleague in Transport Planning and the Travel Plans Officer.

These observations are primarily made on the basis of information shown on submitted application drawing "002 Rev H" and the supporting Transport Statement (TS).

In Highway Authority terms the principle of development has been established in respect of historic application 20/00299/FUL; (for 59 rooms in total), which was refused by Planning Committee and is currently under Appeal.

The current proposals (at 44 rooms) constitute a reduction over that previously supported.

Whilst 6 off-street parking spaces are provided, the TS explains that (para 2.1.1) the parking spaces will not be for the residents of the site, and will instead only be available for the staff, maintenance operatives and at times of arrival/departures around terms starts/ends. Thus (for all intents and purposes) making the site "car free".

The Uttoxeter Old Road 'frontage' to the site is subject to a "no waiting at any time" (double yellow lines) parking restriction, this extends into the junction radii of Slack Lane and Etwall Street. Slack Lane and Etwall Street are not subject to any other restrictions.

The TS demonstrates that the site is in a sustainable location; and demonstrates that trip generation would not have a significant impact upon the local highway network; this has been confirmed by my colleague in Transport Planning.

The TS also explains that the Framework Travel Plan measures to prevent students from having a car at the site; this includes an obligation within the Tenancy Agreement which would state that students cannot own or operate a car during their tenancy; this would be dealt with in detail with the submission of a Travel Plan prior to commencement of occupation.

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The site has an existing access off Etwall Street, which it is proposed to use in part for the vehicular access. This vehicular access should be raised and reinstated as a dropped footway crossing.

Further, the condition of the footways (in particular along Etwall Street) is poor, and given the works which are likely to take place involving utility connections and reinstatements, the Highway Authority is minded to require that the footways in such areas to fully reinstated as part of any works; this would be dealt with by the appropriate highway works agreement.

It is acknowledged that on-street parking is at a premium in this area (as in many areas of the city). However, the application site is considered to be sustainable and accessible. It is on a main road location with a public transport routes and within reasonable walking distance to the local centre at Rowditch and to Ashbourne Road, where facilities and further transport options are available.

Para 109 of the National Planning Framework Policy states that:

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

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

Whilst the scheme would potentially increase demand for parking spaces, it is the opinion of the Highway Authority that it would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety.

Para 110e of the National Planning Framework Policy states that developments should “be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.” The LPA may therefore wish to require that the developer make provision for the charging of an appropriate number of vehicles associated with the proposed development

Recommendation:

The Highway Authority has No Objections to the proposals, subject to the following suggested conditions, and a series of Notes to Applicant:

Condition 1: No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

Condition 2: No part of the development hereby permitted shall be brought into use until the access parking areas are constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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Reason: To ensure surface water from the site is not deposited on the public highway causing a danger to highway users

Condition 3: No part of the development hereby permitted shall be brought into use until the parking areas are provided, with the parking areas clearly defined in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles

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.

Condition 4: No part of the development hereby permitted shall be brought into use until the on-site scheme to provide for electric vehicle charging, as shown on the approved plan, has been implemented to the satisfaction of the Local Planning Authority. The charging provision shall thereafter be retained for the life of the development

Condition 5: No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on the approved drawing has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Condition 6: No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

5.3. DCC Environmental Protection

From the perspective of noise and contaminated land, our comments will remain unchanged from the previous application (ref: 20/00299) and we still recommend the same noise and contaminated land conditions.

Previous Comments:

Contaminated Land

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

1. The scheme proposes to introduce sensitive receptors (i.e. the occupants of dwellings) onto a site which was formerly used as an electrical manufacturers. Contamination risks are therefore a material consideration under the application determination process.
2. I note the submission of a Phase I Geo-environmental Assessment with the application (Ivy House Environmental Ltd, Ref: IV.459.19, Dated: February 2020).

I can comment on the report as follows.

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3. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than in a land contamination context.
 4. All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase I Geo-environmental Assessment

5. The report is thorough and identifies the main potential sources of contamination on site.
6. A Conceptual Site Model has been prepared which broadly identifies the main sources pathways and receptors.
7. Ground gas risks have not been identified as a potential source however. Bearing in mind the industrial history of the site and the potential for significant made ground to exist on site, ground gas risks should be considered.
8. The report recommends further intrusive investigations prior to development of the site under the proposed scheme. This is agreed as necessary to ensure safe development of the site.

Conclusions and Recommendations

9. As recommended by the submitted Phase I Assessment, intrusive ground investigations will be necessary in order to ensure that the site is assessed and remediated in terms of contamination risks to future occupiers.
10. Whilst not identified within the submitted Phase I Report, a ground gas risk assessment will also be necessary.
11. Consequently, should consent be granted, I would strongly recommend that the following conditions are attached to the consent:
 - Where the submitted Phase I desktop study has identified potential contamination, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. Site investigations will also need to consider risks from ground gases. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater.
 - A detailed report of the investigation will be required for submission to the Council for written approval prior to commencement of the development.
 - In those cases where the agreed investigation report confirms that contamination exists, a remediation method statement will required for approval by the LPA prior to commencement of the development.
 - All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

I have no other comments to make on the application regarding contaminated land at this time.

Noise:

Context

A noise impact assessment report has been submitted in support of the above Application.

Document (s) submitted for review: Nova Acoustics Noise Impact Assessment of a Residential Development Report ref 4316DC dated: 08/04/2020

Summary of comments

Whilst the proposed development is affected by nearby commercial daytime operations to some extent, the dominant cause of noise is local road traffic. An assessment against BS8233 and related guidance is therefore considered suitable and sufficient. If unmitigated this would result in likely significant noise effects on those living inside at night. The report proposes a number of reasonable and readily available design options for noise mitigation to avoid such effects, recognising that for some apartments some form of alternative ventilation would be required.

The use of the term 'unacceptable' is however misleading in the context of such a report as this would imply the development was inappropriate because the existing noise levels were so high that despite implementation of all reasonable measures significantly adverse noise effects would still be likely.

Conclusion

The noise report submitted is considered sufficient to determine that this site is suitable for sui generis residential development from a noise perspective taking into account the mitigation measures recommended.

In reaching this conclusion the absence of any likely leisure or entertainment noise has been taken into consideration along with the absence of any structure borne noise regardless of type. However to mitigate sufficiently the existing noise affecting the proposed development, predominantly road traffic, would require a high standard of noise mitigation with suitable arrangements for ventilation and temperature control.

Recommendation

It is recommended that no objection be made to the Application on noise grounds, subject to a suitable Condition as follows:

'Prior to first occupation an environmental noise test report shall be submitted for acceptance in writing by the Local Planning Authority. This report shall demonstrate that significant noise effects on occupants of the proposed development have been avoided and that all reasonable measures have been taken to achieve the following internal ambient noise levels in any unoccupied habitable space whilst maintaining an adequate standard of whole dwelling ventilation and temperature control:

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

Measured LAeq internal ambient noise levels shall have an acoustic character adjustment added, following the BS 4142 2014 standard methodology, before comparison with the corresponding targets.

The installed glazing and ventilation systems shall be retained and maintained at all times thereafter to ensure that this level of performance continues to be achieved'

I have no other comments to make on the application regarding noise at this time.

5.4. DCC – Housing Standards

I can confirm we have no objection to the proposals.

Reference shall be made to Derby City Councils space and amenity standards for HMOs:

<https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/amenities-and-space-guidance-for-hmos-2018.pdf>

If an HMO property is occupied by 5 or more persons it may require a mandatory HMO licence:

<https://www.derby.gov.uk/environmental-health-licensing-trading-standards/environmental-health/housing-standards/houses-in-multiple-occupation/>

Regard shall also be had to the LACoRS Fire Safety Guide, which Housing Standards refer to regarding fire safety precautions in rented property:

<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

5.5. DCC – Land Drainage:

The site is located within flood zone 1 according to the Environment Agency Flood Maps but Flood Zone 1 (low risk) and the Council's SFRA.

The development is therefore appropriate from a flood risk perspective. However the development would only be acceptable if it was provided with a suitable sustainable drainage system because not doing so may lead to additional surface water flood risk and/or the introduction of vulnerable property.

No drainage information has been submitted, and therefore for the reasons stated above we will need to see and approve a sustainable drainage scheme for the development site prior to the commencement of construction works.

As such, I would therefore recommend the following condition is placed on any consent to secure the required drainage standard:

1) No development shall take place until a surface water drainage scheme 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 sustainable drainage solution,
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Restriction of surface water runoff from the whole site to maximum 5 litres per second,

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- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.
 - Details of the foul drainage will also be required and confirmation from the receiving authority that the foul discharge flows will be accepted.

2) The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime 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.

5.6. Derbyshire County Council Archaeologist:

The proposal site is within an area of the city that was not substantially developed until the early 20th century and is not therefore within an area of early settlement.

The site does however lie immediately adjacent to the postulated course of the Ryknield Street Roman road running in a north-easterly direction towards the Roman fort at Little Chester (Derbyshire HER MDR10207 and MDR4600). Nun's Street and Uttoxeter Old Road seem to preserve part of this alignment, and fragments of road surface are reported from development work in various locations along Nun's Street (about 500m further north).

The current site has been developed, at least in its northern part, during the later 20th century, although the southern part appears relatively little disturbed. There is consequently potential for the proposed development to impact remains of the Roman road, and associated activity.

This should be addressed by planning conditions in line with NPPF para 199 to enable any archaeological remains to be identified and recorded. The archaeological work should comprise (either) monitoring of the development groundworks, or trial trenching to establish potential followed by mitigatory work as appropriate.

The following conditions should therefore be attached to any planning consent:

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

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5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

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
- CP16 Green Infrastructure
- CP19 Biodiversity
- CP22 Higher and Further Education
- CP23 Delivering a Sustainable Transport Network
- MH1 Making it Happen

Saved CDLPR Policies

- GD5 Amenity
- E24 Community Safety
- T10 Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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

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

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

7. Officer Opinion:

Key Issues:

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

- 7.1. The principle of the development**
- 7.2. Student Residential Uses and Housing Supply**
- 7.3. Sustainability**
- 7.4. Design and visual appearance**
- 7.5. Highways, access, parking**
- 7.6. Impact on residential amenities**
- 7.7. Other technical issues**
- 7.8. Developer Contributions**

7.1. The principle of the development

National policy is set out in the National Planning Policy Framework (NPPF) and is relevant to this application. The NPPF was updated most recently in February 2019. The principles of sustainable development set out in the original NPPF are retained but new policy requirements are included in the new versions. The new NPPF seeks to optimise development density in sustainable locations, introduces a new Housing Delivery Test to ensure that housing needs are being met and emphasises the need to make effective use of land and to seek to use brownfield land for residential uses.

It is relevant that 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 AVBC 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 AVBC had submitted for examination.

However, AVBC has recently withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the governments 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 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. 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 site is not allocated for any specific purpose in the local plan and is unused and is at least partly brownfield in nature. It is in an area which has a mix of residential and commercial properties and the residential character is terraced housing. There is a commercial property adjacent on Etwall Street and the adjacent Quarndon Electronics building has an extant planning approval for change of use to residential. There is a large commercial/industrial estate opposite the site on the other side of Slack Lane.

Generally, the site is considered to be sustainable. It is on a main road location with public transport routes. It is within reasonable walking distance to the local centre at Rowditch and to Ashbourne Road where facilities and further transport options are available.

Government policy is to utilise land efficiently, especially to deliver new homes and so a high-density scheme would seem an appropriate use of the land. It is considered that this would be an acceptable location for student living as the University District is a reasonably short distance away starting at Ashbourne Road. Therefore, the principle of student residential uses on this land is considered to be acceptable.

7.2 Student Residential Uses and Housing Supply

Core Strategy Policy CP22 (Higher and Further Education) criterion (d) states that the Council will "support and encourage the development of new student accommodation, particularly where this could lead to the release of existing accommodation for family / market housing". The proposal falls within this type of development and indeed could facilitate the release of private rented accommodation.

Policy CP6 sets out the requirement that a minimum of 11,000 net new homes should be delivered in the city as a whole between 2011 and 2028. The city still has a requirement to provide around 750 new homes each year from 2020 to 2028 to meet this target. There is also a national planning policy requirement for the Council to maintain a 5-year supply of deliverable housing sites which is material.

The Planning Practice Guidance (housing supply and delivery) sets out that all student housing should be counted towards housing requirements. The Government's Housing Delivery Test Rule Book is helpful in determining the relevant numbers to be counted towards meeting housing targets. The Rule Book sets out that the Government will calculate the contribution to new dwellings provided by student accommodation at a ratio of 1:2.5. [Given that the proposal is for 44 rooms I would suggest that the proposal could contribute 17 dwellings towards the housing supply]. This is not an insignificant number given the Council's housing needs.

The Council's land supply includes a 'windfall allowance' and it is therefore expected that previously unidentified brownfield sites will come forward during the lifetime of the plan and contribute to meeting the housing target.

7.3 Sustainability

The Council has declared a Climate Emergency and it is important that steps are taken to mitigate and adapt for the impacts of the changing climate. Therefore careful attention should be paid to the building's materials, uses and the methods of insulation and energy efficiency.

Core Strategy Policy CP2 (Climate Change) sets out a wide range of aspirations and requirements for consideration including the sustainable location of development, energy and water efficiency, sustainable design and construction, the use of renewable energy and drainage and flood mitigation.

The location is generally sustainable with good accessibility to local centres and to public transport routes. The proposal is being promoted as being car-free for residents, who will be encouraged to walk, cycle or use public transport. However, it is inevitable that vehicles will be used by visitors and for deliveries.

7.4. Design and visual appearance

The site is on a corner location has the potential to take a building of some height and prominence. However the residential properties nearby, particularly on Etwall Street are close and are two storey terraces. The re-designed building has been designed to ensure that it addresses and overcomes the previous reason for refusal. It is considered that the re-designed height and scale would not unduly affect the amenity or character of the Etwall Street terraced houses. The proposed parking area is on the frontage of Etwall Street and this would set the built-form back and reduce massing impacts on Etwall Street.

A simple design is proposed for the elevations, with red facing brickwork and UPVC Black Double Glazed Casement windows. To the side of the windows would be feature horizontal stepped brick banding and a feature black-painted steel lintel beam over the windows to contrast against the red facing brickwork.

The proposed treatment includes a black, once-weathered concrete coping cap to the top of the flat roof parapet walls. The balconies will have a black painted industrial metal balustrade. The curtain walling to the principal entrance will be finished with a powder-coated aluminium curtain wall system, which is coloured in black to match the windows. Soft landscaping is proposed to areas of the front elevation, which will provide a visual break and establish the boundary between the highway and the proposed development site. A portion of this elevation will feature a 1.1m high brick retaining wall which will provide fall protection and preventing passers-by from looking onto the development and the bedrooms that look onto the highway. Windows at ground floor level will be obscurely glazed at three quarters height. This offers a further element of privacy for all the flats.

This is an important site, fronting a main arterial route and clearly has need for a landmark building. The proposal will enhance the appearance of the existing derelict site. The site is situated in an area of mixed uses, with residential uses only on the north side. The streetscene view is already dominated by the former railway bridge to the south and mature trees to the east.

The only visual relationship of any concern is that between the proposed development and the existing residential properties to the north. It is acknowledged that the

proposed building would be higher than the surrounding dwellings. However, there a number of factors which must be taken into consideration, to assess whether the current proposal has successfully addressed and overcome the previous reasons for refusal. Most importantly, the proposed re-design, reducing the height of the block by a storey, will significantly reduce the visual impact of the scale and mass of the building. Furthermore, the degree of separation, the proposed staggered roof lines, the change in ground levels and the use of different materials for the upper floor are all factors which mitigate the visual dominance of the proposal.

It must also be noted that there are even larger scale buildings further down Uttoxeter Old Road at Vernon Gate and James Close (with 3-storeys and a pitched roof) and that it would normally be expected that taller buildings would be located on the main road frontage rather than within the heart of traditional residential areas.

The design approach including the choice of materials and glazing style is sympathetic to the surrounding area. The scale and massing looks to eliminate any overbearing of the existing properties and the layouts of the apartments have been designed to maximise desirable outlook and eliminate overlooking with the use of carefully positioned windows. The benefits of bringing this site back into use and the additional housing delivery outweigh any continuing concerns relating to the visual prominence of the proposal.

Overall, it is considered that the current proposal would no longer create, by virtue of its scale and mass, an unacceptable form of development. Furthermore, the proposal would not be out of character with the prevailing scale of the surrounding area.

7.5 Access and Highway Issues

The submitted Transport Statement concludes that, *“a total of 6 car parking spaces would be provided. This level of provision is in excess of the expected demand and should be suitable. In addition, the masterplan shows how a total of 26 cycle parking spaces would be provided which meets DCC’s minimum requirements”*.

This application is also supported by a Framework Travel Plan, which has a target to maintain a 0% modal share of student car drivers through displacing journeys into other modes. Students will be better informed of the sustainable travel opportunities and incentives. The Travel Plan will be regularly monitored and additional measures will be included to ensure that it meets students’ requirements and to help meet the car-free target.

The application site is considered to be sustainable and accessible. It is on a main road location with a public transport routes and within reasonable walking distance to the local centre at Rowditch and to Ashbourne Road, where facilities and further transport options are available.

Neither Strategic Transportation nor the Highway Authority have any objections to the proposals, subject to the imposition of conditions. These will deal with matters including the provision of on-site electric vehicle charging, cycle parking and the approval of a Travel Plan. The Travel Plan shall promote travel by sustainable transport modes and shall include arrangements for monitoring of progress of the proposals.

Overall, it is considered that the car-free proposal and the details of the comprehensive Travel Plan would satisfactorily mitigate any concerns relating to the provision of on-site car parking and would not exacerbate existing on-street parking issues in the immediate area. Consequently, it is considered that the current proposal successfully addresses and overcomes the previous reason for refusal.

7.6 Impact on Residential amenities

Concerns have been raised that the proposal will unacceptably impact on the character of the surrounding area. This is a site on a busy arterial road with commercial uses to the south and east (rather than one within the midst of a tight-knit, traditional residential area) such that it would be difficult to argue that its redevelopment for residential purposes would have a negative impact on the character of the surrounding area. It is considered that residential occupiers would be more in keeping with the character of the surrounding dwellings than the former industrial use. Furthermore, the site is considered to be in a sustainable location, within easy access of amenities/public transport, such that Highways Officers have not raised any objections in respect of the principle of the use or of any technical matters.

Other concerns have been raised regarding potential overlooking and overshadowing of residents on Etwall Street. Where the proposed block faces the first terraced houses on Etwall Street, the block is set back from the frontage and there would be 16m of separation. This is 5m more than the existing terrace-to-terrace separation further down Etwall Street. Furthermore, any potential overlooking from the upper floors would be at a very oblique angle, such that any potential loss of privacy would be minimal.

It is inevitable that the proposed development will cause some shadowing of the terraced houses immediately opposite the site, as they are directly to the north. As set out above, the proposed degree of separation is considered to be acceptable. Furthermore, the private amenity areas of the terraced houses are all to the rear, away from the development.

In all respects, the reduction in height, scale and mass of the building is considered to minimise the impact on neighbouring properties. In my professional opinion and judgement the proposal would satisfactorily address and overcome the previous reason for refusal, in that the proposal would no longer be detrimental to the amenities enjoyed by local residents.

Conditions are recommended, to establish both a waste/recycling strategy and a management strategy for the premises. The latter would address any potential future complaints from nearby residents. The strategy, which shall be circulated to nearby residents, will set out details of tenancing and internal management arrangements, details of liaison arrangements with nearby residents, contact details of the management and arrangements for any potential dispute resolution.

Overall, it is considered that the benefits of bringing this site back into use and the additional housing delivery outweigh any minor concerns relating to the impact of the proposal on residential amenities.

7.7 Other Technical Issues

Flood Risk/Drainage

The site is located within a low risk flood zone such that the development is appropriate from a flood risk perspective. However, no drainage information has yet been submitted. The development must be provided with a suitable sustainable drainage system, otherwise it may lead to additional surface water flood risk. A condition is recommended to ensure the approval of a sustainable drainage scheme for the development site.

Land Contamination

A Phase 1 Geo-Env Report has previously been submitted. This recommends that intrusive ground investigations and a ground gas risk assessment will be necessary in order to ensure that the site is assessed and remediated in terms of contamination risks to future occupiers. A suitable condition is recommended.

Noise

A Noise Survey Report has also previously been submitted and no objection has been raised to the proposal on noise grounds. However to mitigate sufficiently the existing predominantly road traffic noise affecting the proposed development, a high standard of noise mitigation is required, with suitable arrangements for ventilation and temperature control. A suitable condition is recommended.

Archaeology

The proposal site lies immediately adjacent to the postulated course of the Rykneld Street Roman road. There is potential for the proposed development to impact on remains of the Roman road, and associated activity. A suitable condition is recommended to enable any archaeological remains to be identified and recorded, through the approval of an appropriate Written Scheme of Investigation for archaeological work.

7.8 Developer Contributions

The proposed 44 bed student accommodation scheme would meet the threshold for certain mitigation requirements which must be secured through a Section 106 agreement, in accordance with the Council's Planning Obligations Supplementary Planning Document (SPD) 2018.

If the development were to be restricted to students only then it is meeting a specific and specialised need and so the requirement to secure affordable housing is not considered to be relevant.

The Council would normally be seeking financial developer contributions towards:

- Amenity Green Space
- Major Open Space
- Sports facilities
- Transport (where the development is not car-free).

However, although this scheme is being proposed as car-free, there are particular issues concerning on-street parking on the residential streets surrounding the site that were raised by Committee on the previous application on this site and in the balance it has been considered that a transport contribution should be sought to specifically

address these issues. To mitigate this issue, the transport contribution will be directed towards the implementation of a residents parking scheme on Slack lane, Etwall Street and adjoining streets.

The applicant has stated that the scheme cannot afford all the SPD required S106 contributions and the scheme's viability has therefore been assessed by the District Valuer.

The District Valuer has concluded that whilst the scheme is unviable on a fully policy compliant basis, the scheme can afford to pay a significant proportion of the transport contribution at the start of the scheme's construction. He also advises that the S106 agreement should contain a review mechanism to secure the two other contributions through overage in the future if the development profit level is shown to be higher than 15% of Gross Development Value. Negotiations have been continuing with the applicants and it is anticipated that the S106 Heads of Terms will be agreed prior to the meeting.

Given the priority of the need to address the Committee's concerns over the parking issues, the applicant has however agreed to guarantee the transport contribution by paying it at the commencement of the development. To further address the concerns of Members, the applicant has also offered in the S106 to commit to a parking restriction covenant in the residents' tenancy agreements and to notify prospective occupiers of the accommodation that they would not be entitled to apply for parking permits. The other contributions will be secured through overage in the future if the development profit level is shown to be higher than 15% of Gross Development Value.

While overall the assessment shows the scheme to be unviable, the District Valuer carried out sensitivity testing on the transport contribution and he advises that the scheme can afford to pay a substantial contribution at commencement. The remaining contributions would need to be put into overage. In any respect, the benefits of bringing this site back into use and the additional housing delivery outweigh any strict compliance with the Planning Obligations SPD.

Should Members resolve to approve the current scheme, a review mechanism (to make provision for overage and require a financial appraisal to be submitted at 90% occupation of the units) is recommended to be applied to the Sec 106 agreement.

7.9 Conclusions

The principle of residential uses in this location is acceptable. It is a previously used site in a sustainable location. The proposal can contribute to meeting housing needs and provide 17 dwellings towards the housing requirement. The proposal would also provide bespoke accommodation for students which provide an opportunity for private rented accommodation in the city to be used by other groups. Subject to the imposition of conditions, there are no highway objections or technical concerns. Overall, it is considered that the proposed re-design of the building, the additional Travel Plan measures and the applicant's committed transport contribution, have successfully addressed and overcome the previous reasons for refusal.

The benefits of bringing this site back into use and the additional housing delivery outweigh any minor concerns relating to the impact of the proposal on visual or residential amenities. Given the applicant's committed transport contribution and the

recommended ability to review the costs, through the Section 106 Agreement, it is considered that the proposal is acceptable. Consequently, the proposal is considered to be in compliance with Core Strategy policies CP1, CP2, CP3, CP4, CP6, CP16, CP19, CP22, CP23 and MH1; and with saved Local Plan policies GD5, E24 and T10.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

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

8.2. Summary of reasons:

The principle of residential uses in this location is acceptable. It is a previously used site in a sustainable location. The proposal can contribute to meeting housing needs and provide 17 dwellings towards the housing requirement. The proposal would also provide bespoke accommodation for students which provide an opportunity for private rented accommodation in the city to be used by other groups. Subject to the imposition of conditions, there are no highway objections or technical concerns. Overall, it is considered that the proposed re-design of the building, the additional Travel Plan measures and the applicant's committed transport contribution, have successfully addressed and overcome the previous reasons for refusal.

The benefits of bringing this site back into use and the additional housing delivery outweigh any minor concerns relating to the impact of the proposal on visual or residential amenities. Given the applicant's committed transport contribution and the recommended ability to review the costs, through the Section 106 Agreement, it is considered that the proposal is acceptable. Consequently, the proposal is considered to be in compliance with Core Strategy policies CP1, CP2, CP3, CP4, CP6, CP16, CP19, CP22, CP23 and MH1; and with saved Local Plan policies GD5, E24 and T10.

8.3. Conditions:

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

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

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

Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose.

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 may not be acceptable to the Local Planning Authority in this location because of the impact on highway safety and residential amenity.

4. The development shall be carried out in accordance with the materials specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory.

5. The development hereby approved shall not be occupied until the boundary treatment has been completed in accordance with the approved plans.

Reason: The implementation of the development without the boundary treatment would result in an unacceptable scheme which would be detrimental to the amenities of adjoining properties and the character of the area.

6. The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

7. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period.

The Plan shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

With respect to the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting, the Plan shall include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Pollution Control Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - Mondays to Fridays - 08:00 Hours and 18:00 Hours, Saturdays - 08:00 and 13:00 Hours, Sundays and Bank Holidays - at no time
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Derby City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, and 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. No part of the development hereby permitted shall be brought into use until the existing Etwall Street vehicular access is reinstated as a dropped vehicular footway crossing and is available for use, constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

9. No part of the development hereby permitted shall be brought into use until the access parking areas are constructed with provision to prevent the discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the Local Planning

Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing a danger to highway users

- 10.** No part of the development hereby permitted shall be brought into use until the parking areas are provided, with the parking areas clearly defined in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles

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.

- 11.** No part of the development hereby permitted shall be brought into use until the on-site scheme to provide for electric vehicle charging, as shown on the approved plan, has been implemented to the satisfaction of the Local Planning Authority. The charging provision shall thereafter be retained for the life of the development.

Reason: In order to deliver sustainable transport objectives.

- 12.** No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on the approved drawing has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to deliver sustainable transport objectives including meeting the car-free objective and the increased use of cycling.

- 13.** The development shall be implemented strictly in accordance with the initiatives and monitoring measures, as set out in the supporting Travel Plan, unless otherwise agreed with the Local Planning Authority. All measures shall be in place prior to the first occupation of the development. All monitoring reports, as required by the Travel Plan, shall be submitted to the local planning authority and any further agreed mitigation measures shall thereafter be implemented.

Reason: In order to deliver sustainable transport objectives including meeting the car-free objective, the increased use of public transport, walking and cycling 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.

- 14.** Where the submitted Phase I desktop study has identified potential contamination, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. Site investigations will also need to consider risks from ground gases. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater.

A detailed report of the investigation will be required for submission to the Council for written approval prior to commencement of the development.

In those cases where the agreed investigation report confirms that contamination exists, a remediation method statement will be required for approval by the LPA prior to commencement of the development.

All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

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

- 15.** Prior to first occupation an environmental noise test report shall be submitted for acceptance in writing by the Local Planning Authority. This report shall demonstrate that significant noise effects on occupants of the proposed development have been avoided and that all reasonable measures have been taken to achieve the following internal ambient noise levels in any unoccupied habitable space whilst maintaining an adequate standard of whole dwelling ventilation and temperature control:

L_{Aeq}, 16hr (0700-2300) of 35 dB

L_{Aeq}, 8hr (2300-0700) of 30 dB

11th highest L_{AFMax} (2300-0700) of 45 dB (using 1 minute measurement intervals)

Measured L_{Aeq} internal ambient noise levels shall have an acoustic character adjustment added, following the BS 4142 2014 standard methodology, before comparison with the corresponding targets.

The installed glazing and ventilation systems shall be retained and maintained at all times thereafter to ensure that this level of performance continues to be achieved.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

- 16.** No development shall take place until a surface water drainage scheme 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 sustainable drainage solution,
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Restriction of surface water runoff from the whole site to maximum 5 litres per second,

- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.
- Details of the foul drainage will also be required and confirmation from the receiving authority that the foul discharge flows will be accepted.

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: 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.

17. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to protect and record any on-site archaeological evidence.

18. The use hereby permitted shall not commence until a waste/recycling strategy (comprising immediate, continuing and long-term measures to promote and encourage recycling of waste materials; such as information to future occupiers including details of the nearest recycling site and the

effective use of refuse/recycling bins) has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved strategy shall be implemented prior to occupation and copies made available to all future occupiers.

Reason: To encourage effective recycling of waste materials 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.

- 19.** The use hereby permitted shall not commence until a management strategy to address any potential future complaints from nearby residents has been prepared, submitted to and been approved in writing by the Local Planning Authority. The Strategy shall comprise details of tenancing and internal management arrangements, details of liaison arrangements with nearby residents, contact details of the management and arrangements for any potential dispute resolution) The approved strategy shall be circulated to nearby residents and implemented prior to occupation.

Reason: To ensure the effective management of the premises, to mitigate any impact on residential amenity, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Informative Notes:

1. The development makes it necessary to construct a new vehicular crossing over a footway of the public highway and to carry out works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to arrange for these works to be carried out. Contact maintenance.highways@derby.gov.uk tel 03332 006981
2. No part of the proposed retaining wall or its foundations, fixtures and fittings shall project forward of the highway boundary.
3. 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.
4. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; kerrie.jarvis@derby.gov.uk
5. The consent granted will result in the construction of a new building which needs naming and numbering. To ensure that the new address is allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk 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.
6. The applicant is advised of the following Housing Standards requirements. For further information please refer to Derby City Council's Housing Standards:

<https://www.derby.gov.uk/trading-standards-environmental-health/environmentalhealth/housing-standards/> :

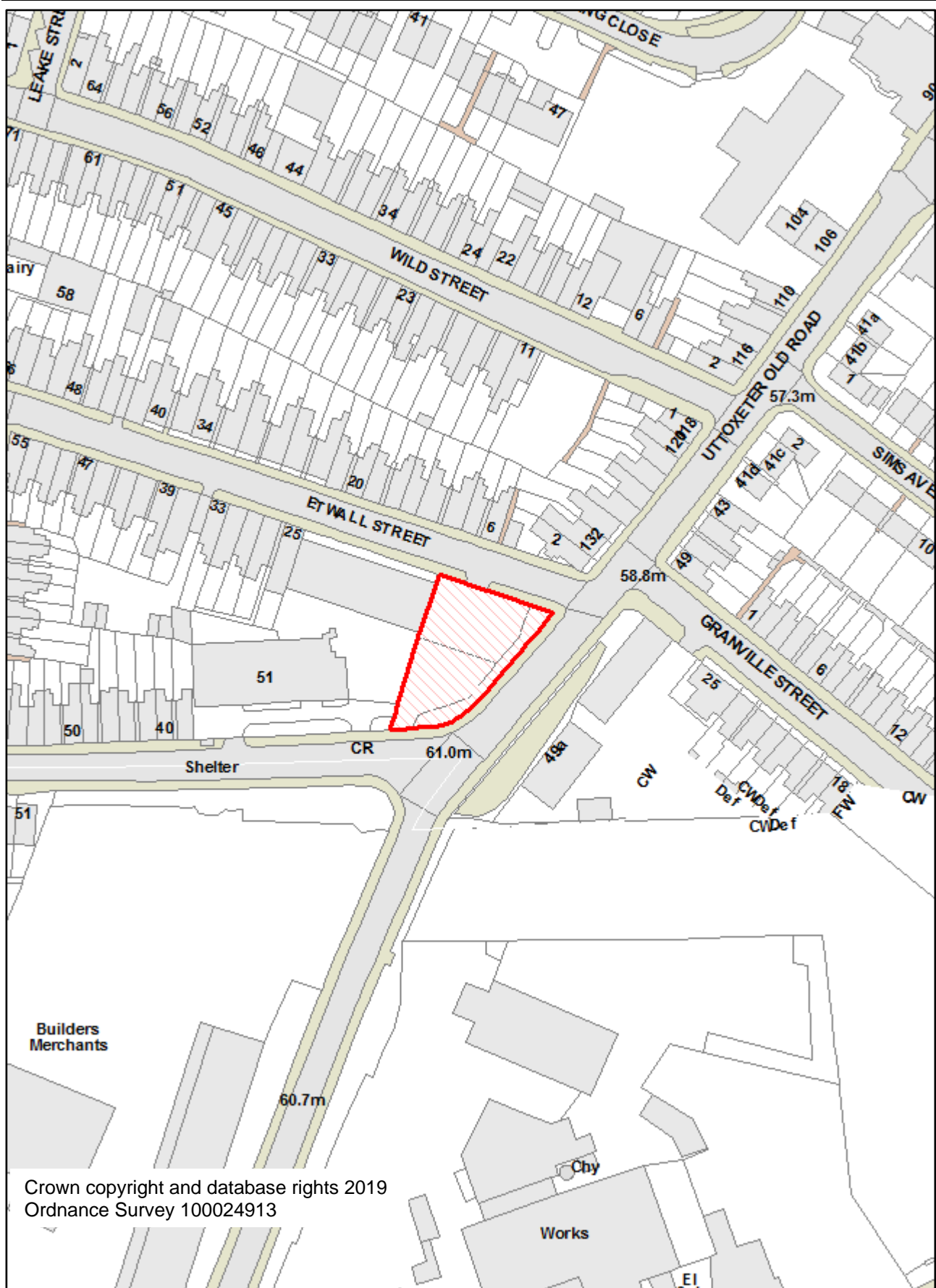
- The use must comply with Derby City Council's space and amenity standards for HMOs.
- Regard shall also be had to the LACoRS Fire Safety Guide, which is best practice regarding fire safety precautions in rented property.
- If the HMO property is occupied by 5 or more persons, a mandatory HMO licence will be required.

8.5. Section 106 requirements where appropriate:

- Payment of a transport contribution, at the commencement of the development, towards the implementation of a residents parking scheme on Slack lane, Etwall Street and adjoining streets. Inclusion of a parking restriction covenant in the residents' tenancy agreements and to notify prospective occupiers of the accommodation that they would not be entitled to apply for parking permits.
- A financial appraisal to be submitted once 90% of the units have been occupied. This appraisal will show actual costs and values from those units sold and anticipated costs and values for the remaining units.
- The owner will pay the District Valuer reasonable costs of assessing the appraisal.
- If the assessment shows a development profit level higher than 15% of Gross Development Value, then any development profit beyond 15% will be shared between Derby City Council and the owner on a 50/50 basis with an index-linked cap.
- Any contributions received will be allocated, as the Council deems fit, for provision of the following: Amenity Green Space, Major Open Space and Swimming pool facilities.

8.6. Application timescale:

The application determination period expired on 19 February 2021. The application was called-in to Planning Control Committee by Cllr Adrian Pegg. An Extension of Time has been requested.



Committee Report Item No: 5

Application No: 20/00945/FUL

Type: Full Application

1. Application Details

1.1. Address: 28 Blagreaves Lane, Littleover

1.2. Ward: Blagreaves

1.3. Proposal:

Two storey side and rear extensions, single storey rear extension and erection of dormers to rear

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00945/FUL>

Brief description

This application relates to a semi-detached dwelling on the west side of Blagreaves Lane, which is at the junction with Vine Close. It is on a corner plot, with Vine Close along the northern boundary. There is a detached garage to the rear of the curtilage with access onto Vine Close. The site lies within a residential area, which has a mix of house types from different periods.

Full permission is sought for erection of two storey side and rear extensions to the dwelling house. The proposal would involve demolition of a small single storey extension to the side elevation and replacement with the two storey extensions to north side and rear of the building.

During the life of the application, the proposed extensions to the dwelling have been revised and reduced in scale. This has involved the removal of a rear dormer extension; reduction in width of the side extension by 1.2m; reduction in depth of the rear extension by 3.6m and addition of a first floor rear extension up to 2.7m in depth.

The proposed side extension is 4.3m in width with 500mm set back from front elevation at first floor. It extends the full depth of the existing dwelling. There are two rear extensions, which extend 3.7m and 2.3m from the rear elevation. In terms of floorspace, the extensions would form lounge, kitchen and w.c. to ground floor and two bedrooms and extend bathroom to first floor.

2. Relevant Planning History:

None relevant.

3. Publicity:

Neighbour Notification Letter – 11 neighbours

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

4. Representations:

Fourteen objections have been received to both the original plans and revised plans. This includes one from Cllr Skelton. The main concerns raised are as follows:

- Inadequate parking provision for the additional occupants of the extended dwelling would result in on-street parking and obstruction to Vine Close for road users.
- Highway safety issues from increase traffic using Vine Close.
- Extensions not in keeping with character of the rest of the streetscene
- Building up to side boundary with pavement would be over dominant and out of character
- Extensions of out of scale and size with the plot and surrounding area
- Emergency vehicles would struggle to access Vine Close
- Already two large dwellings being built in the local area, result in additional traffic in Vine Close.

5. Consultations:

None.

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
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- H16 Housing Extensions to Dwellings
- GD5 Amenity

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-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

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. Design & Visual Amenity

7.2. Residential Amenity

7.3. Highway Implications

7.1. Design & Visual Amenity

Saved Policy H16 (Housing Extensions) of the CDLPR states that permission will be granted for extensions to residential properties provided that "there is no significant adverse effect on the character and appearance of the dwelling or the street scene" taking into account design, massing, visual prominence and materials. The principle of good design is reinforced by adopted Policies CP3 (Placemaking Principles) and CP4 (Character and Context) of the DCLP – Part 1 which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places).

The revised scheme of two storey extensions to this semi-detached dwelling are considered to be proportionate to the scale and appearance of the existing house and to the overall pair of dwellings. The adjoining semi (No.30) has already been extended with a two storey side extension and single storey front extension, which is of similar width and proportion to the current proposal.

The proposed extensions to the dwelling have been reduced in width and depth to the rear of the plot, due to concerns about its scale and prominence in the streetscene. The property is a corner plot, located at the junction with Vine Close and it is therefore prominent from the wider residential area of Blagreaves Lane. The side extension would have a set back at first floor level and a lowered roofline, so that it would appear subordinate to the existing dwelling. The revisions to the rear extensions would also be of acceptable proportions with the main building and retain much of the rear garden area. The revised extensions, whilst they would be clearly visible from the street frontage would now respect the character and appearance of the semi-detached pair and be in keeping with the character of the wider residential area. The proposed design and form of the extensions are appropriate in this residential context and would not have an adverse impact on the pair of dwellings or the wider streetscene. Overall, I am satisfied that there would be no significant harm to visual amenity and the proposals would accord with the design principles in the

relevant Local Plan Policies CP3 and CP4 and saved Policy H16 and the overarching design guidance in the NPPF (2019).

7.2. Residential Amenity

Saved Policy GD5 (Amenity) prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. The policy is reinforced by the provisions of saved Policy H16 (Housing Extensions) which also requires the creation of a "satisfactory living environment" which in turn is supported by the National Planning Policy Framework, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 127). With specific regard to highways impacts, adopted policy CP23 requires that new development is not permitted "where it would cause, or exacerbate, severe transport problems".

The proposed extension would be visible from surrounding residential properties on Vine Close and 30 Blagreaves Lane, so would have some impact on residential amenity. The main impact would be on the adjacent dwelling at 1 Vine Close, which lies to the rear of the site and is at a right angle to No.28, fronting onto Vine Close. This property has its side elevation facing the plot with one small side window at first floor and garage, adjacent to the shared boundary. The proposed rear extension has been reduced in depth by 3.6m, such that the massing effect and overlooking of this property would much less than was originally submitted and would not now result in an unreasonably harmful impact on the resident's amenity. The relationship of the extensions with No.1 would therefore be an acceptable one and would not have a significant detrimental effect on their living environment. The amenities of adjacent dwellings on Blagreaves Lane, including the adjoining semi at No.30, would not be particularly adversely affected by the extensions, in terms of massing or loss of privacy. The impacts on neighbouring residential properties would be within acceptable limits and a satisfactory living environment would be maintained for those residents. Overall, the implications of the proposal for residential amenity would be acceptable and in compliance with relevant saved Local Plan policies GD5 and H16 and paragraph 127 of the National Planning Policy Framework.

7.3. Highway Implications

Various third-party objections have raised concerns about the traffic implications of the proposed extensions and the limited amount of parking on the property. These concerns from residents appear to relate to Vine Close, being a narrow and small residential cul-de-sac. Because of its narrowness there isn't a lot of space for on-street parking. However, the application property has a detached garage and driveway to the rear of the plot, which wouldn't be affected by the proposed extensions to the dwelling. Their off-street parking provision is therefore being retained. The revised extensions to the dwelling would add two additional bedrooms, to form a 5 bedroom house, which is fairly typical for modern family housing. This would not give rise to a need for an increase in parking provision on the property or be likely to lead to significant highway safety issues in the local area. For this type of application, the Highways Officer was not asked for comments, because it would be very unlikely to lead to any parking or traffic issues on the local highway network. For

Committee Report Item No: 5

Application No: 20/00945/FUL

Type: Full Application

these reasons, I am satisfied that the proposal would not have any adverse highway implications and therefore it is in compliance with the requirements of the relevant Local Plan Policy CP23.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed extensions would be acceptable with regard to visual and residential amenity in this residential area and would not result in significant harm to the living environment of neighbouring properties or lead to any adverse highway safety implications or parking issues on the local highway network.

8.3. Conditions:

1. Standard time limit condition (3 years)

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

2. Standard approved plans condition

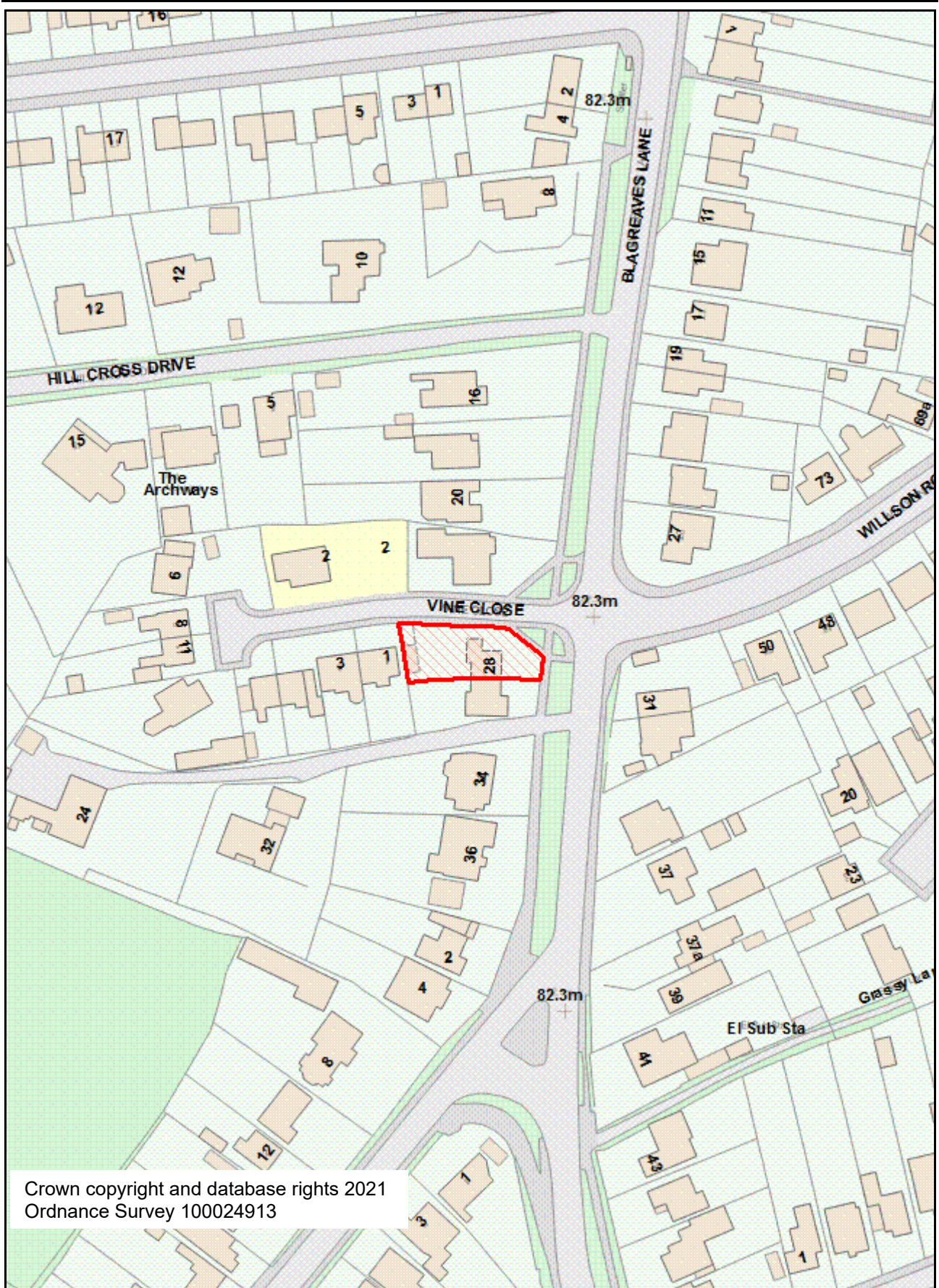
Reason: For avoidance of doubt.

3. External materials to match those on existing dwelling

Reason: To be in keeping with character of the surrounding area and maintain visual amenity.

8.4. Application timescale:

The determination period for the application expired on 7 October 2020 and an extension of time was agreed until 25 March 2021. A further extension will be agreed with the applicant.





Delegated decisions made between Between 01/01/2021 and 31/01/2021



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00358/FUL	Full Application	Land Off Megaloughton Lane Spondon Derby	Erection of two industrial buildings (Use Classes B1(c), B2 & B8) together with ancillary offices and associated access (one unit capable of sub-division into two units), parking, landscaping and associated works	Approval	15/01/2021
19/01287/OUT	Outline Application	147 Ashbourne Road Derby DE22 3FW	Erection of a single storey detached student accommodation building (three self contained units)	Approval	25/01/2021
19/01344/FUL	Full Application	165 Chaddesden Lane Derby DE21 6LJ	First floor side and two storey rear extensions to shop and flat (two bedrooms, bathroom, w.c. and enlargement of shop)	Approval	26/01/2021
19/01590/FUL	Full Application	23 Arthur Street Derby DE1 3EF	Installation of replacement windows and sills to the front elevation	Approval	20/01/2021
19/01629/DISC	Compliance/Discharge of Condition	75 Rose Hill Street Derby DE23 8FZ	Installation of a replacement roof covering and rain water goods - Discharge of condition 5 of previously approved application code No. 19/00173/LBA	Discharge of Conditions Complete	26/01/2021
20/00083/FUL	Full Application	39 Highfield Lane Derby DE21 6PH	First floor side extension to dwelling house and installation of dormers to the front and rear elevations	Refused	13/01/2021
20/00415/DISC	Compliance/Discharge of Condition	4 - 5 The Spot London Road Derby DE1 2NZ	Change of use of first and second floors to six apartments (Use Class C3) - Discharge of condition Nos 3 and 4 of previously approved permission 19/01559	Discharge of Conditions Complete	04/01/2021
20/00459/FUL	Full Application	Land At The Rear Of 638 Burton Road	Erection of a dwelling house (Use Class C3)	Approval	29/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6EL			
20/00831/TPO	Works to a tree with a TPO	275 Broadway Derby DE22 1AU	Crown lift to 4.5m and reduction in length of the lower lateral branches overhanging 4 Penny Long Lane to up to 3m of a Lime tree protected by Tree Preservation Order no's 45 and 308	Approval	25/01/2021
20/00887/FUL	Full Application	36 Blenheim Drive Derby DE22 2LB	Two storey side and rear extensions to dwelling house (office, cloak room, W.C., utility, kitchen, two bedrooms, en-suite and enlargement of bedroom)	Approval	22/01/2021
20/00925/FUL	Full Application	41 - 43 St Thomas Road Derby DE23 8RF	Demolition of existing building and erection of a replacement garage/ storage building	Approval	19/01/2021
20/00935/FUL	Full Application	39 Whittlebury Drive Derby DE23 3BF	Erection of an outbuilding (garage with storage above)	Approval	20/01/2021
20/00980/RES	Reserved Matters	Site Of 50 Sitwell Street Spondon Derby DE21 7FG	Residential development (two dwellings) - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/03/17/00333	Approval	18/01/2021
20/00991/FUL	Full Application	51 Wardwick Derby DE1 1HJ	Change of use of upper floors from offices (Use Class A2) to 12 bedroom House In Multiple Occupation (Sui Generis)	Approval	10/01/2021
20/00992/LBA	Listed Building Consent - Alterations	51 Wardwick Derby DE1 1HJ	Change of use of upper floors from offices (Use Class A2) to 12 bedroom House In Multiple Occupation (Sui Generis) including internal alterations to building.	Approval	10/01/2021
20/00993/FUL	Full Application	10 Hayes Avenue	Two storey side and rear and single storey	Approval	27/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6JU	rear extensions to dwelling house (two bedrooms, wet room, lounge, kitchen, ensuite and enlargement of bedroom and bathroom)		
20/01066/PNRJ	Prior Approval - Offices to Residential	133 - 135 Nottingham Road Derby DE21 6AN	Change of use from offices to four flats (Use Class C3)	Approval	08/01/2021
20/01076/RES	Reserved Matters	'Becketwell', Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Erection of building providing 259 residential units (Use Class C3) together with internal and external resident amenities, car parking and servicing plus two commercial units at ground floor level (Use Class E and sui generis (pub or drinking establishment, or hot food take away)) - approval of reserved matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT.	Approval	26/01/2021
20/01092/FUL	Full Application	26 Gayton Avenue Derby DE23 1GA	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen, lounge and two bedrooms)	Approval	07/01/2021
20/01100/FUL	Full Application	89 And 93 Peet Street Derby DE22 3RG	Change of use from dwelling house (Use Class C3) and a house in multiple occupation (Use Class C4) to seven flats (Use Class C3) including raising part of the roof height, a single storey rear extension and installation of a dormer to the rear elevation	Approval	29/01/2021
20/01109/FUL	Full Application	4A Ashbourne Road Derby DE22 3AA	Alterations and re-building of outbuilding to form a dwelling (Use Class C3)	Approval	08/01/2021
20/01110/LBA	Listed Building Consent - Alterations	4A Ashbourne Road Derby DE22 3AA	Alterations and re-building of outbuilding to form a dwelling (Use Class C3)	Approval	08/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01119/FUL	Full Application	42 Holtlands Drive Derby DE24 0AR	Single storey side extension to dwelling house (W.C. and enlargement of kitchen)	Approval	12/01/2021
20/01130/FUL	Full Application	379 Baker Street Derby DE24 8SJ	Retention of the erection of a gazebo with play area above	Approval	26/01/2021
20/01150/FUL	Full Application	24 Beech Avenue Derby DE24 0DX	Two storey side extension to dwelling house (garage, kitchen and two bedrooms) and enlargement of dropped kerb	Approval	14/01/2021
20/01169/FUL	Full Application	28 Chevin Road Derby DE1 3EX	Demolition of garage. Single storey side extension to dwelling house (garage, shower room and sun room)	Approval	25/01/2021
20/01180/FUL	Full Application	137 Locko Road Derby DE21 7AR	Single storey side/rear extensions to dwelling house (utility and enlargement of living space)	Approval	12/01/2021
20/01197/FUL	Full Application	136 Normanton Lane Derby DE23 6LF	Two storey side and single storey side and rear extensions to dwelling house (shower room, kitchen/diner and bedroom)	Approval	05/01/2021
20/01198/FUL	Full Application	24 Nevinson Drive Derby DE23 1GX	Two storey and single storey side and rear extensions to dwelling house (bedroom, en-suite, bathroom, W.C. and enlargement of kitchen and lounge)	Approval	11/01/2021
20/01203/DISC	Compliance/Discharge of Condition	Radbourne Unit Royal Derby Hospital Uttoxeter Road Derby DE22 3WQ	Erection of a single storey plant building with compound - discharge of condition 3 of planning permission 20/00503/FUL	Discharge of Conditions Complete	28/01/2021
20/01208/FUL	Full Application	19 Devas Gardens Derby DE21 7AD	Two storey side extension to dwelling and installation of a dormer to the front elevation	Approval	14/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01244/FUL	Full Application	Land At The Side Of 4 Garrick Street Derby DE24 8PT	Erection of two dwelling houses (Use Class C3)	Approval	08/01/2021
20/01248/CLE	Lawful Development Certificate -Existing	5 Darley Park Road Derby DE22 1DB	Installation of a raised decking area to the rear elevation	Approval	11/01/2021
20/01257/FUL	Full Application	12 Wordsworth Avenue Derby DE24 9HP	Single storey rear extension to dwelling house (enlargement of kitchen/diner) and use of existing garden building as annexe accommodation	Approval	12/01/2021
20/01279/FUL	Full Application	3 Bunting Close Derby DE3 9XG	Two storey and first floor side extensions to dwelling house (two bedrooms and bathroom)	Approval	04/01/2021
20/01293/TPO	Works to a tree with a TPO	4 Limegate Mews Derby DE23 6FJ	Height reduction to 11.7m of three Ash trees protected by Tree Preservation Order no. 336	Refused	25/01/2021
20/01304/FUL	Full Application	11A Cavendish Way Derby DE3 9BJ	Two storey side and rear extensions to dwelling house and new roof design	Approval	14/01/2021
20/01315/FUL	Full Application	98 Chapel Lane Spondon Derby DE21 7JW	Two storey side and single storey rear extensions to dwelling house (garage, kitchen, sitting/sun room, bedroom and en-suite)	Approval	14/01/2021
20/01341/FUL	Full Application	93 Stepping Lane Derby DE1 1GL	Proposed single storey rear extension, loft dormer and change of use to 7 bedroom HMO	Approval	14/01/2021
20/01344/FUL	Full Application	13 Gladstone Road Derby DE21 7JJ	Two storey side extension to dwelling house (kitchen/dining room, 2 bedrooms and en-suite bathroom)	Approval	13/01/2021
20/01351/TPO	Works to a tree with a TPO	10 Mews Court Derby	Various works to Ash and Lime trees protected by Tree Preservation Order No 172	Approval	21/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE3 9DB			
20/01355/FUL	Full Application	21 - 23 Friar Gate Derby DE1 1BX	Change of use of part of first floor to Residential (Use Class C3) with internal alterations including refurbishment of existing flat	Approval	07/01/2021
20/01356/LBA	Listed Building Consent - Alterations	21 - 23 Friar Gate Derby DE1 1BX	Internal alterations and change of use of part of first floor to Residential (Use Class C3) including refurbishment of existing flat	Approval	07/01/2021
20/01358/FUL	Full Application	69 Chilson Drive Derby DE3 0PG	Retention of single storey rear extension to dwelling house (snug and bathroom)	Approval	11/01/2021
20/01360/FUL	Full Application	65 Collingham Gardens Derby DE22 4FR	Single storey front and rear extensions to dwelling house (porch, bedroom, bathroom and kitchen)	Approval	27/01/2021
20/01369/FUL	Full Application	478 Kedleston Road Derby DE22 2NE	Single storey front and rear extensions to dwelling house (living space and enlargement of hall and lounge) and alterations to the existing raised patio area to the rear	Approval	14/01/2021
20/01373/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 of previously approved planning permission 19/01454/VAR to allow the building to be used until on or before 28 February 2023	Approval	07/01/2021
20/01374/FUL	Full Application	Derwent Court Macklin Street Derby DE1 1SG	Change of use from offices to six flats in multiple occupation (Use Class C4)	Approval	08/01/2021
20/01375/PNRJ	Prior Approval - Offices to Residential	Derwent Court Macklin Street	Change of use from offices (Use Class B1) to six apartments (Use Class C3)	Approval	08/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 1SG			
20/01378/TPO	Works to a tree with a TPO	17B Kings Croft Derby DE22 2FP	Various works to trees protected by Tree Preservation Order no. 471	Approval	25/01/2021
20/01389/FUL	Full Application	34 Sutton Avenue Derby DE73 6RJ	Single storey side and rear extensions to dwelling (utility and conservatory)	Approval	22/01/2021
20/01398/FUL	Full Application	1 Hall Dyke Derby DE21 7LF	Two storey and single storey rear extensions to dwelling house (family room, W.C., office and enlargement of kitchen)	Approval	14/01/2021
20/01404/FUL	Full Application	Former H Lonsdale And Son Building Contractors Builders Yard Poole Street Derby DE24 9DA	First floor extension and external alterations to existing unit (storage/office space) and erection of a new light industrial unit (Use Class E(g))	Approval	05/01/2021
20/01408/FUL	Full Application	21 Bramblewick Drive Derby DE23 3YG	Roof alterations to include building up both gable ends, installation of front and rear dormers and raising of the chimney height	Approval	05/01/2021
20/01417/FUL	Full Application	68 Grange Avenue Derby DE23 8DG	Two storey side and single storey rear extensions to dwelling house (snug, bathroom, kitchen/dining area, bedroom and enlargement of bedroom) installation of a dormer to the rear elevation and a raised platform to the rear elevation	Approval	06/01/2021
20/01418/VAR	Variation of Condition	94 Laburnum Crescent Derby DE22 2GS	Single storey extension to a dwelling (lounge, billiard room, utility room and enlargement of kitchen/diner) - Variation of condition 2 of previously approved planning permission 20/00727/FUL to change the proposed wall materials to brick	Approval	06/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01419/TPO	Works to a tree with a TPO	The Vicarage St Matthews Church 25 Church Lane Darley Abbey Derby DE22 1EX	Felling of a Sycamore tree protected by Tree Preservation Order No. 306	Refused	21/01/2021
20/01424/VAR	Variation of Condition	509 Nottingham Road Derby DE21 6NA	Change of use from financial & professional services (Use Class A2) to a hot food takeaway (Use Class A5) together with erection of a single storey rear extension and external alterations to include installation of an extraction flue and condensing unit - Variation of Condition 2 of previously approved planning permission 20/00722/FUL to amend the single storey rear extension	Approval	14/01/2021
20/01426/FUL	Full Application	13 Arlington Road Derby DE23 6NY	Roof alterations including installation of a dormer to the rear elevation, installation of render and enlargement of outbuilding (office)	Approval	08/01/2021
20/01430/FUL	Full Application	24 Holborn Drive Derby DE22 4DW	Two storey side extension to dwelling house	Approval	26/01/2021
20/01434/FUL	Full Application	Land At The Rear Of 545 Burton Road Derby DE23 6FT (Access Of Thornhill Road)	Erection of a dwelling house (Use Class C3)	Approval	04/01/2021
20/01436/CLP	Lawful Development Certificate -Proposed	1 Redwing Croft Derby DE23 1WF	Single storey side and rear extensions to dwelling (kitchen and bedroom)	Refused	08/01/2021
20/01437/FUL	Full Application	5 Nesfield Close Derby DE24 0QT	First floor side extension to dwelling house (two bedrooms)	Approval	04/01/2021
20/01438/FUL	Full Application	2 Keats Avenue	Single storey front extension to dwelling house	Approval	07/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 4ED	(dining room and open porch)		
20/01441/FUL	Full Application	482 Duffield Road Derby DE22 2DJ	Two storey side and rear and single storey front and rear extensions to dwelling house (sitting room, wet room, utility, pantry, kitchen/dining area, two bedrooms, en-suite and bathroom) with rooms in the roof space and formation of a raised patio to the rear elevation	Approval	04/01/2021
20/01444/TPO	Works to a tree with a TPO	73 Smalley Drive Derby DE21 2SF	Crown reduction by 3 metres and crown raise to 5 metres of an Oak tree protected by Tree Preservation Order no. 376	Approval	25/01/2021
20/01445/CLP	Lawful Development Certificate -Proposed	8 Cypress Walk Derby DE21 6WQ	Single storey rear extension to dwelling (living area)	Refused	11/01/2021
20/01450/FUL	Full Application	Interfleet House Pride Parkway Derby DE24 8HX	Installation of seven air conditioning condensers to the rear elevation	Approval	11/01/2021
20/01453/FUL	Full Application	36 Hill Cross Avenue Derby DE23 1FW	Single storey side and rear extensions to dwelling (garage/store and kitchen/living space) and raising of the roof height and installation of dormers to form rooms in the roof space (two bedrooms and en-suites)	Approval	04/01/2021
20/01454/FUL	Full Application	175 Allestree Lane Derby DE22 2PG	Demolition of existing single storey extension. Erection of a single storey side/rear extension to dwelling house (shower room, utility, kitchen and bedroom)	Approval	10/01/2021
20/01456/COV	Covid 19 - Temporary Permission	189 Blenheim Drive Derby DE22 2GN	Erection of a temporary marquee	Approval	14/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01459/TPO	Works to a tree with a TPO	Southfields 6 Friars Close Derby DE22 1FD	Felling of three Poplar trees protected by Tree Preservation Order No 154	Approval	29/01/2021
20/01460/CAT	Works to Trees in a Conservation Area	41 St Marys Gate Derby DE1 3JX	Felling of a Maple tree within the City Centre Conservation Area	Approval	11/01/2021
20/01465/FUL	Full Application	St James House Mansfield Road Derby DE1 3TQ	Change of use of upper floors from offices to education (Use Class F1)	Approval	27/01/2021
20/01467/HEG	Hedgerow Removal Notice	Hedgerow At The Rear Of Natterer Grove Derby	Removal of 107 metre length of hedgerow	Application Withdrawn	27/01/2021
20/01469/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Pride Veterinary Centre Pride Parkway Derby	Erection of a 20m high monopole with equipment cabinets and ancillary works	Approval	13/01/2021
20/01470/FUL	Full Application	Normanton Road Gospel Hall Normanton Road Derby DE23 6UR	Change of use and alterations from gospel hall (Use Class F1) to retail store (Use Class E) including the addition of an additional storey	Approval	10/01/2021
20/01471/FUL	Local Council Own Development Reg 3	20 Dairy House Road Derby DE23 8HL	Single storey rear extension to dwelling house (wet room)	Approval	10/01/2021
20/01472/ADV	Advertisement Consent	Tesco Metro Store 7 St Peters Street Derby DE1 2AG	Display of various signage	Approval	13/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01476/CLP	Lawful Development Certificate -Proposed	30 Markeaton Street Derby DE1 1DW	Erection of a dormer extension to the roof	Approval	14/01/2021
20/01481/FUL	Full Application	134 Coleridge Street Derby DE23 8AE	Single storey side extension to dwelling house (garage, kitchen and enlargement of wet room)	Approval	15/01/2021
20/01482/FUL	Full Application	Land At The Rear Of 77 Highfield Lane Derby DE21 6PJ	Erection of a dwelling (Use Class C3)	Approval	18/01/2021
20/01483/FUL	Full Application	38 Carsington Crescent Derby DE22 2QZ	First floor side, two storey rear and single storey side extensions to dwelling house (games area, dining room, family room, cinema room, three bedrooms and two en-suites) together with formation of a raised patio area, retaining walls and the addition of a pitched roof to the existing porch and garage	Approval	10/01/2021
20/01490/CAT	Works to Trees in a Conservation Area	12 Lavender Row Derby DE22 1DF	Various works to trees within the Darley Abbey Conservation Area	Approval	07/01/2021
20/01491/FUL	Full Application	53 Chadwick Avenue Derby DE24 9DH	Single storey side/rear extension to dwelling house (bedroom, shower room and enlargement of kitchen)	Approval	11/01/2021
20/01492/FUL	Full Application	72 Radbourne Street Derby DE22 3HB	Retention of change of use from a six bedroom house in multiple occupation (Use Class C4) to an eight bedroom house in multiple occupation (Sui Generis Use)	Refused	29/01/2021
20/01493/FUL	Full Application	163 Sancroft Road	Two storey front and side extensions to	Approval	28/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 7LD	dwelling house (sitting room, utility room, W.C., bedroom, en-suite and enlargement of hall and bedroom)		
20/01494/FUL	Full Application	9 St Mellion Close Derby DE3 9YL	Single storey front and rear extensions to dwelling house (utility and enlargement of hall, lounge and kitchen/dining area)	Approval	19/01/2021
20/01503/ADV	Advertisement Consent	Unit 1A Glencar Close Derby DE21 7HZ	Display of various signage	Approval	18/01/2021
20/01504/FUL	Full Application	379 Baker Street Derby DE24 8SJ	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen and bedroom)	Approval	20/01/2021
20/01505/FUL	Full Application	4 Otter Street Derby DE1 3FB	Two storey rear extension to dwelling house (enlargement of kitchen and bedroom)	Application Withdrawn	19/01/2021
20/01506/FUL	Full Application	5 Chaddesden Lane Derby DE21 6LQ	Formation of vehicular access	Approval	15/01/2021
20/01507/FUL	Full Application	Rolls Royce Plc Raynesway Derby DE21 7BE	External alterations to office building	Approval	19/01/2021
20/01508/FUL	Full Application	148 Willson Avenue Derby DE23 1TW	Single storey rear extensions to dwelling house (lounge/diner, play room and enlargement of garage)	Approval	18/01/2021
20/01510/FUL	Full Application	53 Kenilworth Avenue Derby DE23 8TZ	Two storey side and single storey front, side and rear extensions to dwelling house (two bedrooms, two en-suites, study, kitchen and enlargement of hall, lounge and dining room)	Approval	21/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01515/FUL	Full Application	210 Normanton Road Derby DE23 6UX	Change of use from retail (Use Class E) to Hot Food shop (Sui Generis Use)	Approval	22/01/2021
20/01517/DISC	Compliance/Discharge of Condition	Land To The South Of Victory Road Victory Park Derby DE24 8ZF	Erection three units (Use Classes B1(b), B1(c), B2 and B8) together with access, car parking, landscaping and associated works - Discharge of conditions 9 and 15 of planning permission 19/00220/FUL	Discharge of Conditions Complete	04/01/2021
20/01520/DISC	Compliance/Discharge of Condition	56 Carsington Crescent Derby DE22 2QZ	Alterations to land levels to include installation of a wooden structure, fence and ramp. Discharge of condition 3 of previously approved application 20/00751/FUL	Discharge of Conditions Complete	14/01/2021
20/01522/FUL	Full Application	53 Sinfin Avenue Derby DE24 9JA	Retention of the installation of an ATM	Approval	18/01/2021
20/01523/ADV	Advertisement Consent	53 Sinfin Avenue Derby DE24 9JA	Retention of the display of an internally illuminated ATM surround	Approval	18/01/2021
20/01527/PNRJ	Prior Approval - Offices to Residential	Offices 35 Mount Carmel Street Derby DE23 6TB	Change of use of ground floor from office (Use Class B1) to one dwelling (Use Class C3)	Approval	20/01/2021
20/01529/FUL	Full Application	7 Barden Drive Derby DE22 2AL	Single storey side and rear extensions to dwelling (kitchen/dining area and wardrobe) with rooms in the roof space and formation of an external raised patio area	Approval	26/01/2021
20/01532/FUL	Full Application	107 Friar Gate Derby DE1 1EX	Change of use from Retail (use class A1) to Shisha Cafe	Application Withdrawn	28/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01536/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Highgates, Wilmot Street Lara Croft Way Derby	Erection of a 20m high monopole together with equipment cabinets and associated ancillary works	Approval	25/01/2021
20/01539/FUL	Full Application	24 Dennis Close Derby DE23 4BP	Two storey rear and single storey side extensions to dwelling house (lounge, kitchen/dining area, family room, bedroom, en-suite and enlargement of bedroom)	Approval	28/01/2021
20/01543/LBA	Listed Building Consent - Alterations	Darley Abbey Stables Abbey Yard Derby DE22 1DS	Renovation and repair of garden walls including new buttresses and renovation and repair of the Stable Yard retaining wall including new buttresses and repairs to bitumenised macadam yard surface	Approval	25/01/2021
20/01558/PNRH	Prior Approval - Householder	27 Starcross Court Derby DE3 0PW	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Approved	11/01/2021
20/01563/DISC	Compliance/Discharge of Condition	398 Uttoxeter New Road Derby DE22 3HX	Change of use from office (Use Class A2) and extensions and alterations to provide five flats in multiple occupation (Use Class C4) with a combined total of 24 bedrooms, formation of associated car parking area and erection of 1.8m high fencing - Discharge of condition 3 of previously approved planning permission 20/00379/FUL	Discharge of Conditions Complete	04/01/2021
20/01569/NONM	Non-Material Amendment	Site Of Former Fitness Centre Carrington Street Derby DE1 2ND	Erection Of 54 Dwellings (Use Class C3) Together With Associated Parking And Ancillary Works - Non-material amendment to previously approved planning permission 20/00664/VAR to amend the location and design of the bin store	Approval	11/01/2021
20/01585/DISC	Compliance/Discharge of Condition	Site Of Former 574 - 576 Burton Road	Erection of a two/three storey 63 bed care home (Use Class C2) - Discharge of conditions	Discharge of Conditions Complete	04/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 6FL	6 and 10 of previously approved planning permission 20/00170/FUL		
20/01587/CLP	Lawful Development Certificate -Proposed	68 Brackensdale Avenue Derby DE22 4AE	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Approval	29/01/2021
20/01588/COV	Covid 19 - Temporary Permission	7 Chapel Side Chapel Street Spondon Derby DE21 7JQ	Erection of two temporary parasols	Approval	14/01/2021
20/01596/NONM	Non-Material Amendment	Land At Rolls Royce Plc Moor Lane And Land Adjacent Merrill Way Derby DE24 8BJ	Construction Of New Public Highway Between Merrill Way And Moor Lane And Associated Works Comprising: Junction Improvement Works, Cycle And Pedestrian Route, 3 Metre High Noise Barrier, Drainage Measures, Removal Of Buildings, Relocation Of Sports Pitch And Relocation Of Changing Room Facilities And Other Associated Ground Works - Variation Of Condition 2 Of Previously Approved Planning Permission Code No. DER/04/15/00507 To Amend The Approved Plans - Non-material amendment to previously approved permission 07/16/00921 to amend fencing, paving and landscape design	Approval	19/01/2021
20/01645/PNRH	Prior Approval - Householder	28 Benson Street Derby DE24 8NQ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	26/01/2021
20/01658/PNRH	Prior Approval - Householder	78 Meadow Lane Chaddesden Derby	Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 4m, height to eaves	Prior Approval Not Required	26/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 6PT	3m) to dwelling house		
20/01659/PNRH	Prior Approval - Householder	50 Redwood Road Derby DE24 9LA	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 2.9m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	26/01/2021
20/01665/NONM	Non-Material Amendment	'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby	Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1,C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access - Non-material amendment to previously approved planning permission 19/01245/OUT to reconfigure the layout of the public square	Approval	19/01/2021
21/00027/DISC	Compliance/Discharge of Condition	Land At The Rear Of 545 Burton Road Derby DE23 6FT	Erection of a dwelling house (Use Class C3) - Discharge of condition 3 of planning permission 20/01434/FUL	Discharge of Conditions Complete	25/01/2021
21/00040/DISC	Compliance/Discharge of Condition	Land At The Rear Of 20 Louvain Road Derby DE23 6BZ (Access From St. Swithin's Close)	Erection of three dwelling houses - Discharge of conditions 7, ,8, 9, 10, 11 and 12 of planning permission 05/16/00577	Discharge of Conditions Complete	21/01/2021
21/00085/DISC	Compliance/Discharge of Condition	Derby Sewage Treatment Works Megaloughton Lane	Installation Of A Biomethane Gas To Grid Plant - Discharge of condition 3 of planning	Discharge of Conditions Complete	25/01/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 7BR	permission 04/16/00441		



Delegated decisions made between between 01/02/2021 and 28/02/2021



Application No:	Application Type	Location	Proposal	Decision	Decision Date
05/18/00811	Compliance/Discharge of Condition	Land Adjacent To Bio House Derwent Street Derby DE1 2ED	Change Of Use To A Hand Car Wash (Sui Generis Use) Including Installation Of A Protective Screen- Discharge Of Conditions 4,5 & 6 Of Previously Approved Application No. DER/01/18/00044	Finally disposed of	09/02/2021
19/01632/FUL	Full Application	27-32 Victoria Street Derby DE1 1ES	Change of use of upper floors to student accommodation (29 self contained units) and part of ground floor to ancillary cycle store and alterations to the building to include replacement windows and ancillary works to rear	Approval	25/02/2021
20/00411/LBA	Listed Building Consent - Alterations	The Old Hall 5 Orchard Street Derby DE3 0DF	Re-roofing of the dwelling house	Approval	03/02/2021
20/00665/FUL	Full Application	Site Of 87 Morley Road Chaddesden Derby DE21 4QX	Demolition of existing dwelling house and erection of six dwelling houses (Use Class C3)	Refused	17/02/2021
20/00682/FUL	Full Application	127 Manor Road Littleover Derby DE23 6BU	Formation of a new vehicular access and alterations to the existing vehicular access	Approval	08/02/2021
20/00724/FUL	Full Application	Land Adjacent To 58 Worcester Crescent Derby DE21 4EQ	Erection of a dwelling house (Use Class C3)	Refused	16/02/2021
20/00741/FUL	Full Application	Land At Rykneld Road	Erection of a retail unit (Use Class A1) with	Approval subject to	19/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 4AN (South Of The Hollybrook PH)	new access and car parking	Section 106	
20/00783/FUL	Full Application	Land At Rykneld Road Derby DE23 4AN	Installation of surface water drainage infrastructure including attenuation basin	Approval	19/02/2021
20/00885/FUL	Full Application	Car Park Middleton Avenue Derby (access Off Burton Road) DE23 6DN	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	24/02/2021
20/00979/FUL	Full Application	1 Riddings Derby DE22 2GD	two storey side and single storey rear extensions to dwelling house to create additional storage, WC and utility with bedroom and en-suite at first floor	Approval	12/02/2021
20/00981/FUL	Full Application	143 Coleridge Street Derby DE23 1JX	Two storey side and rear extension to dwelling house (hallway, shower room, extended kitchen, bathroom and bedroom).	Approval	22/02/2021
20/00983/FUL	Full Application	5 Davids Close Derby DE73 5SY	Single storey rear extension to dwelling (2 bedrooms and 2 en-suites)	Approval	16/02/2021
20/00995/FUL	Full Application	141 Coleridge Street Derby DE23 1JX	Two storey side extension (hallway, storage room and two bedrooms).	Approval	22/02/2021
20/01003/FUL	Full Application	7 Park Wood Close Derby DE22 2AX	Single storey rear extension to dwelling house (living space)	Approval	12/02/2021
20/01115/FUL	Full Application	161 Upper Dale Road Derby	Retention of change of use from dwelling house (Use Class C3) to four flats (Use Class	Approval	19/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 8BP	C3)		
20/01124/FUL	Full Application	74 - 90 Pear Tree Road Derby DE23 6QA	Single storey side extension (additional office space) and alterations to the front boundary treatment	Approval	24/02/2021
20/01142/FUL	Full Application	1 Appledore Drive Derby DE21 2LN	Two storey side and single storey side and rear extensions to dwelling house (study, utility, dining area, dressing room, en-suite and enlargement of kitchen) and erection of an outbuilding with verandah (hobby room)	Approval	16/02/2021
20/01191/FUL	Full Application	560E Burton Road Derby DE23 6FP	Change of use from retail (Use Class E) to micropub (Sui Generis Use) with an external seating area	Approval	01/02/2021
20/01192/ADV	Advertisement Consent	560E Burton Road Derby DE23 6FP	Display of one internally illuminated fascia sign	Approval	02/02/2021
20/01214/FUL	Full Application	24 Fulham Road Derby DE22 4GB	Two storey side extension to dwelling house (lounge, kitchen and two bedrooms)	Approval	08/02/2021
20/01228/TPO	Works to a tree with a TPO	18 Highfields Park Drive Derby DE22 1JU	Crown reduction by 2.5m and crown lift to 3m of a dual trunked Oak tree protected by Tree Preservation Order no's. 45 and 308	Approval	01/02/2021
20/01241/FUL	Full Application	328 Sinfin Lane Derby DE24 9HU	Part single storey, part two storey side extension to dwelling house (storage areas)	Approval	18/02/2021
20/01270/TPO	Works to a tree with a TPO	30 Porters Lane Derby DE21 4FZ	Various works to trees protected by Tree Preservation Order No. 124	Approval	03/02/2021
20/01276/FUL	Full Application	40 West Avenue	Installation of a dormer window and rooflights	Approval	03/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 3HR	to the rear elevation and two new windows in the gable end		
20/01281/FUL	Full Application	9 Quarn Drive Derby DE22 2NR	Single storey extension to outbuilding (home office)	Approval	10/02/2021
20/01320/FUL	Full Application	74 Station Road Mickleover Derby DE3 9GJ	Single storey rear extension to dwelling house (kitchen, boot/utility room and porch), formation of rooms in roof space (bedroom, en-suite and airing cupboard) together with installation of rear dormer. Erection of outbuilding (storage), formation of hard surfacing and widening of vehicle access. Extension of chimney heights, installation of solar panels and erection of boundary wall	Approval	09/02/2021
20/01326/FUL	Full Application	18 Broughton Avenue Derby DE23 6JA	Two storey side and rear and single storey rear extensions to dwelling house (wetroom, utility, kitchen/dining area/sitting room, bathroom and bedroom) including installation of rear dormer to form rooms in the roof space (bedroom and dressing room) and formation of a raised patio area to the rear elevation	Approval	09/02/2021
20/01338/FUL	Full Application	2 Tennessee Road Derby DE21 6LE	Erection of attached outbuilding in front garden	Approval	12/02/2021
20/01339/VAR	Variation of Condition	Land To The South Of Victory Road Victory Park Derby DE24 8ZF	Erection of three units (Use Classes B1(b), B1(c), B2 and B8) together with access, car parking, landscaping and associated works - Variation of condition 2 of previously approved permission 19/00220/FUL to amend the location of windows and doors in Unit 13	Approval	25/02/2021
20/01350/FUL	Full Application	160 Stenson Road Derby DE23 1JG	Single storey front extension to dwelling house (canopies)	Approval	09/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01368/FUL	Full Application	151 Birchover Way Derby DE22 2DB	Single storey front, side and rear extensions to dwelling house (porch, car port, courtyard, store, garden room and dining area) and roof alterations to form rooms in the roof space	Approval	12/02/2021
20/01377/FUL	Full Application	81 Moor Street Derby DE21 7EB	Two storey side and single storey rear extension to dwelling house (garage, utility room, 2 bedrooms and enlargement of family area) together with installation of rear dormer and juliet balcony in connection with formation of rooms in roof space (bedroom and ensuite) and erection of boundary wall/fence	Approval	04/02/2021
20/01391/FUL	Full Application	3 Allestree Lane Derby DE22 2HQ	Erection of outbuilding (store) and boundary fence	Approval	25/02/2021
20/01395/FUL	Full Application	1 Boswell Square Derby DE23 8AW	Two storey side and single storey front/side extensions to dwelling house (guest room, family room, W.C., bedroom and en-suite)	Approval	12/02/2021
20/01401/FUL	Full Application	1 Chelwood Road Derby DE73 5SJ	Two storey and single storey side and rear extensions to dwelling house (Store, W.C., utility room, en-suite and enlargement of kitchen/living area and bedroom)	Approval	19/02/2021
20/01411/FUL	Full Application	2 Chedworth Drive Derby DE24 0TL	Single storey side extensions to dwelling (lounge and dressing area) and erection of an outbuilding (garden room)	Approval	12/02/2021
20/01414/FUL	Full Application	401 Sinfin Lane Derby DE24 9SE	Two storey side and rear and single storey front extensions to dwelling house together with formation of room in the roof space	Refused	25/02/2021
20/01423/FUL	Full Application	106 Chaddesden Park Road Derby	Single storey rear extension to dwelling house (lounge/dining area)	Approval	03/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 6HG			
20/01425/FUL	Full Application	22 Coniston Crescent Derby DE21 4DS	First floor side/rear extension to dwelling house (bedroom)	Approval	12/02/2021
20/01435/FUL	Full Application	Land Adjacent To The Mile 69A Friar Gate Derby DE1 1FP	Retention of alterations and change of use from storage building to two dwelling houses (Use Class C3)	Approval	03/02/2021
20/01440/FUL	Full Application	The Mile 69A Friar Gate Derby DE1 1FP	Part change of use and extension of public house (Sui Generis Use) to four residential units (Use Class C3)	Approval	03/02/2021
20/01442/FUL	Full Application	79 Wilmington Avenue Derby DE24 0JE	Single storey front, side and rear extensions to dwelling house (porch, garage, storage and kitchen/dining area)	Approval	01/02/2021
20/01443/FUL	Full Application	119 Old Chester Road Derby DE1 3SA	Change of use and external alterations of shop (Use Class E) to form two dwellings (Use Class C3)	Approval	16/02/2021
20/01447/TPO	Works to a tree with a TPO	571 Burton Road Derby DE23 6FW	Reduction in height by 4m of various Conifer trees and crown reduction by 3m and crown thin by 25% of an Oak tree protected by Tree Preservation Order No. 254	Approval	01/02/2021
20/01448/TPO	Works to a tree with a TPO	51 Jubilee Road Derby DE24 9FF	Felling of two trees protected by Tree Preservation Order No. 495	Approval	01/02/2021
20/01452/TPO	Works to a tree with a TPO	105 Whitaker Road Derby DE23 6AQ	Felling of two Corsican pine trees protected by Tree Preservation Order no. 280	Approval	16/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01455/FUL	Full Application	Springfield Farm West Road Derby DE21 7AB	Erection of an agricultural store and hardstanding. Retention of four storage containers.	Approval	17/02/2021
20/01461/VAR	Variation of Condition	Dunkirk Tavern 98 King Alfred Street Derby DE22 3QJ	Change of use from a public house (Use Class A4) to two flats in multiple occupation for student accommodation (Sui Generis Use), and three self-contained flats (Use Class C3) including installation of dormer windows, a first floor extension and installation of new windows - variation of condition 2 of previously approved planning permission 20/00346/FUL to amend the approved plans	Approval	17/02/2021
20/01462/FUL	Full Application	33 Causeway Derby DE22 2BX	Single storey side and rear extensions to dwelling house (wet room, kitchenette, living space and kitchen/dining area) and formation of a raised patio area to the rear	Approval	04/02/2021
20/01464/FUL	Full Application	19 Thorpелands Drive Derby DE22 2XA	Two storey and first floor side and single storey rear extensions to dwelling house (study, utility, bedroom and enlargement of bedroom)	Approval	03/02/2021
20/01495/TPO	Works to a tree with a TPO	3 Culworth Court Derby DE21 2PR	Crown reduction by 3m, crown thinning by 10% and removal of deadwood of Oak Tree protected by TPO no.247	Approval	03/02/2021
20/01496/TPO	Works to a tree with a TPO	1 Culworth Court Derby DE21 2PR	Crown reduction by 3m and crown thinning by 10% of an Oak tree protected by Tree Preservation Order No. 247	Approval	10/02/2021
20/01497/FUL	Full Application	Southgate 5 Penny Long Lane Derby	Single storey rear extension to dwelling house (enlargement of kitchen and dining area)	Approval	02/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 1AX			
20/01498/TPO	Works to a tree with a TPO	Allestree Park Duffield Road Derby DE22 2EU (rear Of 76 West Bank Road)	Reduction of a bough by 4-5m overhanging 76 West Bank Road of an Ash tree protected by Tree Preservation Order No 235	Approval	08/02/2021
20/01499/FUL	Full Application	52 Oregon Way Derby DE21 6UL	Two storey side extension to dwelling house (garage, utility, W.C., bedroom and en-suite) and installation of a canopy to the front elevation	Approval	10/02/2021
20/01500/FUL	Full Application	4 Badgerdale Way Derby DE23 3ZA	Retention of the erection of a front boundary wall together with the installation of render and access gates	Approval	02/02/2021
20/01514/FUL	Full Application	43 Chesapeake Road Derby DE21 6RD	Single storey rear extension to dwelling house (living space) and formation of a raised decking area	Approval	05/02/2021
20/01516/FUL	Full Application	25 Chatsworth Street Derby DE23 6NR	Change of use from dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis use) including installation of a dormer to the rear elevation	Refused	12/02/2021
20/01531/TPO	Works to a tree with a TPO	14 Westfield Grove Derby DE22 3SG	Various works to trees protected by Tree Preservation order No. 242	Approval	22/02/2021
20/01538/DISC	Compliance/Discharge of Condition	Coney Grey South Drive Darley Abbey Derby DE1 3ET	Two storey rear and first floor and single storey front extensions to dwelling house together with a raised terrace to rear and boundary gates - Discharge of condition 3 of previously approved planning permission 20/00714/FUL	Discharge of Conditions Complete	11/02/2021
20/01540/FUL	Full Application	1 Plimsoll Street Derby DE22 3DF	Single storey rear extension to dwelling house (wet room, bedroom and lobby)	Approval	08/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01544/FUL	Full Application	122 Vicarage Road Mickleover Derby DE3 0EG	Single storey side extension with rooms in the roof space to form an additional shop unit (Use Class E) and enlarge the first floor living accommodation and including enlargement of the front and rear dormers	Refused	02/02/2021
20/01548/FUL	Full Application	59 Dewchurch Drive Derby DE23 1XP	Two storey side and rear and single storey front and rear extensions to dwelling house (study, dining room, shower rooms, three bedrooms, bathroom and enlargement of kitchen)	Approval	19/02/2021
20/01549/FUL	Full Application	32 Cadgwith Drive Derby DE22 2AE	Single storey side extension to dwelling house	Approval	04/02/2021
20/01550/FUL	Full Application	85 Ferrers Way Derby DE22 2BD	Erection of an outbuilding (garden room)	Approval	10/02/2021
20/01559/FUL	Full Application	Mica Works Raynesway Derby DE21 7BE	Single storey extension to offices. Installation of render, replacement windows and alterations to the existing car park area	Approval	24/02/2021
20/01561/LBA	Listed Building Consent - Alterations	10 -11 St Marys Gate Derby DE1 3JR	Alterations to ground floor to form a cafe including provision of an accessible W.C.	Approval	09/02/2021
20/01562/FUL	Full Application	149 Albert Road Derby DE21 6TA	Two storey and single storey rear extensions to dwelling house (enlargement of kitchen and bedroom)	Approval	12/02/2021
20/01566/TPO	Works to a tree with a TPO	35 Keats Avenue Derby DE23 4EE	Various works to trees protected by Tree Preservation Order No. 357	Approval	26/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01572/FUL	Full Application	26 Charnwood Street Derby DE1 2GU	Change of use from Social Club to seven flats and two (three bedroom) flats in multiple occupation (Use Class C4) and alterations to include raising of the roof height, two storey and first floor extensions with rooms in the roof space	Approval	11/02/2021
20/01574/PNRT	Prior Approval - Telecommunications	Highway Verge Junction Of Bainbrigge Street And Moore Street Derby (adjacent To Bainbridge Street)	Erection of an 18m high monopole with equipment cabinets and ancillary development	Prior Approval Approved	02/02/2021
20/01575/FUL	Full Application	447 Kedleston Road Derby DE22 2TG	Retention of outbuilding (home office/recreation area and kitchen)	Approval	04/02/2021
20/01576/FUL	Full Application	8 Denver Road Derby DE3 0PS	Single storey side/rear extensions to dwelling house (snug/diner, utility and W.C.)	Approval	01/02/2021
20/01577/FUL	Full Application	99 Rykneld Road Derby DE23 4AJ	First floor side and rear extensions to dwelling house (two bedrooms, W.C., en-suite and enlargement of bedroom) and installation of a canopy to the front elevation	Approval	12/02/2021
20/01578/FUL	Full Application	76 Chain Lane Derby DE23 4DZ	Single storey side extension to dwelling house (garage and office) and alterations to raised patio area.	Approval	04/02/2021
20/01582/FUL	Full Application	59 Westgreen Avenue Derby DE24 9AQ	Single storey rear extension to dwelling house (kitchen/dining/family area)	Approval	24/02/2021
20/01583/TPO	Works to a tree with a TPO	4 Baslow Drive Derby DE22 1JF	Crown reduction by 2m using reduction via thinning techniques and cutting back of branches to give clearance of the building by 2m of three Lime trees protected by Tree	Approval	26/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			Preservation Order no's 236 and 288		
20/01586/FUL	Full Application	British Telecom Derwent Road Derby DE21 7LZ	Installation of two louvres to the North elevation	Approval	10/02/2021
20/01589/FUL	Full Application	30 Gayton Avenue Derby DE23 1GA	Single storey side and rear extensions to dwelling house (study, wet room, diner and enlargement of kitchen) and formation of a raised platform to the rear elevation	Approval	10/02/2021
20/01591/FUL	Full Application	47 South Avenue Chellaston Derby DE73 6RS	First floor rear extension to dwelling house (bedroom)	Approval	04/02/2021
20/01594/FUL	Full Application	76 Hillsway Littleover Derby DE23 3DW	Erection of garden room.	Approval	05/02/2021
20/01597/FUL	Full Application	13 Adelaide Close Derby DE3 9JN	Re-roofing and rendering of the existing outbuilding	Approval	05/02/2021
20/01600/FUL	Full Application	207 Rykneld Road Derby DE23 4DL	Hip to gable roof alterations and rear dormer to form rooms within the roofspace (two bedrooms, ensuite and store) including installation of juliet balcony	Refused	10/02/2021
20/01602/FUL	Full Application	504 Kedleston Road Derby DE22 2NF	Single storey rear extension to dwelling house (sun room) and alterations to existing roof	Approval	08/02/2021
20/01604/FUL	Local Council Own Development Reg 3	63 Leacroft Road Derby DE23 8HU	Single storey rear extension to dwelling house (wetroom) and alterations to the stepped access at the front.	Approval	08/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01607/DISC	Compliance/Discharge of Condition	Site Of Former Northridge House Raynesway Derby DE24 0DW	Erection of a retail unit (Use Class A1) with associated access, landscaping and parking - Discharge of condition nos 7 and 17 of previously approved permission 19/01802/FUL	Discharge of Conditions Complete	18/02/2021
20/01610/FUL	Full Application	53 Causeway Derby DE22 2BX	Single storey side and rear extension to dwelling house (enlargement of kitchen)	Approval	09/02/2021
20/01612/CLP	Lawful Development Certificate -Proposed	144 Stenson Road Derby DE23 1JG	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Approval	08/02/2021
20/01613/FUL	Full Application	19 School Lane Derby DE73 6TF	Retention of formation of vehicular hard standing, retaining wall and stepped access to property	Approval	11/02/2021
20/01614/ADV	Advertisement Consent	Marshall Derby Volvo Stadium View Derby DE24 8JG	Display of various signage	Approval	12/02/2021
20/01619/FUL	Full Application	1 Rona Close Derby DE24 9LE	Single storey side and rear extension to dwelling house (study, bedroom, en-suite, W.C. and enlargement of kitchen)	Approval	09/02/2021
20/01620/FUL	Full Application	15 Welland Close Derby DE3 0RZ	Single storey front extension to dwelling house (W.C. and enlargement of hall)	Approval	09/02/2021
20/01622/FUL	Full Application	7 Charterstone Lane Derby DE22 2FF	Single storey rear extension to dwelling house	Approval	10/02/2021
20/01623/FUL	Full Application	12 Freeman Avenue Derby DE23 1JU	Two storey side and single storey rear extensions to dwelling house (garage, tv room, bedroom and enlargement of kitchen/dining area)	Approval	19/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01624/LBA	Listed Building Consent - Alterations	Market Hall Albert Street Derby DE1 2DB	Roof repair works to include a new patent glazing system to the ridge, new ventilation louvres, and re-fixing of existing finials. New liquid roof finish to replace existing. Removal of the existing roof access ladder, and installation of new ridge and gutter safety walkways and access ladders. Installation of new internal stair at first floor with new dormer to access roof - amendments to previously approved Listed Building Consent no. 19/01784/LBA to include an alternative structural design solution to support the base of the proposed new lantern at the ridge of the barrel vaulted roof	Approval	10/02/2021
20/01626/FUL	Full Application	10 Crich Avenue Derby DE23 6ES	Single storey rear extension to dwelling house (family room)	Approval	11/02/2021
20/01629/VAR	Variation of Condition	Land Adjacent To 61 Milton Street Derby	Demolition of outbuildings and erection of 2 flats - Variation of condition 2 of previously approved planning permission Code No. 09/14/01257 to amend the approved plans	Approval	12/02/2021
20/01630/FUL	Full Application	74 - 90 Pear Tree Road Derby DE23 6QA	Alteration to front boundary wall, installation of gates, alteration to car park layout and formation of a vehicular access	Approval	24/02/2021
20/01631/FUL	Full Application	12 Crich Avenue Derby DE23 6ES	Two storey side and single storey side and rear extensions to dwelling house (garage, utility/boot room, kitchen/dining/living space, bedroom and en-suite)	Approval	12/02/2021
20/01638/FUL	Full Application	3 Eaton Avenue	Single storey rear extension to dwelling house	Approval	11/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE22 2FB	(living space and enlargement of kitchen/dining area)		
20/01641/FUL	Full Application	1 Portreath Drive Derby DE22 2BJ	Single storey side and rear extensions to dwelling house (utility and kitchen)	Approval	12/02/2021
20/01648/FUL	Full Application	49 Nevinson Avenue Derby DE23 1GU	Two storey side and rear and single storey rear extensions to dwelling house (office, shower room, utility, kitchen, two bedrooms and bathroom) and installation of a dormer to the rear elevation to form rooms in the roof space	Approval	24/02/2021
20/01650/FUL	Full Application	113 Locko Road Derby DE21 7AP	Installation of two dormers to the rear elevation	Approval	15/02/2021
20/01652/FUL	Full Application	1 Rushdale Avenue Derby DE23 1HY	Two storey and single storey side and rear extensions to dwelling house (garage, studio, office, wet room, dining room, lounge, utility room, two bedrooms with en-suites and enlargement of kitchen, bedroom and bathroom)	Application Withdrawn	09/02/2021
20/01654/CAT	Works to Trees in a Conservation Area	74 Belper Road Derby DE1 3EN	Crown reduction to three Apple trees and one Silver Birch tree within the Strutts Park Conservation Area	Approval	24/02/2021
20/01655/FUL	Full Application	46 Allestree Lane Derby DE22 2HR	Single storey rear extension to dwelling house (living space and dining area)	Approval	15/02/2021
20/01656/FUL	Full Application	34 Gayton Avenue Derby DE23 1GA	Single storey rear extension to dwelling house (kitchen/diner)	Approval	15/02/2021
20/01657/FUL	Full Application	34 Riddings Derby DE22 2GB	Two storey front/side extension to dwelling house (w.c, utility and enlargement of hall and en-suite)	Approval	15/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01661/FUL	Full Application	437 Stenson Road Derby DE23 1LJ	Two storey side and rear and single storey rear extensions to dwelling house (study, shower room, kitchen, dining room, two bedrooms, en-suite and bathroom) together with installation of a canopy to the front elevation	Approval	15/02/2021
20/01662/DISC	Compliance/Discharge of Condition	Land East Of Deep Dale Lane Sinfen Derby (South Of Moy Avenue / Watten Close / Loyne Close)	Residential Development of up to 50 dwellings including infrastructure and associated works - approval of reserved matters of access pursuant to previously approved planning permission Code No. 02/15/00211 - Discharge of condition 4 of previously approved planning permission 19/01065/RES	Discharge of Conditions Complete	17/02/2021
20/01664/PNRH	Prior Approval - Householder	137 Woods Lane Derby DE22 3UE	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	03/02/2021
20/01666/FUL	Full Application	85 Rykneld Road Derby DE23 4DJ	Two storey and single storey extensions to dwelling house (porch, W.C., utility, kitchen, bathroom and enlargement of bedroom) and installation of a new pitched roof with rear dormer to form rooms in the roof space (two bedrooms and shower room)	Refused	16/02/2021
20/01668/FUL	Full Application	20 Beech Drive Derby DE22 1AT	Single storey side and rear extensions to dwelling house (shower room, utility, living area and kitchen)	Approval	16/02/2021
20/01670/FUL	Full Application	384 Duffield Road Derby DE22 1ER	Single storey side and rear extensions to dwelling house (utility, W.C. and enlargement of kitchen)	Approval	26/02/2021
20/01675/FUL	Full Application	87 Rykneld Road Derby DE23 4DJ	Installation of a new pitched roof with rear dormer to form rooms in the roof space (two bedrooms and shower room)	Refused	17/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01676/FUL	Full Application	Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Rooftop extension to hospital (operating theatre) and associated facilities	Approval	17/02/2021
20/01681/FUL	Full Application	2 Sweetbriar Close Derby DE24 0TF	Single storey side extension to dwelling (hall, bathroom, sewing room/study and bedroom)	Approval	24/02/2021
21/00001/FUL	Full Application	6 Quarn Drive Derby DE22 2NQ	Single storey rear extension to dwelling house (bedroom/home office, family/dining/kitchen space)	Approval	24/02/2021
21/00004/PNRH	Prior Approval - Householder	25 Warwick Avenue Derby DE23 8DA	Single storey rear extension (projecting beyond the rear wall of the original house by 4.2m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	10/02/2021
21/00005/PNRH	Prior Approval - Householder	60 Nevinson Avenue Derby DE23 1GW	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	22/02/2021
21/00011/FUL	Full Application	32 Kingston Street Derby DE1 3EZ	Single storey side/rear extension to dwelling house (enlargement of kitchen) and installation of a new roof to the existing single storey rear projection	Approval	24/02/2021
21/00016/CLP	Lawful Development Certificate -Proposed	35 Lawn Heads Avenue Derby DE23 6DR	Installation of a replacement dormer to the rear elevation and a new roof light to the side elevation	Approval	22/02/2021
21/00020/CLP	Lawful Development Certificate -Proposed	4 Marjorie Road Derby DE21 4HQ	Formation of rooms within the roofspace (bedroom and en-suite) and installation of dormer window on the rear elevation	Approval	24/02/2021
21/00022/FUL	Full Application	174 Haven Baulk Lane Derby DE23 4AY	Two storey rear extension to dwelling house (dining room, bedroom and enlargement of bedroom)	Approval	24/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/00026/FUL	Full Application	12 Strathmore Avenue Derby DE24 0FX	Single storey side/rear extension to dwelling house (dining area and utility)	Approval	24/02/2021
21/00030/FUL	Full Application	17 West Bank Road Derby DE22 2FY	Two storey side extension to dwelling house (utility, garage, bedroom, en-suite and enlargement of kitchen)	Approval	25/02/2021
21/00034/FUL	Full Application	37 Cameron Road Derby DE23 8RT	Single storey side and rear extensions to dwelling house (office, kitchen/utility room and shower room) including garden landscaping to the rear to include installation of a retaining wall	Approval	24/02/2021
21/00042/PNRH	Prior Approval - Householder	8 Cypress Walk Derby DE21 6WQ	Single storey rear extension (projecting beyond the rear wall of the original house by 7.5m, maximum height 3.68m, height to eaves 2.45m) to dwelling house	Prior Approval Not Required	22/02/2021
21/00045/NONM	Non-Material Amendment	Site Of Patterdale Old Hall Avenue Littleover Derby DE23 6EN	Erection of two detached dwelling houses - non-material amendment to previously approved planning permission 02/15/00231 to amend the house designs	Approval	10/02/2021
21/00049/FUL	Full Application	558 Duffield Road Derby DE22 2ER	First floor side extension to dwelling house (bedroom and en-suite)	Approval	25/02/2021
21/00050/NONM	Non-Material Amendment	Former Rolls Royce Works Nightingale Road Derby DE24 8FL	Erection of 406 dwellings with associated car parking and landscaping together with refurbishment of 5 existing dwellings and all associated works - Non-material amendment to previously approved planning permission 11/17/01432 to increase the tandem parking spaces to 3m	Approval	26/02/2021
21/00060/PNRH	Prior Approval - Householder	18 West Bank Road Derby DE22 2FX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.6m, maximum height 3.65m, height to eaves 2.45m) to dwelling house	Prior Approval Not Required	22/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/00071/CLP	Lawful Development Certificate -Proposed	109 Brighton Road Derby DE24 8SZ	Change of use from dwelling house (Use Class C3) to a five bedroom house in multiple occupation (Use Class C4) including a single storey rear extension and alteration to the existing out house roof	Approval	04/02/2021
21/00073/PNRH	Prior Approval - Householder	81 Station Road Mickleover Derby DE3 9GJ	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 4m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	22/02/2021
21/00077/NONM	Non-Material Amendment	Middleton House 27 St Marys Gate Derby DE1 3JR	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping - Non-material amendment to previously approved planning permission 03/18/00313 to change the internal apartment layouts	Approval	10/02/2021
21/00078/FUL	Full Application	127 Whitaker Road Derby DE23 6AQ	Extension to detached garden room (sitting/crafting space)	Application Withdrawn	11/02/2021
21/00083/PNRH	Prior Approval - Householder	15 Farm Drive Derby DE24 0HB	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	22/02/2021
21/00084/PNRH	Prior Approval - Householder	7 Oakfields Grove Derby DE21 7ST	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.5m, height to eaves 2.35m) to dwelling house	Prior Approval Not Required	24/02/2021
21/00087/DEM	Demolition - Prior Notification	AIC Bridge Street Derby DE1 3LA	Demolition of building	Approval	15/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/00088/NONM	Non-Material Amendment	Former Rolls Royce Works Nightingale Road Derby DE24 8FL	Erection of 406 Dwellings with Associated Car Parking and Landscaping together with Refurbishment of 5 Existing Dwellings and all associated works - Non-material amendment to previously approved planning permission 11/17/01432 to amend the window style and positions on the apartment blocks (house type 430 and 577)	Approval	26/02/2021
21/00102/PNRH	Prior Approval - Householder	41 Bonsall Avenue Derby DE23 6JX	Single storey rear extension (projecting beyond the rear wall of the original house by 3.85m, maximum height 2.85m, height to eaves 2.85m) to dwelling house	Prior Approval Not Required	24/02/2021
21/00105/DISC	Compliance/Discharge of Condition	Land Adjacent To 3 Cheam Close Derby DE22 4HY	Erection of a bungalow (Use Class C3) - Discharge of condition nos 4, 5 and 6 of previously approved permission 19/00826/FUL	Discharge of Conditions Complete	03/02/2021
21/00108/FUL	Full Application	University Of Derby Markeaton Street Campus Markeaton Street Derby DE22 3AW	Erection of six plant enclosures at roof level, to incorporate louvred walls & roof coverings	Approval	25/02/2021
21/00119/PNRH	Prior Approval - Householder	442 Osmaston Road Derby DE24 8AH	Single storey rear extension (projecting beyond the rear wall of the original house by 4.8m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	24/02/2021
21/00120/PNRH	Prior Approval - Householder	21 Ashover Road Allestree Derby DE22 2PZ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.37m, maximum height 3.01m, height to eaves 2.10m) to dwelling house	Prior Approval Not Required	24/02/2021
21/00124/FUL	Full Application	3 Repton Avenue Derby DE23 6JN	Two storey side extension to dwelling house (shower room and enlargement of bedroom)	Approval	25/02/2021

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/00127/NONM	Non-Material Amendment	12 Chester Avenue Derby DE22 2FE	Single storey front extension and two storey and first floor rear extensions to dwelling house (enlargement of garage, living room, kitchen, three bedrooms and balcony) and installation of side facing window - Non-material amendment to previously approved planning permission 20/00694/FUL to omit the single storey front extension, increase the size of the first floor rear windows, amend the balcony design and amount of render to be used	Approval	17/02/2021
21/00155/FUL	Full Application	53A Robincroft Road Derby DE22 2FQ	Single storey front extension to dwelling (porch) and erection of outbuilding (garage)	Approval	25/02/2021
21/00183/DISC	Compliance/Discharge of Condition	Site Of Former Northridge House (Lidl) Raynesway Derby DE24 0DW	Erection of a retail unit (Use Class A1) with associated access, landscaping and parking - Discharge of condition no 19 of previously approved permission 19/01802/FUL	Discharge of Conditions Complete	24/02/2021
21/00190/DISC	Compliance/Discharge of Condition	Land At Side Of 11 Davenport Road Derby DE24 8AY	Erection of a dwelling house (use class C3) - Discharge of condition 3 of previously approved permission 18/01803/FUL	Discharge of Conditions Complete	10/02/2021
21/00292/TPO	Works to a tree with a TPO	Nuffield Hospital Rykneld Road Derby DE23 4SN	Various works to trees within Groups 1 and 2 protected by Tree Preservation Order no. 18	Application Withdrawn	25/02/2021