

Time Commenced: 16:00  
Time Finished: 17:30

## **CONSERVATION & HERITAGE ADVISORY COMMITTEE**

### **02 March 2023**

#### **Present:**

Councillor Mike Carr  
Councillor Robin Wood  
Chris Collison, Institute of Historic Building Conservation, and co-opted Member  
Carole Craven - Georgian Group  
Maxwell Craven, Victorian Group  
Ian Goodwin - Derby Civic Society  
David Ling – Co-opted Member  
Paul McLocklin – Chamber of Commerce (Vice-Chair)

Officers in Attendance: Chloe Oswald, Conservation Officer

#### **52/22 Apologies**

Apologies were received from Councillor Sue Bonser, Chris Twomey – RIBA (Chair)

#### **53/22 Late Items to be introduced by the Chair**

There were no late items.

#### **54/22 Declarations of Interest**

Maxwell Craven declared an interest in 22/01/01748/FUL and 22/01749/LBA and said he would leave the room for that item

#### **55/22 Confirmation of the Minutes of the Meeting held 12<sup>th</sup> January 2023**

The minutes of the meeting held on 12<sup>th</sup> January 2023 were proposed (IG), seconded (MC) and agreed as a correct record.

#### **56/22 Items Determined since the last meeting**

The Committee received a report of the Strategic Director of Communities and Place on Items determined since the last meeting

Members received an update on applications that had been determined since the last meeting of the Committee.

**Resolved to note the report.**

## **57/22 Applications not being considered**

The Committee received a report of the Strategic Director of Communities and Place on Items not being considered.

The report detailed matters not being brought before the Committee, for its information. Members noted that it had been decided not to bring these matters to Committee following consultation with the Chair

**Resolved to note the report.**

## **58/22 Applications to be considered**

The Committee received a report of the Strategic Director of Communities and Place on the applications requiring consideration by the Committee

### **Friar Gate Conservation Area**

**Application No & 27/01748/FUL and 22/01749/LBA**

**Location** 50-51 Friar Gate, Derby DE1 1DF

**Proposals** Change of use of upper floors to form two apartments (Use Class C3) and installation of 18 solar panels to the front and side roof elevations

Internal alterations, installation of a sign and installation of 18 solar panels to the front and side roof elevations

### **Resolved: Objection**

M Craven left the meeting for this item.

The officer gave details of the application, the building was Grade II\* listed in the Friar Gate Conservation Area. It was proposed to install 18 solar panels to the roof and install signage to the front, but no details were available. There were proposals to change the internal layout on upper floors, including to propose to install ensembles and kitchens, but no details of vent, flues or drainage runs were provided. There was a leak in one area of the ceiling, repairs had been undertaken but not on a like for like basis.

The Chair summarised the application which had been partially improved from the previous one, the number of apartments had been reduced from 4 to 2 and there was concern about the proposal to install solar panels to the roof and new signage on the front. The solar panels were a big intervention. The cleaning of the building was proposed but there were no details on the method to be used.

CHAC members were invited to comment. One member stated there were some internal alterations which were fine but the repair from the leak needed to be repaired more sensitively. The installation of solar panels was a major concern, although the roof has a low pitch they would be seen from the opposite side of the road. Solar panels stand proud of the roof and would look out of place on an important building with an imposing frontage which was in prime Conservation Area. This application should be refused on that basis alone. Another member agreed with these comments and added that detail on the new signage should also be provided. Internally there were no great concerns but the repair to the area of leak damage should include more sensitive repair including replacing the plastic pipe with a cast iron pipe as it was originally.

CHAC objected to the application based on the solar panels and the lack of information in terms of signage, repairs to the leak damage and the method to be used to clean the building and stonework.

## **City Centre Conservation Area**

<b>Application No &amp; Location</b>	<b>22/00035/FUL and 23/00036/LBA</b>
<b>Proposals</b>	Middleton House, 27 St Mary's Gate, Derby DE1 3JR Conversion of existing garage space to form a dwelling house (Use Class C3)

Alterations in association with conversion of existing garage space to form a dwelling house.

### **Resolved: No Objection**

The officer explained that in a previous application it had been planned to convert the garage to a bin and cycle store. It was now proposed to create one dwelling with a garden area, metal railings and hedging. The concrete lintel in the building would be retained and timber glazed doors would be installed, the brickwork would be cleaned and made good where needed.

The Chair summarised the application and highlighted that no extension was considered and that there was no information as to where the bins and cycles would now be stored. CHAC were asked for any comments.

A member was agreeable to the conversion as it worked in association with the main site and was tucked away in the corner, the integrity of the building had been retained with changes to roof and openings. The hedge and railings did not seem suitable for a car park, perhaps a brick wall would be more appropriate and offer a better way of making private space. However overall, the use of the building was good. Another member highlighted that the first application had involved demolition of the garage and this proposal was more acceptable. It was noted that the elevation where the stone lintel was currently had no central pier, they suggested the central brick pier should be re-instated and the concrete lintel removed. The doors proposed were pseudo-Georgian, a simpler design a 3 door panel would be more appropriate.

CHAC had no objection to proposal subject to adequate and appropriate relocation of the bin store and cycle storage on the site, that a low brick wall next to the car park should be considered as it might be more appropriate to a hedge with railings, the removal of the concrete lintel and central brick pier reinstated was strongly suggested as well as a more appropriate simpler window/door glazing which could be metal framed.

## **Green Lane Conservation Area**

**Application No & Location**    **23/00072/FUL and 23/00073/LBA**  
**Proposals**            Vitality Dental Clinic, 114 Green Lane, Derby DE1 1RY  
Change of use of first and second floor from offices (Use Class E) to a house in multiple occupation (Sui Generis)

Alterations in association with change of use of first and second floor from offices (Use Class E) to a house in multiple occupation (Sui Generis)

### **Resolved: Objection**

The officer explained the building was Grade II listed and the proposal was to retain dental use of ground and lower floors and convert the upper floors to HMOs. Repairs to the frontage were proposed but there were no structural engineering details available to explain what would be done to the front porch and cracks in the frontage. It was proposed that residents of the first and second floors would access through a rear and an additional staircase was proposed in the front room between the ground floor and lower ground floor levels for their use. Major changes to the top floor were planned in terms of lowering the floor in two rooms to allow for ease of access. It was planned to replace all windows to the rear with double glazing.

The Chair explained that there were elements to the proposals where repairs were welcomed, but other proposals were more problematic such as the lowering of the floor, the new staircase installation and inappropriate window details. CHAC were invited to comment.

One member suggested that lowering the floor would take it back to the original form. The officer confirmed that information was missing in the Heritage Statement in terms of the original floor structure and materials where the new staircase was proposed and the floor lowering. The missing information was needed to ascertain, to the top floor, whether it was a floating floor on top of the existing one. The details on the windows were not appropriate. Another member mentioned the fine central stair and was concerned that the banister on the original staircase should remain. The officer explained that the proposed new staircase was to keep the two uses of the building separate. However, it was commented by one member, with the two entrances front and back it was not necessary to have a second staircase. It was noted that there was adequate parking available for residents. The beauty of the building was noted and that it was opposite to a grade II\* listed Art college building.

CHAC objected to proposals for the installation of a new staircase, the lowering to top floor rooms and the inappropriate window details. There was a lack of information on historic floors and floor levels. More details were needed on repairs, structural works and they advised that the opening of the currently enclosed front elevation soffit was pursued.

## **Not in a Conservation Area**

### **Application No & 23/00086/OUT**

**Location** Eagle Market, Derby Theatre, Castle & Falcon  
Public House, Morledge, Theatre Walk, East Street, Derby  
DE1 2NF

**Proposals** Demolition or part demolition of existing Eagle Market building, public house and theatre. Erection of a phased mixed-use development, including residential and commercial floorspace (Use Classes C3 and E); new public square; servicing; car and cycle parking provision; hard and soft landscaping works; provision of new pedestrian routes and other associated works

### **Resolved: Objection**

The Chair explained that the proposal had been talked about at the January meeting of CHAC and summarised the key points made in the submitted pre-application response agreed by CHAC. Key points were highlighted:

- The existing development was negative in cityscape terms and was characterised by a relentless, sterile frontage with nothing of animation or interest to attract or engage passers-by
- Overall design elements were meaningful in terms of the Public Realm
- The fact that the need to improve links to the riverside (and its treatment) has been recognised was very positive
- A detailed exploration of scale/height and form will be needed to ensure a development which does not dominate its immediate context and the finer grain buildings along Morledge (south).'

The officer highlighted the impact on the setting of a number of listed buildings including the grade I Cathedral, grade II Central Library, and grade II Friar Gate Bridge.

It was explained that this was an outline application for demolition of the Eagle Market, Public House, and Theatre. The Heritage Impact Assessment did not fully use ICOMOS guidance for Cultural World Heritage Properties. The height of the proposed blocks was discussed they ranged from 32m 11 storeys, 14 to 15 storeys, and 56m 18 to 19 storeys the highest block was approximately 92m or 30 storeys.

The committee made the following comments:

The re-development was clearly welcomed; however, the height of the proposed buildings would have a significant negative impact on the city skyline and would change the current nature of Derby's skyline. English Heritage had objected to the height of the buildings and there was no justification in any of the reports as to why the buildings should be so high.

This was an outline application which established certain principles for the site, but it was thought that realistically the application cannot be considered without more detail. General comments can be made about the height of the buildings and the negative impact they will have on the surrounding conservation areas and listed buildings. In order to judge the application properly and in context there is a need for more detail, an outline application which has so much impact on the historical context of the city was felt to be inappropriate. The issue of wind blowing between and around the high buildings should also be considered.

There were concerns about the impact of the buildings on the setting of the conservation area. Tall buildings in the right place are acceptable but there was no justification for a building of 30 storeys, Derby is a small-scale city. The officer highlighted that the Tall Building Strategy indicated that the site could take some height and recommended 12 storeys to maintain a character. The tallest building was five times the context height and would be a metropolitan landmark that could be seen across the city and further away.

The Skyline and Significant Views Study and The Tall Building Strategy are in place and although mentioned in the submission do not seem to have been considered as the proposed buildings were much more than the recommended limit. There was a suggestion that this was a landmark building to signify the entrance to Derby, but there are other ways to signify an entrance to the City of Derby. It cuts across all provision including the Local Plan and takes no account of the work undertaken on tall buildings, there was not enough emphasis on the Cathedral Tower also the World Heritage Site had not been given sufficient consideration.

The development of the site was concerning in terms of its density, there were more than 875 dwellings, which brought the site above what was acceptable in a London Authority. The question of amenities such as schools, GP practices needed to be a consideration, also would people wish to live in such a high-density development.

A member of the committee highlighted key issues raised by Derby Civic Society. Views from the flats will be poor, these should be compensated for by making the design of the flats and amenity areas of a high standard, with a generous allowance of internal spaces to allow for working from home.

The possible demolition of the theatre was of concern it was an asset, and its loss would be great. The theatre was important to Derby as part of the leisure and culture offer. A suggestion was put forward that a condition could be put in place that a replacement theatre should be built if the current theatre was demolished or funds to enable this through a legal agreement.

The closure of the Eagle Market meant that there would be no market in the city and a market in any town or city was integral. It was suggested introducing an outdoor market in the marketplace.

The committee asked if developers of the neighbouring Derby Royal Infirmary and Castleward site had been apprised of the application as the future sale of houses could be affected by overlooking skyscrapers. There was likely to be a setting issue across the area with a building of that size.

Finally, the Heritage Impact Assessment was inadequate.

CHAC objected to the proposals; they had serious concerns about the heights of the buildings and as this was not a detailed application. They were concerned about the impact on surrounding Conservation Areas in particular aspects from around the city. They were concerned about the loss of the theatre, which was an asset, concern about there being no secure proposal for a replacement and about the impact on listed buildings, the World Heritage Site, and the lack of a market.

## **Not in a Conservation Area**

### **Application No & 23/00087/OUT**

#### **Location**

Bradshaw Retail Park, Bradshaw Way, Derby DE1 2QB

#### **Proposals**

Demolition of existing buildings. Erection of a phased mixed-use development including residential, commercial and office floor space (Use Classes C3 and E); servicing; car and cycle parking provision; hard and soft landscaping works; and other associated works.

## **Resolved: Objection**

The officer described the application, which was outside of a Conservation Area, within the setting of a number of listed buildings such as the grade I Cathedral, grade II Liversage Trust Alms Houses and the grade II Florence Nightingale statue. It was an outline planning application looking at principle only, the layout was unchanged. The site slopes down to the junction, it consisted of a series of blocks 1 and 2 at 8 storeys, 3 was 19 storeys, 4 to 14 were 5 to 9 storeys.

The Chair summarised the application, his view was similar to the Eagle Market Scheme, the size of buildings with green spaces in between. There was not much detail in the application, but it had a serious impact on the skyline of the city. The massing of the buildings were not well handled and the spaces between the buildings would be likely to be dark and shady. The nature of the site meant there would not be a way through to London Road. The surrounding area would be overlooked and shadowed even more than the Eagle Market application. Key points from the pre-application response were highlighted

- As with the Eagle Quarter scheme, the taller elements appear to be very ambitious. Whilst recognising the 'gateway' potential of the site and some degree of prominence on the ring road, it will be important to test proposals

in terms of height/scale carefully to ensure that the proposed buildings sit comfortably in their immediate context and links to the Nightingale Centre

The committee were asked for their comments

Reference should have been taken from the Nightingale Quarter, the development could have been adapted to be more complimentary in size and scale.

Whilst content to see the current buildings demolished it would be better to replace them with something more worthwhile and it needs to be of scale in comparison to the development on the other side of the road. London Road could take an elegant building. It was not possible to guarantee the quality of buildings on an outline application. CHAC discussed whether they should be seeing an outline application and highlighted the need to see more detail.

The officer explained that the Tall Building Strategy had assessed the site to be one where a taller building could be, but it should be on the corner. Blocks 3 and 4 between 14 and 9 storeys were defined in the strategy as a local landmark, whilst 19 storeys are a district landmark.

It was acknowledged that tall buildings would be appropriate on this site, but the application does not follow the advice of the Tall Buildings Strategy.

The principle of making an outline planning application was to establish if the use of the site would be appropriate. However, this was a complex proposal. it was an outline application with all matters reserved but putting in an indicative scheme. The City Council should take advice on how to respond to the outline application. There was an opportunity in outline planning permission to set down parameters, conditions can be put in place that no building should be taller than a certain height. The use of the site was suitable for development but only with these conditions in place.

The main concern of this committee was the height of the buildings in terms of impact on setting of Conservation Areas, setting of listed buildings, DVMWHS. It was important to judge the impact properly and there was a need to see a more detailed application in order to do this. It was suggested that nothing on the site should be demolished until all details on the application can be seen.

CHAC objected to the application because of the density and height impact on conservation areas and listed building setting. They acknowledged that a statement building could go on the corner of London Road and Bradshaw Way provided it complied with the Tall Building Study. They recommended looking at the Tall Building Study again. However, nothing should be demolished until more details were available to them. There were implications for the World Heritage Site, guidance from ICOMOS had not been followed. It was highlighted that the Derwent Valley Mills World Heritage Site, Historic England as well as CHAC would need to see the application again.

MINUTES END