

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	22/12/2020
Other(s)	Ian Woodhead	22/12/2020

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

Planning Control Committee 07/01/2021
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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 11	20/01341/FUL	93 Stepping Lane Derby	Proposed single storey rear extension, loft dormer and change of use to 7 bedroom HMO	To grant planning permission with conditions.
2	12 - 17	20/01318/PNRT	Public Footpath Adjacent The Robin PH Corner of Chestnut Avenue / Devonshire Drive Derby	Installation of 17.5m monopole, together with the installation of ground-based equipment cabinets and ancillary development	Subject to receipt of acceptable information to demonstrate that the nearby trees would be unaffected, to grant prior approval with conditions (as recommended by the Tree Officer).
3	18 - 48	20/01076/RES	'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.	A. To approve reserved matters with conditions. B. To authorise the release of the obligations and the overage provisions as outlined in part 8.5 of the report for that part of the development to which the reserved matters application 20/01076/RES relates subject to the Director of Strategy Partnerships, Planning and Streetpride being satisfied that the scheme accords with the District Valuers assessment.

Committee Report Item No: 1

Application No: 20/01341/FUL

Type: Full Application

1. Application Details

1.1. Address: 93 Stepping Lane, Derby

1.2. Ward: Mackworth

1.3. Proposal:

Change of use from a dwelling to a seven-bedroom, house in multiple occupation (HIMO) (in Sui Generis use). Erection of rear single-storey, extension and rear loft dormer.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01341/FUL>

The Site and Surroundings

The site comprises a traditional, mid-terraced dwelling, with a 2-storey rear outrigger. The property has been in use as a single dwelling but is currently vacant and for sale. The property is constructed of traditional brickwork, render and tiles and there is a large outbuilding in the rear garden. There is no off-street parking and the rear garden is enclosed by 1.8m high walls and fences.

The site is surrounded by terraced residential properties, with a modern small estate (Stepping Close) at the rear. The site backs onto a shared parking area rather than rear gardens. The HIMO Register indicates that there are many other properties along Stepping Lane (nos. 61, 63, 71, 81, 83, 101 and 103) that are or have been in multiple use.

The Proposal

This proposal seeks permission for the conversion of this single dwelling to a “sui generis” large 7-bedroom HIMO. The proposed external works include:

- Erection of rear single-storey, flat-roof extension, projecting out 3.2m, in matching brickwork.
- Creation of rear, full-width, flat-roofed box dormer, in Upvc fascia to match the surrounding roof tiles.
- Installation of 2 front rooflights in main roof slope.
- Provision of bin store in rear garden.
- Use of existing outbuilding for bicycle storage.

Various internal works are proposed to facilitate the conversion. The proposal would result in the following accommodation:

- Ground floor – 1 en-suite bedroom (measuring 11sqm); 1 studio flat including kitchenette area (measuring 18 sqm) and communal kitchen/living area (17 sqm), with access to the rear garden.
- First Floor- 1 en-suite bedroom (11 sqm) and 2 studio flats including kitchenette area (measuring 15-16 sqm).
- Second floor- 2 en-suite bedrooms (8 sqm).

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Application No: 20/01341/FUL

Type: Full Application

2. Relevant Planning History:

No previous planning applications.

3. Publicity:

- 4 Neighbour Notification Letters
- Site Notice

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

4. Representations:

Cllr Adrian Pegg – *"I would like to register my objection to the above planning application, I do not believe the application is appropriate for the area and I have grave concerns about car parking. Should Officer's be minded to approve the application, then I request that it goes before the full Planning Committee".*

No representations were received from local residents.

5. Consultations:

5.1. DCC – Highways

Recommendation:

The Highway Authority has No Objection to the proposals, subject to condition

Observations:

The following observations are primarily made on the basis of information shown on submitted application drawings "20,144-P-101", "20,144-P-102 A" and "20,144-P-002"

At the time of the Case Officer site visit (13.00hrs on a weekday) Stepping Lane was heavily parked, with it being apparent custom for vehicles parked opposite to be parked part-on/part-off the footway.

Interrogation of the Councils Road Traffic Collision data indicates that in the last three years there has been a single recorded injury accident in the vicinity of the site – in 2018, categorised as 'slight' and not involving other vehicles or pedestrians. This does not indicate that there is a history of incidents in the vicinity.

The proposed development makes no provision for off-street parking, although it is proposed to use an outbuilding to the rear for cycle storage (the proposals include a refuse storage area to the rear). Nevertheless, the site is also within a sustainable location, with access to nearby shops and public transport opportunities.

By reference to Table A2.4 from "Residential Car Parking Research", (Queen's Crown Copyright, 2007), research carried out by the former Department for Communities and Local Government, on car residential ownership and parking demand – which was based on analysis of Census information not generally published in the public domain.

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Application No: 20/01341/FUL

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This shows that for a 1 room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles. As such, for a 7-bedroom HMO this would equate to 2 vehicles. This would be a similar number to those which could be anticipated in respect of the current use of the site as a residential family dwelling.

I am advised that “permitted development rights would allow for the use of the building to accommodate 6 people without requiring planning permission under permitted development rights as a House in Multiple Occupation”.

As six room HMOs are considered permitted development, there is therefore, also an additional argument that the only impact that can be considered material is that of the additional rooms above the permitted limit.

It is acknowledged that on-street parking is at a premium in this area, however there are no parking restrictions on Stepping Lane, and as previously stated, the site is in a sustainable location, within walking distance to local shops to local transport links.

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 would not be possible to argue that the scheme would lead to ‘unacceptable impacts’ to highway safety.

Recommendation:

The Highway Authority has No Objections to the proposals, subject to the following suggested condition.

Condition:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing “20,144-P-101” has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

Note To Applicant

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

5.2. DCC – Housing Standards

As a matter of course housing standards must contact the Developer/Architect/Agent and make comments if necessary. The reason is to make sure, and to make you aware, that the proposed development adheres to legislation under the Housing Act 2004.

I have read through the application and studied the proposed plans with which I have no major concerns. The property has adequately sized bedrooms assuming the area of any en-suites is not included in the bedroom measurements given on the plan. All rooms are en-suite therefore bathroom provision is satisfied. There are 3 self-contained units that have kitchen facilities which lessens the impact on the communal kitchen/dining area resulting in adequate space and amenity provision for the 4 remaining tenants. To summarise there is therefore sufficient kitchen and bathroom provision as well as sufficient shared space as required in a HMO.

All relevant fire safety standards, to include protected escape routes where necessary, must be applied in the installation. The ground floor kitchen/dining facilities will, in the main, be for the use of units 1, 5, 6, and 7. The kitchenettes in units 3 and 4 are sited in such a manner that will not compromise escape in case of fire but in unit 2 thought needs to be given regarding re-organising the layout as, should an event occur, any occupier would need to pass close to the kitchen area to access the door through which escape can be made. Kitchens are the primary source of fires so relevant interlinked heat detection must be included in these rooms. I would recommend an adequately sized escape window in unit 2 as well as adequately sized escape windows in all first floor rooms to enhance fire safety. As units 6 and 7 are on the second floor escape windows are not an option so, as in all such properties, the escape route must be protected by solid and substantial walls that will give a minimum of 30 minute fire protection. All doors should be self-closing FD30 fire doors. The plans show a basement therefore interlinked fire detection must be extended to this area of the property and must include fire boarding for the basement ceiling and stairs with a self-closing fire door at the entrance.

LACORS provide a comprehensive guide on fire safety in buildings and this can be downloaded for guidance although I am sure you are already aware of what is required.

Each bedroom must allow for at least 6.51 square metres liveable space not including en-suites as this is the legal minimum. From the measurements provided it appears that liveable space in all bedrooms will be greater than this figure. The communal kitchen/dining areas are designated for certain numbers of users so sufficient amenities and adequate space should be provided for expected usage and this also appears to be the case.

The main issues to comment upon are, therefore, the installation of compliant fire detection to include adequately protected escape routes, sufficient space within each bedroom, and sufficient amenities in the communal areas.

The plans submitted do not raise any major issues from a housing standards perspective.

6. Relevant Policies:

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

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

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Place making Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development – General Criteria
- H14 Re-use of Underused Buildings

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

https://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 development

7.2. High Quality living environment

7.3. Design/visual appearance

7.4. Impact on residential Amenity.

7.5. Highways/Parking

7.6. Impact on the character of the surrounding area

7.1 The Principle of the Development

NPPF 2019 states that the Government's objective is to significantly boost the supply of homes, and that a sufficient amount and variety of land should come forward to address the needs of groups with specific housing needs.

The application site is not allocated for any particular use in the Core Strategy. However, Policy CP6 states that the Council will continue to encourage the re-use of under-utilised or vacant properties for residential uses. Saved Local Plan Policy H14 states that the Council will support the re-use of underused buildings, throughout the City, for residential purposes including proposals for intensifying existing residential uses. Saved Local Plan Policy H13, which requires proposals to have a quality living environment, specifically refers to Use Classes C1, C2, C3 and hostels but can, by extension, be considered as guidance for other residential uses such as HIMO's.

The proposal comprises the conversion of the former dwelling, which is already operating lawfully as a 6-person HIMO, to create an 8-person HIMO, utilising the two largest rooms as en-suite double bedrooms.

The proposal will increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. There are no planning policy objections to the proposal. Subject to an assessment of the quality of the proposed living environment (as required by Local Plan Policy H13) and the effect that the intensification of use may have on the amenity of the surrounding area (as required by Policy GD5), the proposal is considered to be acceptable in principle.

7.2 High quality living environment

The proposed conversion shows seven residential units, all with an en-suite and several with kitchenette facilities. The 17 sqm kitchen/living room would provide satisfactory communal facilities and access to the rear garden. There is a rear garden which would have an adequate amount of outside amenity space and space for cycle storage. All the bedrooms have full windows and achieve the required minimum size standard and no objections have been raised by Housing Standards. It is considered that the proposed conversion will provide an appropriate standard of living accommodation.

7.3 Design/Visual appearance

The proposed external alterations comprise a rear extension and a roof dormer. Neither element would be visible from Stepping Lane, although they could be glimpsed between houses from the rear. Nevertheless, the impact on public views would be minor, and as such would not have an adverse visual impact on the street scene. Both elements would use materials and/or colour scheme to match the existing materials. It is considered that the proposed external works would not have an adverse impact on the visual amenities of the surrounding area.

7.4 Impact on residential Amenity.

The proposed rear extension is relatively small and only marginally above the normal permitted development allowance. There is a high wall on the boundary and the adjoining neighbour (at no. 91) is set at a slightly lower level. Consequently, the proposed extension is unlikely to have an overriding adverse impact.

There is a 24m separation to those houses at the rear, such that there is unlikely to be any potential overlooking from the proposed box dormer. Any views over adjoining gardens would be very oblique, due to the angle of view involved.

The most likely amenity concern arises from potential internal noise nuisance, which may come from the communal kitchen/living area on the ground floor. However, as several of the units have their own kitchenette facility, the use of this communal room is likely to be reduced. The site lies within a dense urban area, where above normal noise nuisance may be expected. Furthermore, the existing 3-bedroom house could lawfully accommodate either a family or a 6-person HIMO, with potentially similar levels of internal noise.

In all respects, no neighbour objections have been raised. Overall, it is considered that the proposed residential use would not have any overriding adverse impact on residential amenity.

The proposed intensification of use, to a 7-bed HIMO must be considered. The site is located within a dense urban area and the dwelling could operate lawfully as a 6-person HIMO under permitted development rights. It is considered that one additional person would not have any overriding additional impact on neighbour's amenities.

7.5 Highways/Parking

The proposed development would have no on-site car parking. However, the site is located in a relatively accessible and sustainable location, 380m walking distance from shops and public transport routes along Ashbourne Road. Cycle parking would be provided within the existing outbuilding.

It is acknowledged that existing on-street parking availability is at a premium. However, in the absence of off-street parking, no resident has an entitlement to park on the highway, let alone directly outside their property. In any respect, no resident has raised concerns about parking problems.

The Highway Authority raise no objections and have stated that it would be difficult to argue that one additional resident would lead to a severe impact upon the adjacent highway network or would lead to 'unacceptable impacts' to highway safety.

7.6 Impact on the character of the surrounding area

No local resident has raised concerns that the proposed HIMO would create any problems, including relating to parking or having a detrimental impact on the character of the surrounding area.

Regarding the intensification of use of the property and the impact of this extended HIMO on the character of the surrounding area, Planning Control Committee have recently refused several similar applications for proposed HIMOs. Most recently an application for an 8-bed HIMO at 149 Almond Street (ref:19/01432/FUL) was refused by Committee but allowed on appeal. The Inspector considered that the main issue was the effect of the proposal on the living conditions of nearby residents with particular regard to the intensification in the use of the building.

The Inspector stated, "As HMOs are occupied by unrelated individuals, comings and goings associated with them are generally greater than a family dwelling, and whether by car or on foot such activity can generate noise and disturbance. However, I am not persuaded that in this case the noise and disturbance that would be created by the appeal scheme would be appreciably greater than would be the case if the dwelling were occupied by a large family or if it were used as a 6 person HMO.

Furthermore, given the general activity levels already prevalent in the area, I consider any noise and disturbance created by the proposed use would be minimal in comparison with, and indistinguishable from, that associated with the other dwellings and uses in the vicinity.

The majority of houses in the area have no off-street parking and so both the Council and local residents have indicated that demand for parking in the area is high. This was confirmed at my site visit. However, the site is close to bus stops, which it is stated provide a high frequency service into and out of the city centre, as well as being within walking distance of a range of shops and services in the local centre. Moreover, the increase in [parking] demand is not likely to be so great that it would result in unacceptable harm to the living conditions of surrounding residents".

The Inspector concluded that, "I consider that the proposal would not result in unacceptable harm to the living conditions of nearby residents as a result of the intensification in the use of the building. Accordingly, there would be no conflict with Policy GD5 ... which seeks to ensure that new developments do not cause unacceptable harm to the amenity of nearby areas".

Members must be aware that each application must be considered on its own merits and in this instance; a critical consideration is that the property could be used lawfully, as a 6-person HIMO. As such, any judgement on the impact on the character of the area must be confined to how much extra impact one additional occupier would make.

There are already 7 properties on the HIMO Register within 100m of the application site, such that it might be argued that the proposed use is consistent with the character of the surrounding area. If significant evidence is not put forward to justify a refusal on the grounds of the detrimental impact on the wider character of the area, any subsequent appeal is likely to be successful, as was the case at 149 Almond Street.

Overall, therefore, it is considered that the proposal would not represent a substantial change to the character of the property and that a refusal is unlikely to be sustained on appeal.

8. Recommended decision and summary of reasons:

8.1 Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed residential use would increase the variety and amount of housing delivery hence the proposal is considered to be acceptable in principle. The proposal meets all the Council's housing standards, regarding room sizes. A satisfactory quality of living accommodation is proposed. The proposal would not cause any overriding adverse impact on highway and neighbour amenity. Consequently, the proposal is considered to be in compliance with key Core Strategy Policies CP1a, CP3, CP4, CP6 and CP23, and Saved Local Plan Policies GD5, H14 and H13.

8.3. Conditions and Reasons:

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 as a 7-person House in Multiple Occupation and for no other purpose. All rooms shall be used as single occupancy only.

Reason: This use only is permitted and other uses or a more intensive use, 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 potential impact on the amenities of the surrounding area, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

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Application No: 20/01341/FUL

Type: Full Application

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4. No part of the 7-person House in Multiple Occupation, hereby permitted, shall be brought into use until the cycle parking layout as indicated on drawing “20,144-P-101” has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel, to ensure the provision and availability of adequate cycle parking 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.

5. The built development hereby approved shall be constructed of materials to closely match the finish of the existing building, as specified on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

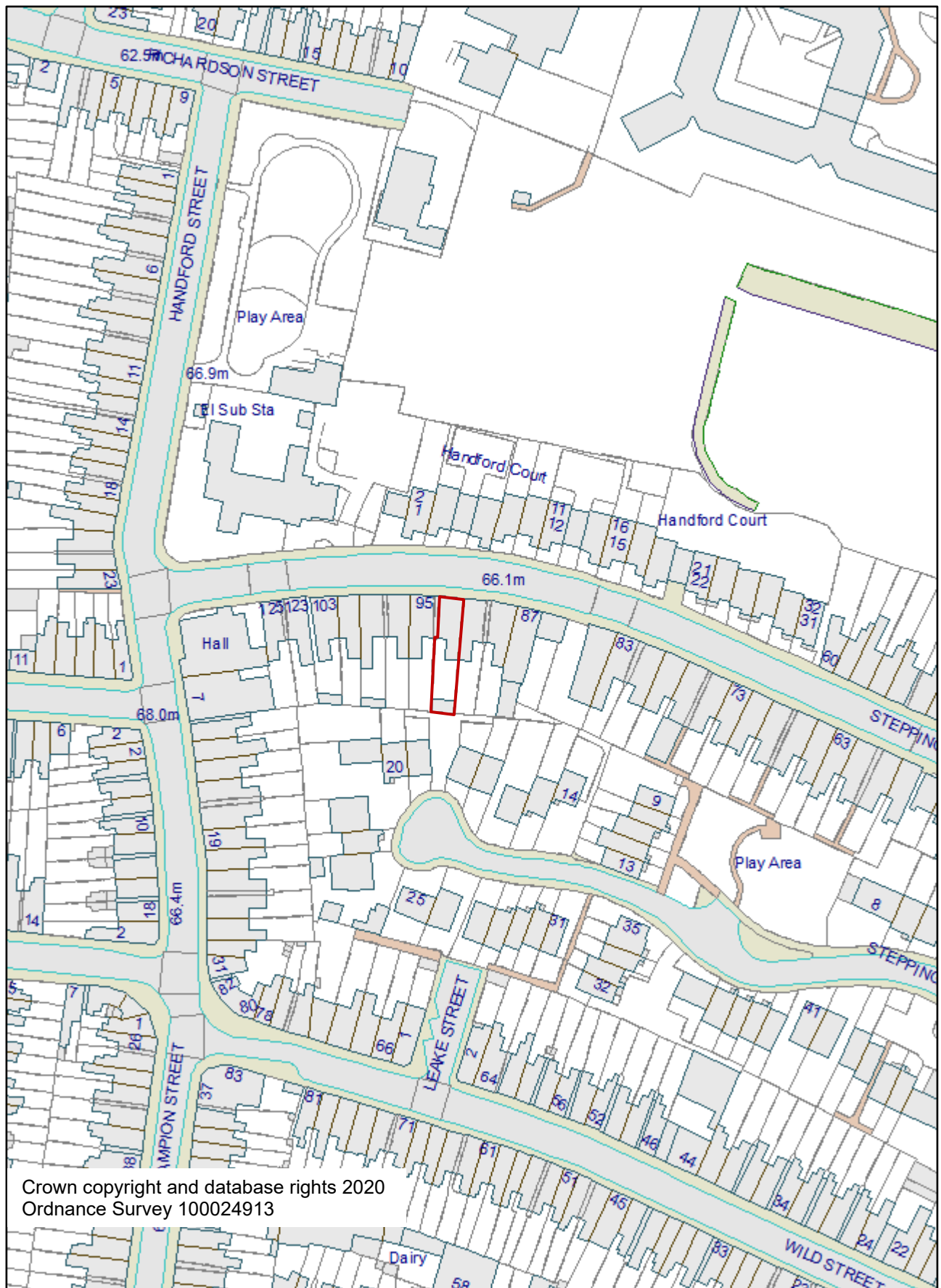
Reason: To ensure that the external appearance of the building is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8.4. Informative Notes:

1. The 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/environmental-health/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.
2. The consent granted will result in alterations to a building which may need numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site layout, location in relation to existing land and property, and the placement of front doors or primary means of access.

8.5. Application timescale:

The 8-week determination period expired on 24 December 2020. This application was referred to Planning Committee due to a call-in request by Cllr Adrian Pegg. An Extension of Time has been requested.



Committee Report Item No: 2

Application No: 20/01318/PNRT

**Type: Prior Approval
(Telecom)**

1. Application Details

1.1. Address: Public Footpath Adjacent to The Robin PH, Corner of Chestnut Avenue/ Devonshire Drive, Mickleover

1.2. Ward: Mickleover

1.3. Proposal:

Installation of a 17.5m monopole, together with the installation of ground-based equipment cabinets and ancillary development.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01318/PNRT>

Brief description

The site is in front of The Robin public house, on a wide corner section of pavement at the junction of Devonshire Drive and Chestnut Avenue. There is a lamp post at the Devonshire Drive end of the wide pavement and 2 mature trees at the Chestnut Avenue end of the junction. There is also a large rubbish bin near the site, but within the pub car park. To the north of the site there is a row of shops within the Devonshire Drive neighbourhood shopping area. To the north west, at the rear of Scarsdale Vets there is an existing monopole and associated equipment.

Housing lies to the east of the site as well as to the north where there are flats above the Devonshire Drive shops.

The proposal is for a 17.5m high monopole with equipment cabinet and ancillary works. The new mast would be some 2m to the north west of the existing lamppost and about 3m south east of canopy of the nearby tree (as shown on the submitted drawing).

The monopole would be some 0.4m wide at the bottom, widening to 0.7m where the 3 antennae are attached. The equipment is required to provide 5G connectivity.

2. Relevant Planning History:

None for this particular site.

3. Publicity:

Neighbour Notification Letter - one letter

Site Notice

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

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**Type: Prior Approval
(Telecom)**

4. Representations:

Two objections have been received from members of the public. Concerns are raised about the impact of the development on the nearby tree; the impact of added congestion at a busy corner, well used by children and parents using local schools; the impact upon pedestrian's line of sight for safe crossing as well as various safety concerns about masts in general.

There is also an objection from a local Councillor who has echoed views of the public as well as suggesting an alternative site within the verge at the entrance to the footpath leading to Bramblebrook Park.

5. Consultations:

5.1. Highways Development Control:

The proposed telecommunications plant will not interfere with visibility splays, or unduly interfere with the available footway width.

Recommendation: The Highway Authority has No Objections to the proposals.

5.2. Natural Environment (Tree Officer):

The trees are privately owned and not Highway trees so our Tree Officers would not be involved.

The applicants must provide a BS5837 Survey and supporting documents that show accurate tree constraints and Arboricultural Impact Assessment (AIA) and Arboricultural Method statement. The AIA must assess the impact of the development on the future growth of the tree and what future management would be required to maintain the signal.

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 text
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP9 Delivering a sustainable economy
- CP16 Green Infrastructure
- CP23 Delivering a sustainable transport network

Saved CDLPR Policies

- GD5 Amenity

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**Type: Prior Approval
(Telecom)**

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:

https://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. Overview

7.2. Design

7.3. Siting

7.4. Other matters

7.1. Overview

This is a Prior Approval application for 5G telecommunications monopole and associated cabinet and equipment. This type of application seeks a determination as to whether the proposed telecommunications equipment is appropriate in terms of its siting and appearance.

A previous application(20/00282/PNRT) for equipment including a 20m high mast, in front of the Devonshire Drive shops (to the north of the current site) was refused based upon highway objections and visual amenity grounds in February 2020.

7.2. Design

The proposed monopole would be visible in the Devonshire Drive and the Chestnut Avenue street scenes. The large trees alongside the site would provide some screening when they are in leaf. The new mast would loom tall above the trees and lamp post and would be a prominent feature when travelling south or north along Devonshire Drive. However, it would be shorter than the 20m high pole previously proposed and refused under 20/00282/PNRT. The surrounding buildings are typically domestic in scale, up to two storeys in height and include the nearby pub and shops and there are bungalows to the south of the pub. When the mast is

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viewed with these bungalows and pub in the background (when viewed from the north) it would seem tall. However, views of the new mast in conjunction with the existing one on Chestnut Avenue and the adjacent trees, the visual impact would be more limited, with the intervening trees helping to screen views of both masts together. The agent has confirmed that both masts would remain due to the technical difficulties of mast sharing.

The proposed monopole and cabinet are not likely, in my view to unacceptably affect residential amenities. The nearest house at 68 Devonshire Drive does face the site from the east but whilst the monopole would appear large, its appearance would be softened by the trees behind and in terms of perspective from the house, it would sit reasonably comfortably as part of the existing street furniture and would not be an overly dominant feature in the street.

I am of the view that the proposed mast would be an obvious addition in this street scene, however I note that it is shorter than the previously refused mast and that the position, set back in the pavement and near to the trees would go some way to helping reduce the visual impact. I do not think that it would cause an unacceptably cluttered appearance in the street scene and feel that its position within the small commercial part of Devonshire Drive would help to ensure it is an appropriate addition to the street scene. Moreover, there are other local centres where two masts have been approved within a short distance of each other and in similarly prominent positions, for example opposite the Hollybrook Public House, Hollybrook Way, Heatherton. This does provide a precedent for this type of development.

7.3. Siting

The proposed site would be close to another mast and whilst it would be desirable to achieve mast sharing, technical information submitted with the application indicates that this is not possible due to the type of equipment being proposed. I am of the view that the verge can accommodate the proposed equipment without being overly cluttered. The fact that the site is in front of a row of commercial properties, rather than dwellings in view would help to ensure that the new installation would not appear to be entirely incongruous.

In order to refuse permission, it would be necessary to demonstrate that it would be harmful in terms of siting and design and I consider that the changes made since the previous refusal are sufficient to demonstrate that this is not the case and in particular the previous reasons for refusal have been overcome. The site is now set at the back of a wide pavement, rather than being in the way within the main pavement thoroughfare. This helps to avoid being such an obstacle to pedestrians and reduces prominence in the street frontage.

7.4. Other matters

I note the concerns expressed by members of the public about the impact upon pedestrian sight lines, however highways colleagues have not raised any concerns in this regard. A refusal on this basis would therefore not be defensible or advised.

I note the third party objections to the proposal in relation to public safety, although matters pertaining to the safety and health implications of the equipment are not for

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consideration in this application and the submission includes the 'ICNIRP certification' relating to safety and health issues.

Suggestions of an alternative site within the verge at the entrance to the Bramblebrook Park footpath are noted. This suggested site is not the subject of this application and could be not a reason for refusing this application.

Further information in the form of a Tree Survey, an Arboricultural Impact Assessment and Method Statement are required in order to establish that the proposal would not have an unacceptable impact upon the nearby trees, as recommended by the Council's Tree Officer. The trees are an important part of the visual context for the proposal. This information has been sought and is now awaited. The Tree Officer's comments on this additional tree information, when received will be reported orally at the meeting. The agent has requested an extension of time in order to provide the information so that the application can be fully assessed.

In view of the above, and subject to receipt of satisfactory arboricultural information, I see no justification for refusing this application.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

Subject to receipt of acceptable information to demonstrate that the nearby trees would be unaffected, to grant prior approval with conditions (as recommended by the Tree Officer).

8.2. Application timescale:

Although these determinations are time bound to a 56 day decision (otherwise prior approval is deemed to be granted) the agent has requested and agreed an extension of time for determination to the 23rd January 2021.

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Committee Report Item No: 3

Application No: 20/01076/RES

**Type: Reserved
Matters**

1. Application Details

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

1.2. Ward: Arboretum

1.3. Proposal:

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 level (Use Class E and sui generis (pub or drinking establishment or hot food takeaway)) – approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to application Code No. 19/01245/OUT.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/01076/RES>

Brief description

This application seeks the approval of Reserved Matters to develop 'Phase 1' of the Becketwell redevelopment scheme. Members will recall the extant hybrid permission (part full/part outline) which was presented to this committee at its meeting on 13 February 2020, under code no. 19/01245/OUT. A link to that application is included below should members wish to refer to the over-arching proposal.

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

The submitted planning statement summaries the component parts of the proposal and provides commentary on the 'Build To Rent' (BTR) model for the delivery and ongoing management of the proposed accommodation. This submission includes the following:

The scheme is focussed on the erection of a single building across what were originally indicated as plots 1A and 1 B. The building will be used for residential (Use Class C3) purposes with ancillary ground floor commercial accommodation (envisaged to be retail, but potentially any of retail or food and beverage (F&B) (Use Classes A1 – A5), office (Use Class B1), leisure (Use Class D2), community (Use Class D1 use).

The building will also include communal amenity and space for residents, a roof top terrace, and car and cycle parking provision.

The principle of residential use and the parameters for the massing and layout of the building and spaces around the building have been established through the hybrid planning permission; the setting of the new public square is a fundamental component to the success of Phase 1.

The building will be stepped in height up to 11 storeys on the public square/Victoria Street frontage, up to 7 storeys on the Victoria Street frontage and down to 4 storeys on the Green Lane frontage. The height on Victoria Street has been reduced by a storey and on the rounded corner. Furthermore, the corner of Green Lane has been lowered for key views to the Cathedral with stepping down to address smaller context and to form a transition in height and scale. Recesses have been introduced to divide the mass into sections to help the proportions and relationship with nearby buildings.

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The submitted drawings, Design and Access Statement and updated Skyline Study provide all the necessary details regarding the spaces to be created, the quality of materials to be used, and the undulating scale and height of the building within the context of its city centre setting. It also confirms retention to the 'curve' to the former Debenhams building at the bottom of Green Lane which was considered a key feature to retain by many stakeholders.

The brick colour, texture and volumes have been carefully selected to reflect the historic fabric of the city whilst providing crisp edges and an attractive appearance to the development.

This proposal seeks detailed approval for the erection of residential accommodation in a single building comprising 259 units. The proposed split of the residential accommodation is as follows:

1. 136 x 1 bed units.
2. 93 x 2 bed units.
3. 30 x studio units.

Adoption of the BTR model for the residential accommodation is of some significance for the project as a whole. It will provide a critical mass of high quality accommodation in the city centre, financially accessible to a wide range of the population, particularly suited to the young professionals and graduates who up to now have had very limited scope to enjoy the benefits of city centre living in Derby.

The institutional long-term nature of the BTR investment ensures that the high quality of the scheme is maintained over the lifetime of the development and will influence the quality of the wider regeneration project.

The mix of units reflects the BTR operators' requirements and their assessment of the Derby market. The apartments are designed around open plan living environments, with no internal corridors, to maximise the efficiency of space. All apartments are at or around the thresholds specified by the Nationally Described Space Standards.

In addition to the residential accommodation, the development provides two ground floor commercial units on Victoria Street and Green Lane. These will provide active ground floor frontages and a flexible use consent is required for a mix of main town centre uses.

Alongside the two commercial units, a private lounge area, co-working space and gym for the sole use of residents will be provided on the ground floor of the building, and these will be located on the frontage facing the public square. The ground floor also accommodates the servicing, refuse areas and parking within the central courtyard.

A total of 43 car parking spaces (including three disabled and three electric vehicle charging points) are provided in the central courtyard. 66 secure cycle parking spaces are provided in the north west corner of the building and will be accessed from Becketwell Lane.

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2. Relevant Planning History:

Application No:	19/01245/OUT	Type:	Hybrid (Part Full & Outline)
Decision:	Granted conditionally	Date:	4 September 2020
Description:	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.		

3. Publicity:

Neighbour Notification Letter: Yes

Site Notice: Yes

Statutory Press Advert: Yes

Other: The developer has had separate discussions with stakeholders in the area, including the Civic Society and its response is included below.

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

4. Representations:

- A letter of support has been received from Marketing Derby and is reproduced in full below.

...This letter is written in strong support of the plans being put forward by St James Securities to build 259 residential units, together with internal and external amenities, plus two ground level commercial units (use Class E).

At Marketing Derby, we welcome the proposals of a scheme that will have a transformational part in stimulating the local economy through the development of city living.

Successful city centres are key drivers for the economy. The project aligns with the 'Derby City Centre Masterplan,' creating city living for over 500 people, with phase 1 estimated to deliver approximately £3.9m net residential expenditure per annum for local shops and services. The regeneration will also provide a financial benefit to Derby City Council through circa £440k via council tax and the new homes bonus.

Marketing Derby are working with several end users who are looking to relocate back into Derby city centre from other parts of the East Midlands. One of the key drivers for this is the regeneration of Becket Well area and the access to city living for their employees. One of these end users, a tech company, is looking to move adjacent to

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Becket Well in Q1, creating forty roles with average salaries circa £35,000 pa. This will provide a welcome boost to a city that has been hit hard because of Covid-19, resulting in substantial job losses in its historical core industries.

St James Securities have completed many successful projects of this scale, including St Paul's Place in Sheffield and the award-winning Round Foundry in Leeds. They are committed to delivering a comprehensive scheme, displaying a responsible developer attitude towards concerns, alongside the results of their own detailed discussions with the wider project team to implement changes to address issues.

The proposals are well thought out, respectful of the area and will be the best fit for the city of Derby. Please accept this letter as our ongoing support for this regeneration project and the economic benefits the development will provide.

- A letter of comment/support has also been received on behalf of the Derby Civic Society and is reproduced in full below.

...It is vitally important for the future of the City that the whole of the Becketwell Area be redeveloped as it has been a blight on the centre of our city for far too long.

Whilst we are not happy with the massing of this building, we understand that for the scheme to be financially viable it has to be on this scale.

We are grateful to the developers for sparing the time to listen to our concerns. They have taken steps to mitigate the scale of the building. Firstly, and most importantly, by reducing the height of the building from 19 floors to eleven, and secondly by breaking up the building into a number of smaller segments. They have also taken care to preserve the view of the Cathedral Tower from Green Lane.

We are very pleased with the new square that is proposed between Victoria St and Duckworth Square. This could be a location for the statue of Queen Victoria with the square being called Victoria Square.

However, I must stress that our comments are conditional upon the sympathetic re-development of the whole of Becketwell being completed within a reasonable period of time. The Council have announced its intention of erecting a new Entertainment Venue in Becketwell, but have earmarked the Pennine Hotel/Laurie House site for it. Whilst we welcome the proposal to build this (we had proposed this ourselves in our own strategy plan) we feel that it would be a grave mistake not to build it on the Duckworth Square site. This new building should be a prestigious building and the key building to show case the City's cultural offer. As such it needs to be in a prominent position overlooking the new square where audiences could spill outside in good weather during intervals in performances.

It should also operate in tandem with a rebuilt Hippodrome. The Pennine Site would be better suited to a new four-star hotel, car parking, and further residential or commercial development."

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- The application has been assessed by the Design Review Panel which comprises a number of local architects and designers. The Panel is not a statutory consultee but is an informal body that comments on and assists with the design component of applications. The Panel comments as follows:
 - The Panel complimented the variety of uses that have been put forward by the applicant. High-rise urban living, quality public realm and modern street-level commercial uses are much needed to reinvigorate the City Centre.
 - Given the lack of safe external public realm in the City the Panel really welcomed the pocket park component of the scheme.
 - That said the panel shared concerns about anti-social behaviour in the pocket park and the ability to maintain a safe zone in this part of the city. The Panel went on to note that the scheme features active street-level frontages and these naturally provide a level of passive surveillance.
 - Whilst it is not part of this application, the Panel expressed a desire for the new performance venue to be located by the pocket park rather than on the site of the former Pennine Hotel.
 - The hotel site has a distinct back-of-house feel whereas if the performance venue was located by the public square, it would provide a completely different visitor experience and provide active-passive surveillance from the venue.
 - The Panel noted the reduction in pavement width from not having a street-level set back along Victoria Street as was provided by the former Debenhams building. This was picked up as a result of the heavy use of bus stops on Victoria Street.
 - Following a review of the DAS it was felt the scheme had lost its design rigour in massing terms when responding to the concerns raised about tall buildings during the outline application.
 - The panel agreed the massing is crying out for a high-quality tall building component at the corner. In the outline application, it was noted the corner component featured 18 stories before stepping down in both directions.
 - However, in responding to various comments about the city's tall building strategy, the reduction in height has resulted in a weak corner turn that does not articulate well with the rest of the masterplan and fails to enhance a key node for the city.
 - The height reduction has resulted in an awkward-looking 11 storey lump of massing facing the public square. This component feels too heavy. It should be broken down and addressed by either moving accommodation around to build up massing at the corner or by increasing the overall number of units.
 - The Panel suggested reverting to the version of the scheme shown on page p.57 of the Reserved Matters Application DAS (submitted with the outline application Aug 2019).
 - Likewise, the Panel felt the elevations had lost an element of design appeal from the outline application (same reference as in the above paragraph. The

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main concern relates to the erosion of the consistent red brick grid pattern which was apparent in the outline application. The brickwork provided a primary grid with recessed windows over three stories giving a finesse and design rigour to the elevations.

- The Panel felt this had been compromised with the layout of an inconsistent grid and blue bricks introduced to the recesses making them feel heavy. The panel welcomed the metal aprons to the high-level window recesses but queried why they couldn't be a consistent feature on every elevation/recess.

Members will note that these comments stray into other areas and potential future elements of the Becketwell redevelopment which are not relevant to the consideration of this proposal.

To address these comments the applicant responds as follows:

...Turning to the relevant points raised by the design panel, the first of these relate to the 'reduced' pavement width along Victoria Street. The previous set back to the building line provided some additional pedestrian space at the discretion of Debenhams – this was always private, rather than part of the public highway. Fundamentally, the pavement remains wider than standard requirements in this location and this is balanced against the need to maximise commercial lettable floorspace at ground floor to support delivery of the development.

Maximising this potential rental income is a crucial element to securing investment in delivery of the first large scale BTR scheme in Derby.

As set out above the maximum height of the building was reduced from 18 storeys to 11 storeys to address criticism of the originally submitted scheme, and the quantum of floorspace that could be supported and delivered by the market in this location. The principles of this reduced height were set and agreed at outline planning stage through reference to the parameter plans included within the approved drawings package. Whilst the design merits of a tall building in this location can be debated, the fundamental issue that we can now be clear on is that a BTR building of that scale could not be funded in Derby at this time.

The corner of Victoria Street and the new public square is criticised as being 'weak' in light of the loss of the tower feature. In our view, the height of the building does not necessarily affect the strength or otherwise of this corner. Indeed, the building presents a very similar face to that previously proposed. At 11 storeys in height the building remains of sufficient scale to make a statement in this location, and act as a focal point at the 'entrance' to the Becketwell development.

The massing of building facing onto the new square is broken by the architectural treatment of the two cores, the use of contrasting brick material, and maximising the use of recesses in the brickwork around windows. The previously submitted scheme became contrived and inefficient by seeking to introduce external detailing at the expense of internal amenity. The revised scheme strikes a far better balance between quality, delivery, and resident experience.

The articulation around windows in terms of metal aprons has not been replicated to the extent previously shown so that these features do not overpower the simplicity of

the contrasting brickwork. This enables greater emphasis to be placed on window groupings which also assists in breaking up the mass of the elevation.

It is of note that the design review panel do not make any comment regarding the curve of the building from Victoria Street and Green Lane which was a primary focus of DCC conservation. Despite the building retaining a curve in a similar fashion to that previously existing, and despite retention of this curve being praised at outline stage, concerns were raised as to whether it is the correct type of curve. The lack of feedback on this point from the design review panel is telling and corresponding suggestions that the building should be set back further into the site are also addressed through reference to the need to maximise ground floor lettable floorspace.

There is no scope to create more significant reveals within the brickwork around windows as this will have a corresponding impact on the internal layout, creating inefficiencies and inconsistencies which cannot be supported by the funder/operator.

5. Consultations:

5.1. City Development and Growth:

The full consultation response states:

...This letter is written in full support of the proposed residential development on the Becketwell site. The proposals represent an exciting and unique development that will deliver significant positive change and benefits for the city, bringing back into use a key brownfield site in the city centre that has been vacant for an extensive period of time. The proposals represent the first phase of a major investment in the city centre (circa £200m in total) and will lead to huge benefits for the city.

The regeneration of Becketwell is a strategic priority for Derby City Council with key stages of delivery approved by Cabinet on several occasions over the past three years.

Over the past few decades the market has failed to deliver a sustainable long term solution to the growing decline and dereliction of the Becketwell area. The former Debenhams building was vacant for over 12 years before its recent demolition. There have been a number of attempts at redevelopment on a piecemeal basis but unfortunately, the market has been unable to deliver a holistic solution for the regeneration of Becketwell. The proposed first phase of development and the wider regeneration masterplan will generate activity, footfall and vibrancy in the city centre. The proposed development will become a key focal point for the city centre and a new visitor destination filling the void between the Cathedral Quarter and Derby's major shopping mall.

The regeneration of the Becketwell area is a key priority identified in Derby's City Centre Masterplan 2030. The proposed development will help deliver the vision and key themes identified in the Masterplan. In particular, a key theme is to deliver a 'Living City', with the aim to provide housing choice though sustainable city centre development accompanied by a diverse retail offer and a thriving evening and night-time experience. The new homes proposed as part of the scheme will significantly contribute towards delivering the Living City aims of the Masterplan.

The Derby City Council Local Plan fully supports the regeneration of Becketwell. Policy AC1 (City Centre Strategy) of the Derby City Core Strategy (2017) supports the

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residential-led regeneration of the 'Becketwell/Duckworth Square' site (i.e. the 'Becketwell' site). Policy AC2 (Delivering a City Centre Renaissance) confirms that the 'mixed-use regeneration of Becketwell and Duckworth Square' is a priority development opportunity. The residential units proposed will significantly contribute towards delivery of housing targets identified in the local plan for both the city centre (a minimum of 2,200 new homes between 2011 and 2028) and the wider city (a minimum of 11,000 new homes between 2011 and 2028).

The availability of high-quality city centre living will make Derby city centre a more attractive option for potential employees, recent university graduates, students themselves, or those approaching retirement. Activity and active frontages at ground floor level created by the proposed development will introduce natural surveillance within and around the site, reducing the attractiveness of the area for anti-social and criminal activity. The residential population will generate surveillance and activity beyond the traditional trading hours and offer the opportunity for a greater sense of community and civic pride. The proposed development will open up the site bringing Becketwell alive, connecting it to the city centre. An important element of the proposal is for the tall building primarily for residential use. There should be a presumption in favour of tall buildings in Derby in the right locations unless there are clear reasons to say 'no'. The proposed development will deliver significant benefits to the city, which helps justify its scale. There have been extensive and detailed pre-application consultations in line with the emerging tall buildings study to ensure the appropriateness of a tall building in this location.

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

5.2. Conservation Area Advisory Committee:

At its meeting on 15 October, the committee resolved to object to the application on the following grounds:

...CAAC welcomed the use of skyline impact views, but agreed their previous comments were still relevant. The design is moving in the right direction. However, they had continued concern over the massing, bulk, height and overbearing nature, with a negative impact on Listed Buildings, particularly those on Victoria Street, in The Strand and on Wardwick and the setting of the conservation area. The building appearance is very monolithic. CAAC would prefer the main block to be set back from the frontage on Victoria Street and would also like sympathetic, better detailing to break

up massing. There was currently no sensitivity or references to buildings in the vicinity. The scheme should make a contribution to the historic setting. CAAC were also concerned that this phase may be the only one built and the need to integrate it with the approved public square. Because the site was within the Archaeological alert area the importance of Archaeology and Becketwell itself should be highlighted.

5.3. Traffic & Transportation / Highways Development Control:

The comments of the Local Highway Authority are split firstly into consideration of the proposed development mix and the impact of traffic movements into and around the application site and, secondly, the detailed highways development control components of the proposed scheme.

Development Mix:

The reserved matters application contains a few changes in the development mix compared to the approved outline application.

The number of private apartments has increased from 224 to 259, an increase of 35. Two units on the ground floor totalling 626 sqm of A1/ A3 and A4 with ancillary space has been added. However, the B1(a) office space of 1,200sqm in the outline application has been removed and is not included within the reserved matters application.

The parking provision of the phase has increased by 8 spaces from 35 to 43.

The technical note utilises the trip rates previously agreed at the outline application stage and demonstrates that the changes noted above will result in a reduction in trip generation of the development phase. A reduction of 4 two-way trips in the AM peak and 1 two-way trip in the PM peak is predicted with a total reduction of 56 two-way daily trips.

Vehicle Site Access

Access to the 43 parking spaces will be achieved through a single point of access via Becketwell Lane to the south of the site. The parking provision will no longer be accessed from Green Lane. As a result, no highway alterations are proposed on Green Lane.

Servicing

The development is to be serviced from two locations. Utilising the existing servicing arrangements on Green Lane and via a service bay to be created as part of the new access for the development.

Conclusion

The impact assessment during the outline application noted that the impacts of Phase 1 are minimal.

The changes noted above as part of the reserved matters application do not increase the impact of the development. The changes above have predicted a reduction in trip generation.

Highways Development Control:

The following comments refer to the highway elements arising out of the outstanding reserved matters i.e. appearance, landscaping, layout, and scale.

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5.5. Derbyshire County Council Archaeologist:

The full consultation response states:

...Having recently highlighted the fact that the current reserved matters application should be informed by the results of the archaeological evaluation process described in our advice on the outline application (attached), we have now been requested to make formal comment on the current application.

Background

NPPF para 189 requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. In this case (Phase 1 of development of the overall site) the only archaeological assessment to date has been desk-based and through observations of engineer's test pits and trial holes by the developer's archaeological contractors following demolition of the existing buildings on the site. There has been no report issued on the basis of these field observations and there has not been any archaeological trial trenching to test for, and sample, below ground archaeological remains.

In our final comments on the outline application for this development we gave the following advice:

'Should you decide against a requirement of pre-determination evaluation, as a backstop we would recommend that an overarching high level written scheme of investigation for the site be produced by a suitably experienced archaeological contracting unit (one of the well established, CIFA registered, organisations). This would set out the scope and nature of the archaeological programme and how each phase of archaeology will be accommodated at each phase of development. The possibility of exposing and interpreting for public benefit any remains could also be incorporated into the scheme. The WSI could then be referred to specifically by condition, and would confirm that the treatment of any archaeological remains on the site would be an aspect of the detailed design of future phases.'

Implementation of archaeological investigations

We would stress now the need for the **implementation** of the archaeological scheme of works, for Phase 1 of development, under condition 18 of the outline planning permission for the development of the Becketwell site.

In this case it is highly likely that this will be a two stage process. The first stage being a scheme of trial trenching to sample the nature, preservation and extent of below ground remains; and the second detailed recording of any such surviving archaeological remains. It is crucial that the developer allows sufficient time in the development programme for the commissioning of the required evaluation (trial trenching); reporting of the results of the trial trenching stage, and then decisions on any necessary archaeological works to deliver the required mitigation solutions referred to in section 5.20 of the supporting planning statement for the reserved matters application. **Please be aware of these logistical issues when making a decision on this application.**

Implications for Reserved matters decision

Paragraph 5.20 of the supporting planning statement for the above application states: '...an Archaeological Assessment concluded that there are limited risks of archaeological deposits existing across the site due to the intensive nature of modern

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development that has taken place, and that any such risks can be easily mitigated through appropriate safeguards put in place for respective phases of development '.

As was explained in our recent comments (28 Sept 2020) on the current application, in the absence of the information gained from the first stage of archaeological investigations described above it is impossible to recommend appropriate archaeological safeguards/mitigation measures.

Furthermore in submitting a reserved matters application in the absence of appropriate archaeological investigation of Phase 1 of this wider scheme the developer has potentially negated both the opportunity for preservation insitu of any surviving remains (which is a much less costly option than preservation by record i.e. excavation); and also any opportunity for incorporating interpretation and other forms of public benefit in to the scheme.

We appreciate that cultural heritage requirements of this application will have to be balanced against other aspects of development in the decision making process. We have, however, explained our reasons for recommending determining the current application in the knowledge and understanding of any archaeological remains (non-designated heritage assets) which may be impacted by the development, and any decision made should be in the light of that advice.

The development is within the Archaeological Alert area of Derby City established in the Local Plan in relation to the extent of the medieval town of Derby. Given that a reserved matters application has now been submitted we would urge that the developer commission the archaeological programme of work which will be scoped in the Written Scheme of Investigation (WSI) required under condition 18 of outline planning permission.

The WSI should be produced by a suitably experienced archaeological contracting unit (CIFA Registered Organisations). In this case it may be helpful for the agents for the development to engage the services of an archaeological consultancy with experience of working in urban areas. Contact details of such organisations can be accessed through the Chartered Institute for Archaeologists website.

5.6. Built Environment:

The full consultation response states:

...Designated Heritage Assets and Heritage Assets affected

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

- The grade I listed cathedral, Church of All Saints, setting (as part of its significance).
- There are a number of listed buildings where their setting (as part of their significance) to different degrees will be affected by proposals. These include the grade II* listed Wardwick Tavern; 5 and 7 Green Lane (grade II), 15 The Wardwick, The Hippodrome Theatre (Grade II), Former Derby Educational Department Offices (grade II) on Becket Street, Former Derby Education Department Annex (grade II), 3 to 8 (consecutive) Former Royal Hotel (grade II) on Victoria Street, General Post Office (now public house) on Victoria Street (grade II), Post Officer (former tramway offices) (grade II), The Strand (South

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side) numbers 1-5 (grade II), The Strand (north side) 2 to 40 (even) including entrance to Strand Arcade (grade II), St James's Street (numbers 15 to 21 and 25) (odd) (grade II), 6 and 8 Wardwick (grade II), 10 Wardwick, Derby Central Library (grade II), Wardwick (North side) Statue of M.T. Bass (grade II), 25 to 31 (odd) Wardwick (grade II), Jacobean House 33 Wardwick (grade II*), 41 to 47 Wardwick (grade II), 49 to 55 (odd) Wardwick (grade II). The site runs along the boundary of the Green Lane and St Peters Conservation Area to its east so the impact on its significance (including setting) needs to be assessed.

- The site is just a few metres south of the City Centre Conservation Area boundary so the impact on its setting should also be assessed.

Heritage assets affected include unlisted buildings within the conservation area, the Derby Skyline as a heritage asset and the United Reform church building, Victoria Street. Please find definitions of Heritage asset in the glossary within the NPPF (2019).

Impact of proposals on heritage assets

Scale

I note the storey heights are proposed to be 11 to Victoria Street and public square, stepping down to 7 storeys and 4 storeys adjacent to Green Lane. As previously mentioned at outline stage the proposals have a particularly **negative harmful impact** on the listed Victoria Street properties, the Strand properties (including 2- 40 The Strand, 10 The Strand etc.) and St James's Street listed buildings due to the impact of the tower and height on their setting (as part of significance) when viewed from the curving Strand and from St James's Street. This is in terms of the dominance of the 11-storey tower (as more than twice the height of these buildings so does not sit well within its context) and the height, scale and massing of the proposal is **over dominant** in my view. The impact and dominance would be reduced if the tower was less tall or was located further into the site. There are close important streetscape views such as from Albert Street and Victoria Street looking towards the site (VPF) and looking at the unfolding views from The Strand (VPG) where the impact is negative. The heritage statement section of the Planning Statement (para 5.18) which accompanies the application states that there is no harm to heritage assets but there is as a result of the impact on the setting as part of significance of nearby listed buildings. I therefore disagree with this statement.

There has been a thorough look at the **impact of proposals on the city's skyline** key views which shows, on the whole, limited impact of the scale and height of the building on the city's skyline. Within this RMA detailed application account has considered key views down Green Lane and to limit the impact on the important view of the cathedral tower. The proposals frame the view of the cathedral from the top of Green Lane at VP19a. The impact is slightly negative when viewed down Green Lane from VP19b and a very small part of the lower part of the cathedral tower is obscured. This is an important view within (and out of) the Green Lane and St Peter's Conservation Area and its importance is also recognised in the Green Lane and St Peter's Conservation Area Appraisal and Derby skyline study (2019). As you move from VP19b down the hill towards Victoria Street more of the tower will be obscured. The proposal impacts negatively on the setting (as part of significance) of the grade II* listed Wardwick Tavern and other listed buildings on the Warwick and the city centre conservation area as regards the negative impact view VP27 has on their significance as the building can

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be seen to break above the ridgeline. This is a harmful impact, but I note is less harmful than the august 2019 submission.

Layout

- The layout and the curve on the corner of Victoria Street and Green Lane and the building runs along Victoria street looks a little odd and incongruous as the building does not follow the road in alignment or curve of the previous sweeping curve of the former building and the layout would be improved if it did and the curve did not protrude but was a sweeping curve. I strongly suggest this amendment.
- As mentioned above the layout of the scheme could be improved, in my view, if the large building fronting Victoria Street was pushed back into the site so therefore lessening the harmful impact on the significance of listed buildings on Victoria Street, The Wardwick and The Strand.
- I would suggest design consideration of a curve at ground floor level to the Victoria Street public square corner - to draw pedestrians round and create a corner feature at ground floor which is viewed from The Strand.

Appearance

- I note the welcome retention of a curve to Victoria Street and Green Lane corner which is important within the streetscape but the appearance of this could be improved (as outlined above). The success of the curve will be a result on how it is implemented. I suggest that some confirmation, maybe a method statement, is obtained on how the curve will be created to ensure it is a true curve.
- Some recesses have been introduced to divide the mass of the building's elevation into sections although this helps in a minimal way it does not really break up the huge scale slab of a façade facing the new square.
- I would suggest that to the buildings which currently house the mixed use and taller element it is considered whether having a curve at its corner (at ground floor pedestrian level) would also encourage movement around the corner into the public square.
- I note the sections have been submitted for the construction of the façade walls and the relationship with the windows. The façade would look less flat if the blue brick cladding and windows on all these sections were **set even further back within the reveal** created by the outer brickwork.
- I have no issue with the use of an appropriate red/orange brick nor the addition of texture (use of different brick styles). The acceptability of these, cladding and other materials will need to be submitted so it's visual appearance can be assessed. Please see suggested conditions below.

Landscaping

This has been agreed as part of the full planning application for the public square. I suggest, should you be minded to grant permission, that materials within the red line are clarified and submitted for locations of cctv, lighting and any street furniture etc to ensure a seamless flow between the public space and the building.

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Policy

Section 66 of The Planning (Listed buildings and Conservation Areas) Act 1990 is relevant here. The Local Planning Authority has a duty to special regard to the desirability of preserving listed buildings and their setting.

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

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

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

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

Suggested conditions

Should you be minded to grant permission I would suggest the following be conditioned for agreement: -

- Method statement and detailed design drawings to be submitted ensure that the curve of the building is a true curve.
- Amended sections through elevation showing recessed panels, window reveals in relation to windows etc to make sure these are recessed enough.
- Further design details of landscaping within the current red edge of this application including locations and visual appearance of any lighting, cctv, street furniture etc
- Detail of roof terrace design detail limiting structures/ height etc.
- Full details and sample of proposed materials; bricks, brick cladding, roof, windows, doors etc

Conclusion

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

Recommendation: Continue to object to harmful proposals in particular to the scale of tallest building on Victoria Street frontage and along the public square. This point was made at outline application stage (where the access was the only item being assessed). I note there have been some attempts to reduce harm to heritage assets in this submission, but harm remains due to the scale of the proposed 11 storey block in such proximity and affecting the setting of nearby listed buildings including those on Victoria Street, The Wardwick and The Strand. There is also harm to the setting of the City Conservation Area and the Green Lane and St Peter's Conservation Area. Weighing up, as outlined, under para 196 of the NPPF needed by the case officer.

5.7. Land Drainage Team:

Following the initial consultation response from my colleague of 30 September, the applicant's consultant provided a subsequent letter, of 8 October, to explain the position pertaining to flood risk and the layout of the development. Following that explanatory note my colleague has commented as follows:

...This note follows discussions I had with the author, Kriston Harvey of Rodgers Leask and reflects the conversation we had. Kriston has confirmed that there was a discrepancy between OCOR Phase 1 and 2 and Package 1 – they're the same thing. Therefore, it is confirmed that there is no flood risk to the egress route for the recognised overtopping events, and there is a wet, but safe, access and egress in the significantly less likely breach scenario.

As such, I am now happy with the proposals based on the submitted information.

5.8. Police ALO:

The full consultation response states:

...Thank you for referring this application for our comments. Excepting the reduced massing, use of the site as one rather than two separate buildings and revised access arrangements, the detail of the development is similar to that originally submitted when this phase was to form a detailed part of the previous hybrid application.

As at that time, community safety matters are set out within part 6.6 of the supporting design and access statement and are almost identical to that original document. This concentrates mostly on external matters such as street supervision, overlooking, connectivity and vibrancy as positive features, which relate more to the wider development rather than this particular block of apartments and commercial units. Some detail regarding safety and security is touched upon without exploring detail, and these together with a number of other matters will need to be expanded upon, either

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in amended detail or by way of condition. I'd expect that any of the conditions suggested could practically be pre-occupation rather than pre-commencement.

The two main changes I note in respect of site security are the addition of on-site security management staff, in the form of a building concierge, which I'd see as apposite move, and the removal of any physical security for the central parking court, which I'd see as inadvisable.

Whilst the previous detailed scheme had more than one access point for car parking areas, they were all secured with gating and accessible to residents and staff only. The present scheme has an open access away from main movement hubs to the rear of the building, with no restriction for vehicles or pedestrians. Within this central open area are resident's vehicles, three secondary pedestrian entrances into the building, and the entrance to an internal cycle store.

All of these features should lead the area to be considered as private, and residents should have the reassurance of better security within than is proposed at present. Consequently, I'd advise that the parking court entrance should be secured for resident and maintenance access only. An amended position for the open roof terrace garden is noted, as is the addition of an 1100mm high balustrade set back from the roof edge, and restraint fall system. The management of this area in terms of general access and supervision will be key in respect of both fire escape (as mentioned within the application) and monitoring/preventing inappropriate use. Consequently the 9th floor access point should form part of the building's controlled access strategy and the garden space should be formally monitored with CCTV. The addition of on-site management staff will be central to most of the security provisions around and within the building. As a condition of approval, a security management plan should be produced setting out the approach to this area of building supervision, integrating with physical and electronic security provisions. Additionally, further conditions should be required to flesh out detail of the following:

- Door entry and access control for the external communal doors and those within the building leading from semi-private open areas, including key transition points such as the roof garden access.
- An external lighting scheme for main building elevations and the internal courtyard.
- Closed circuit TV coverage and monitoring for the building exterior, central court and identified internal communal points.
- Secure enclosure for the central court access point with an associated controlled entry/exit provision.
- Exact details of positioning and technical specification for the restraint fall system on the roof garden terrace and any other accessible flat roof.
- The specification of the roof terrace balustrade.

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5.9. Environmental Protection Team:

My colleague has stated that...the conditions on the outline are sufficient to control the various environmental aspects for Becketwell.

6. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP11	Office Accommodation
CP12	Centres
CP13	Retail and Leisure Outside of Defined Centres
CP14	Tourism, Culture and Leisure
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
CC4	Becketwell Policy Area
CC17	City Centre Servicing
H13	Residential Development – General Criteria
H14	Re-use of Underused Buildings
E13	Contaminated Land
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
T10	Access for Disabled People

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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:

https://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. Key Policy Themes

7.2. Design and Delivery Aspirations

7.3. Heritage Considerations

7.4. Highways Considerations

7.5. Other Environmental Issues

7.6. Conclusions

7.1. Key Policy Themes

Housing Delivery

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 Amber Valley Borough Council (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

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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.

In terms of site specific issues, the principle of the loss of the existing uses, including the church and the principle of the proposed uses has been established through the granting of the outline. However, as scale is a reserved matter, the number of dwellings to be provided by the phase 1 was not fixed by the hybrid / outline. This reserved matters application proposes the delivery of 259 dwellings.

Policy CP6 (Housing Delivery) of the DCLP1 sets out the housing target for the city between 2011 and 2028. The target is that a minimum of 11,000 new and high quality homes are provided during this period. The policy also sets out that an appropriate mix of size, tenure and density of dwellings is provided.

The Becketwell site sits within the City Centre (CBD) which is a strategic location for housing delivery and is anticipated to accommodate a minimum of 2,200 new homes by 2028. Of this figure, a minimum of 1,200 should be developed at Castleward and the former DRI site, leaving 1,000 to be developed largely within and around the edge of the inner ring road. At 31 March 2020 some 1140 new dwellings had been delivered within this residual city centre area.

It should be stressed that the targets are minima and that the recent uplift in City Centre completions has helped to offset the impact of stalled sites elsewhere in the City. The City Centre as a whole is a highly sustainable location, with access to a range of facilities and transport options. It is therefore logical to seek to optimise the residential capacity of this area.

It is important to note that a significant proportion of City Centre completions have been as a result of changes to Permitted Development (PD) rights which have enabled the change of use of office space to residential use, outside of the usual planning regime. Whilst this approach has provided quantity, the quality and size of some units is questionable and not in-keeping with the Council's aspirations and objectives for the City Centre.

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The dwelling mix in this proposal is weighted towards studio (12%) and 1 bed apartments (52%), with 36% being 2 bed apartments. The vast majority of the proposed dwellings in this proposal would appear to be in excess of the minimum space standard for any dwelling (37sqm) as set out in the national described prescribed space standards. Whilst these are not enshrined within policy, it is positive to see city centre dwellings being proposed that are in excess of this standard. The BTR model should also help to ensure that the building is maintained and operated to a high standard throughout its lifetime.

Based on the above, the principle of delivering 259 high quality units is supported by the policy context and will be key to securing the future vitality and viability of the City Centre.

The Becketwell site is one of the largest single housing opportunity sites within the City Centre and the benefits associated with securing reserved matters permission for phase 1 are welcomed in terms of the Council's ability to demonstrate housing delivery both in terms of maintaining a 5 year supply of deliverable housing sites but also critically in meeting our overall Local Plan housing target of 11,000 homes (2011-2028).

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

Tall Buildings Study

This reserved matters proposal includes a building stepped in height up to 11 storeys on the public square/Victoria Street frontage, up to 7 storeys on the Victoria Street frontage and down to 4 storeys on the Green Lane frontage.

The scale of proposals for this site have been a point of discussion for a number of years as part of the pre-application discussions and eventual hybrid application, which originally had the phase 1 site as part of the detailed element (and included a 17 storey tower), but also in parallel as part of the development of the Council's draft Tall Buildings Study.

Whilst the draft study can only be given limited weight at this stage, it is worth noting that the study identifies the Becketwell area as having a general context height somewhere between 3 and 5 storeys or 9 to 15 metres. The study defines tall buildings as buildings which are in excess of 2x the context height. On the basis that the proposal is 11 storeys, it can be categorised as a tall building, but at the lower end of the scale.

The emerging findings identify that the Becketwell regeneration area offers the opportunity to establish a small cluster of higher and tall buildings. It is recommended that tall buildings could support the significant intensification of this key regeneration opportunity area and help to establish a new central activity node. Indicative heights of 17 storeys for a 'district landmark' and 12 storeys for a 'local landmark' are suggested. As such, the 11 storey proposal would be in-keeping with the suggestion for a local landmark.

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The study goes on to identify a number of site specific and more generic objectives that tall building proposals should seek to achieve. Whilst the study remains in draft form, these objectives are logical and simply represent good practice. In many cases they are also underpinned by principles already enshrined in the policies of the DCLP1.

Tall building proposals in this area should:

- Deliver a critical mass of new homes and other uses will enliven the city centre, bring wider regeneration benefits and act as catalyst for further development;
- Contribute to place making and the establishment of a unique new character and identity. The site is expected to provide a new public space as a new focal point within the city, and the cluster of tall buildings could emphasise this new place on the city's skyline.
- Be informed through a master planned approach, taking account of placemaking objectives and sensitivities, including heritage;
- Be of high architectural quality;
- Ensure that taller elements are integral parts of lower rise blocks that define clear streets and spaces and avoid overshadowing of public spaces;
- Result in a high-quality place where people want to live and spend time;
- Integrate effectively with the surrounding area; and,
- Be sustainable and innovative.

In my opinion the proposal would meet these objectives and, based on ongoing discussions with the developer's team, this proposal should act as the catalyst for the redevelopment of the wider site. Also, the implementation of the proposal would assist with the further establishment of this BTR housing model in Derby which may incentivise other operators to follow suit.

Commercial Component

The proposed commercial units shown at ground floor fronting Victoria Street are located within the 'Core Area'. The Core Area is the sequentially preferable location for retail development, identified by policies CP12 and AC2 of the DCLP1. The existing units do not form part of a primary frontage designation. The Core Area is part of the wider Central Business District (CBD) which is the sequentially preferable location for all other main town centre 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'.

Importantly, takeaways (previously A5) and drinking establishments (previously A4) are not included within the E use class and have been re-categorised as sui-generis.

The applicant is seeking permission for the ground floor commercial units to be used within the range of uses specified by the new class E. Given the location of the units within the Core Area and wider CBD, this does not raise any concerns and it will not be necessary to impose range of goods restrictions.

Heritage Issues

The site of the proposal is adjacent to the boundaries of the City Centre and Green Lane Conservation Areas, which include a selection of listed buildings and is within a designated Archaeological Alert Area (AAA). Policy CP20 of the DCLP1 and saved CDLPR policies E18, E19 and E21 are relevant and Part 7.3 deals specifically with this topic area.

Living Environment

Policy H13 of the CDLPR remains 'saved' and this sets certain requirements which must be met for residential development, such as creating a high-quality living environment. During the life of the application the developer has provided further justification for the design rationale and details of the construction of the building. The developer has indicated... "noise insulation levels within the apartments exceed building regulations standards as a fundamental requirement of the funder/operator, and this is enabled in part through ensuring that the building grid corresponds with window openings, avoiding the need to add blanking panels. This regularisation of the internal layout has also made the building more efficient from both a space and energy perspective; very simply, a greater proportion of thicker walls (avoiding blanking panels) helps to improve U-values which are heavily compromised on the recessed walls".

In terms of external space, the proposed building would be accessed from the proposed public square and this important component of new public realm in the city centre would provide both a setting for the building and an area for future residents and others to enjoy. The proposed public square was dealt with as the full component in the hybrid permission and work continues to facilitate the implementation of the square.

In terms of internal space, the proposed apartments would range from some 40 sqm to 65 sqm in floor area and these would provide an acceptable mix of accommodation, including studios, 1 and 2 bed units.

7.2. Design and Delivery Aspirations

Design

Members will be aware that the current proposal has been through several iterations, from the pre-application stage through to the hybrid application submission, in response to heritage concerns and the practicalities of delivering a viable scheme. This application is accompanied by a Design and Access Statement (DAS) and I would encourage all readers to take time to digest the rationale and supporting visuals within that document. The applicant has also restated the rationale of the proposal in response to the critique provided by the Design Review Panel, as included in Part 4 of the report.

In terms of the detailed proposals, Part 5 of the DAS deals with important elements such as the layout of the proposal relative to the previous buildings on site, the

articulation of the massing relative to the public square and sun path and the commercial needs of the BTR model.

Page 75 of the DAS spells out key drivers for the massing of the building, as follows:

- It needs to match the internal organisation, in this case ensuring that all floors have good access to the vertical circulation cores.
- The taller west elevation and the square work together in the urban grain and need to be adjacent to each other.
- The curved corner between Green Lane and Victoria Street is part of the character of the site and is a common feature in Derby.
- The building mass needs to step away from 18-20 Green Lane to form a transition in height and scale.
- The connections from the shoulder masses to the taller massing needs to be recessive for the form to read as a more slender clean and vertical element.
- The orientation of the taller element with longer elevations facing east and west is best suited to the use and location for the following reasons:
 - Best aspect for apartment daylight, avoiding north facing;
 - More slender elevation facing Victoria Street ;
 - Allows at least two cores to serve all floors in an efficient layout;
 - Reduces the overshadowing risk to north of the site;
 - Wider elevation provides a strong backdrop to the square.

The DAS indicates why the detailed internal layouts have been designed to maximise the route of service risers and the position of kitchens and bathrooms within individual rooms. The proposed internal layouts provide units with outlook from habitable rooms in all directions and the opening of the internal courtyard ensures there is outlook beyond the building in a south-easterly direction. As a result of this, the inward faces of the building are not, therefore, totally enclosed.

Saved policies H13 and GD5 of the CDLPR relate to general criteria for new residential developments and general amenity considerations respectively. I am satisfied that the overall quantum of proposed units, the range of floorplates on offer and the variety of living environments created would, in combination with the proposed ninth floor roof terrace and new public square, provide future residents with acceptable residential amenities in a highly sustainable location. Paragraph 127 of the NPPF also deals with these particular Development Plan aspirations. The proposed development would, in my opinion, far exceed some of the living environments created by office-to-residential prior notification conversions that have been executed in the city centre.

In terms of the elevational treatment the building has a strong vertical emphasis with a consistent arrangement of windows running above an active ground level frontage onto Victoria Street, Green Lane and the proposed public square. The palette of materials is explained in the DAS and in terms of the Victoria Street/Green Lane frontage the DAS states:

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... “At ground level the frontage that can be seen in this view is all active relating to the commercial units. This features tall shop window glazing with a signage band at the head giving emphasis to the base of the building.

The scheme features three colours of brick, one a grey/black and two shades of red. The grey brick is used to create recessive features in the facade. Two vertical recesses can be seen in this view. One to separate the taller element in the background from the shoulder development in the foreground and another to form a transition from the curved section to the Victoria Street frontage.

The grey/black brick is also used to change the material of the top floors of the shoulder development to emphasise the change in height. The final main use of the darker grey/black brick is to group the windows vertically and to reduce the massiveness of the red brick as it reads similarly to the glazing which appears dark in daylight.

The two tones of red brick have different uses with the brighter tone used for the building base and the solidier course bands at principal floor groupings. The more varied tone of the second colour is used on the larger areas of masonry”.

I am satisfied with the rationale and palette of materials. I consider that it is contextually appropriate to have a predominantly red brick development with relief and articulation provided by the grey/black brick elements.

I am satisfied that the overall scale, layout and external appearance of the proposed building has been carefully considered and has had regard to a range of contextual factors and policy evidence. An integral part of the development is the implementation of the proposed public square which will provide the building with both a setting and an area for providing future residents with external amenities. The proposed building is of a scale and mass that will impact on the character of this part of the city centre but, in overall urban design terms, the approach was broadly welcomed by the Council’s former Urban Design officer during consideration of the hybrid application. As such, I am satisfied that the overall impact will be a positive one and the requirements of policies CP3 and CP4 of the DCLP1 have been met.

It also meets the objectives of the draft guidance in the Tall Buildings Study which requires proposals to... “be informed through a master planned approach, taking account of placemaking objectives and sensitivities, including heritage”.

Delivery

In terms of the actual delivery of this important residential scheme, the developer has supplemented the application with further comments about the timing and commitment of the BTR provider which are included below.

... “The concept has evolved from the original outline submission whereby a tall (within the Derby context) building was proposed at the corner of Victoria Street and the public square. The scale and massing of the development proposed has decreased through a process of responding to and addressing concerns raised regarding the negative impact of such a tall building on the significance of heritage assets, alongside the realities of what the Build To Rent (BTR) market can sustain in Derby.

Unlike any other scheme of scale within Derby the Becketwell proposal is subject to an agreement to fund and operate the completed development with an institutional BTR investor and operator. The reserved matters scheme has been designed

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specifically to reflect the requirements and specifications of this funder/operator, based on their wide-ranging experience of what does and does not work in what remains a relatively immature (albeit, fast growing) market.

It is on this basis that the applicants can state with certainty that if permission is granted at planning committee in January 2021 **then works will commence on site in the spring of that year with a view to delivering the BTR apartments during winter 2022/23** [my emphasis].

Delivery of these apartments is, of course, critical to the success of the Becketwell regeneration project.

This confidence is evidenced by progress being made on works to facilitate development through demolition of Victoria House, refinement of the new public square, and detailed (construction level) design of the residential block itself.

The involvement of such an experienced BTR operator should also provide some comfort regarding the detailed consideration that has gone into matters such as the safety and comfort of residents of the proposed scheme. The experience of the funder/operator in delivering a high-quality product and experience for their residents is key to the success of their business model.

This influences not just the external design, height and scale of the building, but also how it operates, including building security, energy and space efficiencies, consistency of the apartment offer between units, and the amenity of residents”.

This important delivery commitment is, in my opinion, critical in the current economic climate and the public benefits included at the end of Part 7.3 below can only be realised with the implementation of this scheme. Members should also note the bespoke arrangements with regards to the S106 Agreement, as outlined in Part 8.5 of this report, and the independently verified position relating to the specific funding and delivery package that is in place.

7.3. Heritage Considerations

The statutory duty and policy area that specifically relates to the consideration of this proposal in terms of its impact on the historic environment and the setting of surrounding heritage assets is included in Part 5.6 of this report, as outlined by the Council's Built Environment Team. The application has also been presented to the Conservation Area Advisory Committee (CAAC) and its comments are included in Part 5.2 of this report. In this case you'll note that Historic England (HE) has not provided comments and deferred to the Council's own specialist advisors.

In terms of concluding comments, the Built Environment Team states that the proposal has...

...”a degree of harm to designated heritage assets to differing degrees within Derby. In terms of the levels of harm to designated heritage assets in NPPF (2019) terms it can be defined as **indirect, ‘less than substantial’** [my emphasis] under para 196. Therefore, the Development Management Officer has to weigh up the amount of harm (demonstrated above and by other heritage experts) against any public benefits of the proposal”.

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As stated in the previous report for the hybrid application, Members need to recognise that 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.

To reaffirm, 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 “indirect less than substantial harm” as provided in the consultation responses from the Council’s Built Environment Team.

The applicant states that the proposals will secure delivery of an extensive range of public benefits to the site and immediate environs, and the wider city centre. These will include the following:

- Enhanced pedestrian permeability into and through the site with an emphasis on the interconnectivity between the building and public square.
- The introduction of a permanent resident population (and on-site management) generating surveillance and activity beyond traditional shop and leisure opening hours.
- The creation of a genuine high-quality option for existing Derby residents or employees seeking to experience city centre living, or to relocate from other centres such as Nottingham, for example.
- Opportunities and encouragement given to residents of Phase 1 to make use of communal facilities within the scheme to begin creating a sense of community at Becketwell.
- A high-quality built form and public realm to secure a sense of identity for the scheme and surrounding area.
- More activity and active frontages at ground floor introducing natural surveillance within and around the site, reducing the attractiveness of the area for anti-social (and other criminal) activity when compared to its existing derelict and ‘back land’ location.
- Reduced travel by private car across the city by focusing a range of trip generating uses in the most sustainable city centre location, as opposed to a range of disparate out of centre destinations.
- New (construction and post-occupation) jobs for local people will facilitate greater social mobility and well-being.
- Additional residential expenditure, available for local shops and services and additional council tax receipts per annum.

Delivery of these benefits will be secured through granting reserved matters consent as proposed. Through working hand-in-hand with the funder and operator everything about the submission is focussed on delivering the proposed development. **It is not speculative or requiring further funding to be delivered. Everything is in place to commence development at the earliest opportunity** [my emphasis].

In my opinion and judgment, the public benefits of the scheme decisively outweigh the level of harm identified in this case. As such, the proposal conforms with the relevant policy tests in Paragraph 196 of the NPPF.

7.4. Highways Considerations

There are no objections to the trip generation or internal site access components. In terms of trip generation it is concluded...*"The changes noted above as part of the reserved matters application do not increase the impact of the development. The changes above have predicted a reduction in trip generation"*.

The site is located in the heart of the city centre and affords future residents and users of the commercial units access to all modes of travel in this highly sustainable location.

The detailed access and servicing arrangements are acceptable and, therefore, the proposal conforms with policy CP23 of the DCLP1.

7.5. Other Environmental Issues

The applicant has submitted separately information to address the necessary archaeological requirements under condition 18 of the hybrid permission and I am advised that a necessary 'non-material amendment' application will be submitted to regularise small design tweaks for the proposed public square.

My colleagues in the Environmental Protection Team offer no further comments about noise issues and this factor was addressed at some length in the hybrid submission and is, accordingly, covered by condition.

There are no objections to the proposal on flooding grounds following dialogue between the applicant's consultant and my colleague in the Land Drainage Team.

7.6. Conclusions

The wider public benefits of this proposal are substantial, particularly in light of the local/national economic challenges presented by the pandemic. The application has received strong support from the Councils Director of City Development and Growth and Marketing Derby. The housing delivery component of the equation is also particularly important given the government's recently stated ambition to accelerate housing delivery in provincial city regions. Your report highlights the welcome commitment given by the developer to push on with delivery of the scheme in 2021.

The Becketwell area has presented a longstanding challenge for the Council and its partners. I recall the Becketwell Development Brief for the area being produced in the late 1990s which highlights the length of time and previous commitments that have, unfortunately, not borne fruit for this very important city centre site.

There are no over-riding technical issues with this application and I consider that the range of conditions in the hybrid permission cover the salient areas. Given the scope of that permission I consider that minimal conditions are needed on this Reserved Matters approval.

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The proposed development accords with the Development Plan when read as a whole and in accordance with our statutory duty I would recommend to Members that approval is given without delay.

The conditions in Part 8.3 are abbreviated and will be properly worded to ensure that they meet the tests for planning conditions before any decision is dispatched.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To approve** reserved matters with conditions.
- B. To authorise** the release of the obligations and the overage provisions as outlined in part 8.5 of the report for that part of the development to which the reserved matters application 20/01076/RES relates subject to the Director of Strategy Partnerships, Planning and Streetpride being satisfied that the scheme accords with the District Valuers assessment

8.2. Summary of reasons:

The proposal is an acceptable form of development in terms of its layout, scale, external appearance and impact on the overall character of the immediate area. The development should act as a catalyst and drive subsequent phases of development on the wider Becketwell site and this important proposal will deliver much needed residential accommodation in the city centre. The proposal accords with the Development Plan when read as a whole and it constitutes sustainable development in social, economic and environmental terms.

8.3. Conditions:

- 1. Standard condition relating to approved plans and documents.
Reason: To clarify the bounds of this approval and for the avoidance of doubt.
- 2. Standard condition relating to the precise agreement of a palette of external materials and surface materials on-site.
Reason: To ensure a satisfactory overall development in accordance with saved policies CC4, GD5 and H13 of the adopted City of Derby Local Plan Review and policies CP3 and CP4 of the Derby City Local Plan – Part 1: Core Strategy.
- 3. Standard condition relating to the control of all details of external pipe runs and any roof level plant, equipment and associated paraphernalia.
Reason: To ensure a satisfactory overall development in accordance with saved policies CC4, GD5 and H13 of the adopted City of Derby Local Plan Review and policies CP3 and CP4 of the Derby City Local Plan – Part 1: Core Strategy.
- 4. Standard condition relating to on-site/building security measures.
Reason: To ensure a safe and secure form of development for all future residents and commercial users and in accordance with saved policies CC4, GD5 and H13 of the adopted City of Derby Local Plan Review.

8.4. Informative Notes:

The developer is reminded of the various responsibilities and timing of the conditions in the extant hybrid permission, under code no. 19/01245/OUT.

8.5. S106 requirements where appropriate:

This scheme would normally give rise to a requirement to provide contributions towards affordable housing, open space, transport, sports and health facilities. These contributions were secured in legal agreements on the outline application. However, the applicants have submitted viability information to show that this first phase of the wider Becketwell scheme cannot afford to provide any of these contributions. This viability appraisal has been independently assessed by the District Valuer and his report concludes that the scheme is unviable and therefore cannot afford to provide any of these contributions.

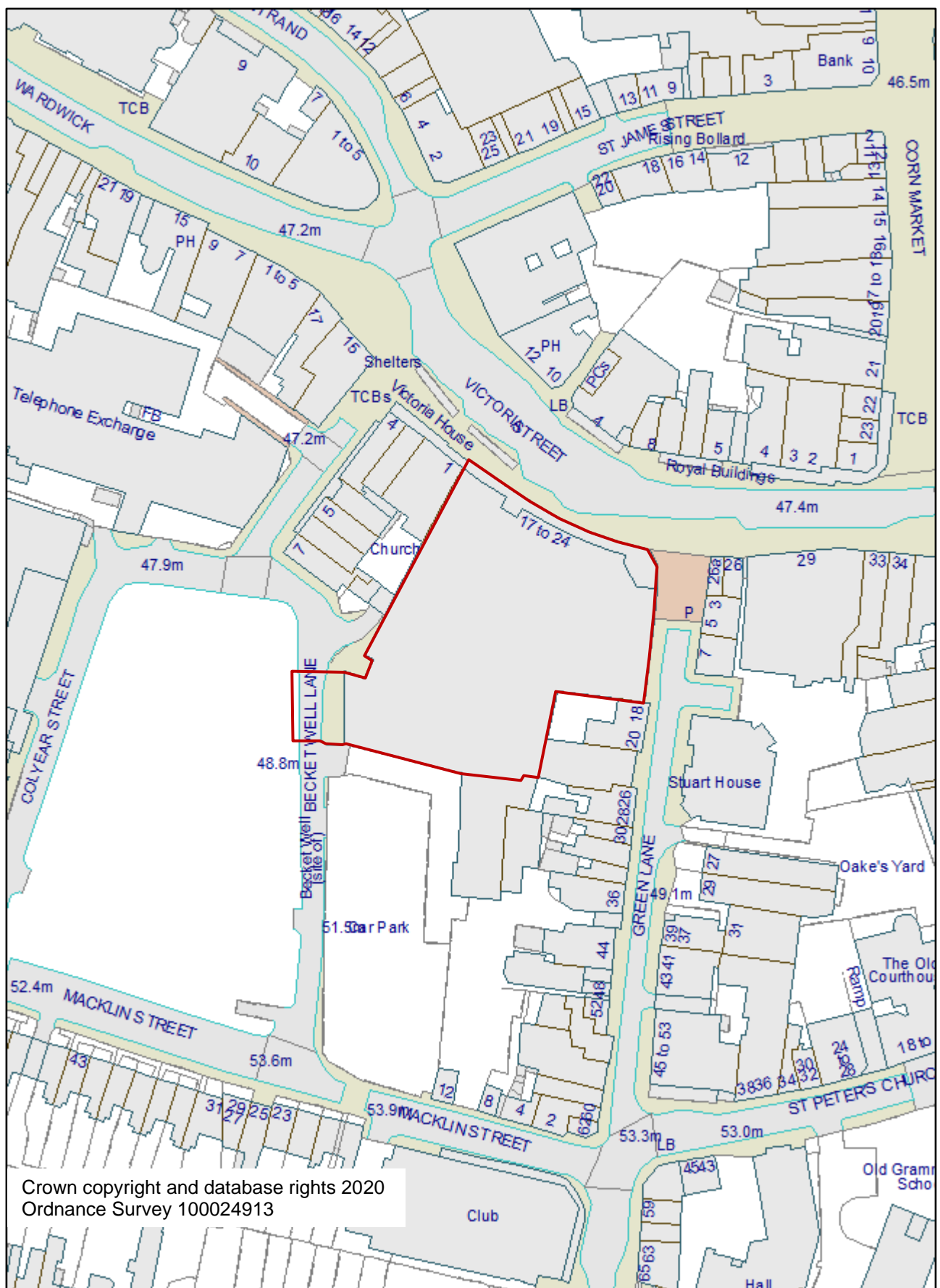
The applicant has however agreed to continue to pay the contribution towards CCTV cameras to cover the new public square. This contribution is already secured under the existing S106 agreement.

In addition to releasing them from these contributions the applicant has also asked that we release them from the overage clause due to the nature of the funding mechanism for the scheme. The overage clause would normally assess the viability of the scheme towards the end of the development and if any additional profit had been made it would be split 50/50 between the applicant and the City Council. Due to the way that this particular phase has been funded there is very little room for any changes to the viability position over time as most of the key costs and values are fixed. I am satisfied that, due to the specifics of this phase and the important regeneration benefits of this scheme, the removal of the overage clause for this first phase is acceptable, would remove a potential barrier to the scheme and would enable the development to proceed quickly.

It is important however, that before both the contributions and overage clauses are released, the final purchase price of the scheme is confirmed to the Council. Once this has been confirmed I can be confident in the viability position as detailed in the DV report.

8.6. Application timescale:

To be agreed.





Delegated decisions made between Between 01/11/2020 and 30/11/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01428/FUL	Full Application	21 Ferrers Way Derby DE22 2AB	Incorporation of land into residential curtilage	Application Withdrawn	02/11/2020
20/00158/FUL	Full Application	St Helens House King Street Derby DE1 3EE	Change of use to the Pearson Building and Headmasters Cottage to form five commercial units, one office and four apartments complete with associated landscaping and erection of boundary treatments	Approval	19/11/2020
20/00159/LBA	Listed Building Consent - Alterations	St Helens House King Street Derby DE1 3EE	Alterations in association with change of use to the Pearson Building and Headmasters Cottage to form five commercial units, one office and four apartments complete with associated landscaping and erection of boundary treatments. To include demolition of boundary wall and 'lean to', installation of a mezzanine and stud walls and removal of stud walls	Approval	19/11/2020
20/00212/FUL	Full Application	130 Uttoxeter Old Road Derby DE1 1GE	Change of use from dwelling house (Use Class C3) to a six bedroom, eight occupant house in multiple occupation (Sui Generis Use) including installation of a dormer to the rear elevation and a roof light to the front elevation	Refused	11/11/2020
20/00258/FUL	Full Application	Land South Of Nottingham Road Spondon Derby DE21 7NP	Erection of nine dwelling houses (Use Class C3)	Approval	25/11/2020
20/00287/FUL	Full Application	6 The Poplars Derby DE22 2DX	Installation of new windows to the front elevation	Approval	27/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00447/FUL	Full Application	36 And 37 Friar Gate Derby DE1 1DA	Change of use of first and second floors from residential (Use Class C3) and office (Use Class B1) to one four bedroom and one three bedroom flats in multiple occupation (Use Class C4)	Approval	19/11/2020
20/00448/LBA	Listed Building Consent - Alterations	36 And 37 Friar Gate Derby DE1 1DA	Alterations to include removal of doors and installation of replacement fire doors, new bathroom and kitchen units, roof repairs, sub-division works, removal of partition and enlargement of partition, re-location of radiators and boarding out of boiler and water pipes	Approval	19/11/2020
20/00611/OUT	Outline Application	Site Of 1C Welbeck Grove Derby DE22 2LS	Demolition of existing single-storey building. Residential development (two dwelling houses) - Use Class C3	Approval	17/11/2020
20/00685/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 conditions 3, 5, 8, 11, 14, 16 and 18 of previously approved permission 19/01802	Discharge of Conditions Complete	25/11/2020
20/00734/FUL	Full Application	2 Menin Road Derby DE22 2NL	Extensions and alterations to bungalow to include a side extension, raising of the roof height and installation of dormers	Approval	03/11/2020
20/00740/DISC	Compliance/Discharge of Condition	Land At 398 Duffield Road Derby DE22 1ES	Demolition of outbuildings. Erection of four dwelling houses (Use Class C3) - discharge of condition No 3 of previously approved permission 19/00682	Discharge of Conditions Complete	27/11/2020
20/00772/FUL	Full Application	18 Willson Avenue Derby DE23 1DA	Single storey rear extension to dwelling house (living space) and erection of an outbuilding (garden store/workshop)	Approval	16/11/2020
20/00821/FUL	Full Application	6 Otter Street Derby DE1 3FB	Single storey side and rear extensions to dwelling house (enlargement of kitchen/dining space)	Approval	05/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00841/FUL	Full Application	Former Peet Street Garages Peet Street Derby	Erection of nine dwellings (Use Class C3) with associated vehicular access and associated ground works	Approval	10/11/2020
20/00882/FUL	Full Application	Cosy Building Siddals Road Derby DE1 2QD	Change of use from Class D1 (Arts Centre) to A1 (Shops), A3 (Cafe and Restaurant) and A5 (Hot Food Takeaway)	Approval	17/11/2020
20/00911/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To The Brackens Brackens Lane Derby DE24 0AQ	Installation of a 20m high monopole, equipment cabinets and ancillary development	Approval	05/11/2020
20/00917/FUL	Full Application	40 Vestry Road Derby DE21 2BL	Single storey rear extension to dwelling house (enlargement of kitchen with raised decking area)	Approval	17/11/2020
20/00922/FUL	Full Application	150 Burton Road Derby DE1 1TN	Change of use of part of ground floor from office (Use Class B1) to retail (Use Class A1)	Approval	05/11/2020
20/00940/FUL	Full Application	28 Twyford Street Derby DE23 8EP	Retention of replacement car repair workshop building	Approval	13/11/2020
20/00953/FUL	Full Application	9 Lauder Close Derby DE24 3EF	Proposed Single Storey Front Extension	Approval	27/11/2020
20/00975/FUL	Full Application	82 Craddock Avenue Derby DE21 7HS	Erection of an outbuilding in rear garden to form garages and office space.	Approval	27/11/2020
20/00977/FUL	Full Application	17 Porters Lane Derby DE21 4FZ	Single storey extensions to the front and rear of the existing property, to form bedroom and extend garage.	Approval	13/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00984/FUL	Full Application	158B Western Road Mickleover Derby DE3 9GT	Single storey front, side and rear extension to dwelling house (porch, utility, w.c, and enlargement of kitchen and dining room)	Approval	06/11/2020
20/00985/FUL	Full Application	10 Duffield Road Derby DE1 3BB	Single storey rear extension to extend kitchen.	Approval	26/11/2020
20/00994/FUL	Full Application	92 Kedleston Road Derby DE22 1FW	Formation of vehicular access	Approval	12/11/2020
20/01006/FUL	Full Application	16 Ypres Road Derby DE22 2LZ	Erection of an outbuilding (greenhouse)	Approval	09/11/2020
20/01010/TPO	Works to a tree with a TPO	113 Whitaker Road Derby DE23 6AQ	Felling of a Western Red Cedar tree protected by Tree Preservation Order no. 280	Approval	12/11/2020
20/01014/FUL	Full Application	1057 London Road Derby DE24 8PZ	Change of use to an 11 bedroom house in multiple occupation (Sui Generis Use)	Approval	23/11/2020
20/01017/CAT	Works to Trees in a Conservation Area	Darleys On The River Darley Abbey Mills Haslams Lane Derby DE22 1DZ	Felling of one Horse Chestnut and a Maple tree and cutting back of branches overhanging terrace by 1m of a Hawthorn tree within the Darley Abbey Conservation Area	Approval	27/11/2020
20/01033/FUL	Full Application	260 Derby Road Chaddesden Derby DE21 6RW	Two storey side and rear and single storey front and rear extensions to dwelling house	Approval	19/11/2020
20/01037/CAT	Works to Trees in a Conservation Area	12 Belper Road Derby DE1 3EN	Height reduction by 5-8m of a Conifer tree and height reduction by 2-4m and crown thin by 25% of a Cherry tree within the Strutts	Approval	10/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			Park Conservation Area		
20/01039/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 phasing plan	Approval	06/11/2020
20/01047/FUL	Full Application	17A Brick Row Derby DE22 1DQ	Single storey front, side and rear extensions to dwelling house (cloakroom and enlargement of hall and kitchen)	Approval	27/11/2020
20/01063/FUL	Full Application	65 Bethulie Road Derby DE23 8UT	Two storey and single storey rear extensions to dwelling house (kitchen/dining area and bedroom)	Approval	12/11/2020
20/01074/VAR	Variation of Condition	10 Chaffinch Close Derby DE21 7TA	Two storey side extension to dwelling house (kitchen, utility, study, two bedrooms and bathroom), roof alterations to form rooms in the roof space (two bedrooms and en-suite) and erection of an outbuilding (garage/store) - Variation of condition 3 of previously approved planning permission 05/18/00818 to amend the approved plans	Approval	09/11/2020
20/01075/FUL	Full Application	5 Goodsmoor Road Derby DE23 1NH	Single storey rear extension to dwelling (utility and enlargement of two bedrooms) and roof alterations including installation of a rear dormer with side elevation window to form room in the roof space (bedroom)	Approval	03/11/2020
20/01080/FUL	Full Application	60 Dalkeith Avenue Derby DE24 0BG	Erection of an outbuilding (annexe accommodation)	Approval	27/11/2020
20/01081/FUL	Full Application	400 Kedleston Road Derby DE22 2TF	Single storey rear extension to dwelling house	Approval	13/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01083/FUL	Full Application	165 Rykneld Road Derby DE23 4AL	Single storey rear extension to dwelling house (orangery)	Approval	18/11/2020
20/01085/FUL	Full Application	11 - 13 Junction Street Derby DE1 1LX	Single storey rear extension to flat	Approval	04/11/2020
20/01086/CLP	Lawful Development Certificate -Proposed	31 Royal Hill Road Derby DE21 7AH	Single storey rear extension to dwelling house (kitchen/family room)	Approval	04/11/2020
20/01087/FUL	Full Application	4 Appledown Way Derby DE23 3YU	Retention of the installation of a dormer to the rear elevation	Approval	04/11/2020
20/01088/FUL	Full Application	26 Haydn Road Derby DE21 4HR	Single storey rear extension to dwelling house	Approval	19/11/2020
20/01091/TPO	Works to a tree with a TPO	Duesbury Green Spaces Nature Reserve Yoxall Drive/Grangeover Way Derby	Various works to trees protected by Tree Preservation Order no. 242	Approval	06/11/2020
20/01094/TPO	Works to a tree with a TPO	1 Newcrest Close Derby DE23 4YP	Felling of a Norway Maple tree protected by Tree Preservation Order no. 30	Approval	06/11/2020
20/01099/FUL	Full Application	70 Blenheim Drive Derby DE22 2LE	Single storey rear extension to dwelling house and installation of a dormer to the rear elevation	Approval	05/11/2020
20/01101/TPO	Works to a tree with a TPO	St Werburghs Church Of England Primary School Church Street Spondon Derby DE21 7LL	Removal of deadwood over 30mm diameter from Oak and Elder trees and cutting back of branches of a group of trees to give 2m clearance of the lighting columns and the annual crown lifting to provide 3m canopy clearance above the playing field of trees	Approval	10/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			protected by Tree Preservation Order no. 529		
20/01117/TPO	Works to a tree with a TPO	7 Spinney Close Derby DE22 1EG	Felling of 11 Leyland Cypress trees and height reduction to 4m of 3 Leyland Cypress trees, height to be maintained for a period of 10 years, protected by Tree Preservation Order no. 439	Approval	10/11/2020
20/01123/FUL	Full Application	22 Valley Road Littleover Derby DE23 6HQ	Two storey side and single storey rear extensions to dwelling house (living room, shower room, bedroom, two bathrooms and enlargement of kitchen and dining room)	Approval	18/11/2020
20/01125/FUL	Local Council Own Development Reg 3	20 Frazer Close Derby DE21 7EZ	Single storey side extension to dwelling (bedroom and wetroom)	Approval	18/11/2020
20/01126/FUL	Full Application	16 Ford Lane Derby DE22 2EW	Single storey side extension to dwelling house (study, utility and snug) alterations to the front porch and bay roof and erection of a boundary fence	Approval	19/11/2020
20/01127/ADV	Advertisement Consent	28 St Peters Street Derby DE1 1SL	Display of various signage	Approval	27/11/2020
20/01128/FUL	Full Application	10 Queensferry Gardens Derby DE24 9JS	Erection of an outbuilding (garage)	Approval	10/11/2020
20/01129/FUL	Local Council Own Development Reg 3	Unit 20 Sir Francis Ley Industrial Park Shaftesbury Street South Derby DE23 8YH	Change of use from offices (Use Class E(g)) to training centre (Use Class F1(a))	Approval	23/11/2020
20/01131/FUL	Full Application	37 Calder Close Derby	Single storey side extension to dwelling (store, utility, W.C. and kitchen/dining area)	Approval	12/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 2SH			
20/01134/TPO	Works to a tree with a TPO	2 Arden Close Derby DE23 6LG	Felling of an Ash tree protected by Tree Preservation Order no. 280	Approval	27/11/2020
20/01136/FUL	Full Application	58 Brayfield Road Derby DE23 6GT	First floor, two storey and single storey extensions to bungalow to form a dwelling house including installation of a rear dormer	Approval	17/11/2020
20/01139/ADV	Advertisement Consent	3 Vicarage Road Mickleover Derby DE3 0EA	Display of internally illuminated fascia signage	Refused	09/11/2020
20/01146/TPO	Works to a tree with a TPO	14 Cardinal Close Derby DE21 4TH	Felling of a Hawthorn tree protected by Tree Preservation Order no. 124	Approval	12/11/2020
20/01151/FUL	Full Application	228 Porter Road Derby DE23 6RF	Single storey side and rear extensions to dwelling house (storage and enlargement of kitchen and lounge/diner)	Approval	13/11/2020
20/01154/FUL	Full Application	22 Westbourne Park Derby DE22 4GX	Single storey rear/side extension to dwelling (snug, wet room, entrance hall and kitchen/dining area)	Approval	10/11/2020
20/01156/CLP	Lawful Development Certificate -Proposed	630 Osmaston Road Derby DE24 8GS	Change of use from dwelling house (Use Class C3) to a house in multiple occupation for up to six occupants (Use Class C4) including installation of a dormer to the rear elevation and erection of a single storey rear/side extension	Approval	16/11/2020
20/01157/CLP	Lawful Development Certificate -Proposed	27 Stanage Green Derby DE3 9DX	Single storey rear extension to dwelling house (kitchen)	Approval	18/11/2020
20/01158/FUL	Full Application	7 Taplow Close Derby	Two storey side and single storey front and rear extensions to dwelling house (porch,	Approval	16/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE3 0RP	store, W.C., play room, office, bedroom, en-suite and enlargement of living space		
20/01159/PNRH	Prior Approval - Householder	52 Huntley Avenue Derby DE21 7DU	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	05/11/2020
20/01160/FUL	Full Application	9 Charles Avenue Derby DE21 7AJ	Single storey front extension to dwelling house (W.C. and enlargement of hall)	Approval	17/11/2020
20/01162/FUL	Full Application	24 Saltburn Close Derby DE21 4GG	Single storey side extension to dwelling house (hall, W.C. and dining/lounge area)	Approval	17/11/2020
20/01164/TPO	Works to a tree with a TPO	Open Space Binscombe Lane Derby (Rear Of 2 Porters Lane)	Various works to trees protected by Tree Preservation Order no. 477	Approval	18/11/2020
20/01166/FUL	Full Application	25 Palatine Grove Derby DE23 3RR	Single storey side/rear extension to dwelling house (conservatory)	Approval	17/11/2020
20/01167/FUL	Full Application	43 Huntley Avenue Derby DE21 7DW	Single storey side and rear extensions to dwelling house (car port and family room)	Approval	17/11/2020
20/01168/TPO	Works to a tree with a TPO	Land At The Rear Of 11 And 17 Cherrybrook Drive Derby	Crown reduction by 1m, crown lift overhanging branches to 4m and reduction of branches to give 2-3m clearance of 11 Cherrybrook Drive of an Oak tree and crown clean, deadwood and removal of branches of another Oak tree protected by Tree Preservation Order no. 31	Approval	18/11/2020
20/01170/FUL	Full Application	2 Waverley Terrace	Retention of the erection of an outbuilding	Approval	16/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Moore Street Derby DE23 6SQ	(play room and store)		
20/01172/TPO	Works to a tree with a TPO	2 Newport Court Derby DE24 0UL	Felling of an Oak tree protected by Tree Preservation Order no. 538	Refused	18/11/2020
20/01173/TPO	Works to a tree with a TPO	23 Binscombe Lane Derby DE21 2AZ	Crown clean, crown thin by 10% and cutting back of branches to give 2-3m clearance of the building of an Oak tree Protected by Tree Preservation Order no. 477	Approval	19/11/2020
20/01178/PNRJ	Prior Approval - Offices to Residential	150 Burton Road Derby DE1 1TN	Change of use from offices (Use Class B1) to 13 residential units (Use Class C3)	Prior Approval Approved	18/11/2020
20/01181/TPO	Works to a tree with a TPO	74 West Road Derby DE21 7AB	Cutting back of branches overhanging 72 West Road by 2m of a Cedar Tree protected by Tree Preservation order No. 179	Approval	26/11/2020
20/01182/TPO	Works to a tree with a TPO	31 Whistlestop Close Derby DE3 9DA	_Reduction of three Ash trees by 2m using reduction via thinning techniques, felling of an Ash tree and pollarding of an Ash tree protected by Tree Preservation Order no. 172	Approval	24/11/2020
20/01185/CLE	Lawful Development Certificate -Existing	3rd Floor 10 Victoria Street Derby DE1 1ES	Use of the third floor as a self contained flat (Use Class C3)	Refused	19/11/2020
20/01186/FUL	Full Application	212 Station Road Mickleover Derby DE3 9FH	Single storey rear extension to dwelling house (garden room)	Approval	13/11/2020
20/01187/PNRH	Prior Approval - Householder	66 Ashbourne Road Derby	Single storey rear extension (projecting beyond the rear wall of the original house by	Prior Approval Not Required	04/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3AF	3.9m, maximum height 2.7m, height to eaves 2.7m) to dwelling house		
20/01188/CAT	Works to Trees in a Conservation Area	111 Duffield Road Derby DE22 1AE	Crown reduction by 3m and crown lift to give 2m clearance from ground level of a Lime tree within the Strutts Park Conservation Area	Approval	11/11/2020
20/01189/CAT	Works to Trees in a Conservation Area	Cedar House 35 Ashbourne Road Derby DE22 3FS	Prune canopy to give 2m canopy clearance to building, crown lift to provide 5m canopy clearance above ground level, crown clean and the annual removal of epicormic growth up to a height of 5m of a tree within the Friar Gate Conservation Area	Approval	06/11/2020
20/01190/FUL	Full Application	37 Chatteris Drive Derby DE21 4SF	Two storey side extension to dwelling house (garage, living space, bedroom and en-suite)	Approval	13/11/2020
20/01193/CLP	Lawful Development Certificate -Proposed	25 Portico Road Derby DE23 3NJ	Change of use from dwelling house (Use Class C3a) to children's care home (Use Class C3b)	Approval	24/11/2020
20/01194/FUL	Full Application	10 Rowan Park Close Derby DE23 1WQ	Single storey rear extension to dwelling house (enlargement of living space and kitchen)	Approval	18/11/2020
20/01196/FUL	Full Application	17 Meadow Way Derby DE73 6UW	Two storey rear extension to dwelling house (sitting/dining area, kitchen, bedroom and bathroom) and installation of a new window to the first floor side elevation	Approval	18/11/2020
20/01200/NONM	Non-Material Amendment	77 Moor Street Derby DE21 7EB	Demolition of barn. Erection of an outbuilding (double garage and games room) - Non-material amendment to previously approved planning permission 19/00319/FUL to amend the external materials	Approval	12/11/2020
20/01201/FUL	Full Application	154 Carsington Crescent Derby DE22 2QU	Two storey and single storey front extensions to dwelling house (study, bedroom and enlargement of lounge)	Approval	24/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01204/TPO	Works to a tree with a TPO	96 Whitaker Road Derby DE23 6AP	Deadwooding and reduction of canopy to give 2m clearance of the building of a Pine tree and pollarding of a Lime tree to 4.2m protected by Tree Preservation Order No 278	Approval	30/11/2020
20/01205/FUL	Full Application	15 Carsington Crescent Derby DE22 2QY	Single storey and first floor rear extensions to dwelling house (enlargement of living space and bedroom) including installation of timber cladding	Approval	23/11/2020
20/01206/DISC	Compliance/Discharge of Condition	Quarnmill House Stores Road Derby DE21 4XF	Change of use from office (Use Class B1) to eye clinic (Use Class D1) with plant compound - discharge of condition no 4 of previously approved permission 19/01779	Discharge of Conditions Complete	26/11/2020
20/01207/FUL	Full Application	The Croft 156 Swarkestone Road Derby DE73 5UD	Single storey extensions to dwelling house (covered walkway/porch, storage, utility and bathroom)	Approval	18/11/2020
20/01209/FUL	Full Application	54 Redwood Road Derby DE24 9LA	Single storey extension to dwelling house (lobby and wetroom)	Approval	18/11/2020
20/01212/CAT	Works to Trees in a Conservation Area	1 Lime Croft Derby DE22 2DE	Height reduction by three metres of a mixed species hedge within the Allestree Conservation Area	Raise No Objection	13/11/2020
20/01213/FUL	Full Application	197 Ladybank Road Derby DE3 0QL	First floor side and single storey rear extensions to dwelling house (living/kitchen space, bedroom and shower room)	Approval	26/11/2020
20/01215/FUL	Full Application	Liversage Court Residential Home Liversage Place Derby DE1 2TL	Erection of an outbuilding (changing area)	Approval	27/11/2020
20/01217/FUL	Full Application	40 Lawnside Derby DE21 7DY	Single storey rear extension to dwelling house (family room)	Approval	26/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01218/PNRH	Prior Approval - Householder	36 Stockbrook Road Derby DE22 3PJ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.94m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Approved	12/11/2020
20/01219/FUL	Full Application	Land Adjacent To 154 Burton Road □ 152 Burton Road Derby DE1 1TQ	Erection of 4 apartments at first and second floor and extension to neighbouring retail unit at ground floor level.	Approval	23/11/2020
20/01221/FUL	Full Application	72 The Hollow Littleover Derby DE23 6GL	Single storey rear extension to dwelling house (dining area and enlargement of kitchen)	Approval	23/11/2020
20/01222/FUL	Full Application	20 Scarsdale Avenue Littleover Derby DE23 6ER	Two storey side extension to dwelling house and single storey rear extension, comprising kitchen, dining room, WC/shower and garage at ground floor level. Two bedrooms, bathroom and en-suite at first floor level and bedroom with en-suite in roof space.	Approval	23/11/2020
20/01223/FUL	Full Application	4 Acacia Avenue Derby DE3 9NL	Single storey side extension to dwelling house (garage, utility and W.C.)	Approval	23/11/2020
20/01225/TPO	Works to a tree with a TPO	2 Elms Garden Derby DE23 6EF	Crown lift to 4.5 metres of a Beech tree protected by Tree Preservation Order no. 155	Approval	27/11/2020
20/01229/FUL	Full Application	24 Haddon Drive Mickleover Derby DE3 9HL	Single storey side and rear extensions to dwelling (garden room)	Approval	23/11/2020
20/01230/TPO	Works to a tree with a TPO	Ridgeway Court	Cutting back of branches to give 2m clearance	Approval	30/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		224 Warwick Avenue Derby DE23 6LH	of phone lines of a Sycamore tree, crown lift to 2.5m and height reduction by 3.5m of a Birch tree and re-pollarding of 3 Lime trees protected by Tree Preservation Order no. 231		
20/01240/CAT	Works to Trees in a Conservation Area	58 Belper Road Derby DE1 3EN	Crown reduction by 6m of two Silver Birch trees, re-pollarding of a Lime tree and felling of three Silver Birch trees within the Strutts Park Conservation Area	Approval	24/11/2020
20/01243/FUL	Full Application	11 City Road Derby DE1 3RQ	Single storey rear extension to dwelling house (sun room and shower room) and enlargement of the existing outbuilding	Approval	23/11/2020
20/01269/CAT	Works to Trees in a Conservation Area	8A The Green Mickleover Derby DE3 0DE	Crown reduction by 1.5M of 3 Holly Trees, within Mickleover Conservation Area	Approval	27/11/2020
20/01289/DEM	Demolition - Prior Notification	Manor Store Manor Park Way Derby DE22 3NB	Demolition of two buildings	Approval	16/11/2020
20/01300/PNRH	Prior Approval - Householder	24 South Avenue Darley Abbey Derby DE22 1FB	Single storey rear extension (projecting beyond the original rear wall of the original house by 8m, maximum height 4m, height to eaves 2.3m) to dwelling house	Prior Approval Not Required	30/11/2020
20/01301/TPO	Works to a tree with a TPO	17 Gary Close Derby DE23 2LG	Removal of the lowest four limbs to the boundary line, cutting back of branches overhanging properties by 5m and street light by 3m of an Oak Tree and protected by Tree Preservation Order No. 3	Application Withdrawn	16/11/2020
20/01357/NONM	Non-Material Amendment	6 Oaklands Avenue Derby DE23 2QG	Single storey side and rear extensions to dwelling house (kitchen, dining room, utility room and garage) - Non-material amendment	Approval	27/11/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			to previously approved application code No. 19/01778/FUL to include two sets of bi-folding doors and a window to the rear elevation		
20/01365/PNRH	Prior Approval - Householder	21 Drewry Lane Derby DE22 3QS	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 Approved	30/11/2020
20/01449/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 no 25 of previously approved permission 19/01802	Discharge of Conditions Complete	18/11/2020