

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

1. **Address:** Site of former Derbyshire Royal Infirmary, London Road

2. **Proposal:**

Re-development to form mixed use development comprising retail (Use Class A1), cafe/ restaurant (Use Class A3), public house (Use Class A4), offices (Use Class B1), residential (Use Class C3) and formation of associated car parking

3. **Description:**

This is an outline application for re-development of the former Derbyshire Royal Infirmary site, which comprises approximately 7 hectares of land fronting London Road, Osmaston Road and Bradshaw Way. The site lies just south of the city centre, separated by the Inner Ring Road. There is a considerable change in land levels across the site, particularly between London Road and Osmaston Road, where there is a rise of about 10 metres in ground level. In addition the London Road frontage is elevated approximately 2 metres above highway level, behind a historic stone boundary wall, which extends along most of the street elevation. The former hospital site has an extensive built coverage, which is indicative of the long history of the infirmary, established on the site since the late 19th Century. The 1890's hospital buildings form the backbone of the site, with a succession of 20th Century extensions and new buildings within the existing site. The site also includes various significant groups of trees and individual trees, which are protected by a Tree Preservation Order. There are existing vehicular accesses onto the site, which include the main entrance onto London Road, a secondary entrance onto Osmaston Road and the Litchurch Street entrance to Osmaston Road alongside the southern boundary.

Since the transfer of the main hospital functions to the new Royal Hospital site, which was completed in 2010, the DRI site is now largely vacant. A community hospital and walk-in centre are retained on site, which are located to the south of the development site. They will continue to provide hospital services for the foreseeable future.

In terms of designated heritage assets on and in the vicinity of the site, there are areas and features of historic significance in the locality, along both London Road and Osmaston Road. The Hartington Street and Railway Conservation Areas are adjacent to the site. On the site, only the Queen Victoria statue and boundary wall and railings on London Road frontage are statutory listed, under Grade II. The Grade II listed Florence Nightingale statue is situated alongside the boundary wall on London Road and Grade II Listed Wilderslowe House fronts Osmaston Road. On the opposite side of London Road are the listed Liversage Almshouses. There are numerous buildings on the Council's Local List within the site, including Devonshire House and the 19th Century hospital buildings and in the vicinity of the site.

Outline permission is sought, with means of access and scale being sought as part of the current proposal. Matters relating to external appearance and design, landscaping and layout would be reserved for a future application. The proposal is for demolition of all the buildings within the red edged site, with the exception of two of the locally listed brick tower features fronting London Road. A pair of three storey buildings abutting London Road at the south east corner of the site would also be retained, although it is unclear as to their intended function. A mixed use development is proposed, comprising retail (A1), food and drink (A3, A4) uses,

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

offices (B1 use) and up to 400 residential units, comprising a mix of apartments, dwellings and extra care accommodation.

The submitted master plan for the development, is subdivided into zones of intended land uses. At this stage approval is sought solely for the general scale of the uses within these zones aswell as the access arrangements. The proposals are briefly summarised as follows:

- Zone 1: supermarket, with up to 5 667 square metres of gross floorspace to corner of Bradshaw Way and London Road and undercroft car park and external parking and loading facility. A3/A4 unit fronting London Road, up to 3 storey height. Retail units served by new access road off Osmaston Road.
- Zone 2: B1 offices, with up to 3 085 square metres of floorspace and A3/ A4 uses with residential uses on upper floors. Proposed to define axis in line with Trinity Street. The pair of locally listed brick towers would be retained and integrated into a new development. Courtyard spaces between buildings to be semi-private with landscaping.
- Zone 3: "home zone" type of residential development. Two and three storey housing is shown arranged in terraces, with enclosed gardens and private parking. A pedestrian axis is also shown along the same alignment as the built form in Zone 2 allowing a continuous route and views through from Osmaston Road to London Road.
- Zone 4: Extra care accommodation/over 55's housing, in blocks of apartments of 3 to 4 storeys, typically with a minimum of one and two bedrooms. The proposed form is blocks enclosing a central courtyard.
- Zone 5: Residential development, comprising terraced houses in the form of a self-contained cul-de-sac, accessed off Osmaston Road.
- London Road frontage: A linear park to be formed with a pedestrian priority route parallel with London Road, active ground floor frontages, retention of tree groups and improvements to setting of Queen Victoria statue.

In terms of access and servicing, the existing main entrance and pedestrian accesses onto London Road would be retained and used to provide routes into the site. An additional vehicular access would be formed onto Osmaston Road to serve the retail unit, whilst the two existing accesses would be retained for servicing the residential zones. New pedestrian routes are to be formed through the site to create links between Osmaston Road and London Road and thereby allow permeability through the development.

Various parts of the former hospital site are excluded from the application, which included Wilderslowe House, 123- 129 Osmaston Road and the Walk-In Centre and Community Hospital, south of Litchurch Street.

The application has been accompanied by various supporting documents to assess the environmental impacts of the proposal, on built heritage and archaeology, visual impact, land contamination, noise and air quality, flood risk, flora and fauna, trees and transport. A retail impact statement has also been provided to support the proposed A1 food store element.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

4. Relevant Planning History:

None relevant.

5. Implications of Proposal:

5.1. Economic:

The proposal would amount to regeneration of the vacant hospital site, with the intention that the returns on the development of the land would be invested in health care provision in the city. As an outline scheme, there are no details of actual floorspace to be provided at this stage. However, the development would be a mixed use scheme, with provision of significant commercial, retail floorspace and housing.

The issue of economic viability is key to the mix of uses proposed as part of the development. This is one of benefits used to justify the retail element on the site. A viable scheme is considered necessary to allow regeneration of the site and re-investment in other health provision.

5.2. Design and Community Safety:

This is an outline application, with determination at this stage, for the access arrangements and the scale and massing. In terms of the scale of the development, the height and massing of the built form is intended to reflect that of the existing hospital buildings. The general heights would predominantly be up to three to four storeys, with the proposed dwellings, being two to three storeys overall.

In terms of access, a landscaped pedestrian boulevard parallel with the London Road frontage is proposed fronting the development. This is intended to enhance the pedestrian environment along London Road. The historic wall boundary and statues along this site frontage would be integrated into the proposed public space, which should enhance their setting, subject to appropriate detail. Through the site, pedestrian and cycle routes are proposed to establish linkages between Osmaston Road and London Road, the city centre and surrounding residential areas. The overall scheme is intended to increase permeability through the site and allow better links with the main routes and the city centre.

5.3. Highways – Development Control:

None received to date. See Officer Opinion.

Highways – Land Drainage:

The submitted FRA incorporates works which need to be undertaken to ensure there is a reduction in flood risk to others. To ensure that the works mentioned in that document are undertaken I recommend that any grant of planning permission is conditioned to cause these drainage works be carried out in accordance with that FRA. The latest FRA should be used if now acceptable to the Environment Agency.

5.4. Disabled People's Access:

Details of access for disabled people would be considered as part of any reserved matters application.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

5.5. Other Environmental:

The site has significant groups of mature trees, some of which are protected by Tree Preservation Order. They are primarily located along the London Road frontage, the corner of London Road/ Bradshaw Way and close to the Osmaston Road frontage. The trees are a key feature of the hospital site, which is otherwise densely built up, with limited green space.

6. Publicity:

Neighbour Notification Letter	132	Site Notice	
Statutory Press Advert and Site Notice	yes	Discretionary Press Advert and Site Notice	
Other			

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

Prior to submission of the application, the applicant undertook its own public consultation of the proposals, to engage with local community and invite comment. Two public consultation events were held in November 2008 and September 2010 in the vicinity of the site. In addition a web site was launched to enable comments to be made to the scheme and media releases to local press. The event in 2010, was open to members of the public, local businesses and hospital employees. Between 200 to 250 people attended the event over a two day period.

7. Representations:

Five comments and objections have been received to date in respect to the original submission and the additional information provided by the agent. The main comments made are as follows:

- Object to supermarket proposal since there are existing stores in the Westfield centre would be affected. Alternative uses should be considered such as a hotel or swimming pool
- Supermarket may not enhance or conserve character of London Road
- Access to supermarket through residential area should be avoided
- Proposed layout is to maximise development potential
- Zones are poorly arranged and dominated by location of food store
- Need for long stay car park on the site
- Concern about loss of Wilderslowe tower and Devonshire House
- Welcome retention of listed buildings and locally listed towers and proposed walkway to front of towers

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

8. Consultations:

8.1. Conservation Area Advisory Committee:

Object to the proposal on the grounds of:

- Unjustified loss of locally designated heritage assets
- Detrimental impact on the setting of Florence Nightingale Statue and Alms houses
- Supermarket will have detrimental impact on setting of Wilderslowe House

The Committee felt positively about the principle of housing development and the demolition of Wilderslowe Tower and suggested that consideration could be given to alternative positions for the supermarket.

Following submission of additional information in relation to location of the supermarket and re-use of Devonshire House, further comment is as follows:

Recommend refusal on the grounds that:

- Carefully considered new information presented and of opinion that comments made at previous meeting remain relevant
- Devonshire House could be readily converted for residential use without undue difficulty

8.2. Environmental Services-Trees:

The submitted Tree Survey acknowledges the quality and amenity value of the trees across the site and also that Tree Preservation Order (TPO) 542 does not include all of the significant trees on site but those that form and retain the character of the site.

There are in total, 17 trees that are currently shown for removal that are protected by TPO 542 which will inevitably lead to a significant loss of public amenity value. Of the 17 trees I would consider that the loss of tree groups G1 & G2 and individual trees T1, T7, T16, T30 and one from tree group G9 to be particularly significant due to their peripheral positions.

I also have serious concerns over tree group G6 consisting of 8 Lime trees and how the intense construction activity associated with the supermarket and the underground car parking will affect the trees. Whilst I appreciate that the proposed footprint of the supermarket is outside of the Root Protection Areas (RPAs) one would envisage that demolition and construction contractors would require more than the 1-1.5m than is currently shown as a working area. It is of note that the branch spread of these trees has been recorded as 7m to the South which would bring the trees into direct conflict with the building and only serve to increase the pruning pressures on these visually important trees.

The intensity of the residential dwellings makes the successful establishment of newly planted trees difficult to achieve particularly if the new plantings are to be of a species that will ultimately mitigate the loss of some significantly sized mature trees.

I have confined my comments at this stage, given the nature of the application, to the subject of tree loss (in the context of the TPO) and the issue of

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

replacement plantings although it is important that the practicalities associated with the demolition and construction on a site with such a complex topography and in such close proximity to other protected trees is not overlooked although I acknowledge that sections 5.3.2 and 6 of the WA Tree Survey provide guidance in that respect.

8.3. Environmental Services- Pollution:

The proposals in Phase I report are generally satisfactory, subject to the following comments:

The applicant will need to undertake a site investigation/Phase II report to document the ground conditions of the site. The investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance including UKAS/MCERTS accredited methods. All technical data should be submitted to the Council.

Asbestos surveys have identified asbestos containing materials within the buildings on site. Note and agree with the recommendations for an asbestos demolition survey.

8.4. Derbyshire County Council Archaeologist:

The proposal area is a site on the Derbyshire Historic Environment Record, relating to the sequence of hospital buildings on the site, beginning with the General Infirmary of 1810 and replaced on the same site by the Royal Infirmary during the 1890s. The site contains locally listed buildings, and the development boundary encroaches on the Hartington Street Conservation Area. The site is also immediately adjacent to and within the setting of the Railway Conservation Area and a number of Grade II Listed buildings. The site therefore constitutes a heritage asset, under the provisions of PPS5, with architectural and historic significance, and the parts of the site within the Conservation Area form a designated asset, although consideration should be given as to what extent the buildings in this area contribute to the significance of the conservation area.

On below-ground archaeology, I note that the site is well outside the known extents of medieval and Roman activity in Derby, and that any hitherto unknown early archaeology on the site is in any case likely to have been severely disturbed and truncated by the later phases of hospital buildings.

Below-ground remains of the early 19th century General Infirmary may survive in small islands of preservation between the later buildings on the site, but it is difficult to see what contribution archaeological excavation of these footings would contribute to our existing understanding of the General Infirmary. On balance, therefore, I conclude that below-ground archaeological potential on the site does not justify placing any further requirement on the applicant.

On standing buildings, the applicant's heritage statement provides a detailed buildings appraisal of the surviving buildings on site, although the judgement of levels of significance is in places faulty. A number of these buildings are judged to be of historic significance. The ward wings and 'pepperpot' towers,

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

Devonshire House, and Buildings 28, 38, 41, 45 and 82 would appear from the buildings appraisal to be of at least local historic significance, and as a building group relating to the late 19th century hospital are perhaps of regional importance. The application proposes the demolition of much of this building group, with the token retention of 'pepperpot' towers fronting Buildings 49 and 66. This proposal entails a substantial loss of significance to the heritage asset, and the local planning authority should be satisfied that the applicant has demonstrated that the proposal delivers benefits outweighing the heritage loss before granting consent. In this event, there is a clear case under PPS5 Policy HE12.3 for a conditioned scheme of building recording to be secured by condition, for a full building record to be made of those historic buildings to be lost or significantly impacted under the scheme.

On visual impact, the scheme has potential to impact upon the setting of designated heritage assets, including two conservation areas and a number of listed buildings. The local planning authority must be satisfied that the proposals do not amount to a substantial loss of significance in terms of the setting of designated assets, and that any less-than-substantial losses are outweighed by heritage and other benefits of the scheme, before granting consent.

8.5. Environment Agency:

In respect to the revised Flood Risk Assessment received in February 2011, there are no objections in principle, to the proposed development but recommends that conditions are imposed on planning permission, if granted.

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall be in accordance with section 3.2 of the amended FRA for the application and will include details of how the scheme shall be maintained and managed after completion .

8.6. Derbyshire Wildlife Trust:

An updated ecological survey was undertaken in November 2010 and it is acknowledged in the report that this was considered to be a sub-optimal time of year to carry out such survey work. The report has identified that the most relevant ecological features present on the site comprise buildings with potential to support roosting bats and breeding birds, mature/semi-mature trees with potential to support roosting bats and breeding birds and introduced shrubs/scrub with potential for nesting birds. Bat boxes are present on two trees increasing their potential to support roosting bats.

The proposal will involve works, including demolition, to the existing buildings on site together with the removal of a number of trees. The survey

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

recommends that due to the potential for bats to use some of the buildings and trees on the site a detailed internal and external inspection and presence/absence bat surveys are recommended.

In accordance with the principles set out in PPS9 this information is required prior to the determination of the application. There is not currently sufficient information provided with regard to bats to determine the application.

Any demolition work and vegetation removal, including tree felling, should be scheduled to avoid the nesting bird season which extends from March to late August.

A development of this scale would also be expected to provide considerable opportunities for the incorporation of beneficial biodiversity features. These include the use of green roofs, erection of bird boxes and bat boxes and SUDs drainage systems.

8.7. Police Liaison Officer:

This indicative layout with links through from residential to commercial and 4 possible links from Osmaston Road to London Road has excessive permeability in terms of access providing easy searching opportunities for crime and easy and numerous escape routes, which will make policing of the development difficult and ineffective.

The application is predictably critical of the existing permeability available but has not considered the reasons why. The previous occupation did not have prolific and excessive through permeability due to the connected building blocks. Permeability across the site has also been restricted and removed gradually over the years because of crime and trespass on the Hospital site. The whole site was a major hotspot for theft, assault and vehicle crime.

Site specific context is everything in designing out crime. Evidently "Safer Places" guidance, a sister document to PPS1, has been mentioned but not been taken into account in this layout.

In zones 3 and 5 housing blocks must face onto the pedestrian through links not as indicated along blank gable and wall/fencing elevations to be safe. Links should connect with a desire line or final useful destination to be effective.

Concentrating use to one or two main routes concentrates and increases use and activity providing an active frontages and safer active routes. Too many options and links dilute activity and without activity neighbourhoods are easily exploited by the criminal who also benefit from ease of escape. All routes must be gauged to be safe over a whole 24 hr period whilst still giving privacy to the occupants

The whole development should be built to "Secure by Design" standards and all permeability must be safe, considered permeability with clear use and end destination and not guess work connections diluting activity for the sake of permeability at any cost or without justification.

or this layout to go ahead in this form it requires subdivision of zones, a reduction in permeability, access road re consideration possibly sited at the side of the Hotel, removal of blank unobserved elevations with housing facing directly onto

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

links and an extensive CCTV system in the many areas that lack surveillance and have minimal activity.

The development would be safer with an active link following Litchurch Street and one central boulevard with housing built to face the routes and not back on to unobserved links.

8.8. Natural England:

The site is situated within an urban area and is not within any nationally designated sites for nature conservation or protected landscapes. The main concern is therefore whether there are protected species or habitats that may be affected by the proposal and that the ecological surveys and reports have been carried out comprehensively.

The ecological report which describes a Phase I Habitat Survey appears to have been carried out thoroughly and in accordance with appropriate guidelines. The survey included investigations for the presence of protected species including bats, breeding birds, fauna, water voles, otters, white clawed crayfish and badgers. The only species that were highlighted as potentially being affected by the development were bats and breeding birds.

We agree with the report's recommendation that, although no evidence of bats was found on the site, there should be further surveys to check for their presence in the existing buildings and mature/ semi mature trees which may support roosting and foraging bats. These additional surveys should include detailed internal and external inspections and bat activity surveys. Building demolition and vegetation clearance etc. should be outside the bird breeding season.

The survey identifies a number of different habitats on the site, although we agree with the reports conclusions that the site was generally of limited ecological value. We do however consider that the network of trees along the north east boundary which was identified as a green corridor in an urban setting could make a valuable contribution to the wider green infrastructure network. We suggest that opportunities are found to link this corridor with surrounding green spaces resulting in a net gain in green infrastructure. In addition the planning authority should look for opportunities within the design of the scheme to enhance the site for biodiversity.

Based on the information provided, we object to the proposed development and recommend that planning permission is withheld on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Our concerns relate specifically to the likely impact upon bats. The protection afforded these species is explained in Part IV and Annex A of *Circular 06/2005 "Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System."*

8.9 Primary Care Trust:

Section 106 contributions should be negotiated for benefit of PCT.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD1	Social Inclusion
GD2	Protection of the environment
GD3	Protection from flooding
GD4	Design and the urban environment
GD5	Amenity
GD7	Comprehensive development
S2	Retail locational criteria
S9	Range of goods and alterations to retail units
S12	Financial and professional services and food and drink uses
H11	Affordable housing
H12	Lifetime homes
H13	Housing – general criteria
EP10	Major office development
EP13	Business and industrial development in other areas
E5	Biodiversity
E7	Protection of habitats
E9	Trees
E10	Renewable energy
E13	Contaminated land
E18	Conservation Areas
E19	Listed buildings and buildings of historic importance
E20	Uses within buildings of historic importance
E21	Archaeology
E23	Design
L2	Public open space standards
L3	Public open space requirements in new development
LE6	Derbyshire Royal Infirmary
T1	Transport implications of new development
T4	Access, parking and servicing
T5	Off-street parking
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people
PPS1	Delivering Sustainable Development
PPS1	Planning and Climate Change: Supplement to PPS1
PPS4	Planning for Sustainable Economic Development
PPS5	Planning for the historic environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS25	Development and Flood Risk

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

10. Officer Opinion:

This application for re-development of the former Derbyshire Royal Infirmary site is brought before the committee for consideration of the information submitted to date, in support of the proposal. Discussions are currently ongoing with the applicant and their agent in regard to various outstanding issues, which have yet to be satisfactorily resolved. On the basis that there are unresolved material considerations relating to the application, as it stands at the moment, this section will set out the main issues affected by the proposed development.

Policy issues

There are significant retail policy issues relating to this application, in regard particularly to the proposed supermarket to be sited in the north east corner of the site. A retail impact assessment has been provided, with sequential information, as required under PPS 4 and Local Plan Policy S2. Discussions are yet to be concluded in regard to the retail impact information and compliance of the retail element with the relevant shopping policies.

In the supporting documents which accompany the application, the siting of the retail element on this site is justified in terms of the retail policies and its sustainable location. This is on the grounds that it would be located immediately adjacent to the city centre, there would be a high concentration of convenience goods sales and that the site has good linkages with the city centre via existing pedestrian crossings over Bradshaw Way. There is therefore potential for linked trips between the proposed car park area and the city centre. The documents also rely on the fact that the site is well served by public transport corridors, in terms of bus and rail links.

The submitted retail assessment concludes that in terms of the scale of the retail proposal, the site is appropriate on the basis that:

- there would not be significant impact on the town centre
- the site is on the edge of centre, located in accessible location
- there are no more suitable town centre sites, which could accommodate a retail store of the required size
- there are no preferable edge of centre sites, that are similarly accessible to public transport.

The assessment therefore concludes that the retail proposal is in compliance with the sequential tests for out of centre retail development. These assertions in the applicant's submission have yet to be fully assessed, in terms of the adherence to national and local retail policies.

The retail element of the scheme also represents a departure from the mix of uses, which are identified as being appropriate on the former hospital site, under saved Policy LE6 of the Local Plan. This policy is somewhat out-of-date, in that it was adopted prior to the full transfer of hospital functions to the Royal hospital site. However, it is still a material consideration in assessing the merits of the proposed uses. The policy identifies the following uses as being appropriate on land surplus to hospital requirements. These include D1, non-residential institutions, residential uses, leisure and B1 business uses. This policy supports the regeneration of this site, for a mix of uses, due to its accessible location, close to the city centre.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

The Eastern Fringes Area Action Plan, which has been subject to public consultation, and has some weight as a material consideration, includes the former DRI site in the action plan proposals. It identified the site as being suitable for residential development of up to 800 units. The current proposal is therefore contrary to the action plan aspirations, although it does accord more with the Local Plan policy, which has more weight, in terms of being the adopted development plan. Works to progress the emerging Area Action Plan further has been suspended, pending development of the Core Strategy.

The masterplan proposals indicate the provision of up to 400 residential units on the site, comprising a mix of house types and extra care accommodation. The principle of residential development on this site, is in line with Policy LE6 and the Area Action Plan. It also accords with the general criteria in Policy H13, subject to the provision of a satisfactory form of development and a high quality living environment.

There would also be up to 3000 square metres of B1 office floorspace included as part of the scheme, provided as relatively small units. Policy EP13 allows for business uses to be located outside allocated sites, provided that it does not conflict with other Local Plan policies and does not lead to a gross over-supply of employment land. The proposal would meet the other test in this policy, which requires that the proposal is well integrated into the existing pattern of development.

Impacts on built heritage

The proposed redevelopment of the former DRI site, would have direct affects on a number of designated heritage assets within and adjoining the site, as well as more indirect visual impacts on nearby areas and buildings of significance. In general, I consider that there has been a thorough analysis of the site and the built heritage affected by the proposal. The heritage assets likely to be affected have been identified and assessed as required under Policy HE6.1 of PPS 5. Policy HE6.2 requires an assessment of the impact of the proposal to be undertaken. This has been carried out to some extent, particularly in regard to the positive impacts on buildings such as Wilderslowe House and Queen Victoria's statue of the removal of some former hospital buildings of limited merit. It is acknowledged that the setting of these assets is likely to be improved, subject to an appropriate design and layout of development being agreed.

An assessment of the potential re-use of locally important historic buildings on the site, which are identified for demolition, has been undertaken. This particularly relates to the buildings with the twin towers and Devonshire House, which are on the Council's Local List.

Notwithstanding the re-use study which has been carried out, the overall masterplan for the site indicates the loss of the majority of the buildings of significance on the site. Policy HE7.4 of PPS 5 refers to the desirability of sustaining and enhancing heritage assets and utilising their positive role in place-shaping. In order to address this policy, the indicative layout proposed should make a positive contribution to the appearance, character and local distinctiveness of the historic environment. This to some extent is subject to a quality design and layout being achieved. The potential enhancement of the setting of retained historic buildings would also be a positive feature of the proposal. The heritage benefits could also be delivered, by a making a contribution to economic vitality and sustainable communities. The mixed use nature

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

of the scheme could be argued to meet this objective, since the commercial, retail and housing elements would combine to improve the vitality of the area and contribute to housing need in the locality. However, the loss of much of the early hospital buildings and Devonshire House is regrettable and does not bring significant heritage benefits, other than to allow flexibility in terms of uses and layout of the site. The only parts of the early hospital to be retained and reused would be two of the twin tower sections fronting London Road. This is welcomed, although the substantial loss of the rest of the group of locally listed buildings would result in the identity of the historic hospital site, being significantly eroded. This is a material issue, which must be weighed against the other effects of the redevelopment, some of them positive, on the local historic environment. The heritage impacts should also be weighed against other material planning considerations arising from the scheme.

Further assessment has been provided on the potential reuse of Devonshire House, and relocation of the proposed supermarket, in response to concerns raised about its demolition. This supporting information indicates that the existing buildings are unsuitable on commercial grounds for conversion to offices or residential use. It also assesses the siting of the supermarket elsewhere on the site, to allow retention of Devonshire House and the tower sections and protection of the setting of the Liversage Almshouses. This study concludes that other locations within the site are unsuitable for economic and land use reasons. The retail store is considered by the applicants to be key to the viability of the development and therefore important to the regeneration of the site.

This work has not in my opinion, conclusively demonstrated that Devonshire House and the early hospital buildings are not suitable for residential conversion, even if office use is not viable. Whilst there are likely to be benefits to the setting of heritage assets in the local area from the scale and uses in the proposed development, there are concerns that significant harm would be caused to parts of the historic hospital site, by virtue of the removal of some of the buildings. It is also considered that the loss of these elements has not been fully and adequately justified, in regard to the policies in PPS 5 and Local Plan policies E19 and E20. In terms of the proposed locations of the various "zones" of uses and the scale and mass of development on the site, the supporting documents is considered to represent a thorough assessment of the existing townscape and historic environment, which surround the site. The proposals seek to respect the scale and ambient heights of the early hospital buildings and fit in with the general scale and character of the local streetscene. The development would replace post-war hospital buildings, including Wilderslowe Tower, which currently dominate the site, with lower built forms, which subject to appropriate design, would allow better views of the historic tower sections within the site.

Overall, I am satisfied that the proposals would not be detrimental to the character and appearance of the nearby conservation areas, in line with Policy E18. The scale of development would also respect the urban context and distinctiveness of the surrounding area, as required by Policies GD4, GD5 and E23.

Highways and traffic implications

This application has been subject to a full Transport Assessment to justify the traffic impacts of the development. The proposed access arrangements for the site are to be determined as part of this outline scheme and as such the layout of access routes,

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

for vehicles, as well as pedestrians through the site are important considerations at this stage. One of the objectives of the proposed masterplan is to improve permeability across the site, forming pedestrian routes between Osmaston Road and London Road and along the length of London Road to the city centre. In terms of vehicular movements, the intention is to utilise existing hospital access points on both London Road and Osmaston Road and form new access onto Osmaston Road specifically to serve the supermarket.

There are outstanding issues in regard to the likely traffic impacts of the development on the surrounding road network, which have not yet been satisfactorily resolved. Discussions are ongoing with the applicant's traffic consultant in an attempt to address these issues.

There are concerns that the proposed access on Osmaston Road to the residential development would have limited visibility towards Bradshaw Way and have an undesirable proximity to the proposed traffic signal controlled junction, serving the supermarket. The applicants have not provided justification for the location of this access or explored alternative means of access for the proposed dwellings. This could involve serving access off the supermarket link road or locating the junction north of 127 Osmaston Road.

The proposed layout indicates two potential pedestrian link routes across the site, from Osmaston Road to London Road, although it is unclear, which is intended to be the main "green" route. A legible and safe route for pedestrians is necessary, through the site, which can clearly be identified and not likely to conflict with the proposed residential uses.

Further details of the proposed pedestrian access points onto London Road and Bradshaw Way junction are sought to establish, whether they are also intended to be used by cyclists and likely gradient. This is due to the significant differences in levels between the site and the London Road frontage, which could result in difficulties for accessibility.

These are matters which need to be addressed in order to be sure that the development satisfactorily complies with Local Plan policies T4, T6, T7, T8 and T10.

There are significant concerns in relation to the methodology used in the applicant's Transport Assessment, which means that the impacts of the development on the highway network cannot be adequately be assessed to the satisfaction of the Council's Highways Officer. The assessment makes assumptions about the existing and predicted vehicular movements arising from the scheme, that the traffic impacts would not be significantly greater than under the former hospital use. However, it is not considered to be a particularly robust assessment and casts some doubt on the overall conclusions, which have been reached. On this basis, the application does not satisfy the requirements of Policy T1, which seeks proper assessment of the potential transport implications of the development.

Ecological issues

A Phase 1 Habitat survey was undertaken on the site in November 2010 and was submitted in support of the application. Whilst the former hospital site does not have any areas identified as being of importance for nature conservation, it has the potential to provide habitat for particular protected species, namely birds and bats.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

Overall, the site was found to have limited ecological interest, although a number of the buildings and some mature trees were identified as having low to medium potential for roosting bats. On this basis, the survey recommends that further nocturnal surveying is undertaken during the bat active season, which is May to September. This would enable accurate assessment of the level of bat activity on the site and therefore the likely impact of the development on the protected species.

Under the provisions of PPS 9 and recent legal cases, the potential impacts of a development on protected species, such as bats, is a material consideration which must be considered prior to determination of an application. In this case, where the potential for bat activity has been identified and as a result there may be an effect on the protected species, from the development proposal then the following tests should be met:

- there are no alternatives to the development as submitted
- there are imperative reasons of over-riding public interest, sufficient to outweigh the nature conservation importance of the protected species involved
- that the application shall not impact on the favourable conservation status of the species.

In this case, I am of the opinion that these tests have not been passed, since it has not yet been conclusively established whether the protected species is present on the site and if the proposal would impact on its status on that site. As such I am mindful of the objections of ecological consultees and the guidance in PPS 9, which advise that the presence of, in this case bats, must be established before a planning permission is granted. Whilst this is an outline proposal, with no details of built form, it does establish the principle of development and therefore the removal of identified buildings and trees. The courts have held that impacts of any development proposal on protected species must be considered, in order to establish whether the principle of development is acceptable.

Given that insufficient survey work is considered to have been undertaken to confirm if a population of bats exists on the site, the applicants have been advised that further work needs to be undertaken, during the active season, beginning in May. The ecological information submitted to date is therefore considered to fail the requirements of PPS 9 and Local Plan Policies E5 and E7.

Impacts on trees

The former hospital site has various groups of trees and individual trees, which are covered by a Tree Preservation Order, due to their significance and contribution to the public amenity value of the local area. This does not extend to all the trees on the site, but those which are considered to be locally important and worthy of retention. The protected trees are situated primarily, in proximity to the street frontages of London Road, Osmaston Road and Bradshaw Way. Overall, the tree cover makes a positive contribution to the character of the former hospital site and the wider area. In particular the trees along the London Road frontage are probably comparable in date to the early hospital buildings and reinforce that important boundary. The groups of trees fronting Bradshaw Way form a dense buffer alongside the Inner Ring Road, whilst the trees along Osmaston Road provide some screening from the road and are in more fragmented groups within the site.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

As part of the masterplan proposals, 17 of the protected trees are identified for removal, out of a total of 34 individuals and 10 groups of trees. Most of those felled are in the interior of the site and along Osmaston Road. The Arboricultural Officer has expressed particular concerns about the removal of specific individuals and groups of trees. These include trees on the western side of the site, a prominent Beech tree fronting Bradshaw Way and a group of trees adjacent to Queen Victoria's statue. The loss of the latter two groups of trees is sought in order to enhance pedestrian access to the site and also the setting of the listed statue. On this basis, I consider there is some justification for these works, to achieve suitable linkages and access through the site. Overall, it is regrettable that such a number of trees is shown for removal, particularly fronting Osmaston Road, where tree cover is more limited. Having regard to the proposed access layout, the details of siting and design are not to be determined as part of this outline scheme and I am of the opinion that there may be scope to incorporate more of the protected trees in the western part of the site, as part of a reserved matters submission. On the basis that the siting of built form is unlikely to be as indicated on the submitted layout, I am satisfied that overall tree loss resulting from this scheme would be relatively limited and generally acceptable.

In terms of the impact of the development on the retention of existing trees, the building footprints as shown on the masterplan are solely indicative, since siting and layout would be a reserved matter. The proximity of the proposed supermarket to the groups of trees along Bradshaw Way has raised some concerns, due to the potential adverse effects on the protected trees. This is due to the changes in land levels across the site and the elevated positions of the trees relative to the likely floor levels. However, the position of the supermarket would not be fixed under an outline permission and there is scope for this issue to be addressed satisfactorily under a future application.

In general, I am satisfied that adequate tree survey information has been submitted to comply with the requirements of Policies GD2 and E9.

Other issues – drainage

A development site of this significant size, approximately 7 hectares, is required to comply with PPS 25 and be supported by a Flood Risk Assessment, to ensure it would not lead to an increase in flood risk. A revised Flood Risk Assessment was submitted in January 2011, in response to concerns that the surface water drainage proposals would not provide adequate on-site attenuation and Sustainable Drainage System (SUDs). The amended assessment satisfactorily indicates measures to provide SUDs on the site, which would appropriately manage surface water run-off within the site. Subject to suitable management and maintenance of the system, these proposals are considered to meet the requirements of Policy GD3 and PPS 25.

11. Recommended decision and summary of reasons:

11.1 For Member's **consideration and further instruction.**

11.2. S106 requirements where appropriate:

The draft heads of terms, which have yet to be finalised are as follows:

- Public open space contributions for incidental and major open space

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

- Public art contribution
- Education contribution for primary education
- Community facilities contribution
- Highways contribution towards transport corridor -detail has not yet been confirmed

11.3. Application timescale:

The 13 week target period for determination of the application expired on 23 February 2011 and is still awaiting submission of additional documents to support the proposal.

Special Item No: 12

Application No: DER/11/10/01429

Type: Outline (with access and scale)

