



## **City of Derby Local Plan Review - Responses to the Inspector's Recommendations and proposed Modifications to the Plan**

### **SUMMARY**

- 1.1 Cabinet will be aware that the Council has a duty to keep its statutory plans up-to-date, and has been progressing review of the City of Derby Local Plan over a five year period.
- 1.2 Following a Public Local Inquiry in 2003-04 the Government-appointed Inspector made some 180 recommendations to the Council in January 2005. None of these would undermine the Council's underlying planning strategy or its key proposals.
- 1.3 In a very small number of cases I consider that the Inspector's recommendation should not be accepted, but an overwhelming majority are recommended for acceptance and appropriate modification.
- 1.4 Subject to any issues raised at the meeting, I support the following recommendation.

### **RECOMMENDATION**

- 2.1 To approve the Schedules of Modifications, Maps, Inspector recommendations not accepted and Inspector recommendations accepted but not leading to modifications as set out in Schedules 1 – 4.
- 2.2 To authorise the Director of Development and Cultural Services to make the necessary arrangements to place these on Deposit.
- 2.3 To authorise the Director of Development and Cultural Services, in consultation with myself, to approve any further minor textual and/or technical changes to the proposed modifications to be placed on deposit.
- 2.4 To note the contents of Appendices 3 and 4 and to have regard to these in reaching decisions on recommendations relating to them.
- 2.5 To note the comments of the Planning and Environment Commission and response to these as set out in Appendix 5.
- 2.6 To refer this report, appendices and schedules to the 14 September Full Council meeting.

### **REASON**

3. Detailed reasons for the recommended responses and proposed modifications are given in an Appendix to the Report and in the Schedules.



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### **SUPPORTING INFORMATION**

- 1.1 A Public Local Inquiry into objections to the City of Derby Local Plan Review was held in late 2003 to mid 2004. Some 240 objections were heard at the various sessions during this period and a further 1,227 objections were dealt with through the Written Representations procedure. The Inspector's Report was received in January this year and the Council now needs to formally consider this, together with recommendations to modify the Plan arising out of it.
- 1.2 The Inspector has made about 180 recommendations in all. Many of these are intended to improve the clarity of policy or to better reflect national planning guidance. Whilst some would result in more material changes to the Plan, none would actually undermine its underlying strategy or key proposals. I am recommending that Members accept the vast majority of these recommendations. Of the ten or so I am recommending are not accepted, most are as result of the Inspector making a choice of recommendation or where I feel the spirit of his recommendation can be achieved in a better way. There are only a few instances where I disagree with the Inspector's recommendation in principle and these are not critical issues.
- 1.3 This report contains a summary of the key issues and modifications arising from the Inspector's Report as well as additional modifications I am proposing to reflect changed circumstances (Appendix 2). Detailed schedules of the proposed modifications, Inspector recommendations not being accepted and a small number of Inspector recommendations which do not result in modifications have been placed on CMIS. Paper copies will also be available in Members Rooms, at the Cabinet meeting itself and can be made available upon request. Members are being asked to approve these schedules.
- 1.4 Two issues have resulted in a need for additional work and the results of this are appended to the report. These are explained in more detail in the summary text, but briefly are:

- a response to highways objections regarding access issues on land allocated for housing at the University Campus, Mickleover (Appendix 3);
- a short review of the Plan's retail strategy for convenience shopping following the Inspector's recommendation that there is a need for additional floorspace (Appendix 4).

1.5 The Inspector's report, and draft proposals for changes arising out of it, was considered by Planning and Environment Commission on 18 July. A copy of the Commission's comments and my response to them is attached as Appendix 5.

1.6 Subject to Cabinet's endorsement, the report will be referred to Full Council at its 14 September meeting. Agreed Modifications, and Inspector recommendations not accepted, will then be placed on Deposit for a statutory period of six weeks, starting in September. Any objections and supporting representations to these will be reported back to Members later this year. It is anticipated that the Plan will be adopted early next year, meeting the 'milestone' of February 2006 set out in the Local Development Scheme. Once adopted, the CDLP Review will supersede the 1998 CDLP as part of Derby's Local Development Framework.

**For more information contact:**

**Background papers:**

**List of appendices:**

Andrew Waterhouse Tel. 255023 email: [andrew.waterhouse@derby.gov.uk](mailto:andrew.waterhouse@derby.gov.uk)  
 City of Derby Local Plan Review – Revised Deposit version  
 City of Derby Local Plan Review – Inspector's Report (including letter of clarification)

<b>IMPLICATIONS</b>
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**Financial**

1. Planned expenditure on the CDLP Review has been allowed for in current budgets.

**Legal**

2. The CDLP Review is a statutory requirement on the Council. Whilst a new Local Development Framework system came into effect last year, the Local Plan Review will proceed to adoption under the old regulations. Once adopted it will become the Council's LDF and be gradually replaced under the new arrangements.

**Personnel**

3. The CDLP Review is a key item in the Plans and Policies Business Plan.

**Equalities impact**

4. The CDLP Review gives a high priority to equality and social inclusion issues with land use implications, such as affordable housing and access for disabled people.

**Corporate objectives and priorities for change**

5. The proposal comes under the Council's objectives for providing healthy, safe and independent communities, a diverse, attractive and healthy environment, a prosperous, vibrant and successful economy and a shared commitment to regenerating our communities.

## CDLP Review

### Summary of Key Issues and Proposed Modifications

#### 1. Introduction

- 1.1 The Inspector has not recommended any modifications to this chapter.

#### 2. Strategy

- 2.1 The Inspector considers that many of the policies of this chapter are not sufficiently 'land use' orientated to be expressed as 'policy'. He is therefore recommending that ST1 and ST2 are expressed as a vision statement and key planning objectives instead. He also recommends deleting Policies ST3 – ST5, ST7 and ST11 and instead selectively absorbing them into the key planning objectives. This is something of a 'technical' issue arising out of a fairly narrow definition of what should constitute policy. The Government has sought to widen this definition under the new planning system and these strategy policies were something of an experiment to adapt this new approach to the traditional Local Plan. However, it is accepted that the Local Plan is being prepared under the old style procedures and that policies should relate to the use of land. In practice, they will still be given much the same weight and remain important in establishing the overall direction of the Plan as a whole. Points about selectively absorbing parts of these policies into the key objectives are also accepted. This will result in a simpler and clearer chapter. It would be logical to treat ST8 in the same way, although the Inspector did not consider it because there were no objections to it.
- 2.2 The Inspector also recommends placing the general development policies into a separate chapter. Again, there is merit in this and we are recommending accordingly. If Members agree, this would result in Policies ST6, ST9, ST10 and ST12 – STx2 being moved.
- 2.3 We are also proposing more robust wording for part of Policy ST6 dealing with access issues for disabled people.

#### 3. Regeneration

- 3.1 The Inspector has accepted the regeneration priorities set out in Policy R1, apart from the final paragraph dealing with particular groups of people. Again, he considers this to be insufficiently land use orientated to be expressed as policy. We accept this point and are recommending the text is integrated instead into the Key Planning Objectives (former ST2) in the Strategy chapter.
- 3.2 Proposals for the former Friar Gate Goods Yard (R2) are supported. However, he also recommends provision for retail use on the ground floor of the bonded warehouse. We have no objections to this provision, which would be related in scale and nature to the needs of the locality. Indeed, it would provide local shopping facilities for the new community here and as such should help encourage people to walk rather than drive to such facilities.

Elsewhere in his report, the Inspector has identified additional capacity for convenience retail floorspace. This site can make an important contribution to meeting this need. We are, however, recommending that Policy R2 refers to 'convenience' retail floorspace to ensure retail uses here contribute to the identified capacity and provide a local shopping service. (See Appendix 4 reviewing retail strategy).

- 3.3 The Inspector also recommends identifying the area of nature conservation interest on the Proposals Map and including this under Policy Ex2 and Appendix B. Although the policy itself protects these features, we accept the Inspector's point that all identified wildlife sites should be treated consistently through Policy Ex2. If Members agree, Criterion 6 of Policy R2 (dealing with the wildlife feature) would no longer be necessary and we recommend its deletion.
- 3.4 The Inspector has recommended allocating 500 dwellings at the former Manor/Kingsway hospital site (R4). This is to help meet a shortfall in housing land supply he has identified. As a consequence, he is also recommending that the business park element is reduced from 15 ha to 7ha. This is not an entirely surprising conclusion, given the shortfall, as the site is partly brownfield and lies within the urban fabric of the City. The reduction in business land is disappointing, but a reasonable business area would still be provided. We are also mindful of evidence presented at the Inquiry that a 15 ha business park would lead to traffic problems on the surrounding highway network. We therefore recommend that the Inspector's findings are accepted.

#### **Regeneration - Inspector's Recommendations Not Accepted**

- 3.5 The Inspector has recommended deleting the last paragraph of Policy R6 (Darley Abbey Mills) and moving some of it into the Reasoned Justification. We have concerns about this because we feel that it would undermine the strength and clarity of the policy. Our reasons are set out in detail in the 'Schedule of Inspector's Recommendations Not Accepted' under 'Regeneration'. Instead, we are recommending an amendment to the paragraph negotiated with Government Office to overcome their objections to it. Whilst the Inspector did not support this, it will at least overcome objections to the original made by GOEM.

#### **4. City Centre**

- 4.1 The Inspector has supported the City Centre strategy and has only recommended fairly minor changes. He has supported both the Eagle Centre extension and the Riverlights scheme. We are also pleased that he has supported the regeneration proposals as these underpin much of the Derby Cityscape vision. Cityscape has, of course, continued to develop since the Local Plan Inquiry. A new style Action Plan is now under preparation for the Eastern Fringes of the City Centre. This will provide an up-to-date action orientated planning framework for the regeneration of this area.

- 4.2 We are recommending a small number of changes to this Plan to reflect opportunities identified in the Derby Cityscape Master Plan. At Becket Well (CC4), we are proposing a more flexible policy that reflects the fact that there is now a wide range of possible development scenarios. At Riverside (CC8), we are recommending an amendment to the designated policy area by excluding the area to the east of Derwent Street. This will avoid a conflict between the Plan and the wider range of uses envisaged in the Master Plan in this area, which includes a hotel and performing arts centre in addition to residential and commercial uses. The reduced site is still large enough for the 150 dwellings anticipated to be completed in the Plan's lifetime and has potential for about 225 in total. A number of changes to the extent of land needed for the 'Connecting Derby' scheme are being put forward to reflect the recent planning application (see Transport chapter).

### **City Centre - Inspector's Recommendations Not Accepted**

- 4.3 The proposed change to the Becket Well policy (CC4) no longer makes specific reference to provision of residential development. It is therefore no longer necessary to include a specific requirement for affordable housing. As such, the Inspector's recommended minor change to this part of the original policy is also unnecessary. If residential uses are included within any proposed development, an appropriate affordable housing contribution could still be negotiated under Policy H19 (affordable housing).
- 4.4 The Inspector has also recommended an additional paragraph in the Becket Well policy about car parking and the provision of a 500 space car park on this site. However, the precise nature of re-development at Becket Well is now less certain than it was and it is no longer possible to be sure that the 500 spaces can be provided in that location. As such, I am recommending that the policy no longer makes specific provision for this. The additional paragraph recommended by the Inspector is therefore no longer necessary. A similarly worded paragraph is proposed to be added to the Reasoned Justification of Policy CC32 (Public Car Parking).

## **5. Housing**

### **Strategy and Supply**

- 5.1 The Inspector has recommended allocating a further 533 dwellings, of which 500 should be at the former Manor Kingsway hospitals site. This is mainly because of concerns over the deliverability of some brownfield sites and assumptions about small sites and windfalls. We accept this broad conclusion regarding land supply and also accept the additional 500 dwellings at the hospitals site as noted earlier. However, apart from Manor Kingsway, there is no need to make additional allocations as there has been an improvement in the overall housing land supply since the time of the Inquiry. This is reflected in the April 2004 land availability figures and we propose to modify Tables 5.1 and 5.2 in the Local Plan accordingly. Preliminary analysis of the April 2005 land availability position implies a further substantial improvement in land supply due to a surge in windfall permissions. Even though some of these recent sites may well be highly speculative and may not be developed, we are highly confident that the Structure Plan requirement can be met without further allocations.

- 5.2 The Inspector has recommended that, if necessary, additional sites should be shown on the Proposals Map to show a 5 year supply of housing land excluding windfall assumptions. With the addition of land at the former Manor Kingsway hospitals, this recommendation is met.
- 5.3 Once adopted, the Plan will only have a life of about 5 years to the end of the Structure Plan period in 2011. The Inspector has therefore recommended that a development plan document is prepared to provide for a 10 year supply as required by PPG3 (housing). The proposed City Centre Eastern Fringes Action Plan, and the Sites For More Sustainable Communities DPD, will achieve this in due course as set out in the Local Development Scheme approved by the Council in May 2005.

### **Major Allocations**

- 5.4 The Plan's main housing allocations have been confirmed, despite alternatives being promoted. However, the Inspector was concerned about the deliverability of the University Campus site at Mickleover and has recommended its deletion unless an adequate form of access is identified. Since the Inquiry, a great deal of work has been done to address this. Indeed, planning permission has now been granted for a new junction on Uttoxeter Road/Western Avenue with a link into the site to serve the proposed development. At the time the planning application was considered, a very late objection, making a large number of points, was received from Highways Engineers representing developers promoting an alternative site. This objection has now been fully considered by Engineers representing the University Campus consortium of developers and by Council officers. Both the objection and the response to it are reproduced as Appendix 3. The Council's Engineers are satisfied that the great majority of objections are without substance. However, it is recognised that visibility at the Chevin Avenue/Western Road junction needs to be addressed. The consortium has agreed to do this and controls land that would achieve this. The Mickleover Campus site can therefore be satisfactorily accessed. However, other options may also be possible and these are currently being explored.
- 5.5 None of the unallocated greenfield sites being promoted by objectors is recommended for allocation, although the Inspector has acknowledged sustainability advantages of some of these. He has recommended deleting H18 which protects land at Hackwood Farm for future residential development. He considers that there is no need to safeguard this area as a potential housing site and takes the view that it performs relatively poorly in terms of sustainability criteria. We accept that this land is not needed for this Local Plan Review.
- 5.6 The Inspector has recommended the deletion of the housing allocation on the Ashbourne Road allotments (Hx2). He did not feel that the case for the loss of the allotments, in terms of need, had been proven. We feel that this recommendation should be accepted.
- 5.7 The Inspector recommends that the Reasoned Justification to Policy H20 (Lifetime Homes) is amended to explain that supplementary planning guidance will be prepared to add more detail to this policy. We acknowledge the need for an SPD on this subject. Whilst nothing has been programmed



into the Local Development Scheme yet, this can be considered through future reviews of it.

### **Housing - Inspector's Recommendations Not Accepted**

- 5.8 The Inspector recommends that an additional 533 dwellings are allocated. I am recommending the allocation of 500 dwellings at the former Manor and Kingsway hospitals, which will meet most of this.

However, I am not recommending other allocations to meet the remaining 33 dwellings as I think this is unnecessary because of the improved housing land supply situation.

## **6. Economic Prosperity**

- 6.1 The Inspector has supported the overall economic development strategy and makes only minor recommendations. He proposes a number of changes to EP1 (Land South of Wilmore Road, Sinfin/Chellaston Business Park). Firstly, he recommends a more flexible approach to B8 (storage and distribution uses) on part of the site, no longer restricting these to being ancillary to the operational requirements of existing industry. He has also supported the extension to the Sinfin Moor allocation (EP1) made at Revised Deposit stage, though recommends including B2 uses within this area. We are happy with this, though we are recommending that the EP1 (b) area, which restricts uses to B1 only on the site's western side, is extended south of the lane. This will ensure a more consistent approach to the policy.
- 6.2 Within the Raynesway and Acordis sites (EP2), he has recommended the inclusion of a requirement for further hydraulic modelling to fully assess the potential for flooding and to determine the full extent of developable land. Although this might reduce the land available for development, the Inspector's reasoning is sound and we are recommending it is accepted. He has also recommended adding B8 uses to the list of acceptable uses at the western end of the site.
- 6.3 Objections to EP4 (West Raynesway) had sought the inclusion of retail into the mix of acceptable uses. The Council had argued that this was inappropriate because 'need' had not been established and that the location had not been tested in accordance with the sequential test – both requirements of national guidance now set out in PPS6 (Town Centres). Objectors pointed out that these tests were also requirements of other uses included in the Policy. The Inspector was not convinced to add retail uses to the policy, but to ensure consistency with national guidance, he has recommended deleting A3 (hot food shops), C1 (hotels) and D1 (non-residential institutions). We are recommending that this is accepted. Should proposals for these uses be brought forward, they can be tested against the Plan's criteria policies and national guidance. For consistency, we are also recommending deletion of these uses from Policy EP2 (Raynesway/former Acordis Land). Again, proposals can be tested against general policies and guidance.
- 6.4 The Inspector rejected an objector's case to allocate more employment land in the green wedge off Sir Frank Whittle Road.

## **Economic Prosperity - Inspector's Recommendations Not Accepted**

- 6.5 Much of the Inspector's recommendations for Policy EP1 (Land to the south of Wilmore Lane, Sinfin) are accepted. However, the EP1 (b) area which restricts uses to B1 on the western side of the site has been extended south of Sinfin Moor Lane to ensure consistency in policy on land on both sides of the lane. This has led to consequential departures from the Inspector's recommended modifications to the reasoned justification too.

## **7. Shopping**

- 7.1 Agent's for the Acute Hospitals NHS Trust argued that there is capacity for a further 2,800 m<sup>2</sup> (net) of 'convenience' floorspace within the City and that this should be identified within the Derbyshire Royal Infirmary site. The Inspector accepted the argument for additional floorspace. However, he felt that if the Council had known this when drawing up the Plan, a better site or sites may have emerged. He has therefore recommended that the Council urgently reviews its strategy on how to meet future need for convenience retail development. This has been done and is set out in Appendix 4. The review has taken account of the Inspector's recommendations and a clarification letter he provided as an addendum to his main report. We are recommending allocations at two sites; the ground floor of the bonded warehouse at the former Friar Gate Goods Yard and at Heatherton Neighbourhood Centre. Together, these two sites will meet the additional capacity identified by the Inspector.

## **Shopping - Inspector's Recommendations Not Accepted**

- 7.2 The Inspector recommends a fairly minor change to the Reasoned Justification of Policy S2 to clarify the extent to which 'recent permissions for new convenience floorspace have already taken up capacity'. This sentence was intended to point out that permissions for retail development granted in recent years have 'soaked up' any possible spare capacity for shopping floorspace that might exist at the end of the Plan period. The Inspector has recommended that the text states which permissions are being referred to. However, as mentioned in the above paragraph, he identifies elsewhere in his report specific additional capacity which requires new allocations. It therefore seems to make more sense to reflect this situation.
- 7.3 He also made alternative, mutually exclusive recommendations in respect of Policies 9 (Out of Centre Retail Parks) and 10 (Range of Goods Conditions). We are recommending in favour of the first of these.

## **8. Environment**

- 8.1 The Inspector has accepted the new policy for safeguarding areas around aerodromes, although he has suggested amended wording to improve clarity. He has also recommended that the area covered by the policy is shown on the Proposals Map. We are recommending that this is accepted.

## **Green belt, green wedges and countryside**

- 8.2 He has supported the green wedges despite several challenges to them, mainly aimed at securing additional housing allocations. He has also rejected

an attempt to reduce green belt around Spondon by objectors seeking housing. He has, however, recommended deleting Policy E3 (Enhancing Green Belt and Green Wedges) on the grounds that it is 'aspirational' rather than land use based. Whilst this is a long standing policy, we can see his point. Deletion of the Policy will not prevent environmental enhancement schemes being brought forward within green belt and wedges.

- 8.3 The Inspector has also recommended deleting Policy E4 (Countryside) on the grounds that specific designations should not normally be applied to areas of countryside. He considers that general development policies provide adequate protection. We are recommending that this is accepted.

### **Sites of natural history importance**

- 8.4 The Inspector has recommended that sites identified on the Derbyshire Wildlife Sites Register on land allocated for development at the former Friar Gate Goods Yard (R2), Acordis Effluent Beds (EP2), Wilmore Road Meadow (EP9e) and Rolls Royce (EP11) should be included in Policy Ex2 (Nature Conservation), Appendix B and shown on the Proposals Map. He felt that neither the prospects of regeneration on these sites, nor the integrity of the Nature Conservation policy itself, would be undermined by this approach. On this basis, we think there is little alternative but to accept his recommendations.

### **Reducing pollution and waste**

- 8.5 The Inspector has recommended changes to Policy E12 (Renewable Energy) to improve its clarity, particularly the intent to 'encourage' energy from renewable sources. He has supported Policy E13 (Recycling Facilities) and puts forward no modifications to it.

### **The Historic Environment**

- 8.6 These policies are supported. The only recommended change is to Policy E22 (Listed Buildings) to more fully reflect national guidance by allowing for the possibility of demolition or alteration of listed buildings in exceptional circumstances. Whilst we had hoped these circumstances could be dealt with as departures to the Local Plan, we accept the point. In fact, it would result in a similar policy to the Adopted CDLP and, in practice, will have no real effect on implementation.

## **9. Leisure and Community Facilities**

- 9.1 The Inspector has recommended that Policy L1 (Protection of Parks and Public Open Space) is amended to allow for situations where public open space could be developed for other uses where a case can be made that there is a surplus of POS. Such situations are unlikely to be common, but we accept that the current PPG17 (Planning for Open Space, Sport and Recreation), which was issued after the Revised Plan was drafted, allows for this scenario.
- 9.2 He has also recommended that, ideally, all areas of public open space are shown on the Map rather than just those of 0.4ha or more. As an alternative to this approach, he recommends a clearer definition of public open space in

the supporting text. The scale of the Proposals Map makes it impractical to show smaller areas and so we are recommending additional text to provide a clearer definition. We are working with Parks colleagues to draw up a definitive list of POS sites and a map of them, which could in time be integrated into the new LDF system.

## **10. Learning and Health**

- 10.1 The main issue relating to this chapter is the Inspector's conclusion regarding additional retail floorspace at the DRI which has been dealt with in the Shopping section. In addition, he has recommended the preparation of a planning brief for this site. In fact, this is no longer necessary as the aims of the brief will be achieved through the City Centre Eastern Fringes Action Plan which includes the DRI site.
- 10.2 The Inspector has recommended showing the University District on the Proposals Map which we are recommending in favour of.

### **Learning and Health - Inspector's Recommendations Not Accepted**

- 10.3 He has also recommended revised wording to describe the extent of the University District. However, this wording could be open to some misinterpretation and so we feel that the clearest approach is to rely on the Proposals Map.

## **11. Transport**

- 11.1 The Inspector very kindly accepted a request from the Council to the early release of the part his report dealing with objections to Connecting Derby. We are grateful to him for this as it enabled his findings to be reported to Planning Control Committee when they considered applications on Connecting Derby earlier this year. This application has now been referred to Government Office and a Public Inquiry into the planning and compulsory purchase issues is anticipated sometime next year.
- 11.2 He supported those parts of the Connecting Derby road line he was asked to consider, but stressed the importance of achieving a comprehensive scheme of the highest townscape quality to mitigate the impact on the Friar Gate Conservation Area.
- 11.3 The land currently required for the road, as shown in the recent planning application, is slightly different to the land shown as safeguarded on the Proposals Map in the Revised Deposit. Minor modifications are therefore needed for consistency along two sections. The first is at 5 Lamps, where less land is now required. The second is from Uttoxeter New Road to Bradshaw Way, where a number of minor additional parcels need to be added. The most significant of these additional areas is to accommodate proposed Uttoxeter New Road roundabout and was agreed by Cabinet in 2003 following consultation.

- 11.4 He has also supported the preferred alignment for the Alvaston By-pass extension and its junction with Raynesway. This was presented to him at the Inquiry following public consultation. The Plan will need to be amended to reflect this and advertised as a Modification.
- 11.5 The Inspector has supported Policy T15 (Protection of footpaths, cycleways and routes for horse riders), but has stressed the importance of preparing a further guidance document to show these routes. Further thought needs to be given to how best to provide this and, in particular, whether the document should be prepared as part of the Local Development Framework.

## **12. Monitoring and Implementation**

### **Inspector's Recommendations Not Accepted**

- 12.1 The Inspector has recommended two minor modifications to this Chapter. The first is that we should monitor densities on all housing sites rather than just major ones. However, current practice throughout the Region is to monitor just the large sites. Small sites, many of which are changes of use or conversions, are often complex and resource intensive to monitor. For now, we think it is best to follow practice elsewhere in the Region, but the issue will be considered further through the new Annual Monitoring Reports.
- 12.2 The second recommendation is to incorporate Policy ST15 (Implementation) into the Implementation section of this chapter. We agree with the need for integration, but consider that this objective can be better met by doing it the other way round. We are therefore recommending that text in this chapter relating to implementation is integrated into Policy ST15 in the new general development policies chapter.

## **Policy H3**

### **Proposed Residential Development at University Campus, Mickleover**

**Objections to proposed access arrangements raised by  
consultants HSL on behalf of Hallam Land Management**

**and**

**Response to these objections by consultants Atkins**

## HALLAM LAND MANAGEMENT

### UNIVERSITY CAMPUS, MICKLEOVER, DERBY

#### OBJECTION TO PLANNING APPLICATION NUMBER: 05/05/00758/PRI UNIVERSITY CAMPUS, MICKLEOVER, DERBY: FORMATION OF NEW ACCESS ROAD

#### EXECUTIVE SUMMARY

HSL are appointed by Hallam Land Management (HLM) to undertake an assessment, of the new access to the University of Derby Mickleover Campus, as set out in planning application number 05/05/00758/PRI. The findings are set out in a separate technical note and summarised below.

Planning application number 02/03/302 for the formation of a new access was refused in April 2003. That planning application included proposals for the signalisation of the Uttoxeter Road/Western Road junction. Derby City Council (DCC) raised a number of concerns on those proposals, which resulted in the refusal of planning permission. DCC's concerns have not all been addressed with the current scheme and satisfactory means of access cannot therefore be provided.

The traffic signal scheme was considered in evidence to the Local Plan Inquiry and, having regard to that and evidence on other access options, the Inspector recommended that "in the absence of satisfactory means of access to the site, modify the local plan review by deleting Policy H3 Mickleover Campus."

Insufficient information is presented in the transport assessment (TA) to verify the traffic data used in the junction capacity calculations. However, issues regarding the appropriateness of the assessment year, traffic growth, trip distribution and units used in the derivation of the traffic data have been identified.

Such issues will have a material effect on the assessment of the proposed Uttoxeter Road/Western Avenue junction signal control junction.

HSL have undertaken assessments using appropriate assessment year traffic flows. Those assessments demonstrate that the junction will operate over capacity in both year 2017 and year 2022 assessment years. Furthermore, queues on Western Road will block the proposed site access junction.

No assessments of the capacity of the new link road/site access junction or the remodelled Western Road/Chevin Avenue/new link road junction are presented in the TA. The future operation of those junctions is therefore unknown.

The layout of the proposed Uttoxeter Road/Western Avenue signal control junction does not meet the relevant National design standards in a number of

areas including junction intervisibility, the ability to accommodate long vehicles and pedestrian crossing stagger directions.

The layouts of the new link road, access and remodelled Western Road/Chevin Avenue/new link road junction are substandard in terms of visibility from the newly-formed Western Avenue cul-de-sac, visibility from Chevin Avenue, forward visibility on the new link road, junction stagger distances and the minimum radius of the new link road.

It is therefore recommended that planning permission for application number 05/05/00758/PRI should not be granted because the Uttoxeter Road/Western Road signal control junction will operate over-capacity and, by virtue of the non-compliance of the proposals with design standards, will be detrimental to highway safety.

HSL  
23 June 2005



## **HALLAM LAND MANAGEMENT**

### **UNIVERSITY CAMPUS, MICKLEOVER, DERBY**

#### **OBJECTION TO PLANNING APPLICATION NUMBER: 05/05/00758/PRI UNIVERSITY CAMPUS, MICKLEOVER, DERBY: FORMATION OF NEW ACCESS ROAD**

##### **1. Introduction**

- 1.1 HSL are appointed by Hallam Land Management (HLM) to undertake an assessment, in highways terms, of the new access to the University of Derby Mickleover Campus, as set out in planning application number 05/05/00758/PRI. This note presents HSL's findings.
- 1.2 The following documents, which support the planning application, have been considered in the preparation of this note:-
  - i) Atkins Transport Planning's (ATP's) "Access to Mickleover Campus Transport Assessment" (TA), dated May 2005.
  - ii) ATP's drawing number 505/758.

##### **2. Background**

- 2.1 Planning application number 02/03/302 for the formation of a new access was refused in April 2003. That planning application included proposals for the signalisation of the Uttoxeter Road/Western Road junction.
- 2.2 At that time, Derby City Council (DCC) made the following key comments on the proposal:-
  - i) The proposed straight across pedestrian facility on Western Road is not acceptable and a staggered facility should be provided. The current planning proposal provides a staggered facility but the stagger is the wrong way round. This issue has not been properly addressed by the current scheme.
  - ii) Queues of 13 passenger car units (pcu) (75m) on Western Road are unacceptable and would block the site access. The site access has now been located approximately 85m north of the stopline. However, HSL's assessments demonstrate that queues of up to 45 passenger car units (pcu) may form on Western Road and would block the site access and Chevin Avenue junctions. This issue has not been addressed by the current scheme.
  - iii) Queuing on Western Road would relate to wider potential difficulties for emergency access to the site. This comment is still applicable to the current scheme.

- iv) Bus stops on Western Road will cause a further reduction in the capacity of the Uttoxeter Road/Western Road junction. The bus stops have been replaced by laybys in the current scheme, although the bus layby on the south-eastern side of Western Road is substandard. A bus waiting in that layby will reduce the capacity of the Uttoxeter Road/Western Road junction. This issue has not therefore been addressed by the current scheme
- 2.3 In the knowledge of the above, the Inspector at the local plan inquiry recommended that “in the absence of satisfactory means of access to the site, modify the local plan review by deleting Policy H3 Mickleover Campus.”
- 2.4 It is clear that DCC’s concerns have not been addressed by the current scheme and satisfactory means of access cannot therefore be provided.

### 3. **Comments on Planning Application Number: 05/05/00758/PRI**

#### **Comments on Capacity Assessments**

3.1 HSL’s comments on ATP’s May 2005 TA are as follows:-

- i) The year of opening of the scheme is taken to be 2005. Given the current date, a more appropriate year of opening should be year 2007.
- ii) The assessment year of the scheme is taken to be ten years after the year of opening (i.e. 2015). It is normal practice to assess the capacity of new infrastructure at an assessment year fifteen years after the year of opening. An appropriate assessment year is therefore 2022. Even if a ten year period is taken, this should give an assessment year of at least 2017. HSL have undertaken assessments (see section 4 of this note) which demonstrate that the use of an appropriate assessment year would result in higher base traffic flows and the junction operating over-capacity in the assessment year.
- iii) Details of the derivation of the traffic growth factors are not presented in the TA. However, there appear to be errors in the traffic growth factors adopted in the TA. The following table presents the growth factors that ATP have used and the correct growth factors for the Uttoxeter Road/Western Road junction:-

<b>Year</b>	<b>ATP Growth Factor</b>	<b>Correct Growth Factor</b>
2002 to 2005	1.034	1.054
2005 to 2015	1.163	1.162
2002 to 2015	1.203*	1.225*

\* Denotes overall effective growth factor for comparison

- iv) ATP have therefore underestimated traffic growth at the Uttoxeter Road/Western Road junction. The capacity of that junction will therefore be lower than that predicted in the ATP TA.
- v) The trip distribution calculations are reported to be based on 2001 Census data. However, no base data or supporting calculations are provided in the TA. It has not therefore been possible to verify the accuracy of the trip distribution calculations.
- vi) The trip distribution assumes that “long distance” trips from the south would access the site via the Station Road/Western Road route. However, Microsoft Autoroute confirms that accessing the site via the Uttoxeter Road (West)/Western Road route would be approximately 400m shorter than the assumed route. It is therefore considered that such traffic should be routed via Uttoxeter Road. This will give rise to increased traffic demands at the Uttoxeter Road/Western Road junction, reducing its capacity.
- vii) Amending the trip distribution as suggested in section 2.1 vi) above would result in additional traffic on the Uttoxeter Road (West) arm of the junction. HSL’s LINSIG assessments (see section 4 of this note) show that the addition of such traffic would result in this arm of the junction operating over-capacity.
- viii) Raw traffic data for the Uttoxeter Road/Western Road junction has not been included in the TA. It has not therefore been possible to verify the traffic flows used in the assessments of the Uttoxeter Road/Western Road junction presented in the TA. The unit of traffic data appears to be vehicles. If this is the case, then the effect of heavy goods vehicles (HGVs) has not been taken into account in the modelling of the proposed Uttoxeter Road/Western Road junction (see section 3.1 x) below).
- ix) Default HGV proportions of 10% have been included in the PICADY model for the existing Uttoxeter Road/Western Road junction. This suggests that the unit of traffic data is vehicles, which suggests that all traffic flows presented in the TA are in vehicles.
- x) The LINSIG results are presented in passenger car units (pcu). Pcu are used to represent the effects of HGVs at junctions. One HGV is taken to be equal to two pcu. However, the input traffic flows appear to be in vehicles. Allowances for HGVs do not appear to have been included in the LINSIG model. During the AM peak hour in the 2015 assessment year, the junction almost operates at practical capacity. The exclusion of any allowances for HGVs in the LINSIG model means that ATP have overestimated the capacity of the proposed Uttoxeter Road/Western Road junction.
- xi) The left and right turn lanes on the new link road approach to the Uttoxeter Road/Western Road junction have been modelled as

separate links. This assumes that the queue in one lane is not long enough to block the traffic destined for the other lane. The ATP LINSIG results show a queue of 12.1 pcu in the AM peak on the new link road left turn lane at the junction. Such a queue would block the right-turn lane so that right-turning vehicles would have to join the back of the left-turn queue. The capacity of this approach has therefore been overestimated. It is considered that right-turning traffic from Western Road should be added to the left-turning traffic to model the situation where the right-turn lane becomes blocked due to the queue of left-turning vehicles.

- xii) ATP present no assessments of the capacity of the new link road/site access junction or the remodelled Western Road/Chevin Avenue/new link road junction in their TA.

### **Assessment of Proposals at Uttoxeter Road/Western Road Junction Against Relevant Design Standards**

- 3.2 ATP's drawing number 505/758 shows the proposed access arrangement. The proposals have been assessed having regard to relevant design standards.
- 3.3 The proposed traffic signal controlled Uttoxeter Road/Western Road junction has been assessed having regard to traffic signal Design Standard TD50/04. The findings are as follows:-
  - i) Junction intervisibility is obscured by the parapet wall on the bridge over the A38(T), to the west of the junction. Junction intervisibility is also restricted by the wall located at the back of the proposed 3m wide footway/cycleway to the north west of Uttoxeter Road.
  - ii) AMScott, the Highways Agency's (HA's) agent, have previously commented on the impact that a previous junction improvement scheme at the Uttoxeter Road/Western Road junction will have on the structural integrity of the bridge over the A38(T). The current proposals will have a similar impact to the previous proposals. AMScott stated that they were unsure as to whether the north-western wing wall of the A38(T) bridge will stand up to the proposed loads. AMScott also indicate that any alterations to the area should include measures to prevent accidental wheel loads encroaching on the rear of the wall. However, no such safety features are proposed as part of the current scheme. The physical measures that would be required to prevent HGVs from encroaching on the northern footway are likely to increase the swept path requirements and may affect the layout and the capacity of the proposed junction. It is not clear whether the HA have been contacted on the current scheme or whether the current scheme can be implemented.
  - iii) Swept path analyses show that the two approach lanes on the new link road approach to the Uttoxeter Road/Western Road junction are

too narrow to accommodate design vehicles without them encroaching on the other lanes.

- iv) The staggers of all the pedestrian crossings are incorrect. Pedestrian crossings should be staggered so that pedestrians face the traffic that they are to cross. Reversal of the pedestrian crossing staggers would result in increased intergreen times and the junction operating over normal practical capacity.

3.4 In order to address the issues identified in section 3.3 above, the scale of the proposed junction would have to be increased and the capacity of the proposed junction would be reduced.

#### Assessment of Link Road/Access Proposals Against Relevant Design Standards

3.5 The proposed new link road, site access and the remodelled Western Road/Chevin Avenue/new link road junction have been assessed having regard to the standards set out in Derbyshire County Council's "Roads in Housing" (RiH). The findings are as follows:-

- i) The new link road will serve more than 300 dwellings. Standards applicable to local distributor roads should therefore be applied to the new link road.
- ii) Local distributor roads should have a minimum radius of 50m. The minimum radius of the new link road is approximately 30m, which is below the minimum required by RiH.
- iii) The minimum forward visibility on a local distributor road is 50m. The minimum forward visibility on the new link road is approximately 41m, which is below the minimum required by RiH.
- iv) The major road visibility distance to the right from the normally required minor road visibility setback distance of 4.5m in Chevin Avenue is 14m. From a 2.4m minor road visibility setback distance, a major road visibility distance of 16m is available. These major road visibility distances are well below the 70m distances required by RiH. Furthermore, the visibility to the most critical right hand side of Chevin Avenue will be much worse with the current proposal than in the existing situation.
- v) The major road visibility distances from the normally required minor road visibility setback distance of 4.5m in the new Western Road cul-de-sac are approximately 37m and 19m to the left and right, respectively. These are well below the 70m major road visibility distance required by RiH. From a 2.4m minor road visibility setback distance, the relevant standards are achievable.
- vi) The forward visibility distance for a vehicle waiting to turn right from the new link road into the proposed access should be 70m. The available forward visibility distance is approximately 61m.

- vii) The junction stagger distance between the newly-formed Western Road cul-de-sac and Chevin Avenue is just 6m. RiH states that this should be at least 40m.
- 3.6 The above issues demonstrate that the proposed link road/access scheme does not conform to normal design standards and may be detrimental to road safety.
4. **HSL Assessments**
- 4.1 Appendix A to this note presents appropriate assessment traffic flows based on the following:-
- i) Correct NRTF central growth factors.
  - ii) 2017 and 2022 assessment years.
  - iii) Long distance traffic from the south assigned to Uttoxeter Road (West).
- 4.2 Appendix B to this note presents LINSIG assessments using the assessment traffic flows derived in Appendix A. No conversions are made between vehicles and pcu due to the uncertainties in the actual units of the base traffic data. The results are summarised as follows:-

**Summary of HSL LINSIG Results – 0% HGVs**

<b>Case</b>	<b>Practical Reserve Capacity (%)</b>	<b>Queue on Western Road Left Turn (pcu)</b>
2017 AM Peak	-6.4%	13
2017 PM Peak	20.6%	3
2022 AM Peak	-12.2%	16
2022 PM Peak	14.2%	3

- 4.3 A practical reserve capacity (PRC) that is less than zero indicates that the junction will operate over-capacity. The proposed Uttoxeter Road/Western Road junction will therefore operate over-capacity in the 2017 and 2022 assessment years during the AM peak hour. Furthermore, the queues on Western Road will block the proposed site access junction (see points 2.2 ii) and iii) earlier).
- 4.4 LINSIG calculations have also been undertaken in which the traffic flows have been increased by 10% to allow for the effect of including HGVs. The results are summarised as follows:-

### **Summary of HSL LINSIG Results – 10% HGVs**

<b>Case</b>	<b>Practical Reserve Capacity (%)</b>	<b>Queue on Western Road Left Turn (pcu)</b>
2017 AM Peak	-17.0%	22
2017 PM Peak	9.7%	3
2022 AM Peak	-23.5%	28
2022 PM Peak	3.8%	3

4.5 The above table demonstrates that the proposed Uttoxeter Road/Western Road junction will be substantially over-capacity in the 2017 and 2022 assessment years during the AM peak hour.

4.6 As a sensitivity test, right-turning traffic from Western Road has been added to the left-turning traffic to model the situation where the right-turn lane becomes blocked due to the queue of left-turning vehicles. LINSIG models with and without 10% HGVs have been undertaken. The results are summarised as follows:-

### **Summary of HSL LINSIG Results – 0% HGVs, Total Flows on Western Road**

<b>Case</b>	<b>Practical Reserve Capacity (%)</b>	<b>Queue on Western Road Left Turn (pcu)</b>
2017 AM Peak	-8.4%	18
2017 PM Peak	20.6%	4
2022 AM Peak	-12.7%	27
2022 PM Peak	14.2%	4

## Summary of HSL LINSIG Results – 10% HGVs, Total Flows on Western Road

Case	Practical Reserve Capacity (%)	Queue on Western Road Left Turn (pcu)
2017 AM Peak	-19.2%	31
2017 PM Peak	9.7%	4
2022 AM Peak	-24.0%	45
2022 PM Peak	3.8%	4

- 4.7 In all cases, the queues on Western Road will block the proposed site access junction during the AM peak hour. When HGVs are taken into account, the queues will also block the Western Road/Chevin Avenue junction.

### 5. Comments on the Committee Report

- 5.1 In section 4, the DCC committee report notes that planning permission (reference DER/203/302) for a new access road was refused on 17 April 2003. One reason for that was that “the proposed access details are of a substandard design that fails to comply with the Local Highway Authorities requirements.” The current proposal is also substandard and does not address the problems identified by DCC.
- 5.2 In the third paragraph of section 5, the current DCC report states “I am now satisfied that the results of the consultant’s work are representative of what will happen if the development were to proceed.” This note has identified a series of technical flaws in ATP’s work. As a result, the ATP TA is not representative of what will happen if the development were to proceed.
- 5.3 In the fourth paragraph of section 5, it is stated that “the design ... [provides] adequate capacity for the proposed development”. This note clearly demonstrates that, when properly assessed, the current design will operate over-capacity.

### 5 Summary and Conclusions

- 5.1 Planning application number 02/03/302 for the formation of a new access was refused in April 2003. That planning application included proposals for the signalisation of the Uttoxeter Road/Western Road junction. DCC raised a number of concerns on those proposals, which resulted in the refusal of planning permission. DCC’s concerns have not all been addressed with the current scheme and satisfactory means of access cannot therefore be provided.



- 5.2 The traffic signal scheme was considered in evidence to the Local Plan Inquiry and, having regard to that and evidence on other access options, the Inspector recommended that “in the absence of satisfactory means of access to the site, modify the local plan review by deleting Policy H3 Mickleover Campus.”
- 5.3 Insufficient data is presented in the TA to verify the traffic data used in the junction capacity calculations. However, issues regarding the appropriateness of the assessment year, traffic growth, trip distribution and traffic flow units used in the derivation of the traffic flows have been identified. Appropriate assessment traffic flows have been derived by HSL.
- 5.4 Such issues will have a material effect on the assessment of the proposed Uttoxeter Road/Western Road signal control junction and, in some cases, the Western Road/Chevin Avenue junction.
- 5.5 HSL have undertaken assessments using appropriate assessment year traffic flows. Those assessments demonstrate that the junction will operate over-capacity in both year 2017 and year 2022 assessment years. Furthermore, queues on Western Road will block the proposed site access junction.
- 5.6 No assessments of the capacity of the new link road/site access junction or the remodelled Western Road/Chevin Avenue/new link road junction are presented in the TA. The future operation of those junctions is therefore unknown.
- 5.7 The layout of the proposed Uttoxeter Road/Western Road signal control junction does not meet the relevant national design standards in a number of areas including junction intervisibility, the ability to accommodate the design vehicle and pedestrian crossing stagger directions.
- 5.8 The layout of the new link road, access and remodelled Western Road/Chevin Avenue/new link road junction is substandard in terms of visibility from the newly formed Western Road cul-de-sac, visibility from Chevin Road, forward visibility on the new link road, junction stagger distances and the minimum radius of the new link road.
- 5.9 It is therefore recommended that planning permission for application number 05/05/00758/PRI should not be granted because the proposed Uttoxeter Road/Western Road signal control junction will operate over-capacity and, by virtue of the non-compliance with design standards, will be detrimental to highway safety.

Enc

HSL  
23 June 2005

**APPENDIX A - DERIVATION OF ASSESSMENT TRAFFIC FLOWS**  
*Not appended to Cabinet report*

**APPENDIX B - LINSIG ASSESSMENTS**  
*not appended to Cabinet report*

## **Derby University – Mickleover Campus**

### **Planning Application For New Site Access Junction**

#### **Response To HSL Objections on the Proposed Junction Layout**

**(prepared by Atkins consultants)**

#### **1. Introduction**

At the Derby City Council Planning Committee meeting on 23<sup>rd</sup> June 2005 at which the application for the proposed new access (Atkins Drawing No 5020831/117RevC) to the Derby University site at Mickleover was considered, objections to the proposals and design were received from Hallam Land Management via their engineers, HSL, prior to the hearing. A copy of the objections is contained in Appendix A.

The following sets out responses to those objections. The same paragraph references are used.

As a general comment it should be noted that the junction design and the traffic assessment have been developed in full consultation with Council Officers as an acceptable layout and methodology. With regard to the current conditions the existing layout (Uttoxeter Road/Western Avenue) is shown to be experiencing capacity problems. The proposed layout will not only accommodate a significant development but will improve the future year capacity of the existing junction in addition to integrating pedestrian and cycle facilities to support future sustainability of existing and proposed developments. HSL's comments are directed at maximising the capacity of the network for cars which may not meet the wider aspirations of the Council as set out in the Local Transport Plan or of evolving national policy.

#### **2 Background**

- 2.2 i) The design is not incorrect as suggested by HSL. It is good design practice to have pedestrians in a staggered layout to face the traffic stream they are about to cross, however this is not a mandatory requirement. Staggers in the opposite direction are often used to increase capacity at traffic signal-controlled junctions and this is the approach used in the proposed design. It would be possible to change the stagger to the more conventional layout if the eastbound stop line were to be set back by two metres but this would affect the capacity of the junction.
- 2.2 ii) The traffic flows assumed for the development and the level of development assumed are both higher than practical. This was done to ensure that the layout was tested to an absolute worst case. It is assumed that HSL's figures relate to their 2017 or 2022 assessment horizon. This was not a requirement of the Council and therefore they must be considered as arbitrary years which support HSL's objections.
- 2.2 iii) Base year analysis demonstrates that the existing layout is operating close to capacity and will be over capacity at the 2015 assessment horizon. Emergency access in the peak hour is therefore compromised now. At 2015 and beyond, if current traffic forecasts are realised, then the surrounding network will be experiencing extreme capacity problems. The proposals will therefore improve

the future year situation. In any case, this is an irrelevant point as a development of this size is likely to require one or more alternative access points for emergency vehicles, possibly combined with cycle/pedestrian accesses.

- 2.2 iv) The whole object of locating the development in a location where it can be best served by public transport is to encourage a mode shift. As such the bus should be given priority as much as is practical. The 1998 White Paper on transport discusses the reallocation of road space for more sustainable transport. The whole thrust of HSL's objection is based on maximising road capacity. This is not consistent with current and evolving capacity.

### **3 Comments on Application**

- 3.1 i) The assessment years have been agreed with the Council as appropriate for the purpose of demonstrating that a junction can be provided to accommodate residential development on the Campus site. At the time of a planning application for the development (which will consider the wider network) it will be appropriate to carry out new counts and also consider a more appropriate opening year and assessment horizon. At that time the precise nature and volume of the proposals will also be better known and likely to produce much lower traffic generation than used to test the application layout.
- 3.1 ii) It is understood that Derby City Council only require the analysis to be carried out for the year of opening. As this junction is in a strategic location and also to give Derby a degree of comfort the assessment was extended to 2015.
- 3.1 iii&iv) The traffic count at Uttoxeter Road/Western Road was carried out in 2003 not 2002 so the growth factor of 1.034 is correct. HSL's assumption therefore is incorrect and statement (iv) is irrelevant and misleading.
- 3.1 v) Calculations are available if required.
- 3.1 vi&vii) The trip distribution was based on logical assumptions and observations of the surrounding network. Existing traffic counts show that significantly more traffic turn right into Western Rd from Station Road than Uttoxeter Rd and also for the traffic out of Western Road there is more turning left at Station Road than turning right at Uttoxeter Road. Regardless of this Derby City Council have carried out sensitivity tests with higher right turn out of and left turn into the site access from Uttoxeter Road and are satisfied with the operation of the junction. Undoubtedly increased right turning movements will decrease junction capacity. In practice traffic will always take a route of 'least resistance' rather than the shortest. From discussions with Derby City Council it was noted that Western Road is currently used as a "rat run" and it is their policy to reduce the amount of through traffic on this road to assist the buses that operate on this route. Further increase of capacity at the new junction would be in contradiction with this policy and would encourage through traffic. The wider TA that will be required to support an application for residential development will consider the impact on the wider network.
- 3.1 viii to x) The traffic flows used in the LINSIG analysis were in vehicle. However looking at the count data, HGV volumes in the area are low and the differences between the Veh and pcu is therefore insignificant. For instance the highest difference on Uttoxeter Road in the more sensitive a.m. peak hour is westbound where the difference is 5 pcu (1.3%). Day to day traffic flows can

vary by up to 10%. The attached sheet illustrates the comparison between flows at Utttoxeter Rd/Western Rd junction in pcu and veh (see Appendix B).

- 3.1 (xi) Methods for modelling junctions can vary and be equally correct. In this case it was necessary to model the approach as two separate links in order to model the staging arrangement. The development generation is based on a higher volume of housing than practical and also that the trip rates are 85<sup>th</sup> percentile in order to show a robust analysis.
- 3.1 xii) The Council has been provided with a technical note including the assessment of the impact of the development over a wider area. This identifies where further network improvement may be required. It is not however required for the current application which is for the modification of the Weston Road/Utttoxeter Road Junction only.
- 3.2 The relevant design standards have not been listed.
- 3.3(i) It is agreed that the junction intervisibility zone does not meet the required area due to the bridge parapet. In mitigation the staggered crossing on Western Road was reversed and the 'STOP' line brought closer to the junction. This reverse stagger is no longer considered unacceptable in terms of current advice and indeed its increasing use in highway engineering recognises its potential in increasing the efficiency of junctions. The visibility for left turning Western Road traffic to see its exit lane and therefore the back of any traffic queue, was considered acceptable as visibility would improve as traffic exited the junction. The junction geometry would also assist in this as vehicle speeds would be sufficiently low at this point for accidents to be avoided.
- 3.3(ii) The Highways Agency has been consulted on the issue of structural loading on the bridge. The kerb-line of the proposed junction is some 298mm closer to the wingwall than the previous junction proposal that HSL refer to. The inclusion of design detail, such as safety barriers or kerbing, can be incorporated into the proposals to prevent additional wheel loading impact on the structure.
- 3.3(iii) Design vehicle movements do not encroach into other lanes as is suggested. Due to the width of the lanes however, it is unlikely that two design vehicles would be making the manoeuvre simultaneously. It is very similar to the situation where two design vehicles are negotiating medium sized roundabouts and one would hang back to avoid the second driver positioned ahead in the event of his crossing the crown of the roundabout.
- 3.3(iv) The staggers of the pedestrian crossings are not incorrect. While the general advice is to stagger crossings so that pedestrians face traffic this is not a mandatory requirement. This point has been addressed in 2.2(i) and 3.3(i).
- 3.4 The above comments show that the scale of the junction is not affected and therefore neither is the capacity
- 3.5 The standards referred to are those of Derbyshire County Council. Derby City Council are a unitary authority and as such would refer to their own standards. It is understood that the City Council are in the process of preparing these. Until approved the City Council refer to the County Council's standards for guidance.
- 3.5(i) It is agreed that the new access, with the new development, will serve more than 300 dwellings. However it is a moot point as to whether the connection between the existing Western Road and Utttoxeter Road should be classed as a

local distributor link road. Its function is to primarily connect a lower class or standard of road (Western Road) to a much higher standard distributor road (Uttoxeter Road). While the standard to aspire to would appear to be that of 'local distributor road', the standards actually obtained with the proposed connection are much greater than the existing Western Road and do not impinge on safety standards. Bend visibility is better as are road and pedestrian footway widths. It is accepted that, in the strict sense of the guidance, local distributor standards are not in a few instances achieved, but the proposed design does not affect safety issues.

- 3.5(ii) The requirement for a 50m radius is based on the provision of speed suppression bends on a free flowing alignment and not junction areas where vehicle speeds naturally decrease. The proposed layout utilises speed suppression characteristics, including the provision of pedestrian splitter islands, which can be greatly enhanced by good advanced warning signs on Western Road.
- 3.5(iii) The minimum forward visibility of 41m referred to in the objection is an instantaneous location in the vicinity of No188. The visibility envelope shown on the junction layout was generated by using 41m. The minimum standard can be achieved around the junction area.
- 3.5(iv) It is recognised that visibility at the Chevin Avenue/Western Road junction needs to be addressed. The Consortium has agreed to do this and controls land that would achieve this. Satisfactory access to the site is therefore achievable. However, the Consortium also recognises that other options may also be possible and these are currently being explored further.
- 3.5(v) The 2.4m set-back is agreed with the Highway Authority as an acceptable standard therefore visibility standards are achieved.
- 3.5(vi) 61m is in excess of the standard minimum forward visibility quoted of 50m and is therefore acceptable for this bend location.
- 3.5(vii) The design of staggered junctions and the recommendation of a right-left stagger is based primarily on the need to incorporate the movement of vehicles crossing the through route. In the case of the proposed junction this movement will be limited to roughly one vehicle per week (waste vehicle) as both side roads are cul-de-sacs. As opposing vehicles exiting each side road will be able to fully see each other, road safety issues will not be compromised.
- 3.6 As previously indicated above the relevant design standards have not been listed. This objection refers to 'normal' design standards which implies that other standards are applicable. The above responses show that this is the case.

#### **4 Comments on HSL assessments**

In light of the comments above, the additional assessments provided by HSL are based on inappropriate assumptions and are not relevant. It is our view that the TA provided in support of the planning application provided sufficient and accurate assessment of the future development, demonstrating viability of the proposed access arrangement for the development.

## 5 Summary and Conclusions

Further to the submission of a planning application for the for New Junction of Weston Road/Uttoxeter Road in Mickleover area of Derby, comments were received from HSL raising objections to traffic flows and capacity analysis. All points raised by HSL have been addressed within this note and found to be achievable, not relevant or inconsequential. The main points raised by HSL are summarised below:

- The assessment year of 2005 was agreed with the Council as appropriate for the purpose of demonstrating that a junction can be provided to accommodate residential development on the Campus site and to provide a degree of comfort the junction was assessed for 10 years after opening, at 2015. We understand that Derby City Council only require the analysis to be carried out for the year of opening only.
- The growth factor suggested by HSL was as a result of their misinterpretation of the year that the count was carried out and the factors used in the TA were found to be accurate.
- HSL have queried the background calculation for the trip distribution; calculations are available if required.
- The trip distribution was based on logical assumptions and observations of the surrounding network and existing traffic behaviour. Regardless of this Derby City Council have carried out sensitivity tests and are satisfied with the operation of the junction.

To summarise, the TA has been developed in consultation with officers as an acceptable methodology. Furthermore, the existing layout is shown to be experiencing capacity problems. The proposed layout will not only accommodate a significant development but will improve the future year capacity of the junction in addition to integrating pedestrian and cycle facilities to support future sustainability of existing and proposed developments. HSL's comments are directed at maximising the capacity of the network for cars which may not meet the wider aspirations of Derbyshire as set out in the LTP or of evolving national policy. In light of the comments above the additional assessments provided by HSL are based on inappropriate assumptions and are not relevant. It is considered that the TA supplied in support of the planning application provided a sufficient and accurate assessment, demonstrating viability of the proposed access arrangement for the development.

With regard to the physical characteristics of the proposed junction layout, the standards applied by HSL, while aspirational, are not strictly relevant to the situation. The road referred to is a link and as such joins a low standard Western Road to a higher class of highway, Uttoxeter Road. The standards applied in the design reflect this situation, are robust and do not affect safety standards.

### Appendices

A - Hallam Land Objections – *not appended to Cabinet report to avoid duplication*

B - PCU and VEH comparison - *not appended to Cabinet report*

## **Convenience Retail Floorspace**

### **An Assessment of how to meet Additional Floorspace recommended by Inspector**

#### **1. Introduction**

- 1.1 At Paragraph 10.5.20 (ii) of his report, the Inspector who held the Public Inquiry into the CDLP Review recommended the following:

“The Council should give urgent reconsideration to its strategy on how to meet future need for convenience retail development”.

- 1.2 This recommendation followed representations on the Local Plan Review which argued that there was capacity in the City for additional convenience retail floorspace and, that as a result, an allocation for such floorspace should be made at the northern end of the Derbyshire Royal Infirmary (DRI). This paper has been prepared to re-consider the Council's retail strategy in the context of these issues.
- 1.3 Of relevance to this review are two other recommendations made by the Inspector. Firstly, 3.3.26 (ii) to provide for retail use on the ground floor of the Bonded Warehouse at the former Friar Gate Goods Yard site, related in scale and nature to the needs of the locality. Secondly, 5.23.36 (i) to provide for the expansion of Heatherton Neighbourhood Centre for extended shopping/service/community facilities.

#### **2. Overview of Relevant Inspector Recommendations**

- 2.1 The main points emerging from the Inspector's report regarding these issues and his recommendation are:
- there should be additional provision for retail at Heatherton Neighbourhood Centre;
  - there is capacity for an additional 2,800 m<sup>2</sup> (net) of convenience retail floorspace in the city;
  - the Council should urgently re-visit its strategy for convenience retail development;
  - certain sites promoted in the Local Plan Review by objectors need not be considered further; but other sites, including the DRI site was not ruled out as being unacceptable in principle.

2.2 The Council sought clarification of the Inspector's recommendation 10.5.20 (ii). His Addendum report has clarified a number of relevant points:

- it is for the Council to take a view on how best to meet the need for the additional 2,800 m<sup>2</sup> of convenience floorspace;
- the site or sites identified to meet the additional floorspace do not need to serve a city-wide catchment;
- the review of the strategy should have no pre-conditions as to locations and formats to meet the need. It would be legitimate for the review to consider a range of possible locations and retail formats;
- if his recommendations on Policy R2 and H13 are accepted, he considers that a substantial part of the identified need will be capable of being met.

### **3. Need for additional Floorspace**

3.1 The Inspector's conclusion that an additional 2,800 m<sup>2</sup> (net) of convenience retail floorspace is required is accepted. This is the starting point of a review of the strategy. The next question is where this should be located.

### **4. Scale of Development**

4.1 The additional 2,800 m<sup>2</sup> floorspace is needed to meet additional capacity identified throughout a catchment defined by retail consultants, Donaldsons. This includes the whole of the City and extends beyond its administrative boundaries. No specific area of deficiency was identified within this catchment to which priority should be given in making allocations.

4.2 Agent's for the NHS Trust argued that the additional floorspace should be provided in a single format to serve the City as a whole. However, there is no particular reason why it should do this or why a City Centre location is particularly needed. Indeed, the additional capacity identified is relatively small and it may more realistically and usefully serve a more local area or areas rather than the City as a whole. In considering this, weight is given to the two emerging residential allocations at Friar Gate and Heatherton where new communities in effect will create a need for additional retail floorspace. This is recognised by the Inspector in his recommendations to make provision at these two locations. The Inspector's Addendum letter also makes clear that, "it would be legitimate for the review to consider a range of possible locations and retail formats".

4.3 The Inspector considered that the former Mackworth College site is not realistically available. However, evidence suggests that retail use on this site remains a possibility. If retail development does go ahead, the floorspace would contribute to meeting the 2,800 m<sup>2</sup>. Whilst this site is not being relied on because of the Inspector's remarks, it is noted that if the 2,800 m<sup>2</sup> is met elsewhere an oversupply would result if this site were to come forward for retail use.



## **5. Additional Floorspace Recommended by the Inspector**

### **Former Friar Gate Goods Yard**

- 5.1 The Inspector has recommended that Policy R2 is modified to provide for retail floorspace on the groundfloor of the Bonded Warehouse related in scale and nature to the needs of the locality. We feel that convenience retail uses would be the best way of achieving this and are recommending accordingly. If the whole of the groundfloor is used, some 2,290 m<sup>2</sup> (gross) of convenience retail floorspace can be accommodated. Derby Cityscape's Masterplan includes an option for just this and retail use on the ground floor would maintain the original 'openness' of this part of the building.
- 5.2 The Bonded Warehouse does not lie within or adjacent to a Centre of the shopping hierarchy as defined in the Local Plan. It is some 450m from the City Centre Shopping Area and about another 50m from the nearest Primary Frontages. It cannot therefore be classed as 'Edge of City Centre'. Nevertheless, the amount of retail floorspace proposed is not significant. It is not sufficient to provide a superstore (as defined by PPS6). It is unlikely to provide a format to serve the city as a whole, so a City Centre location is not essential. Indeed, it is more likely to provide a smaller format store, to serve a smaller, more local catchment, as recommended by the Inspector. It would, however, contribute to meeting the additional capacity identified by the Inspector.
- 5.3 Policy R2 of the CDLP Review also proposes 500 dwellings at the Friar Gate site as part of a mixed use development. This will lead to the creation of a significant new community. New convenience retail floorspace at this location will help to encourage people to walk or cycle to make shopping trips. Thus, whilst it is not within or on the edge of a defined Centre, the location does offer significant sustainability advantages, will contribute to the regeneration of the area and will help secure the retention and use of the listed building.
- 5.4 Convenience retail use of the ground floor of the Bonded Warehouse would provide about 1800 m<sup>2</sup> (net) floorspace, leaving some 1,000 m<sup>2</sup> remaining to be identified.

### **Heatherton Neighbourhood Centre**

- 5.5 In considering objections to proposed housing to the south of Heatherton, the Inspector accepted the Council's arguments that additional housing here could help to create a larger, more sustainable community. His recommended modified wording includes provision for an expanded Heatherton Neighbourhood Centre to allow additional shopping/service/ community facilities. This will help to encourage more shopping and similar trips to be made locally and increase the number of trips made by walking and cycling.

- 5.5 Heatherton Neighbourhood Centre is a defined Centre in the Plan's shopping hierarchy and so new retail provision and related services here perform well in terms of the sequential approach. A new convenience retail store or extension to an existing outlet would help meet the objectives of creating a more sustainable community. Taking account of the additional provision at the former Friar Gate Goods Yard, a further 1000 m<sup>2</sup> capacity remains of the 2,800 m<sup>2</sup> identified by the Inspector. Whilst it does not automatically follow that this should be met at Heatherton, this approach would help meet the above sustainability objectives. More floorspace than this may also be permitted at the Heatherton Centre if it can be justified in terms of Policy S2 and would further strengthen local retail provision. This may require the physical extension of the Centre into the H13 designation.

## **6. Conclusion**

- 6.1 The Inspector has identified a requirement of an additional 2,800 m<sup>2</sup> of convenience retail floorspace throughout the City. This does not have to be provided in a single format to serve a city wide location. As such, a City Centre or Edge - of Centre location is not essential. Indeed, other locations may offer greater overall sustainability advantages given the relatively small scale nature of the additional floorspace identified.
- 6.2 The Inspector also recommended additional retail provision at two sites associated with major residential allocations. There are clear sustainability advantages in accepting these recommendations. Indeed, the Council would need to have compelling reasons *not* to accept these recommendations.
- 6.3 His addendum letter of 7 February 2005 states that "if the Council endorses my recommendations on Policy R2 and H13, retail allocation in those locations would be material to assessing City-wide need". Allocations at these two locations can, between them, provide the 2,800m<sup>2</sup> convenience retail floorspace. If the Local Plan Review is modified to make such allocations, other allocations elsewhere including the DRI site are unnecessary.
- 6.4 In light of comments made above regarding Mackworth College, it would be imprudent to make further retail allocations beyond those at the two locations identified.

## Planning and Environment Commission

### Outcomes of Workshop Meeting on City of Derby Local Plan Inspector's Report – 18 July 2005

**Those present:** Rob Salmon, Andrew Waterhouse  
Councillors Troup, Skelton and Leeming

RS/AW gave the background to the report on the modifications suggested by the Inspector and the timetable for reporting the proposed response to Council Cabinet and full Council. RS/AW then took the Commission through each section of the report detailing the salient points.

The comments of the Commission members on each section of the report are listed below.

#### 1. Strategy

- 1.1 The Commission members had no specific comments on the Strategy section of the report.

#### 2. Regeneration

- 2.1 The Commission members agreed in principle with what was proposed. Members considered that it would be important to look carefully at improving the access of local communities to the full range of facilities.

*This comment was made with specific regard to the Manor Kingsway site and the Inspector's recommendation for more housing to be allocated there. Issues of accessibility to facilities can be examined as part of the proposed Supplementary Planning Document for this site. More generally, issues of accessibility to facilities from major regeneration sites can be examined as part of planning applications or new style planning documents where these are being prepared, such as the City Centre Fringes Area Action Plan.*

#### 3. City Centre

- 3.1 Commission members were of the opinion that there was a need to examine the way in which Park and Ride provision and the demand/requirement for City Centre parking is linked.
- 3.2 Members also emphasised the importance of ensuring that parking provisions did not undermine sustainable transport initiatives in the City.

*Parking policy in the Local Plan is highly supportive of the Local Transport Plan's strategy to encourage more sustainable modes of transport including park and ride. Policy discourages additional long stay commuter parking while only allowing for additional short stay if a shortfall has been identified.*

## **4. Housing**

- 4.1 The Commission members considered that it would be important to make sure that the residential development on the hospital site included good transport linkages that would provide residents with access to other parts of the City.

*This comment relates to the Manor Kingsway site - see response under 'Regeneration'.*

## **5. Economic Prosperity**

- 5.1 The Commission members had no comments on this section of the report.

## **6. Shopping**

- 6.1 The Commission members expressed major concerns about the impact of the Westfield development on shopping in other parts of the City.

*The Westfield scheme is now under construction. Possible impacts were taken into account when planning permission was granted and are reflected in the terms of the Section 106 agreement. The Inspector has only recommended minor modifications to the detailed wording of the policy for the site which I am recommending are accepted. However, it will be important to monitor any impact on shopping and other activities elsewhere in the City so that appropriate mitigating action can be taken.*

## **7. Environment**

- 7.1 Commission members commented on the problems of flooding in parts of the City and wondered how this would be addressed in the Plan.

*The Plan contains a robust policy for dealing with flood protection issues. Additionally, we hope to be able to commission a strategic flood risk assessment of the Derwent Valley which will provide a clearer basis against which flood risk issues can be assessed. This is not a matter for the Local Plan however.*

## **8. Leisure and Community facilities**

- 8.1 Commission members welcomed the new guidance on public open space which allows more flexibility in the use to which particular sites can be put.

*These comments, which support recommendations I make to Cabinet, are welcome.*

## **9. Learning and Health**

- 9.1 The Commission members agreed that the clearest approach would be to rely on the Proposals Map.

*This is a reference to Policy LE3 (University District). The Inspector has recommended that the area covered by the policy should be shown on the Proposals Map and has also recommended an alternative written description too. I am recommending that Members accept that the District is shown on the Proposals Map, but consider that it is unnecessary and potentially confusing to attempt a written description as well. This is in line with normal practice for areas shown on the Map.*

## **10. Transport**

- 10.1 Commission members considered that Supplementary Guidance which covered walking and cycling routes would be helpful. The members thought that this might usefully contain design guidance for walking and cycling routes.

*Further thought needs to be given to just what form the supplementary guidance should take and when and how it will be prepared. I do, however, note the comments and agree with the need for some kind of additional guidance.*

## **11. Monitoring and Implementation**

- 11.1 Members agreed that it would not be practicable to monitor densities on all housing sites, not just the major ones and considered it would be best to keep to current practice.
- 11.2 Members also agreed with the proposal in the report that related to Policy ST15.

*These comments, which support recommendations I make to Cabinet, are welcome.*