

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

- 5.1 None.

Other options

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

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None.

Climate implications

- 9.1 None.

Other significant implications

- 10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	14/11/2023
Other(s)	Ian Woodhead	14/11/2023

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

Planning Control Committee 16/11/2023
Items to be Considered Index

Item No.	Page No.	Application No.	Location	Proposal	Recommendation
9.1	1 - 100	23/00320/FUL	Riverbank And Built-up Areas Between Derwent Street and The A601, Along the Eastern Boundary At Darwin Place And Along The Southern Sections At Meadow Road And Meadow Lane, Derby	Full application with details of OCOR 'Package 2' for a flood alleviation scheme and mitigation measures including demolition of existing buildings, boundary treatments and existing flood defence walls; partial removal of the existing flood defence walls to ground level; removal of existing flood embankments, footpath and cycleway layouts and ancillary works; creation of vehicular access, access ramps, steps, paths, retaining walls, railings, surface water drainage features and greenspace; provision of opportunities for installation of permanent and/or temporary artworks; and landscape reinstatement works	To grant planning permission with conditions.
9.2	101 - 115	23/00605/FUL	Derby Dance Academy Lynton Street Derby	Change of use from dance studio (Use Class E) to one five bedroom (five occupant) flat in multiple occupation (Use Class C4) and one four bedroom (four occupant) flat in multiple occupation (Use Class C4), together with alterations to fenestration	To grant planning permission with conditions.
9.3	116 - 146	22/01236/FUL	Alleestree Firs Woodlands Road Derby	Demolition of dwelling house. Erection of 10 detached dwelling houses	To grant planning permission with conditions.
9.4	147 - 155	23/01155/FUL	36 Otter Street Derby	Erection of replacement front boundary treatment	To grant planning permission with conditions.

1. Application Details

1.1. Address: Riverbank and built-up areas between Derwent Street and the A601, along the eastern boundary at Darwin Place and along the southern sections at Meadow Road and Meadow Lane.

1.2. Ward: Arboretum.

1.3. Proposal:

Full application with details of OCOR 'Package 2' for a flood alleviation scheme and mitigation measures including demolition of existing buildings, boundary treatments and existing flood defence walls; partial removal of the existing flood defence walls to ground level; removal of existing flood embankments, footpath and cycleway layouts and ancillary works; creation of vehicular access, access ramps, steps, paths, retaining walls, railings, surface water drainage features and greenspace; provision of opportunities for installation of permanent and/or temporary artworks; and landscape reinstatement works.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00320/FUL>

Brief description

The Our City Our River (OCOR) project involves the provision of new flood defences for the City. The City Council is the promoting authority for the project and is the applicant, but the project is supported by the Environment Agency. The whole of the OCOR project area is extensive and stretches a total of 13.2km along the river Derwent. The following are the five key objectives of the OCOR project:

1. Reduce flood risk to protect people, property and jobs
2. Maximise regeneration and sustainable development opportunities along the river frontage
3. Release economic potential of brownfield sites currently at significant risk of flooding
4. Enhance the significant heritage assets of the city to help promote tourism to the city
5. Enhance ecology, wildlife and biodiversity along the river and deliver Water Framework Directive objectives.

The OCOR project identifies an opportunity to integrate flood alleviation and mitigation measures with the regeneration of land adjacent to the river. It is important to note that OCOR presents a vision and framework for the future of the river corridor, it does not prescribe land use, nor does it dictate the scale, mass or appearance of any development opportunities that arise within the river corridor.

The OCOR project is stated as providing flood protection from the river Derwent to some 2,150 properties and protect areas of Derby against flooding from a severe event (defined as a flood that has a 1% (1 in 100) chance of happening each year).

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

This is once all the works for each package are completed. As a whole, the OCOR project is large and complex, and has been split into three packages.

A hybrid planning application was granted planning permission in October 2015 following its consideration by this committee. That application granted full planning permission for the majority of the works within the package 1 area and members will be aware that the package 1 works have been delivered on sites in the north of the city including Alferton Road Industrial Estate, areas within Chester Green and Duke Street and down to Sowter Road. The package 1 works were completed in 2018.

The hybrid application also granted outline planning permission for works identified in packages 2 and 3. Approval of some subsequent full and reserved matters applications have enabled new flood defences to be delivered and some of the works identified within package 2 were delivered between 2017 and 2020 including those at Breadsall (Booker Wholesale), Mill Fleam Outfall, Pride Park, Ambaston, Full Street, Exeter Bridge and through the Riverside Gardens.

The remainder of the package 2 proposals are the subject of this application for full planning permission, and the works form the next critical package of works for the OCOR programme.

The application site involves 6.21 hectares of land. It comprises a long, linear and irregular shaped site in the city centre on the left bank of the river (looking downstream) opposite the Museum of Making, Council House and Bass Recreation Ground. The northern boundary of the site is partly formed by the A601 St Alkmund's Way (crossing the Derwent via Causey Bridge) and the southern boundary is marked by the railway line and the crossing of the Derwent via Derwent Bridge. Existing built development along Phoenix Street, Stuart Street, Derwent Street, Meadow Road and Meadow Lane fall within the bounds of the application site. They include a range of office, commercial and civic buildings along with two residential apartment blocks at Riverside Apartments on Stuart Street and residential properties at Exeter House off Exeter Place. The Brewery Tap Public House and the Smithfield Public House are within its bounds as is part of the former Derby Telegraph building along with Exeter Bridge and Holmes Bridge. The southern extent of the site includes the Trent Motor Bus Depot.

Areas of public open space extend through the site. At the northern end, is Phoenix Green which is an area of formal public open space. Further south and along the river bank is the Exeter Embankment which is a formal park and garden. A footpath runs along Meadow Lane which is lined with mature trees on both sides. The application site extends to include the riverbank which is publicly accessible via pedestrian footpaths. National Cycle Route 6 extends through the site and connects it to the wider regional and national cycle network.

Full planning permission is sought for the construction of a 1.2km flood defence wall through the site. It would extend through the site, north to south and create a defended area (dry side) and an undefended area (wet side) adjacent to the river, that would act as a conveyance corridor which will provide a new riverside green space in the city centre. Information supporting the application states that delivery of flood alleviation measures at the site significantly reduces flood risk to a large number of residential and commercial properties on the left bank of the river. The

design levels of the defences follow the original consented hybrid planning application level for the 1%AEP (Annual Exceedance Probability – [Probability that one or more flood will exceed the AEP flood over a set number of years] event plus a 5% allowance for climate change. The setting back of the flood defences from the side of the river bank is proposed to create a broad floodplain conveyance route, releasing flows around Exeter Bridge. The flood corridor is proposed to be created between Stuart Street and the river including the area downstream towards the greenspace by Exeter House. The resulting land within the conveyance corridor is outlined as having been robustly designed to allow the movement of flood waters without the risk of scouring or blockages. The application includes a comprehensive scheme of hard and soft landscaping and the submitted designs include for seating and other landscape features that are resilient and built in. This is to allow the free movement of floodwater within the flood conveyance corridor.

As part of the works, permission is sought for a series of demolition works, needed to facilitate the development and the creation of the proposed conveyance corridor. They include the demolition of the following four buildings:

- Peat House, Stuart Street –Currently in office and training use and occupied by Atlantic Projects (engineering consultants), Cartwright King (solicitors) and the British Red Cross Society.
- Epworth House, Stuart Street – Currently in office use and occupied by Methodist Housing Association (head office, care sector).
- Derwent Centre, Stuart Street – Ministry of Justice (probation service).
- Crompton House, Derwent Street – Natwest Bank PLC (regional office, financial service). This building is locally listed.

The proposals also include demolition / removal / excavation of highways surface, kerb lines, footways and other hardstanding surfaces, the removal of the guard rail alongside Meadow Road and partial removal of the existing wall alignment at Meadow Road to path level to enable wall construction above. A total of 8 flood gates form part of the proposals where the flood defence extends across existing roads and paths. Flood gates are outlined as the preferred option for access as the height of the flood wall is too large for ramped access to be an appropriate option.

The proposed finishes of the flood defence wall varies with finishes including sheet piling with coping, brickwork with reconstituted stone coping, brick cladding and piers with reconstituted stone coping/caps and glazed panels and liner concrete cladding. Opportunities for heritage interpretation and public art have been identified throughout the site, with locations identified on the flood walls and at other strategic points to provide potential space for creative features to be added. Amendments have been made during the life of the application and comprise a series of design changes. This includes the addition of a sloping top to some sections of the wall that were previously proposed to be flat in order to remove issues with people climbing and walking across the flood walls.

The new flood alleviation and mitigation measures are outlined in the application submission as providing the impetus for regeneration. This enhanced flood protection would enable regeneration of the north riverside city area as the risk to land on the

dry side of the new defences would be significantly decreased. The Design and Access Statement that supports the application states:

'The design objectives of the Proposed Development are guided by the vision set out in the OCOR Masterplan consent in 2012, and the subsequent 2015 OCOR scheme consent. A key part of that vision is to provide a series of 'linked and high quality open spaces', with the objective of 'creating a linear park with access to the Derwent River' that 'protects and enhances ecology, wildlife, biodiversity' and 'heritage assets' whilst providing 'opportunities for leisure and recreation'. Designs are to 'improve connectivity', 're-engaging the riverside as an integral feature of Derby's public realm. Moreover, through the implementation of flood alleviation and mitigation measures, the Proposed Development will help DCC maximise regeneration opportunities within the area, releasing the economic potential of underused sites and creating a more attractive environment for people to live, work and enjoy.'

For the purposes of navigating the drawings and information that supports the planning application, the flood defence is split across eight scheme design sections, and they are referred to in the supporting plans and documents as 'reaches'. The following paragraphs provide an overview of the development proposed in each of the reaches.

Reach One

The flood defence proposed at the northern end of the site is a reinforced concrete wall with an exposed aggregate finish on both sides, of approx. 1m in height with a sloping top that is proposed to extend along the crest of the grass embankment. The 45m long wall would extend from St. Alkmunds Way underpass and cross over the existing tarmac footpath alongside Riverside Court Apartments. A flood gate of approx. 2m width is proposed to provide access through the flood defence at this point which would be directly to the north of the Riverside Court Apartments. In between the flood wall and Phoenix Street (on the dry side), a new ramped footpath and stepped access are proposed to provide pedestrian access onto Phoenix Street. All mature trees are identified as requiring removal from this area and the ground is proposed to be re-graded and landscaped. The resulting land on the wet side of the wall is proposed to remain as a green open space. The application notes an extant planning permission being in place for a boat landing stage in this area ref: 22/01035/FUL).

Reach Two

This section of the flood defence is proposed to extend alongside the perimeter wall of Riverside Court Apartments, bringing it closer to the riverbank than the section of the flood defence proposed in reach one. It is proposed to continue along the western and southern boundaries of the apartments, extending the line of the defence from Phoenix Green and up to Stuart Street. Along this section, a 1.2m high reinforced concrete flood wall is proposed that would have an exposed aggregate finish with a sloped top. The wall would be independent from the building and no seepage cut off is identified as being needed through this reach. A security fence is proposed to replace the existing bars on the car park windows in the ground floor of

the Riverside Court apartment building. The footpath in between the flood wall and the river would be re-graded and re-surfaced and an existing pedestrian railing alongside the river is proposed to be retained. Some trees are identified as needing to be removed from this reach but the information supporting the application indicates that trees growing from below the existing river wall, or the riverbed should not be affected. Public realm and landscaped works are proposed to ensure an extended paved area around the landing point of Cathedral Green footbridge and minor configuration of the Phoenix Street / Stuart Street junction.

Reach Three

Peat House, Epworth House and Derwent Centre on Stuart Street and Crompton House on Derwent Street are proposed to be demolished to enable the creation of a new park which would act as a flood conveyance corridor. Following those demolition works, the proposal at Reach three comprises a reinforced concrete flood defence wall supported on secant piles which would provide seepage cut-off. The wall is proposed to extend to approximately 1.7m in height and extend from the southeast corner of Riverside Court Apartments extending up to Derwent Street. This section of flood wall would extend to approximately 135m in length. Its alignment is set further inland from the riverbank than the defences proposed in reaches one and two and it is proposed to extend through the eastern footway alongside Stuart Street, close to the boundaries of Phoenix Street Carpark and existing offices in Stuart Street. A 6.2m wide floodgate is proposed at the upstream end of Stuart Street. The flood wall is proposed to be brick clad on both sides apart from a section of wall on the dry side which runs adjacent to Phoenix Street car park, which is proposed to be left as plain concrete. A reconstituted limestone coping is proposed across the full extent of this reach of the wall of 300mm height. The works in this area and the creation of the flood conveyance corridor would require the removal of the majority of the existing trees. Further works involve the potential river bank restoration following removal of trees and new low kerb-protected raised beds with planting and tree planting alongside the new flood defence wall. The new space that would be created between Stuart Street and the river, is shown as open green space with sloping lawns at upper and lower level with (riverside) paths, masonry seating and planted rain gardens.

In this reach, the development includes the provision of flood gates across the carriageway and footway at Stuart Street, connecting to the flood defence which is proposed to run along the east side of the street. As a result of this alignment, the highway and the three office buildings on the west side of Stuart Street would have been in the river flood zone. Whilst the buildings are proposed to be demolished and replaced with landscaped areas, Stuart Street is proposed to remain open and operational as a highway under normal conditions with flood gates secured along the flood wall on each side of the highway. Under flood conditions, the gates would be closed, and the carriageway would also be closed. As part of the works, the carriageway in Stuart Street is proposed to be narrowed and the footways replaced with an area that includes public spaces adjacent to the carriageway, segregated footpaths, landscaping, drainage features and planters. All the on-street parking spaces on Stuart Street would be removed as a result. The one-way traffic system along Stuart Street and Phoenix Street is proposed to be reversed on a permanent

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

basis and this option is outlined as being pursued to allow access to the Riverside Court residents during flood events when the flood gates are closed. As a result of these works, the existing access into the DHA car park off Stuart Street is proposed to be removed and an alternative access is proposed from Phoenix Street via a route made available following the demolition of Crompton House.

Reach Four

In reach four, the flood defence is proposed to continue across Derwent Street, across land to the rear of 'The Tap' public house, across Exeter Place and around the western and southern boundaries of Exeter House, in an 'L' shape, following the shape of the building's footprint. The flood defence is then proposed to curve towards Exeter Embankment. Through reach four, the flood defence comprises a reinforced concrete wall approximately 1.7m – 1.8m high. For the 90m section that extends around the boundaries of Exeter House, the flood defence is proposed to include 0.6m high glass panels across the top section. The glass panels are proposed to extend to 3m in width and are proposed to sit between full height concrete pillars. The flood wall construction is proposed to be supported on a piled foundation for seepage cut-off through this section. Flood gates are proposed within this reach, to maintain access and 7m long flood gates are proposed across the highways in Derwent Street and Exeter Place. 3m wide pedestrian accesses are also proposed on each side of Derwent Street. The works also propose some alternations to the carriageway in Derwent Street. Through this reach, the flood defence wall is proposed to be brick clad on both sides apart from the section of the dry side of the wall that faces Darwin Place car park. This section of the wall is proposed to remain with a plain concrete finish. A reconstituted limestone coping approximately 300mm in height is proposed across the top of the wall. Some trees are identified for removal through this reach and the re-configuration and repaving of Derwent Street with widened pavements is proposed. Landscaping and public realm works includes; raingardens, soft landscape treatments to the dry side of Crompton House, raised lawn and raised planting beds along with new paved areas with occasional tree planting and seating to the rear of The Tap public house, re-aligned and widened paths through Exeter Embankment to create a footway and cycleway, provision of a new accessible path and masonry steps and seating wall to provide better access to the riverside and reconfigured paths to give access to Meadow Road.

Information supporting the application indicates that the speed limit in the area is proposed to be changed to 20mph which will support the public realm objectives to reduce the dominance and impact of vehicular traffic through it. Both footways are proposed to be widened and landscaped. The junction of Phoenix Street and Derwent Street is proposed to be redesigned and a mini roundabout installed on Derwent Street that would provide a turning facility and access into Phoenix Street when the one-way system is reversed. As a result of the works some of the on-street parking spaces on Derwent Street would need to be removed.

Reach Five

From Exeter Embankment, the 1.8m high flood defence wall is proposed to sit alongside the southern edge of Meadow Road and extend up to Holmes Bridge. A 2.2m wide pedestrian flood gate is proposed to provide access through the defence and from Exeter Embankment and onto Meadow Road. This section of the flood wall is proposed to be set back from the river frontage with the footpath providing separation between the proposed flood wall and the river. The existing railing / barrier that extends alongside Meadow Road is proposed to be removed. The section of the flood wall that sits to the south of Meadow Road is proposed to have a printed concrete finish with a timber harbour wall, vertical pattern to mimic a wooden effect on the dry side, facing Meadow Road. On the river facing wet side, a plain concrete finish is proposed with the intention of adding an art interpretation in line with Derby's Cultural Thread strategy. The promenade is proposed to be re-paved and the proposals include raised masonry planters and seating. The existing river wall parapet is proposed to be replaced with a five rail curved 'quayside' balustrade.

As the defence meets Holmes Bridge, its alignment is proposed to return to the river front and a floodgate is proposed to extend across the footpath of 3.75m width. The existing reinforced concrete piers between Holmes Bridge are proposed to be utilised to support additional flood protection under the bridge. Between each pier, three reinforced glass panels of 1m height are proposed to be installed. Further downstream of Holmes Bridge, the flood defence alignment is proposed to remain on the river front. The existing river front wall is proposed to be removed and replaced with a reinforced concrete wall typically 1.5m high, extending across a length of 93m. In this location, the footpath behind the wall is proposed to be raised to ensure views onto the river are achieved over it. On both sides of this section of the defence, a concrete wall with the timber harbour wall vertical pattern is proposed. The top of the wall to be sloped towards the dry side, with plain concrete finish proposed to enable potential for the addition of an art interpretation in this location. Tree removals are proposed in this reach, including all trees downstream of Holmes Bridge. Replacement tree planting is proposed on the small green north of the Smithfield Public House.

Reach Six

The flood wall alignment in this reach follows the river frontage and extends alongside the Smithfield Public House. The existing railing in between the pub and river is proposed to be removed and the flood wall taken down to ground level. The existing flood defence adjacent to the pub is proposed to be replaced by a combi-wall formed by 'king posts' at 2.6m centres with sheet pile infills approximately 1m away from the existing river wall. The space in between is proposed to be filled with concrete to widen the rear of the new river wall and allow for stability of the existing riverbank. Access to this additional 1m side strip would only be available from the Smithfield Public House. Above the combi-wall a 0.9m high glass barrier is proposed across the top for a stretch of approximately 17m. This is proposed to allow views across the river from the pub's garden. Beyond the glass panels, a concrete upstand is proposed that would extend for a further 74m. For the installation of this section of the wall, work would need to be carried out from the riverside as there is limited space between the pub and the existing river wall. The existing wall is also in

a poor condition and would not permit the loads of the equipment needed to work from the dry side. It is therefore proposed that the works would be carried out from a floating pontoon platform which would be craned into the river. In this location, both sides of the wall are proposed to be finished with a printed concrete with timber harbour wall vertical pattern finish, pre-cast concrete panels being proposed on the wet side. This part of the works would require the removal of all trees fronting The Smithfield Public House.

Reach Seven

Beyond the Smithfield Public House car park at reach seven, the flood defence is proposed to comprise a 1.5m high reinforced concrete wall. A 215m length of wall is proposed to follow the alignment of Meadow Road and Meadow Lane on the western side of the footpath and adjacent to the river. This section of the wall is proposed to extend up to the footbridge by the Grand River Suite. A single flood gate with approximately 2.5m clearance is proposed at the end of the footbridge. In this location, the reinforced concrete flood wall is proposed to be finished with a printed concrete timber harbour wall finish and sloped top angled towards the footpath. In this area, some trees are identified for removal. The carriageway and pavement of the private road serving Northcliffe House and the Grand River Suite are proposed to be adjusted to maintain workable vehicle access with a pavement at a raised level so that views for most pedestrians would be maintained over the proposed flood wall towards the river.

Reach Eight

To the south of the footbridge, the flood defence alignment is proposed to move eastwards and away from the edge of the river. The flood defence through this area is proposed to run to the east of Meadow Lane footpath and alongside the River Suite Car Park. To allow access through the flood defence and to the car park, a flood gate is proposed with a 3m opening. Beyond this, the remaining section of the flood defence is proposed to comprise a line of sheet piles, a small distance apart from the line of the existing masonry wall. The space in between is proposed to be filled with concrete to ensure any forces are transferred to the sheet pile wall. The top section of the existing wall that is protruding from the surface would be removed to allow for the continuation of paving up to the sheet pile wall. This sheet pile wall is proposed to be approximately 2m high from the private Network Rail access track and extend across a length of 175m, tying into the railway embankment at the southern end. A clay core bank is proposed between the railway embankment and the railway bridge. The works in this area are proposed to include the removal of some trees growing from the existing wall to allow for construction works. The majority of trees growing on the river side of the footpath are stated as only requiring pruning, however some of the larger trees could have their roots affected by the pilling works. The proposed works would include the reinstatement of the riverside path along the flood defence wall, and the re-instatement of the security fence on the car park side with some low maintenance planting.

1.5. Environmental Statement.

The works that are subject of the application involve a form of development identified in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in section 10 (h) as an *Inland waterway construction not included in Schedule 1, canalisation and flood-relief works*. Given that the site area exceeds the development threshold area of 1ha, and that there is potential for significant effects in terms of the regulations and given the history of the wider OCOR scheme, the applicant has undertaken an Environmental Impact Assessment (EIA) and its findings are set out in an Environmental Statement (ES) that supports the planning application.

The EIA process involves the collection and assessment of information about the estimated environmental effects of a project and mitigation measures are proposed which aim to minimise any resulting environmental effects. The EIA Regulations require that the ES identifies '*likely significant effects of the proposed development on the environment*'. In order to determine the scope of the EIA, a request for a Scoping Opinion was submitted by the applicants in June 2022. The Local Planning Authority issued a formal Scoping Opinion in October 2022. While minor changes to the redline boundary have arisen since its issue and new traffic survey findings have been presented relative to traffic and air quality, the suggested disciplines and methodology for the EIA are considered to be acceptable.

In the majority of EIA technical disciplines' significance reflects the relationship between two factors and these are:

- The magnitude or severity of an effect (i.e., predicting the scale of any potential change in the baseline conditions) and:
- The sensitivity, importance or value of the resource or receptor.

The terminology defining receptor sensitivity is identified as varying according to discipline or the methodology being used however sensitivity is generally determined in the ES as very high, high, medium or low.

An assessment of magnitude is identified as being carried out considering any design mitigation (the design of the proposal has been altered to take into account a particular issue or accommodate an important feature) and the need for additional mitigation (mitigation that results from the EIA process to reduce impacts further).

The ES therefore considers the magnitude of impacts both before and after *additional* mitigation. In determining the significance and nature of environmental effects they are described as:

- Adverse or beneficial
- Direct or indirect
- Temporary or permanent
- Short, medium or long term
- Reversible or irreversible
- Cumulative or in-combination.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

The nature of effects and significance of effects and their definitions are outlined in each technical chapter however, the matrix below is used in the ES as an example:

Sensitivity of Receptor	Magnitude of Impact			
	Substantial Magnitude	Moderate Magnitude	Slight Magnitude	Negligible Magnitude
Very High	Major	Major	Intermediate	Neutral
High	Major	Intermediate	Minor	Neutral
Medium	Major	Intermediate	Minor	Neutral
Low	Intermediate	Minor	Neutral	Neutral

Impacts identified within the ES are classified as being temporary (short, medium, or long term) or permanent. The general criteria for defining the duration of impacts may vary between technical chapters, however, the general criteria identified as being applied within the ES is as follows:

Temporary:

- Short-term: Duration of the effect extends from 1 to 3 years
- Medium-term: Duration of the effect extends from 1 to 5 years
- Long-term: Duration of the effect extends from 1 to 10 years.
- Permanent: Duration of the effect continue for greater than 10 years.

The assessments presented in the ES are stated as being based on the comparison of expected impacts compared with current or recent baseline environmental conditions in the construction and operational phases of the development. As the proposed flood defence is designed to have a lifetime of 100 years, throughout which it will be maintained and repaired as needed, effects associated with the decommissioning phase are not considered as part of the ES.

The ES responds to the requirement in the Regulations to assess the cumulative effects of the development and an assessment of the cumulative and synergistic effects of the proposed development both in combination with other developments and from within the development itself, is provided in chapter 13. The cumulative sites detailed in the assessment ES are appropriate and the assessments conclusions, that whilst some receptors may experience multiple effects during construction and/or operation of the proposed development, these effects would not be greater than the largest single residual effects reported in the ES, are accepted.

Specific topic areas for consideration in the ES were considered through the Scoping exercise. The chapters covered by the ES include the following:

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- Alternatives Considered
 - Traffic and Transport
 - Air Quality
 - Flood Risk and Water
 - Ecology
 - Heritage and Archaeology
 - Landscape and Visual Impact
 - Socio-Economic

The ES includes a non-technical summary, and it was submitted along with a suite of technical reports including the following: Planning Supporting Statement, Design and Access Statement, Statement of Community Involvement, Arboricultural Assessment and Method Statement, Flood Risk Assessment and Drainage Strategy, Water Framework Directive, Ground Investigation Report, Noise Report.

The ES has been updated during the life of the application in response to the comments of consultees. Revisions to the ES include updated chapters in relation to Heritage and Archaeology, Landscape and Visual Impact and Socio-economic chapters and an updated Non-Technical Summary has been provided. The revisions have been supported by updated survey work and visualisations where this was deemed necessary. The revisions have been the subject of publicity and re-consultation in accordance with Regulation 25 of the EIA Regulations.

The information in the ES is detailed and the following sections provide only a summary of each of the chapters. The aim of this section of the report is to provide members with an overview of the likely significant effects identified in the ES as arising from the scheme.

Alternatives

Under the EIA Regulations there is a requirement for the applicant to outline the reasonable alternatives relevant to the proposed development and its specific characteristics which were examined by the developer and the primary reasons for selecting the chosen option. The ES provides a detailed description of the outline proposals (listed in table 4.2) approved through this area of the package 2 works under the hybrid planning permission granted in 2018. The ES indicates that as part of the design evolution process, the previously agreed flood defence alignment has been modified in several key areas in order to minimise disruption to the existing third parties situated on site and to provide Derby City Council with a more cost-effective solution. The chapter provides detailed commentary on the changes between the submitted scheme and the consented hybrid scheme along with options considered for each of the reaches and reasons why some options were discounted.

This chapter notes that whilst the do nothing scenario would remove some of the adverse effects as identified in the ES, it would also fail to protect key developed areas of Derby from potential flood events in the future. The do nothing scenario is noted as having been investigated as part of The Lower Derwent Flood Risk

Management Strategy, but as outlined in the OCOR Masterplan, doing nothing is stated as abandoning large areas of the city to flood risk. Therefore, the consented OCOR project is identified as being designed to respond to the potential challenges and deliver real benefits for Derby.

Traffic and Transport

This chapter notes that the proposed flood alleviation scheme will have various temporary and permanent impacts on transport within the study area. A Transport Assessment and Construction Traffic Summary Report support this chapter of the ES and they assess the impacts of the proposed scheme on transport modes and users, including pedestrians, cyclists, public transport users and vehicle drivers and passengers. Issues including severance, driver delay, pedestrian amenity and delay, accidents and safety associated with the proposed scheme are considered. It is noted that National Cycle Network routes 6 and 68 run along the east bank of the river and through the area.

Mitigation measures outlined as being a part of the submitted design include the existing one-way system along Stuart Street and Phoenix Street being reversed in direction. This is stated as having a minor impact on the transport network on a permanent basis, but providing better access to the remaining residential block on Stuart Street during flood events when the flood gates are closed. To enable this, the three junctions at Derwent Street / Phoenix Street / Stuart Street will require permanent changes. Stuart Street is also proposed to be converted from a standard carriageway to a more pedestrian-friendly environment, more in keeping with the proposed landscaping in the adjacent public spaces. Some on-street parking bays would be removed to reduce the risk of people and vehicles being caught on the wrong side of the flood barrier. Amendments to the existing Flood Event Traffic Management Plan are also identified as being required. This would be to prohibit vehicles and pedestrians from entering the flood zone while maintaining access to the remaining properties. The existing emergency plan for bus services would be updated to take account of the additional flood gates, although it is noted that the bus services are already redirected when the existing flood gates on Derwent Street are closed.

The overall demand to travel is identified as changing in several ways:

- The removal of three office blocks on Stuart Street and partial demolition of Crompton House will reduce travel demand in the area. The demand will be redistributed to the sites where the current businesses and organisations relocate to. The locations of these are currently unknown.
- Public realm and transport improvements could help to attract more people into the area and to walk and cycle through it.
- Traffic management changes will mean a small number of people will have to take different routes to some destinations, but the overall distances will be similar.
- The movement of people and vehicles during times of flood gate closure will be constrained by the closures of the roads and footways.

A detailed breakdown of effect significance is provided in sections 6.2.17 to 6.2.21 of the chapter which is specific to impacts relating to traffic and transport.

During the construction phase the potential effects associated with the demolition and construction phase of the scheme include construction traffic from delivery and staff movement, potential for temporary road closures and traffic associated disruptions during the 72 week construction programme. The measures proposed to mitigate the potential disruptions associated with the traffic movement identified are focussed on ensuring that a Construction Traffic Management Plan is as effective as possible and is monitored during the construction works. With these mitigation measures implemented and monitored throughout the construction works, the ES indicates that no significant effects would arise during the construction phase.

During the operational phase, the impacts of the scheme are divided into two categories: permanent impacts due to changes in the transport network, and temporary impacts that will only occur during flood events. In relation to the permanent effects, the ES identifies that some improvements in the traffic movements are likely following the demolition of the existing commercial buildings and proposed highway improvements at the Derwent Street / Phoenix Street junction. Overall, no significant effects associated with these changes are identified. For the temporary effects during the flood events, the usual routes would be restricted therefore drivers, pedestrians and cyclists would either divert on to alternative routes, or delay or cancel their journeys. Due to the temporary nature of such changes which are already in place on other areas of the city, no temporary significant effects are identified as being likely.

Air Quality

This chapter presents the approach and findings of an Air Quality Assessment. It notes that the transport assessment undertaken to support the Environmental Statement and the planning application identifies that there are no identified locations within the study area where traffic flows are predicted to significantly increase during the operational phase of the scheme. Specifically, the TA identifies that the scheme would result in small reductions in traffic volumes on non-flood days, mainly due to the demolition of the office buildings resulting in a beneficial impact on the existing traffic movements. The impact during flood events will be different as drivers either divert on to alternative routes to avoid the flood gates or delay or cancel their journeys and therefore the effects are also considered to be negligible. Based on these findings, no likely effects on air quality resulting from changes to traffic flows are expected and no other sources of effects on air quality are anticipated as a result of the scheme. An assessment of air quality effects for the operational phase has therefore been scoped out of this ES chapter.

Definitions for identifying the sensitivity of receptors, methods for assessing magnitude and method for assessing pathway effectiveness and dust risk impact are outlined. It states that if the impact is identified as Moderate to Substantial then the change is considered to have a significant effect on the local air quality, whether positive or negative.

Considering the existing baseline, the ES notes that within the study area Derby No2 AQMA No. 1 Ring Roads boundary is found at A601 in two locations, at Holmes

Bridge in the centre of the site redline boundary and at Causey Bridge immediately to the north of the site boundary. It identifies sensitive receptors and ecological receptors.

In terms of construction phase effects, the ES identifies emissions generated from construction vehicles and dust and particulate matter generated during earth moving. Best practice construction mitigation measures are recommended and include the implementation of a Construction Environmental Management Plan (CEMP) which would include measures in relation to dust management and proposed earthworks as well as communications with the nearby receptors. These measures are identified as reducing air quality impacts occurring to properties in the vicinity of the development during its construction. All environmental effects are identified as negligible, following the additional mitigation during the construction works.

Flood Risk and Water

This chapter is supported by a Flood Risk Assessment. The assessment in the chapter includes the site, as identified by the redline boundary, but also includes areas downstream of the site noting that impacts on hydrology can have far reaching effects. All areas adjacent to the site boundary and areas adjacent to the river downstream of the site redline boundary up to the confluence of the River Derwent with the River Trent are identified as being considered for effects from the development.

The chapter provides definitions for significance, receptors and effect duration and intermediate significance level or greater is defined as being significant for the purposes of this chapter.

In the existing baseline, water features, surface water quality, groundwater, drainage and flood risk are considered. It notes that the flood risk to the site and surrounding areas of Derby is high with the entire site being located within Flood Zone 3. The risk arises from the river Derwent. The flood risk to the site and surrounding area is identified as high and expected to increase further in future as climate change will result in more severe flooding. All other baselines in the water environment are stated as being expected to remain as existing should the development not go ahead.

In considering mitigation in the submitted design, the ES notes that the nature of the design is for flood prevention. As such, there is inbuilt mitigation against fluvial flooding beyond the extent of the proposed flood defence. The flood defences are identified as being classed as “water-compatible” uses and therefore the ES states that there is no risk to the development itself from flooding. A surface water drainage strategy has been built into the design to accommodate stormwater from rainfall events up to a 1 in 100 year + 40% climate change event should this occur outside of a fluvial flooding event thereby mitigating the risk of flooding from surface water. The provision of a CEMP is stated as mitigating the risk of flooding from fluvial and pluvial sources during construction, the risk of pollution and contamination of all receptors and is also proposed to mitigate the risk of introducing non-native species.

In terms of construction phase effects, potential for pollution of surface water quality of the receiving water environment is considered. However, it is proposed that the construction works are undertaken in accordance with an agreed CEMP which would

include a series of specific method statements identifying methods of working and controls to address the surface water environmental impacts. The CEMP will also include a strategy or a plan for how water efficiency will be achieved, and this chapter of the ES does not identify any significant environmental effects during the construction phase.

In the operational phase the ES states that the proposed scheme will increase storage capacity for floodwaters on the 'wet side' of the flood wall. This additional space for water will have a substantial positive impact on the flood risk of the area. There will be a gain in Flood Zone 3b on the 'wet side' and a decrease in flood risk to the 'dry side' of the proposed flood wall. This major beneficial effect is identified as being permanent and long-term as it will continue as long as the wall remains operational. Therefore, the effect of this impact is identified as significant.

The assessment identified that the existing fluvial flooding risk in Derby City Centre is high and large areas of Derby are expected to flood in a 1% Annual Exceedance Probability (AEP) event. The nature of the OCOR scheme is designed for flood prevention and has been designed to a consistent design standard set for the OCOR scheme delivered to date. The assessment identified that the implementation of the Package 2 works including the development proposed in this application would reduce the flood risk of Derby, protecting the existing main highways and key transport routes, residential areas, education facilities and other local amenities which would not be at risk of flooding following the implementation of these defences. Following the implementation of the final Package 3 works, any future increases in risk would also be mitigated by new defences and no subsequent significant effects associated with flood risk are identified in this chapter of the ES. The scheme includes sustainable drainage features where appropriate and no effects associated with surface water flood risk are identified. During flood events, the assessment also indicates that the development will not have an impact on the morphology of the river Derwent and surrounding watercourses.

The chapter concludes that residual effects from the construction phase are expected to be neutral and residual effects from the operational phase are all expected to be positive. These include the major beneficial effects on the flood risk in the area from both fluvial and pluvial sources offered by the proposed flood wall and surface water drainage strategy.

Ecology

This chapter identifies the application site as currently comprises a number of habitats including broadleaved woodland, hardstanding, buildings, scattered scrub, amenity grassland, tall ruderal, scattered parkland trees and the river Derwent. The Ecological Assessment is supported by a desk study and field surveys including an Extended Phase 1 habitat survey, bat surveys, a bat tree assessment and otter surveys. A Biodiversity Net Gain Assessment also supports the application.

No European and National designated sites are identified as being within 10 km of the proposed development. A total of seven nationally designated sites (statutory and non-statutory) are identified within 2km of the proposed development, the closest of which is The River Derwent, Local Wildlife Site (LWS) located within the red line boundary on some sections and bounds the LWS to the west. The chapter considers

impacts for Otter, Bats, Birds, Fish, White Clawed Crayfish, Water Vole, Badger, Amphibians, Reptiles and Invertebrates and also considers Invasive Species.

Implementation of embedded mitigation is detailed as acting to prevent any likely significant adverse effects from the application site clearance and construction phase of the proposed development. The mitigation proposals outlined in the ES includes the following:

- Design and implementation of a Construction Environmental Management Plan (CEMP).
- As part of the wider OCOR scheme delivery, it is proposed to plant approximately 1000 standard trees along the broad river corridor. This is stated as mitigating for the loss of trees along the river Derwent corridor and exceeding the number of trees lost through the works. In addition, provision of these trees along the banks of the river are stated as mitigating for habitat loss for bats, otter and birds.
- Provision of replacement bat roost sites and enhancement of roosting provision (additional 10 bat boxes).
- Supervised demolition under non licenced method statement for bats.
- Provision of replacement bird nest sites (20 bird boxes).
- Nesting bird check prior to building demolition or vegetation removal.
- Provision of landscaping following construction to limit disturbance to the riverbanks.
- Implementation of an ecologically sensitive lighting strategy for any new lighting during the operational phase.

During the construction phase, potential effects identified include possible loss and disturbance to habitats and species, including terrestrial and aquatic. Impact avoidance and biodiversity enhancement have been sought in the first instance by design, for example, the scheme alignment has been designed to allow for the demolition and construction works to be undertaken from the dry side of the river Derwent bank to reduce any potential effects on water quality and ecology as far as practical. Bankside works are proposed across the full length of the scheme alignment, with the exception of works in the vicinity of The Smithfield public house, where works will be undertaken from the channel using a floating pontoon. Where appropriate from the engineering perspective, avoidance of tree removal has been employed through the scheme to reduce the number of trees lost in the proposal. With the inbuilt mitigation measures secured and the best construction measures implemented via a CEMP, the ES does not identify any potential effects on the aquatic or terrestrial ecological receptors, with the exception of minor adverse effects being identified for the River Derwent Local Wildlife Site. This is as a result of partial removal of bankside habitat.

This chapter indicates that the operational activities of the proposed development will not result in the direct loss or damage of any habitats and the ecology baseline is stated as being likely to remain similar to present. It is noted that enhancements are

proposed through the provision of amenity areas that are proposed to include wildflower sections as well as new tree strands and planted areas.

Overall, the implementation of the embedded mitigation is stated as acting to prevent any likely significant ecological adverse effects from the application site clearance and construction phase of the proposed development.

Heritage and Archaeology

This chapter is supported by a Heritage Impact Assessment, an Archaeological Desk-based Assessment, a Written Scheme of Investigation (WSI) and the results from Geoarchaeological Works and Trial Trenching. This chapter has been updated during the life of the application.

The north-western part of the application site lies within the buffer zone for the Derwent Valley Mills World Heritage Site, and part of the site boundary abuts the World Heritage Site. The ES therefore considers both direct effects on the buffer zone and potential indirect effects on the World Heritage Site. The desk-study search identifies a total of 33 listed buildings, one scheduled monument and two conservation areas, as well as eight locally listed buildings within the study area and this list was agreed through consultation with Historic England. Crompton House, a building of two storeys of Portland stone and brick with a flat roof with parapets which was designed by Naylor Sale and Widdows and later constructed for James Harwood in 1938 is a locally listed building that stands within the application site. The Smithfield Public House dates to the mid-19th century and it is linked to the Derby architect H.I. Steven's cattle market complex and is also locally listed and within the bounds of the application site.

The chapter notes that proposed design includes the demolition of three buildings south of Riverside Court and between Stuart Street and the Derwent. The area currently occupied by these buildings will become greenspace and flood storage areas, with attendant landscaping that includes grass and trees. The three buildings (and the proposed greenspace) are within the World Heritage Site buffer, with direct views toward the World Heritage Site itself and the Silk Mill and the proposed demolitions are also opposite the Cathedral and Cathedral Green.

During construction, the presence of construction plant and equipment is identified as impacting on the setting of heritage assets and potentially causing disruption to the World Heritage Site and the listed buildings through the generation of dust and noise, as well as potentially disrupt the rural setting of the area. The ES indicates that these elements would be controlled as far as practical through the CEMP, however, the assessment identified that some adverse effects would still remain on some receptors including the World Heritage Site Bakewell's Gates Grade I Listed Building and the Cathedral Church of All Saints Grade I Listed Building as these assets have direct intervisibility with the proposed development. While the actual works are stated as having the potential for a large/very large adverse effect on the WHS and its buffer, this effect is identified as being short-term for the duration of the construction works of 72 weeks.

The main source of impact on sub-surface archaeology is identified as being from the construction of the flood defences which would require intrusive groundworks and

insertion of piles into the ground. It is indicated that this may involve some truncation of the footprints of buildings or the complete removal of deposits such as pits. The ES identifies a number of intermediate effects with intermediate or above being considered as significant in EIA terms. These include the effect on four archaeological receptors. The four are water management systems associated with mills, the 19th century Derwent iron foundry, a dye works and a timber yard and sawmill. The effect on five archaeological receptors is assessed as intermediate/minor. These include Romano-British deposits and remains of post-medieval gardens in the Exeter Place area, 19th century remains relating to the cattle market bridge and buildings at the Smithfield public house and remains pertaining to the railway at the southern end of the site. The effect on paleoenvironmental remains is also assessed as intermediate/minor adverse.

To reduce the effects on below ground archaeology, additional mitigation has been recommended in the form of archaeological works which would include excavation and recording. The implementation of a programme of mitigation is stated as diminishing the magnitude of impact and significance of effect as set out in the ES. Preservation by record of such remains is indicated as serving to enhance the archaeological record and inform regional and national research objectives.

Intermediate to minor adverse effects on Crompton House are identified as a result of its full demolition and the loss of the landmark clock tower from Derwent Street. The loss of the buildings is permanent, resulting in impacts identified in the ES as minor adverse.

In the operational phase and at completion, the ES states that the demolition of the Stuart Street Buildings and proposed landscaping will remove massing within the WHS buffer and create greenspace which is more akin to the 18th century setting of the Silk Mill and thus the southern end of the World Heritage Site. It indicates that the use of traditional materials and both hard and soft landscaping will result in overall minor positive magnitude of change on the WHS, and therefore a moderate/large effect is anticipated. The proposed flood defences would also protect the WHS from any potential flood events, resulting in a minor positive change on it. The residual effect on the WHS is identified as moderate/ large and positive. The effects on the remainder of the heritage assets are also considered to be positive noting all would be subject to better control and management of flood water. On completion, no residual effects on archaeology are identified.

Landscape and Visual Impact

This chapter comprises a Landscape and Visual Impact Assessment (LVIA). The LVIA has been updated during the life of the application to take account of design revisions made to the scheme. The extent of the study area is noted as being relatively small in extent, reflecting the densely built-up nature of central Derby, and the likely limited geographic influence of the proposed changes, most of which are stated as occurring at street level and not widely visible. The LVIA considers the effects of the development on the local and wider landscape, scenic quality, landscape character, visual amenity and effects on peoples' views of the site.

There are no statutory or non-statutory landscape designations within the Study Area. The landscape assessment was based on the existing landscape character

areas at national and local level. The ES indicates that there is not a landscape or townscape characterisation study which could be used for the purposes of the landscape assessment, therefore a series of project-specific character areas have been defined following desk-based analysis and field work. The visual assessment is based on an assessment taken from eighteen different viewpoints.

The ES states that in relation to this LVIA a greater than 'moderate' level of effect is more likely to be significant. This is because such an effect would generally result from larger magnitudes of change on higher sensitivity receptors.

The LVIA notes that the Bio House site on Derwent Street benefits from planning permission to replace the existing two storey buildings with a twelve-storey residential and commercial development and one of these car parks, located to the north of Phoenix Street benefits from planning permission for a sixteen-storey residential development.

Section 11.4 of the chapter details mitigation that forms part of the submitted design and this includes the detailed hard and soft landscaping proposals, use of a series of different treatments to the proposed linear flood defence features, to ensure an attractive and sympathetic appearance within the different parts of the site including the use of glass panels to maintain views along with adherence to a detailed CEMP during the construction phase of the works.

During the construction phase, significant adverse effects upon the character of the area along the river between Causey Bridge and Exeter Bridge, and the areas between Exeter Bridge and Holmes Bridge are identified as well as the developed area north of this. Construction activities are stated as being conspicuous at short range and would introduce a series of unfamiliar and contrasting influences which would detract from the overall quality of the landscape/ townscape. These impacts are noted as being for a period of limited duration (up to two years). To the east of Holmes Bridge, effects upon character are identified as being confined to a narrow corridor between the river Derwent and the industrial/ commercial development to the north. The wider character of the area is stated as not changing to any material degree with effects that are adverse but not significant.

The ES indicates that construction effects would have an adverse visual effect through the introduction of prominent and often unsightly new elements during the period that works would be ongoing. Visual effects are stated as being significant from the publicly accessible areas along the western and southern side of the River Derwent between Causey Bridge and Holmes Bridge, from some properties on the lower floors at Riverside Apartments and from the majority of properties at Exeter House. Significant visual effects are also identified as being experienced at the Brewery Tap and the Smithfield public houses, and from Phoenix Street, Derwent Street, Exeter Place and Stuart Street.

In the operational phase the development is identified as changing the physical landscape fabric of the site. Effects on grassland, shrubs and other low vegetation and upon the hard landscape are identified as being moderate beneficial, with the extent and variety of vegetation increasing, and the appearance and design of hard landscape features identified as improving. The ES notes that there would be a net decrease in tree cover as result of the proposal, and this is identified as resulting in a

moderate adverse effect. A moderate to major beneficial effect upon the character of the area along the river between Causey Bridge and Exeter Bridge, and the developed area north of this is identified. The appearance of these areas is stated as being improved as a result of the demolition of existing buildings and the creation of a new, well-designed area of public open space which would link areas of the city physically and visually. These effects are stated as being significant. Effects on the character of the river corridor between Exeter Bridge and Holmes Bridge are identified as minor to moderate beneficial. The public open space at Exeter Gardens is considered to be enhanced as a result of the development but overall, its character would remain similar to its baseline assessment. Operational effects on the character of the area east of Holmes Bridge are identified as minor and not significant but it is noted that there would be loss of existing tree cover in this area, which would have an adverse effect on character. The improved appearance of boundary structures north of the river in this area, is identified as having a beneficial effect upon character.

Of the eighteen viewpoints used in the visual assessment, four of the viewpoints are identified as experiencing moderate to major beneficial and significant effects, due to the improvement of the corridor of the River Derwent between Cathedral Green Footbridge and Exeter Place as seen from the two bridges and from Derwent Street, and to the changes to the riverside path east of Exeter Embankment as seen from the path itself. One viewpoint is identified as experiencing a moderate to major adverse and therefore significant effect, due to the replacement of the existing boundary wall east of the river Derwent (opposite Bass's Recreation Ground and south of Northcliffe House) with a larger sheet pile wall. At the remaining thirteen viewpoints visual effects are not identified as significant. Whilst there would be some change in views associated with the development, this is not identified as resulting in any fundamental change in the type of views available to people at these viewpoints.

Visual effects are identified as being experienced by some of the residents at Riverside Apartments, by the majority of residents at Exeter House, and by users of the public open spaces at Phoenix Green and Exeter Embankment. The changes resulting from the development that would be experienced by these people at short range, is identified as significant.

Socio-Economic

The socio-economic chapter of the ES has been revised during the life of the application. It examines how the development is likely to affect both the local and regional economies, social outcomes and community facilities through its construction and operational phases. Significant effects in this chapter are stated as being those identified to be Major or Intermediate.

In considering mitigation within the submitted design the ES notes that the site is located within an existing flood zone that has the potential for significant disturbance to residents, businesses and visitors. Overall, the OCOR scheme, including the proposed development, comprises the provision of a flood conveyance corridor from which many homes and businesses in Derby would benefit. The proposals for a flood alleviation scheme therefore already forms mitigation that is designed to reduce any potential effects on the loss of employment or residential properties within the city.

Socio-economic impacts at construction are divided into two categories in this chapter and they are, generation of temporary construction employment and the potential effects associated with disruption to existing land uses. Based on the likely construction costs and the approximate construction period of 1.5 years (subject to market conditions), the ES identifies that the proposed development may generate annual jobs equivalent of 17.7 permanent FTE construction jobs or 26.5 FTE for the construction period. In addition, a total of 26 jobs would be generated indirectly elsewhere in the supply chain. This was considered to result in a minor beneficial effect.

The assessment identified that the existing buildings proposed for demolition currently employ a total of 492 staff, with a proportion of staff assumed to be employed on a part-time basis and / or operating on a hybrid working basis. To facilitate the relocation of the existing businesses and reduce the potential adverse effects associated with the displacement of the existing employment, discussions with the occupants are stated as ongoing and appropriate compensation will be provided by Derby City Council should additional support be required to facilitate the relocation of the uses. The ES indicates that Derby City Council are actively supporting businesses in sourcing local office space to retain employment within the city centre. The significance of this effect is stated as minor adverse.

During the demolition and construction phases, the proposals would result in temporary disruption to the existing public area, namely Phoenix Green and Exeter Embankment. However, given the availability of other amenity facilities within surrounding areas and the short-term construction timescales, the temporary effect on those areas is stated as being limited with effects negligible.

Once completed and operational, the proposed enhancements and regeneration of the site is stated as indirectly resulting in likely increases in footfall from existing residents and visitors whilst also reducing the potential for anti-social and criminal activities in the area. In addition, given the nature of the proposed development, direct benefits to the existing businesses in the area from the reduced risk of flooding are also anticipated. The chapter indicates that overall, the operational phase of the development is considered to result in beneficial socio-economic effects, identified as minor beneficial effects.

Overall, no significant socio-economic effects have been identified for both the construction and operational phases of the development.

Conclusion

The ES concludes that the assessments outlined in the individual chapters show that if the identified additional mitigation is implemented during the design, construction and operational stages of the development, the majority of operational and demolition/construction stage effects identified can be appropriately mitigated and reduced to a level which is not considered to be significant. It notes that whilst the construction related effects may be considered significant, the construction time period is relatively short and as such their significance is not permanent. The summary of 'significant' environmental effects identified in the ES are as follows;

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Beneficial

- Landscape Character Operational - the character of the area along the river between Causey Bridge and Exeter Bridge, and the developed area north of this.
- Visual Effect Operational – improvements in views from four viewpoints, including Viewpoint 3 – Exeter Bridge (looking north-west), Viewpoint 11 – Exeter Embankment, Viewpoint 14 - Cathedral Green Footbridge (looking south) and Viewpoint 16 - Derwent Street, near junction with Phoenix Street.
- Socio-economic Construction: Beneficial effects associated with direct employment provision.
- Heritage Operational – Direct and indirect effects on the WHS
- Flood Risk and Water Operational - Increased storage capacity for floodwaters on the 'wet side' of the flood wall and reduction in flood risk.

Adverse

- Landscape Character Construction - character of the area along the river between Causey Bridge and Exeter Bridge, and the areas between Exeter Bridge and Holmes Bridge as well as the developed area north of this
- Visual Effects Construction – visual effects on Viewpoints 2 (Silk Mill Park), 3 and 4 (Exeter Bridge), 5 and 6 (Riverside Gardens), and 10 Phoenix Street).
- Visual Effect Operational – visual effect on Viewpoint 17 - Riverside path, opposite Bass's Recreation Ground
- Heritage Construction – Direct and indirect effects on the WHS
- Heritage Construction – Effects on Bakewell's Gates Grade I Listed Building and the Cathedral Church of All Saints Grade I Listed Building.

2. Relevant Planning History:

Application No:	22/01035/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	09/03/2023
Description:	Installation of pontoon mooring platform and formation of access path.		

Application No:	DER/05/18/00771	Type:	Full Application
Decision:	Granted subject to S106	Date:	11/08/2020
Description:	Erection of a new building providing 202 residential apartments (Use Class C3) including ancillary floor space together with associated car parking, servicing, site infrastructure and landscaping.		

Application No:	DER/07/16/00924	Type:	Full Application
Decision:	Granted subject to S106	Date:	20/12/2018
Description:	Demolition of existing office buildings and the erection of a new		

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

	building providing 105 apartments, ground floor commercial unit (A1, A2, A3) and car parking, including associated works, flood defence and a new substation.		
Application No:	DER/02/15/00210	Type:	Hybrid
Decision:	Granted Conditionally	Date:	04/12/2015
Description:	Outline application with full details of 'Package 1' for flood defence works along the river corridor involving; demolition of existing buildings, boundary treatments and flood defence walls, removal of existing flood embankments, vegetation and trees, the raising, strengthening, realigning and construction of new flood defence walls, embankments, access ramps and steps, demountable flood defences and flood gates, the construction of replacement buildings, structures and community facilities, alterations to road, footpath and cycleway layouts along with associated and ancillary operational development in the form of ground works, archaeological investigation works and landscaping works to reinstate sites with environmental enhancements included.		

3. Publicity:

- Neighbour Notification Letters sent 07/03/23, 17/08/23 and 13/09/23.
- Site Notices erected 20/03/23 and 18/09/23.
- Statutory Press Advert published 10/03/23 and 25/08/23.
- Other - A Statement of Community Involvement provides a summary of the public engagement undertaken by the applicants. It states that the consultation plan, prepared prior to the OCOR Package 1 planning application has remained in operation. The consultation programme includes engaging with residents, businesses and landowners, key stakeholders and professional partners. A suite of channels has been in place to enable local people and organisations to contact members of the project team and find out more about the project. These channels have included provision of email addresses, quarterly newsletters, and consultation events. Consultation activities undertaken include public consultation / information events, voices in action – Youth Council consultation, business community consultation and invitations to other stakeholders including Cabinet Members and Ward Councillors.

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

In response to the application nine individual objections have been received, three representations offering comments and one response offering support to the application. The issues raised in objection to the application generally relate to the following:

- The loss of freehold property and head office space in the city.
- Buildings proposed to be demolished having never flooded in the past.
- The proposals resulting in the displacement of a significant number of jobs that have been available in this part of the city for a long time.
- Staff displaced from offices that are to be demolished being a key part of the local economy.
- Alternative technical solutions should be considered to address flood risk and allow the offices proposed for demolition, to remain.
- The probability of extreme flooding appearing unlikely and the provision of further flood defences shouldn't be a priority for the City Council.
- The demolition of three good office buildings just because a single bridge cannot be modified is not good value for the taxpayer.
- The impact of climate change not being well understood or agreed on by expert's and should not be used as a basis on which to decide to demolish office buildings.
- There being insufficient office space in the City Centre to replace that proposed to be lost.
- The Council should build a flood defence that protects the office buildings and modifies Exeter Bridge.
- The flood wall removes access to existing offices by vehicles and pedestrians (including elderly, disabled and vulnerable people) and removes access to the front door, letter box and disabled parking of retained offices.
- The proposals removing off street and on street parking that serves retained businesses making them unattractive and unviable.
- The development effecting staff and users of retained businesses right to light.
- The flood wall should be constructed on the west side of Stuart Street.
- Loss of safety and security for retained businesses.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

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- The proposals making existing businesses unviable for safety, security and access reasons.
 - The proposals signaling that the City Council do not consider businesses in the City Centre to be important.
 - The application providing insufficient detail for retained business to understand how the proposals will affect them.
 - A lack of proper consultation with businesses effected by the development and no understanding of the timescales associated with demolition, construction and enabling works.
 - The ES being incomplete as the impact assessment in the socio economics chapter does not consider impacts on retained businesses.
 - The application failing to properly consider the impact on the existing substation next to the Nat West.
 - Previous flood defence works upstream and downstream having exacerbated flooding circumstances in this area.

The three representations involving comments on the application are mainly seeking additional information and clarity on the proposals and timescales for the construction works.

The letter of support notes the protection the defences would provide to businesses on Raynesway along with other significant parts of the city as well as key roads and infrastructure. It states that the need for business to evacuate as a result of flood risk is disruptive and costly for the businesses, their workforces and customers.

5. Consultations:

5.1. Highways Development Control:

1.0 Introduction and Background

This application for Package 2 is not proposing any new land use development that might change traffic levels on the network. As such, the main issue for Highways Development Control is to consider highway safety on the adopted highway. This is in terms of where the flood defence infrastructure physically impacts on the highway, and any changes that might occur to the highway layout, footways and cycleways.

It should be noted that the proposed Package 2 scheme has significantly less impact on the adopted highway layout than the indicative scheme that was put forward in the Outline Application (02/15/00210). Indeed, the indicative outline scheme included the closure of Phoenix Street and Exeter Place, and a new highway connection between Derwent Street and Meadow Lane. These proposals would have had a major impact on the routing of vehicles, buses, cyclists and pedestrians in the North Riverside area.

The proposed Package 2 scheme retains much of the existing highway layout and avoids completely remodelling access arrangement for businesses and residents. The scheme does propose some significant changes to the layout of Derwent Street, Stuart Street and Phoenix Street. These changes are reviewed as part of the

comments on the application. However, many of the changes do not require planning permission because they are within the adopted public highway.

The changes to on-street parking bays and the reversal of the one-way system on Stuart Street and Phoenix Street will be subject to a Traffic Regulation Order, which is a process that sits outside of the planning process. As such, Members of Committee need to be aware that in granting planning permission to this application that they are endorsing the principle of the access strategy.

The scheme is to be delivered by Derby City Council, consequently there is no need for any agreements under S278 of the Highways Act 1990 because in the capacity as the local highway authority the applicant has the power to make changes to the public highway. For the avoidance of doubt the following comments do not consider any impact on highway drainage and/or the physical design of the flood alleviation scheme, including the suitability of the proposed structures.

1.2 Local Planning Policy

Within the Derby City Local Plan Part 1, the proposed flood infrastructure is referred to as Our City Our River. It is included throughout the plan across policies including place making, the city centre and major development allocations.

In terms of transport AC7 on the River Derwent Corridor states that proposals will be required to contribute to:

- (d) creating a high quality river corridor that maximises the river corridor's leisure and tourism potential and enhances its links to the City Centre.
- (e) promoting the River Derwent Corridor as a sustainable transport route for walkers and cyclists, providing access and connectivity along the riverside.

In general transport terms CP23 states that the Council will support development proposals that:

1. Promote greater travel choice and equality of opportunity for all through the delivery and promotion of high quality and accessible walking, cycling and public transport networks, while maintaining appropriate access for car users and the movement of goods.
2. Include initiatives to manage down traffic impacts, promote sustainable transport and the development of accessible sites.
3. Contribute to better safety, security and health for all by improving road and rail safety, improving security on transport networks and promoting active travel.
4. Contribute to tackling climate change by developing low-carbon travel and lifestyle choices, including the provision of infrastructure to support the use of low carbon vehicles, active travel and reducing the need to travel through the provision of improved IT infrastructure.
5. Support growth and economic competitiveness by delivering reliable and efficient transport networks that will enhance connectivity to, from and within the City.

-
6. Ensure that investment in transport contributes to the enhancement of the urban and natural environment.

2.0 National Planning Policy Framework (NPPF)

The 2010 coalition government introduced the NPPF and set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State would use NPPF to consider the suitability of the above proposal should the application go to appeal.

Paragraph 110 of the NPPF says: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

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

Paragraph 111 of the NPPF says: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 113 says: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Considering that the application is not proposing any new land use development, Highways Development Control only has comments to make on access and safety. However, the provision for cyclists and pedestrians as a result of the flood defence scheme, will influence sustainable travel connections through the North Riverside area and the uptake of these modes.

2.1 Safe and suitable access

The proposed changes in Package 2 include creating a flood conveyance corridor that allows the river Derwent to flow around Exeter Bridge. In essence this forms the boundary of the flood defence wall, which follows a line that includes most of Stuart Street, and crosses Derwent Street and Exeter Place. In order to provide access to the properties on Stuart Street, and to allow vehicles from Nottingham Road the ability to U turn, when the river is in flood and the flood gates are closed, some permanent changes are required to the highway network to maintain access to the area.

Changes Derwent Street, Stuart Street and Phoenix Street Traffic Management Layout

Figure 1 provides the general layout plan submitted as part of the planning application. It shows that the existing one-way system along Stuart Street and Phoenix Street is proposed to be reversed in direction, so that vehicles enter Phoenix Street and leave by Stuart Street. This then allows access to be maintained to the Riverside Court flats on Stuart Street, during flood events when Stuart Street is closed, which is explained in more detail in the next section.



Figure 1: Proposed Flood Gate and Traffic Management Permanent Proposals for Derwent Street, Stuart Street, and Phoenix Street

To enable the change in the one-way layout, the existing priority-controlled T-junction at Derwent Street/Phoenix Street will be replaced by a mini-roundabout with an exit-only towards Phoenix Street. The mini roundabout will allow U turns on Derwent Street to take place in a single location designed for that purpose. The roundabout will manage the additional U-turns that will occur when the flood gates on Derwent Street are closed. Pedestrian refuges at the roundabout will improve the crossing facilities on Derwent Street.

The Phoenix Street/Stuart Street junction will require some minor changes to its layout to allow for the change of direction and priority when the one-way direction is reversed. All the other roads and junctions will operate as existing, although with slightly different volumes of traffic. The impact of the scheme on the capacity of these junctions has been tested in the Transport Assessment and is expected to be negligible. Further, the mini roundabout has also been tested and swept path analysis undertaken.

Derwent Street is currently 14 metres wide, with 2.4 metre wide parking bay on each side of the road, effectively providing a 9.2 metre wide carriageway. The final design will need to be consistent with any proposals to amend the cycle facilities across Exeter Bridge. There is currently a shared northbound cycleway/footway across the bridge and cyclists re-join the main carriageway before the Stuart Street junction. It is proposed to narrow the Derwent Street carriageway to 7 metres to allow the creation of wider footways, public realm and swales. The swales are a necessary part of the flood defence scheme to take highway water run-off. The highway drainage has to be separated from the sewage system because of the risk of flooding.

Further, Derwent Street has to be physically narrowed in order to provide the flood gates and an area that they can swing back and be stored. As such separate flood gates will be provided for on the footways. For example, such as those already provided on Exeter Bridge, see Figure 2 below.



Figure 2: Flood Gates on Exeter Bridge

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Footways around the flood gates will be designed with a minimum width of 1.5 metres. However, in most cases they are wider than this.

Cyclist and pedestrians will be able to use the hard surface links through the new riverside park that will be created adjacent to Stuart Street. This will provide an off-road route between Derwent Street and Phoenix Street, including the provision of a ramped path through Phoenix Green linking to Phoenix Street opposite the steps to the St Alkmund's Way Overbridge. The riverside park and links will not be part of the adopted highway but they will be maintained by Derby City Council.

Changes to Exeter Place Meadow Lane and Meadow Road Traffic Management Layout

Figure 3 provides the general layout plan submitted as part of the planning application for the section of flood defence from Exeter Place to Holmes Bridge.



Figure 3: Proposed Flood Gate and Traffic Management proposals for Exeter Place and Riverside Cycle Path Adjacent to Meadow Road

The flood defences do not have a significant impact on the highway layout in this areas. A flood gate will be located on Exeter Place on the south side of Exeter House. Some improvements will be made to the footways and the area of land to the back of the tap will be made into public realm. The next section explains what happens on Exeter Street when the flood gates are closed.

The riverside path south of Exeter Place will be widened, to around 4 metres, and improved to provide a consistent width and better facilities for cyclists. There will be a flood gate located adjacent to Exeter Embankment to allow access through the flood defence onto Meadow Road.

Figure 4 provides the general layout plan for the last section of the flood defence from Holmes Bridge to the old Telegraph building.

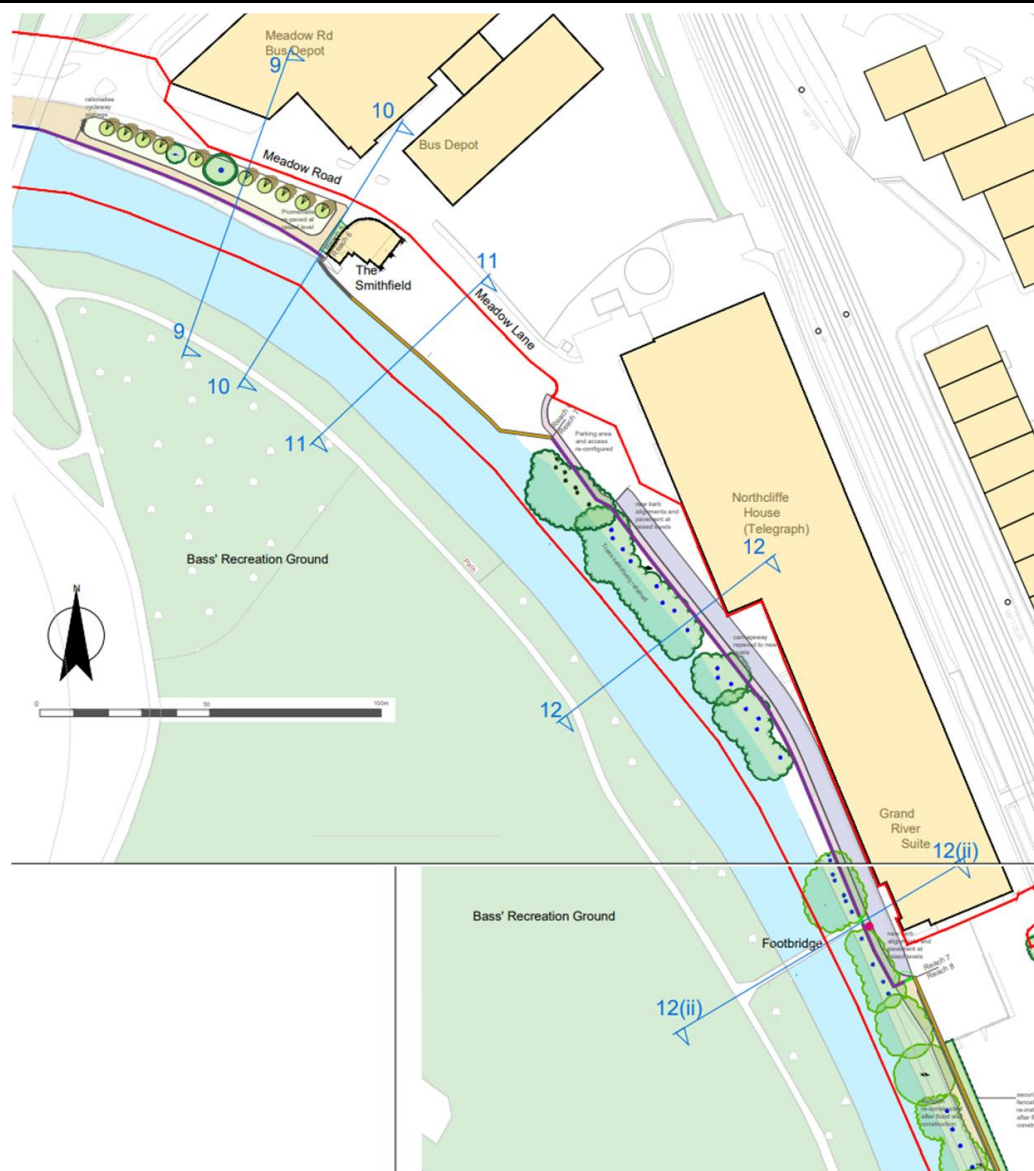


Figure 4: Proposed Flood Gate and Traffic Management proposals between Holmes Bridge and the Old Telegraph Building

The flood barrier will run along the riverbank with Meadow Road and the footway/cycleway on the north side of the barrier, so there will be limited impact on travel along this road when the flood gates close. Vehicular access to the bus depot and Grand River Suite building will be unaffected by the closure of the flood gates. There will be pedestrian flood gates at the south end of Meadow Lane where the riverside path crosses the flood barrier and at the Telegraph footbridge. Access across the footbridge and to the riverside path to the south will be prohibited during flood events.

It should be noted that footbridge and flood gate are not located on the adopted highway. As such, if the land is in third party ownership then the street owner's permission will be required to construct the proposed flood gates.

2.2 Changes to Parking.

Traffic Management colleagues and Parking Services have been consulted on the changes to the highway network. Around 32 on-street spaces will be lost as a result of the scheme. These spaces have been removed from the flood conveyance corridor on Stuart Street and as a result of suds drainage features, which need to be constructed on Derwent Street. This is to separate the drainage system within the flood corridor from the main network. Around 13 spaces will be left on Phoenix Street, although, there maybe potential to provide some more on Derwent Street.

Further, the scheme will require amendments to traffic regulation orders. This will include providing the one-way system on Phoenix Street and Stuart Street, and waiting restrictions to protect roads within the flood corridor from parking. The TRO process sits outside the planning application and will be subject to separate a public consultation.

2.3 Transport Impacts During a Flood Event.

In a flood event the flood gates will be closed, which will have a temporary impact on access to the North Riverside area and the route choices that vehicles will be able to take.

Signs, cones, pedestrian barriers, vehicles and a DCC staff and Police presence will be required at separate locations and times. Communication of the plan will be vital in removing people from the flood zone, preventing them from entering the area or maintaining access for emergency vehicles, buses and residents. Where routes will be affected by the closures it will be necessary to communicate this clearly, using a variety of media.

The following traffic management is likely to be required in order to manage the closure of Stuart Street and Exeter Bridge in a flood event:

- Two-way traffic on Phoenix Street.
- Introduction of temporary traffic signals at the junction of Phoenix Street and Derwent Street to provide shuttle-working on the narrow section of Phoenix Street between Crompton House and Machine Mart.
- Temporary suspension of the parking bays on Phoenix Street
- Removal of the splitter island, signs and road markings at the Stuart Street / Phoenix Street junction to allow two buses to pass.
- Temporary Traffic Regulation Orders to enable two-way traffic movements on Phoenix Street and the remaining Stuart Street access road to Riverside Court.
- The potential need for a temporary turning head at the end of the remaining Stuart Street access road to Riverside Court.

Figure 5 shows the proposed routes that vehicles will take during flood events. Route 1 is on the reversed one-way route and access to Riverside Court, Route 2 shows the two-way section of Stuart Street and the temporary exit route along the Phoenix Street bus gate, Route 3 shows the location of the proposed mini-roundabout at the Derwent Street / Phoenix Street junction, Route 4 shows the proposed two-way

access to Exeter House along Exeter Place and Route 5 shows the location of a road closure for the Derwent Street underpass.

Bus services will need to be suspended or re-routed during the closure. Routes to and from Mansfield Road should be able to use an alternative route along the Inner Ring Road.

A more detailed explanation of the temporary traffic management strategy for a flood event is contained in the Section 5.8 of Transport Assessment, submitted in support of the planning application.

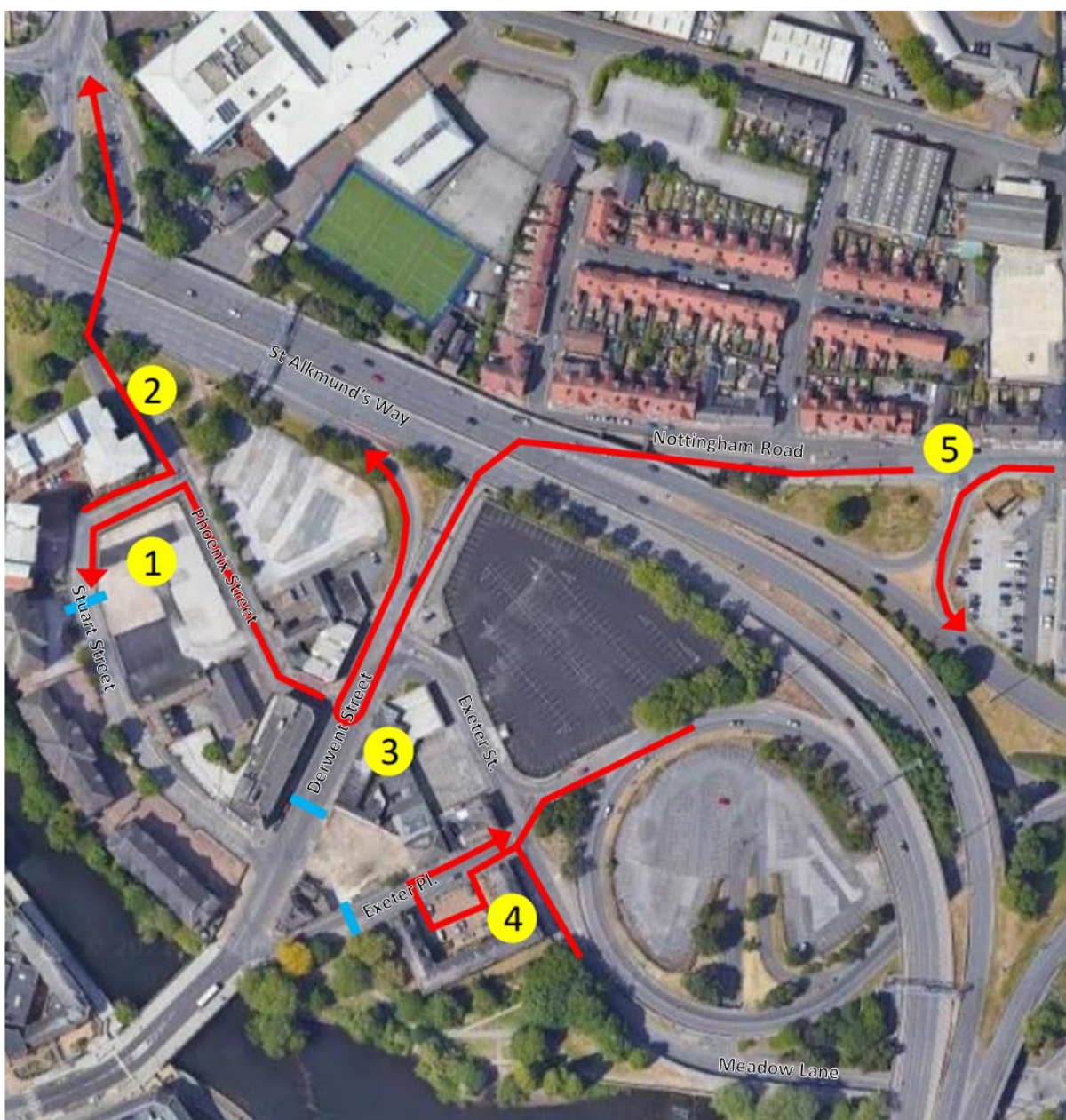


Figure 5: Temporary Highway Diversion Routes During a Flood Event

The legal power to implement the emergency closure of the flood gates will be done through The Civil Contingencies Act 2004. As the Lead Local Flood Authority, Derby City Council maintains a Local Flood Risk Management Strategy. This document

and the accompanying Traffic Management Plan will be updated to incorporate how the Package 2 flood infrastructure will be managed in the event of a flood.

As the impacts of the closure of the flood gates are temporary, and required to secure the safety of residents and businesses in the area, Highways Development Control does not have any comments on the scheme. It should be noted that Traffic Management has been consulted on the scheme.

3.0 Conclusion, Notes and Suggested Conditions

The proposed Package 2 scheme retains much of the existing highway layout and avoids completely remodelling access arrangement for businesses and residents. The scheme does propose some significant changes to the layout of Derwent Street, Stuart Street and Phoenix Street. The Transport Assessment submitted in support of this application demonstrates that the permanent changes to the network, as a result of the works required for the flood defence, do not have any material impact on the operation of the network. Further, the improvements to public realm and pedestrian and cycle network will have a benefit for sustainable travel modes. As such, the Highways Development Control does not have any objections to the proposed scheme.

3.1 Suggested Conditions.

Conditions will need to be agreed with the applicant and these are likely to include the following.

Condition 1

No development shall commence unless or until a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations. The construction works shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of highway safety.

Condition 2

Any changes to the engineering design of the flood defence scheme, contained in drawings 0103 P03, & 0104 to 0106 P02, which impact on the highway should be submitted and agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

Condition 3

Before the flood defences become operational, a Traffic Management Plan shall be submitted and agreed in writing with the local planning authority. The plan should set out the strategy to redirect people and vehicles to alternative routes and maintain access for the emergency services, buses and residents affected by the road closures.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Reason: In the interests of highway safety.

Suggested Notes to Applicant

1. Any part of the public highway which it is proposed is to be stopped up will be subject to the process as defined by S247 of the Town and Country Planning Act 1990 (as amended). Any area of highway to be stopped up will require the consent of the Highway Authority.
2. The proposals outlined in the application will require amendments to traffic regulation orders. It should be noted that changes to traffic regulation orders involve a public consultation process that can attract objections and is therefore not certain.
3. DCC's emergency plan relies on support from Trent Barton and the above proposals should be discussed with DCC emergency planning team.

5.2. Highways (Structures):

The 'Package 2' site boundary includes or is adjacent to a number of structures that interface with the adopted highway or there is public access to. These are a mixture of both private and DCC owned assets. Modifications to, or demolition of any of these structures may trigger technical approval processes under the DMRB standard CG 300. A submission from the applicant to DCC as Technical Approval Authority (TAA) following the principles and procedures of the standard may be required ahead of any construction/demolition/modifications taking place in order to agree and approve the changes. The attached flowchart illustrates the procedure for obtaining technical approval.

The identified structures within the 'package 2' area are noted below along with their DCC asset database ID numbers:

1. 56/37/71 A601 Causey Bridge
2. 56/47/17 A601 Causey Bridge – Phoenix Street Retaining Wall
3. 56/46/48 A601 Phoenix Street Underpass
4. 56/46/45 A601 – Phoenix Street Underpass Steps South
5. 56/36/90 Cathedral Green East Bank Riverside Retaining Wall
6. 56/35/75 Cathedral Footbridge
7. 56/44/71 Exeter Bridge
8. 56/54/10 River Derwent – Exeter Place Gardens Retaining Wall
9. 56/23/26 Derby River Gardens – Exeter Bridge Weir
10. 56/63/54 Derby River Gardens – Longbridge Weir
11. 56/64/50 A601 Darwin Place – Meadow Road Retaining Walls
12. 56/63/69 A601 Darwin Place – Meadow Road Pump Chamber
13. 56/64/70 A601 Darwin Place Car Park Bridge

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

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14. 56/63/77 River Derwent – Meadow Road Retaining Wall West
 15. 56/73/28 River Derwent Footpath – Meadow Road Retaining Wall
 16. 56/73/55 A601 Holmes Bridge
 17. 56/74/31 A601 Holmes Bridge – Meadow Road Pedestrian Ramp
 18. 56/74/41 A601 Holmes Bridge – Darwin Place Bridge Retaining Wall
 19. 56/74/52 A601 Holmes Bridge Sign Gantry
 20. 56/83/25 River Derwent – Meadow Road Retaining Wall East
 21. 56/83/71 The Smithfield Public House – River Derwent Retaining Wall
 22. 66/01/03 Bass' Recreation Ground – Meadow Lane Footbridge (note this is privately owned)

Of these assets, the proposals on Reaches 4 and 5 appear to have the greatest potential impact on structures - affecting № 5, 7, 14, 15, 16, and 20 from the above list.

The creation of any new highway structures as part of the development may also be subject to the same TAA processes, and ideally, technical approval should be completed prior to the commencement of construction of any new highway structures on the site. Typically, these might include, but are not limited to: earth retaining structures over 1.5m high, culverts over 900mm span/diameter, bridges, noise barriers, masts, gantries, catenary lighting supports, etc.

The previous OCOR package involved the construction of numerous sections of flood walls – some of these have been susceptible to damage (stone cladding removed) and graffiti. The repair, cleaning, and maintenance needs for the new defences need to be carefully considered, as some of the previous walls have proven challenging to maintain in the short period of time they have been in service. Access to the 'wet' side of the walls to remove graffiti needs to be considered or alternatively, anti-graffiti treatments and anti-vandal fixings should be encouraged.

Finally, in addition to the direct proposals – changes to the highway layout around Derwent Street, Stuart Street, and Phoenix Street - with the introduction of a mini roundabout and alterations to the one-way system will need to consider the existing signing and road marking schedules and the impact on visibility with respect to the two low bridges in that area (Phoenix Street Underpass and Derwent Street Underpass). The proposals appear to offer good opportunities to improve upon the existing arrangements. Site traffic will need to be mindful of the limited headroom and restricted access on the north riverside due to these low bridges.

5.3. Land Drainage:

This project is in accordance with the LLFA's requirements in all respects and is welcomed as an addition to the city's river scene.

5.4. Conservation and Heritage Advisory Committee:

The committee considered the revised scheme at their meeting on 12/10/23 and resolved the following (to note that the minutes of this meeting have not yet been formally confirmed):

No Objection.

The previous time this application came to CHAC, they had no objection subject to refinement of the materials used in certain locations in particular the removal of use of the concrete pressed wall in some sections. They regretted the loss of some locally listed buildings such as Crompton House but noted the retention of Exeter House.

In the new proposal for Reach 1 opposite the Silk Mill, the walkway and ramps were changed to exposed aggregate. Reach 2 also used aggregate. This material was used because of the narrowness of the site. Stuart Street to Derwent Street used plain concrete, from Derwent Street to Exeter House was brick clad and has plain concrete near car parks. For the approach to Holmes Bridge timber panels with Harbour Wall finish, some glass panels above the concrete under the bridge. At Smithfield a combination of concrete wall to the wet side and Harbour imprint to dry side. It would be pressed concrete to give an appearance of Harbour timber.

CHAC noted the flood defence wall opposite the Silk Mill where all residential properties were defended, but not the offices. The officer confirmed the office buildings were to be demolished. There was a mix of treatment to achieve the necessary defences. Riverside was defended then went back to undefended. CHAC queried how the walkways and gangways would be transitioned. It was explained that was part of the package, cultural threads information would be used with Art, and members were asked to comment/feedback as individual groups direct to the case officer.

CHAC felt the principle was ok with the mix of finishes which was better than the original concrete idea. They were concerned about the images of board and if they would be in brown, would this colour be inherent in the cement, as a concrete-coloured wall would be depressing, it needs to look like hardwood timber. The officer explained there was no level of detail, CHAC asked for more clarification.

One member was concerned about the demolition of the three office buildings and felt they should be retained and re-used. The officer explained that the demolition was a part of the master plan. Extensive discussions had taken place regarding the buildings to be demolished and if they should be saved, Exeter House was not going to be demolished as a result. Another member expressed regret at the loss of Crompton House which was locally listed. The officer explained the proposal was for the whole stretch in terms of water movement, property was protected in Darley Abbey. However, this stretch had been remodelled which meant Exeter House and the Brewery Tap would remain but not Crompton House.

The Chair explained the decision should be looked at in the context of the public realm benefits that would come. The principle and changes detailed were ok, but there was some concern about concrete being the dominant material, the cement being coloured brown should help to alleviate this.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

CHAC felt the loss of Crompton House was regrettable but noted retention of the Brewery Tap and Exeter House. They noted the public realm benefits. The principles were felt to be acceptable, and the changes made an improvement. Further details were needed visually of the concrete walls and the colour control of the imprinted timber harbour wall. There are two visuals given in the D&A and confirmation that the proposal was not a grey concrete colour should be provided. The cultural threads information was noted, and that members were asked to comment/feedback as individual groups direct to case officer.

5.5. Built Environment:

Updated comments provided October 2023:

Heritage conservation comment - These comments are made in the light of the Planning (Listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance including the National Planning Policy Framework (2023), Historic England guidance, the relevant Local Plan Review January 2006 saved policies, Derby Local Plan - core strategy (2017) and other relevant guidance.

Amended and additional information submitted. Original comments supplemented with text in bold italics and recommendation reviewed.

Heritage Assets affected –

There are a number of heritage assets affected by these proposals ranging from very high heritage value to low heritage value. This site relating to this application is located to the north-eastern side of the river Derwent and the red outline of the site includes area of the river Derwent which is located within the Derwent Valley Mills World Heritage Site (DVMWHS) most of the northern part of the scheme is within the DVMWHS buffer zone (its immediate setting). To the north of the site is the grade I listed Bakewell gates and stone piers and grade II listed Former Silk Mill (now the Museum of Making) is to the western bank of the river as is the grade II listed former Magistrates Court further south. The area is to the east and north-east of the City Conservation Area and to the south-west of Nottingham Road Conservation Area. These are designated heritage assets. In terms of locally listed buildings Crompton House, which is proposed to be demolished and principle has already been approved under the original OCOR application, is located on Derwent Street. There are also the TA Centre off Phoenix Street, Exeter House, Exeter Arms and The Smithfield public house to the north-east bank of the river and the Council House to the west of the river. These are classed as non-designated heritage assets in NPPF terms.

Impact of proposals on Heritage Assets and comments –

This proposal is for a series of flood alleviation measures along the Derwent to help protect buildings and properties within the city centre. Previously approved scheme 02/15/00210 was an outline application with full details for package 1. The outline accepted the principles within this area. This application works up the detail of this area as package 2. The scheme, following remodelling, now retains locally listed

Exeter House, which is welcome, but maintains the loss of Crompton House. This is unavoidable and unfortunate.

There is a substantial amount of information within this application. Suggest the plans and information submitted reviewed to make sure that they are consistent and clear in terms of facing material as the choice of facing materials will make an impact on the setting of the DVMWHS, listed buildings and locally listed buildings and sense of place. Suggest in some cases impact on setting/significance is reduced by material choice and palate simplified. Concern about use of concrete walls with imprinted block coursing (including where replacing or adjacent to existing high quality natural stone walls) and exposed aggregate rendered wall. ***Imprinted concrete block coursing amended to imprinted concrete with a vertical timber imprint to emanate a harbour wall. No issue with this in principle subject to appropriate agreement of colour and sample. Note different colours shown within application. Suggest aggregate wall finish might be acceptable but once again suggest this is subject to acceptable design detail of sample.*** No issue with principle of brick (***this is still the case***), concrete with imprint which is artist led or exposed sheet piles if further south of area (beyond The Smithfield locally listed building) if location is appropriate. ***Suggest samples and further visuals obtained of each proposed material.***

Although the wet side of the wall will be the main view from many of the heritage assets there are areas, for example views from Exeter House and the TA centre, where the views to a heritage asset is from the dry side so the dry side of the wall is also important to consider as is the environment created on the dry side in some locations. ***Suggest more details submitted in relation to the dry side of wall where heritage assets nearby and being left concrete to ensure the setting of these heritage assets is not detrimentally impacted.*** A Heritage and Archaeology chapter and a Heritage Impact Assessment have been submitted.

The impact of proposals - The sites red line covers a very small part of the DVMWHS and river, so most is within the buffer zone as its immediate setting. There are three UNESCO monitored views within this area. One view is from Exeter Bridge looking north to the Silk Mill, one from Causey Bridge (also known as St Alkmund's Way flyover) looking south -west to the former Silk Mill and one from Cathedral Green looking across Cathedral Green to the Silk Mill. There are also additional views which are static and kinetic (when moving through the northern part of the site and from the former Silk Mill) when looking at the impact on the DVMWHS and its setting. ***The impact of implementing proposals on the Exeter Bridge view*** will result in the three modern buildings to the north-eastern bank being removed which is a change but a neutral ***impact*** rather than a negative one. There will be no impact on the view from Causey Bridge looking south to the former Silk Mill. The proposed flood walls will be seen in views, including the monitoring view, from Cathedral Green view this will be evident in the distance backdrop to the former Silk Mill, Bakewell Gates and river albeit on the opposite side of the river. There will be an impact, but this visual impact could be reduced if high quality material, such as brick, is used to the northern part of the wall rather than concrete (to reach 1 and 2). Noted that concrete would blend into Causey Bridge, but question whether concrete is the visual aesthetic needed when within and experiencing this area from a pedestrian point of view. In front of Riverside flats, a pinch point would be created next to the access to the

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

bridge so if there is anything that could be done to enable the walkway width to be retained and enhance the pedestrian experience this would be helpful. Brick, perhaps with glazing in relationship to the windows to car parking to assist natural surveillance, would be preferred in front of the flats and this material would be visually recessive in views so would be preferred if this is possible in this location. Suggest clarification at junction between materials is clarified and further detailed design worked up on reach 1 and 2 etc which are the most sensitive to the setting of the DVMWHS. ***Further information noted.***

The views to and from the Grade I Cathedral, Grade I Bakewell Gates and Grade II listed former Silk Mill highlight that the proposals to the north of the site have the most impact on setting, although this would be limited and on the opposite side of the river. The suggestions regarding the material are the same as suggested above.

The flood wall will be seen in the distance in views from the western riverbank, for example from the grade II listed Former Magistrates Court so impact would be limited.

There will be large degree of harm and negative impact on the locally listed Crompton House which is to be demolished (this has already been given permission through the outline). This is a shame, and it would be preferred if this this fine 1938 building could be retained ***ideally in full or in part.*** If it cannot then suggest investigation into reuse of materials, hard landscaping could reflect former layout of Crompton House and retention (repair and maintenance) of the Smith's clock and natural stone plinth within this immediate area. ***These comments are still relevant.***

There would be an impact on the setting of those locally listed buildings nearest the flood alleviation measures such as Exeter House and The Smithfield and the impact will depend on the materials used to the flood wall and their details. Suggest to Exeter House this is changed to brick with glazed panels as the Exeter House is predominantly brick with small panels in painted brick with mosaic, rather than render, to the elevation facing the river. ***Changes have been amended to brick in this area as suggested.*** The Smithfield is also a locally listed building. A long stretch of the wall to the north adjacent is stone clad wall, so a change to concrete seems to be a retrograde step and there is a historic stone wall adjacent to The Smithfield that should be retained in situ. ***Suggest review and condition, should you be minded to grant permission, to control and address the concerns about the proposed change adjacent to and the impact on the existing historic stone walling adjacent to The Smithfield.*** Looking at the possible material visuals within the heritage statement there is concern about the grey coursed imprinted concrete which might look grey, ugly and visually oppressive. ***Change from block coursing to harbour timber imprinted concrete which may be acceptable subject to appropriate colour, preferably not grey concrete, and an acceptable sample. These details could be conditioned should you be minded to grant permission.***

The view from the city centre conservation across Exeter Bridge and beyond is important. The stone clad flood defence ***and flood gates*** adjacent between the locally listed Council House and listed former Magistrates Court has worked visually ***very well*** so suggest that the wall and details (and their immediate environs) are worked up for the new one across Derwent Street adjacent to Exeter House, within

the setting of these locally listed buildings, to ensure the design is to the same high standard. ***Comment still relevant.***

In summary there would be degree of change as a result of the proposals which has been identified in the HIA as an indirect 'moderate adverse change' (which is a fair assessment), due to the very high heritage value of the DVMWHS and impact on its immediate setting. There would be a positive impact of the overall scheme, with the exception of Crompton House, on heritage assets including the DVMWHS as a result of proposals to protect and mitigate them from flooding in the immediate area and ***along the Derwent.*** The impact on heritage assets seems to have been assessed appropriately. There is some intervisibility between the proposal and listed Cathedral, Bakewell Gates and Silk Mill as well as the former Magistrates Court and the proposals will alter their wider setting. There would be a substantial negative direct harmful impact on the heritage asset Crompton House as an asset of low heritage value. In terms of Exeter House there would be a degree of negative indirect impact on Exeter House's setting and that of The Smithfield (this is not mentioned in the submitted HIA) but as previously mentioned the wall will have a flood alleviation function. This impact in these locations can be reduced if the proposed wall cladding material is reviewed as outlined above. ***Wall claddings have been reviewed and suggest there might be scope for further improvements adjacent and upstream to The Smithfield as a locally listed building and its setting. These details could be conditioned should you be minded to grant permission.***

The impact would be limited on the setting of the Council House, City Centre Conservation Area as it will be on the opposite side of the riverbank and to Nottingham Road Conservation Area, further east of the ring road, and locally listed TA building due to their location. However, the view from the City Conservation Area across Exeter Bridge is an important one. Suggest clarification, simplification of material palette and amendments as highlighted above. Materials are also important regarding hard landscaping and ensuring quality. Suggest proposals for landscaping materials confirmed and details worked up. ***Suggest a hard and soft landscaping plan conditioned should you be minded to grant permission.***

Suggest there is a big opportunity for heritage interpretation / public art within the space created by this proposal both to the wet and dry side of the wall and real exciting opportunity for new place making. Suggest controls put in place for locations, timescale for delivery and quality checks to ensure delivery. ***Details of the 'Cultural threads' work which outlines heritage interpretation and public art have been submitted. Suggest that the precise details could be conditioned for agreement should you be minded to grant permission.***

Policies –

The Planning (listed building and conservation areas) Act 1990 para 66 and 72 as regards listed buildings and conservation areas are relevant here. As are E18 and E19 of the saved Local Plan Review (2006) CP20 and AC9 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in including para 189, 194, 199, 200, 202 and 203.

There is a degree of harm caused to the DVMWHS, listed buildings and City Centre Conservation Area as designated heritage assets. As regards to heritage policies in

the National Planning Policy Framework this proposal's level of harm (classified as less than substantial harm) should be considered under para 202. *'...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF,2021).* This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal, and this is undertaken Development Management Case Officer.

Regarding locally listed buildings (non-designated heritage assets) para 203 reads

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Recommendation:

No objection (subject to conditions regarding agreement for material samples and specific elements as outlined above).

Where there is this level of harm to designated heritage assets this harm should be weighed against the public benefits of the proposal, and this is undertaken Development Management Case Officer.

5.6. Environmental Services (Health – Land Contamination):

Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the development, other than within a land contamination context. In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects. I note that this proposal is part of a wider development programme for flood alleviation within the city and part of 'Package 2' was delivered under the 2015 consent and delivered between 2017-2020. Contaminated land was scoped out of the ES submitted for the site because detailed site investigation and risk assessment work was already proposed with some aspects already completed. Due to the potential for contaminated land to be present in a number of locations and the length of time since earlier investigations have been completed, updated risk assessments will be required prior to each phase of works. Where site investigations identify that remediation is required, this should be carried out and subsequent validation reports submitted to demonstrate that the remediation objectives have been achieved. We therefore request that the following conditions, or similar, are attached to any planning permission granted:

Before commencement of the development, a Phase I ground contamination study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and all plausible pollutant linkages with respect to future site users and controlled waters. A Phase I Desktop

Study Report will be required for submission to the Local Planning Authority for written approval prior to commencement of the development. i) Where the Phase I Assessment has identified potential contamination, a Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the development. A risk assessment will then be required to determine the level of potential risk to end users of the development and to controlled waters. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of the development. ii) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks. The Remediation Strategy shall be submitted for written approval by the Local Planning Authority prior to commencement of the development. iii) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full and that all significant risks to users of the development and controlled waters have been removed. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

I have no other comments to make on the application regarding contaminated land at this time.

5.7. Environmental Services (Health – Noise):

With regards to the above planning application, a noise and vibration assessment was undertaken for the proposed demolition and construction noise from the proposed development at Derby Riverside, DE1 2EB. The results indicate that the noise levels at the façades of the existing noise sensitive properties and ecological sensitive receptors will exceed criterion in several locations in accordance with BS 5228-1 and TIDE. However, with the mitigation strategy outlined in the assessment and mitigation measures outlined, all sensitive receptors and ecological receptors are expected to be within the relevant noise criteria and therefore deemed acceptable.

Construction.

I note that the proposal will involve some demolition and building works. Given the proximity of residential properties, I advise that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. Given the scale of the Development and/or its proximity to sensitive receptors e.g. residential dwellings, hotel, library, I would recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the Development. The statement will need to provide detailed proposals for the control of dust and other air emissions from the site, having regard to relevant guidance, for example guidance produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012). Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards. I

would strongly recommend the inclusion of a condition requiring the above, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.

I have no other comments to make on the application regarding noise at this time.

5.8. Environmental Services (Health – Air Quality):

1. I have reviewed the application information and I would offer the following comments in relation to Air Quality.
2. The application provides full application details for extensive flood defence works within the centre of Derby, further to the outline permission received in 2015.
3. Whilst the completed scheme has little in the way of air quality implications, the scheme does include extensive demolition and construction works over a relatively long period of time. Consequently, emissions from the demolition/construction phase of the scheme have the potential to influence local air quality, associated with road traffic emissions and also demolition and construction dust releases.
4. The application is supported by an Air Quality Assessment (Tetra Tech, Ref: 784- B032372, Dated: January 2023) and air quality is also considered within Chapter 7 of the submitted Environmental Statement in conjunction with this EIA application.
5. I have reviewed the submitted documentation and can offer the following comments.

Air Quality Assessment

6. The assessment considers both dust and traffic emissions associated with the construction activities allied to the development.
7. Emissions from road traffic associated with the completed development have been scoped-out of the assessment. This is agreed as logical given the nature of the operational development consisting of flood defences, which should not inherently affect traffic flows.

Construction Dust

8. The construction phase assessment considers the potential effects of dust and emissions using the qualitative risk assessment method based on the Institute of Air Quality Management's (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.
9. In the absence of mitigation, the assessment concludes a high dust impact associated with several stages of the construction works.
10. The report goes on to provide dust management measures in Section 7.0 designed to mitigate the potential impacts.

Construction Traffic Emissions

11. As mentioned, traffic-related emissions associated with the completed development have been scoped-out of the report, however a detailed air quality modelling assessment of construction traffic emission impacts has been provided for both particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2).
12. I note that 2019 monitoring data has been used in the assessment on the basis that this is the “most recent monitoring data within DCC”. This is not factually correct. We have monitoring data available right up to the present month which could have been utilised in the assessment, however as NOx concentrations are generally decreasing year on year, use of 2019 data is considered to provide a robust basis for analysis.
13. A total of 20 receptors have been modelled and the location of these is outlined in Table 4-4 of the Report.
14. The assessment also considers Ecological Receptors, however this Department is unable to comment on this aspect of the analysis as it falls outside our area of expertise (which is constrained to human health impacts).
15. The construction phase traffic assessment has been undertaken with a worst-case construction year of 2024.
16. The modelling tool, methodology and input data all appear appropriate.
17. Table 6-7 identifies the predicted development-related contributions associated with construction-related traffic in the year 2024.
18. The maximum predicted increase in annual average exposure to air pollutants at existing receptors due to changes in traffic movements associated with the proposed development is expected to be 0.14µgm-3 (NO2), 0.02µgm-3 (PM10) and 0.01µgm-3 (PM2.5) respectively.
19. In the case of PM2.5, the report incorrectly applies the old National Objective of 20µgm-3 which has now been revised down to 10µgm-3 under the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023.
20. In all cases, this is described as a ‘negligible’ air quality impact. I note that this conclusion is not affected by the fact that the PM2.5 Target is predicted to be exceeded in a number of locations (in both the ‘with’ and ‘without’ development scenarios). Non-Road Mobile Machinery (NRMM)
21. A review of NRMM is included in the report, however given that the specific details at this early stage of development are not known, a detailed assessment has not been provided.
22. Following the setting of a new PM2.5 target under the Environment Act 2021, it is notable that the emphasis on managing NRMM emissions has been shifted into heavier focus.
23. The report states that best practice measures would be implemented via a CEMP. Given the new PM2.5 limit value, it is my view that such a proposal should be made a requirement of the planning process.

Conclusions and Recommendations

24. The completed development is unlikely to have any impact on local air quality, however there are potential construction-related impacts associated with dust and also construction traffic emissions.
25. These have been appropriately assessed in the submitted assessment, which provides a useful indication that the development is not expected to cause any significantly adverse air quality impacts.
26. Consequently, the Environmental Protection team has no objections to the application on air quality grounds.
27. It is noted however, that the potential for construction dust impacts could be significant if not adequately mitigated. Subsequently, it is strongly recommended that an appropriate Construction Environmental Management Plan (CEMP) is secured via an appropriately worded planning condition, notwithstanding that such a condition already exists under the earlier outline permission for this development and therefore this may already provide the relevant level of regulatory control without the need for a further condition.

I have no other comments to make on the application regarding air quality at this time.

5.9. Natural Environment (Tree Officer):

The submission of the BS5837 compliant AIA, AMS, tree retention/removal plans, and existing levels trees and features sheets are welcomed.

The retention/removal plans have identified numerous trees to be removed in order to facilitate the proposed development. Some of these trees are protected by Tree Preservation Orders (see section 4.2 of the AAIA). Other trees are worthy of a TPO however as they are owned and managed by the city council there was no expediency to make them subject to a TPO. Many of the trees provide important wildlife habitats. Many of the trees also provide significant screening benefits especially those along the north part of the river bank (sheet 1) and trees on the Exeter Embankment (sheet 2).

Trees are required to be removed to facilitate bank grading, river corridor conveyance and installation of the flood defence wall. Initial plans did show more trees being retained on the Exeter Embankment (G22) with selected trees to be removed in order to install the flood defence wall however it was not considered good arboricultural practice to remove trees within the group. Removing selected trees would leave trees that were accustomed to growing in a group suddenly being exposed. Not only would these trees look rather odd and one sided, but they would be more prone to failure.

Initial discussions explored the feasibility of retaining the protected Cedar tree T70. However existing constraints (services and highway) and required ground levels means that this significant tree would need to be removed.

The Hawthorn tree located on the riverbank within G38 and west of The Smithfield Public House has veteran tree features. Initially this tree was proposed to be

removed however given its importance it is now shown to be retained which is welcomed.

In places cycle path realignment is required within RPAs. Where this happens non-dig construction is proposed and is welcomed and acceptable.

Landscaping

I am only commenting on the tree element of landscaping. Considerable mitigatory planting is required. Where trees are to be planted within the hard landscape, they must demonstrate that trees have sufficient access to soil volumes for the trees to reach maturity and fulfil their function. Consideration must be given to incorporating Suds elements into tree pits.

Conclusion

There is no doubt that the proposed tree losses will have a significant negative impact on the landscape. It is extremely unfortunate that so many high quality trees need to be removed in order to facilitate the proposed flood defence works. Despite the tree losses I see no option but to allow the tree removals if the proposed flood defence works are to be installed.

If you are minded to approve this application, then it must be conditioned that a final BS5837 compliant AMS (including TPP) must be submitted and approved prior to commencement of works (including preparatory works).

A final landscape plan and schedule must be conditioned submitted and approved. Tree pit design must not be an afterthought. Where trees are to be planted within the hard landscape, they must show tree species target soil volumes and actual soil volume availability. The relevant recommendations of BS 8545:2014: Trees from nursery to independence in the landscape – Recommendations must be followed. Landscaping operations within RPAs must be included into the AMS.

Glossary:

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

5.10. Police Liaison Officer:

I have already had the opportunity to look over these proposals and walk the site area during pre-application consultations in June last year. Some amendments are noted, of which the inclusion of glass walling at key passing points is welcomed from a community safety perspective. I've nothing substantive to add to pre-app comments made on the 29.6.22. There is no detail of formal surveillance for the remodelled

public space between the river and Stuart Street. I'd ask that the provision of amendments and additions to the existing public CCTV system to provide supervision of this extended area is set as a condition of approval.

5.11. Environment Agency:

Updated comments received October 2023:

Environment Agency position – Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref B032372-TTE-00-00-AS-D-0001, revision P06, dated 6th September 2023 and compiled by Tetra Tech Limited) and the following mitigation measures it details:

- Property Flood Resilience (PFR) is to be installed on The Tap public house. The exact nature of the PFR is to be determined and agreed between the property owner and Derby City Council, as detailed within Section 6.3.22 of the report.
- Derby City Council are to produce an Emergency Plan which will detail the necessary steps to be taken in a flood event.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- To ensure that buildings impacted by the scheme are appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
- To ensure safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Note to LPA

The proposed scheme will slightly increase flood heights downstream of Derby during the design flood event. Planning permission granted under 19/00546/VAR, includes approved drawings within condition 4 for works downstream of Derby at Shardlow and Ambaston. It is essential that these works are undertaken prior to the commencement of Package 2 to ensure that flood risk is not increased to any sensitive receptors.

Note to Applicant

A report detailing breach of defences scenarios has been included in the Flood Risk Assessment. We do not require any further information for the FRA on this point,

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

however once the model is adopted as the main flood risk model for the River Derwent in Derby, we would appreciate having a GIS layer with the flood heights of the breach scenarios as data points through the floodplain. This will enable us to give accurate advice on land use planning proposals in this area. A 'combined' layer would run all the breaches together and take the highest level as the height for each data point. The EA may be able to assist with this if the modelled breach height grids can be supplied to us.

Environment Agency position – Biodiversity

The proposed development will only be acceptable if the following planning conditions are included.

The ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

Condition - Landscape and ecological management plan.

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- details of replacement marginal aquatic planting,
- details of where 1000 standard trees will be planted along the broad river corridor,
- details of the size, quantity and material of any riprap installed
- details of maintenance regimes,
- details of any other new habitat created on-site,
- details of number of and placement of bat and bird boxes,
- details of treatment of site boundaries and/or buffers around water bodies, including SuDs,
- details of management responsibilities.

Reason

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

Condition - Construction and Environment management plan

The development hereby permitted shall not be commenced until such time as a Construction Environmental Management Plan (CEMP) has been submitted to, and

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason(s)

To prevent pollution of the River Derwent. To ensure biosecurity measures are followed due to the presence of invasive non-native species including Himalayan Balsam, Japanese Knotweed and American Signal Crayfish. Mitigation against disturbance or injury to otter.

To provide mitigation to minimise effect to all habitats and species outlined in the report 'Derby Riverside, Environmental Statement Vol 1, Chapter 9 Ecology, Tetra Tech'.

Geomorphology Assessment Planning Reach 6 - The assessment suggests the flood wall will advance into the River Derwent by up to 1m. We understand that this will be sheet piled. We request that at the toe of the sheet piling rip-rap is placed to encourage retention of silt and vegetation to build up to improve the riparian corridor.

Biodiversity Net Gain

We are disappointed to note that in the updated BNG Report, there is now an overall net loss of biodiversity of approximately 23%. Although we acknowledge that use of the Metric and the 10% target is not yet mandatory, the loss is not in keeping with the Derby City Local Plan Part 1 – Core Strategy for Derby City Council, C19 Biodiversity policy, which states that the council will “seek to avoid, minimise and mitigate the impacts on biodiversity and contribute to the City’s ecological and geological resources resulting in net gain in biodiversity over the plan period’.

The BNG Report states that there will be no net change in river units because works are limited to habitats outside of the river channel and no works such as changing the river course or dredging are proposed. However, any works within the 10m bank top will affect the river unit assessment. From the General Arrangement plans, we note it appears as though there will be selective tree removal, river edge protection, a new drainage outfall and flood walls created within 10m of the river. As such, it is possible that there will a greater than 23% overall loss of biodiversity without sufficient mitigation. No such mitigation has yet been provided.

As that the applicant is the local authority, we recommend that they lead by example and seek to maximise delivery of widespread and strategic biodiversity, aiming for greater than 10% gains in each habitat unit type.

With regards to the BNG Report, we would expect the report to provide details about where the subreaches for the rivers assessment have been made and whether they have included the most impacted and most natural subreaches of the project site. This information has not been provided in the report. We also recommend that the pre- and post-development figures use the standardised UKHab mapping scheme.

Environment Agency position - Fisheries

Any works requiring access into the watercourse, especially if plant/machinery needs to operate within the channel would require review of the Risk Assessment and Method Statement (RAMS) and appropriate mitigation must be in place.

The main areas of concerns for fish ecology are:

1. Mobilisation of fine sediment – Silt deposits, often in the margins can be disturbed and mobilised downstream where fish and their spawning substrate can be negatively impacted. A suitable silt curtain or equivalent mitigation is required to retain the silt and avoid potential ecological damage. Any stockpiled spoil must be stored far enough away from the edge of the watercourse to minimise the risk of leaching and/or wind-blown soil entering the river during inclement weather conditions.
2. Pollution from fuels, construction materials, etc. – All chemicals and materials must avoid entering the watercourse. Toxic chemicals will not only impact fish, but may cause irreversible harm to aquatic macroinvertebrates and other aquatic ecology.
3. In-channel works must not be carried out during the fish close(d) seasons. As this section of the River Derwent supports healthy populations of both coarse and salmonid fish species, works should be scheduled outside of both closed seasons to avoid potential disturbance and/or harm to fish, their spawning substrate and eggs within it. N.B. Coarse fish closed season: 15th March -15th June inclusive. Salmonid closed season: 8th October – 17th March inclusive.
4. Fish passage - Temporary works which may require dewatering areas or restriction of channel width should not prevent fish passage. The River Derwent supports several migratory fish species and is classified as an Atlantic salmon migratory route and European eel migratory route, therefore the works must not pose a barrier to migration. We also hold EA fish survey records of protected species including bullhead, spined loach and lamprey species.
5. Water quality – The River Derwent is a WFD waterbody and no degradation of water quality should result from the works. If there is potential for works to cause changes in water quality (e.g. reduce dissolved oxygen levels or change pH), water quality monitoring should be carried out daily using a handheld probe or by installing a sonde downstream of the works.

Environment Agency position – Groundwater

The proposed development will only be acceptable if the following planning conditions are included.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing

by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

5.12. Derbyshire County Council Archaeologist:

The northern part of the site is within the Buffer Zone of the Derwent Valley Mills World Heritage Site, directly opposite the Silk Mill which is one of the key assets within the Derwent Valley Mills World Heritage. Previous phases of work on the west bank of the Derwent have located well-preserved water management features associated with the Silk Mill, and these of high importance because of their association with the World Heritage Site. The system of weirs, islands, bridges, and channels in this location extended beneath what is now the east bank of the Derwent within the northern part of the current proposal site. There is consequently potential for 'World Heritage' archaeology within the northern part of the site (OUV Attribute 1).

Also within the Buffer Zone downstream as far as Exeter Bridge are former industrial sites which used water from the Derwent for process reasons and presumably also for transport. These include iron foundries, dye works, saw mills and timber yards. This is associated with the proliferation of industry and 'new ways of life' triggered by the development of mills within the World Heritage Site, and therefore has potential to contribute to OUV Attributes 2 and 4.

The site is on the opposite bank of the Derwent from the medieval town of Derby and does not appear to have had bridged crossing points south of St Mary's Bridge, though informal jetties and boat crossing points may have been present. Activity on the east bank at this time is likely to have been sparse and small-scale, though below-ground remains may survive. There is also potential to encounter geo-archaeological deposits associated with development and management of the riverine landscape from the earliest times to embankment and canalisation in the 19th and 20th centuries.

The applicant has submitted the results of archaeological desk-based assessment, limited evaluation trenching and geo-archaeological/palaeo-environmental assessment during the development GI works. Although the evaluation trenching was limited by ownership and access issues it has established the potential for survival of industrial period remains within the footprint, and the GI palaeo-environmental assessment has established potential for waterlogged organic sequences from the mid Bronze Age on.

The scheme will therefore need to incorporate further archaeological work in line with NPPF para 205, to record and realise research benefit from the archaeological and palaeo-environmental remains to be impacted by the proposals. The appropriate scope of work is outlined at 10.6.1 and 10.6.2 of the Environmental Statement and I agree with these proposals. In short, further evaluation work is need to further target

resources to areas of heightened preservation and enhanced research potential, with a range of possible outcomes including targeted excavation ahead of the flood control works, targeted collection and analysis of palaeo-environmental samples in advance of or during the works, and monitoring of the ongoing works in whole or in part with provision for palaeo-environmental sampling where potential is identified.

This work should be secured by planning conditions in line with NPPF para 205 as follows:

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation."

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

Updated comments received September 2023:

Thank you for consulting on the amended information for the above scheme. The impact in relation to below-ground archaeological remains is essentially unchanged from previous iterations and previous comments are therefore still relevant in terms of assessed significance and the need for a post-consent scheme of work secured by condition in line with NPPF para 205.

I note the proposal for complete demolition of the locally listed Crompton House (Derbyshire Historic Environment Record MDR13850). Substantial harm/total loss of the locally listed building would equate to a moderate adverse impact in EIA terms 'the assessment of 'minor adverse' in the applicant's heritage statement is therefore inaccurate. The local planning authority should be further guided by its conservation officer and should weigh this harm in the balance against the benefits of the proposed scheme in line with the policies at NPPF chapter 16.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Should the loss of the locally listed building be accepted then it should be fully recorded before demolition in line with NPPF para 205, and this should be secured by planning condition.

I therefore offer a slightly revised recommended planning condition to incorporate both this historic building recording and the below-ground archaeological work previously recommended:

'a) No development, including demolition, shall take place until a Written Scheme of Investigation for archaeological work and historic building recording has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".

"b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

5.13. South Derbyshire District Council:

The site under consideration comprises of approximately 6.21 hectares of land and is located within Derby City approximately 5km to the north of the South Derbyshire District Council administrative area boundary. The application site comprises of part of the River Derwent and part of the land to the north of the river predominantly following and around the northern banks of the river. The site encompasses the riverbank itself, much of which is publicly accessible, built-up areas on the northern sections of the site between Derwent Street and the A601, along the eastern boundary at Darwin Place and along the southern sections at Meadow Road and Meadow Lane. South Derbyshire District Council would firstly like to reference consultation responses previously provided dated 28 March 2023 (SDDC Ref: DMOT/2023/0319) and 06 September 2023 (SDDC Ref: DMOT/2023/1102). It is initially unclear exactly what this re-consultation relates to. South Derbyshire District

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Council have contacted the Case Officer directly to request clarification on the amendments/ further information. No response has since been received. A review of the recently added documentation on the Public Access system has been undertaken. As outlined within previous formal responses, the potential implications of the development further downstream in Shardlow and Ambaston would require careful consideration, management, and mitigation. This has been referenced within the updated Flood Risk Assessment P05 Parts 1 to 7 dated 16 August 2023. Relevant management and mitigation will be required. Mitigation is proposed including as an integral part of the OCOR scheme at four locations downstream of Derby, to offset an increase in flood risk arising from the works upstream. The consideration in conjunction with the relevant technical consultees and implementation of these mitigations at build out stage would be required. South Derbyshire District Council has no objection to the principle of the development proposal. It is recommended that the Local Planning Authority at Derby City Council makes a decision in accordance with its development plan and under consultation with the relevant specialists as part of the planning process. South Derbyshire District Council would hereby like to request regular updates on the progress and outcomes of this project.

5.14. Office for Nuclear Regulation:

ONR does not advise against this development.

5.15. Cadent Gas:

Your planning application – No objection, informative note required.

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective; however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement. This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

To follow is a link to the Cadent plans provided:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201423658>

5.16. Network Rail:

In relation to the above planning application, we have the following observations to make. There is no objection in principle to the application. It is noted on drawing B032372 TTE 00 00 DR C 0106 P02 that it is proposed to tie into the NR embankment at the Derwent River Bridge and provide scour protection as necessary. Notwithstanding submitted drawings the exact details of these works should be the subject of a condition to be approved by the local planning authority in conjunction with Network Rail. To confirm this the applicant will need to enter into a Basic Asset protection Agreement (if it has not done so already) to take the design work forward. The question of scour protection is also important given the alterations to the channel upstream and again such measures will need to be examined in detail. If it is necessary to carry out works which are affixed to our bridge an appropriate licence will be required but again these are matters which would be covered in the first instance by our Asset protection team.

5.17. Derbyshire Wildlife Trust:

The proposed flood alleviation works are within and adjacent to the River Derwent. The river Derwent is designated as a Local Wildlife Site throughout its course within Derby City. The designation is primarily in recognition of the riverine habitat. The boundaries of the LWS typically follow the course of the river and do not include adjacent habitats within the stretch of river affected by the proposals. The river supports a wide range of species including fish, birds such as kingfisher, sand martin and various ducks and geese, bats (foraging and commuting) and otters to name a few. Several species formerly found along this stretch of the river have not been seen recently including water vole and white-clawed crayfish.

The proposals are accompanied by a detailed and comprehensive ecological assessment of habitats and species together with a Biodiversity Net Gain

assessment. These surveys provide a sound basis for the assessment of potential impacts and any mitigation and compensation measures that may be required. No further surveys are required at this stage, although further surveys may be recommended as part of precautionary measures and mitigation e.g., for otter (see recommendations).

Impacts on species have been fully assessed and the recommendations set out in the various reports are acceptable. These should be brought together within a Construction Environmental Management Plan (Biodiversity) for the works and implemented in full (a condition for this is recommended below). Impacts are limited to habitats of low nature conservation/biodiversity value such as amenity grassland, ephemeral vegetation, and tall herb as well as some broad-leaved woodland, shrubs and trees. The loss of the broad-leaved woodland is probably the most significant.

Biodiversity Net Gain Assessment

The application is accompanied by a Biodiversity Net Gain Assessment that is based upon the use of Defra's Biodiversity Metric 3.1. A full copy of the metric has not been made available, but the details have been presented in summary form with the BNG Assessment. The assessment of losses and impacts to habitats and watercourses and the proposed habitat creation and enhancements post development indicate that the proposals will result in a small net gain for habitats of 1.6 units or 3.95%. The river is not expected to be affected and as such the value is the same post development. In terms of losses the assessment states 'a number of trees and a section of woodland are proposed to be removed to facilitate access along with the proposed realignment of the flood defence wall. Some areas of existing introduced shrub, amenity grassland, scattered scrub and tall ruderal will also be removed'. The proposed enhancements include amenity grassland, low planting, sustainable drainage areas and raised planters. The BNG Assessment has noted that these proposals do not comply with the Trading Rules set out within the Biodiversity Metric 3.1. Loss of woodland and scrub should be replaced by creating/enhancing the same broad habitat or a habitat of higher distinctiveness.

Conclusions and recommendations

The potential or predicted impacts of the proposed development are relatively minor in so far as protected species impacts can be mitigated and loss of semi-natural habitat is minimal. The integrity and key ecological features of the Local Wildlife Site (River Derwent) should not be adversely affected. However, the Biodiversity Net Gain proposals and the net gain do not comply with the Trading rules within the metric. Furthermore, the proposals do not create habitats of especially high biodiversity value which is disappointing as there are clear opportunities to create habitats of much higher value such as woodland and scrub as well as more species rich grasslands. In recognition of these issues Section 3.4 of the BNG Assessment has made recommendations regarding changes that could be made to the layout and landscaping proposals that would address the trading rules issue and significantly improve the biodiversity outcomes from the flood alleviation work.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

The otter survey report also recommends the creation of areas of scrub. The Council is advised to review the landscaping proposals to try and address the issues flagged up by the BNG Assessment.

Conditions Notwithstanding the above concerns around the post development habitat creation and enhancement proposals potential impacts on protected species can be addressed through precautionary methods of working and other mitigation measures. These can be brought together within a CEMP. The post development habitat creation, enhancement and long-term management should be set out within a Landscape and Biodiversity Enhancement and Management Plan and should demonstrate clearly how a net gain is achieved and how the trading rules for the metric will be met.

Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including pre-commencement surveys (otter) and precautionary methods of working for species including otter, bats, breeding birds, badger, fish etc.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) A method statement for non-native invasive species
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- i) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development in accordance with the proposals set out in the submitted Biodiversity Net Gain Assessment (TetraTech, February 2023) and the Preliminary Ecological Appraisal

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

(TetraTech December 2022). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Details of location and type for 5 x bat nest box and 20 x bird nest box.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives. e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 15, 20, 25 and 30 years.
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works. The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Further comments provided by DWT October 2023:

I have reviewed the updated and revised Biodiversity Net Gain Assessment prepared by Tetra Tech August 2023 for the above application. It is understood that changes have been made to the development proposals and that these result in some ecological impacts that have not previously been considered. The previous BNG assessment (Tetra Tech February 2023) concluded that the baseline for the site was 40.49 biodiversity units and 7.34 river units. The new assessment has re-evaluated the baseline and it is now 50.20 biodiversity units and 7.34 river units. Of greater

significance is the change in post development biodiversity units. The February 2023 assessment reported a small net gain of 1.60 biodiversity units (+3.95%). The latest assessment is reporting a net loss of 11.96 biodiversity units (-23.82%). The new development proposals have a bigger impact on some habitats including a significantly greater loss of trees from along the riverbank. Whilst current proposals identify planting 97 trees of moderate size, this is insufficient according to Defra's metric. At least twice this number of trees are probably going to be needed to meet the trading rules (an integral part of the metric assessment). In addition, a small area of scrub habitat is also required to ensure that all trading rules for all habitat loss are fully addressed. In relation to the assessment of the impact on the river it is not clear if the comments from the Environment Agency (5th June 2023) have been taken on board. The EA raised concerns about the metric assessment of the river stating as follows, Although the BNG assessment states that there will be no net change in river units because works are limited to habitats outside of the river channel and no works such as changing the river course or dredging are proposed, this can only be true if there will be no activities within 10m of the bank top. This does not appear to be the case, and as such, it is likely that the reported % BNG and conclusions of the assessment are incorrect. We recommend that the details of the Metric calculations are reviewed to ensure they are in keeping with the Defra Guidelines for its use.

Biodiversity enhancement opportunities

The development provides opportunities for the creation of riparian and wetland habitats, especially within the c.0.4 hectares where the three buildings are to be demolished. This area will have a functional role in relation to severe flooding events and the plans at the moment are for a mixture of grassland and tree planting with swales. The type of grassland and the biodiversity value of the grassland to be created here does not appear to have been agreed upon. The plans suggest anything from amenity to wildflower grassland without providing a precise description. Species rich grassland habitat is not included in the biodiversity metric and the BNG report has confirmed that it has opted for the lower end of grassland quality in its calculations. The BNG plan and metric currently only commit to creation of 0.39 ha of modified grassland which provides 1.82 units. If this is changed to other neutral grassland in good quality the number of units could be increased to 3.28. This reduces the overall net loss by a small amount. For various reasons the Defra metric provides little incentive to create grasslands of high biodiversity value (Lowland meadow). Despite this there is a clear opportunity here to create a riverside meadow using a species rich mixture such as Emorsgate EM8 or EM5 or Naturescape's N7 mix for wet grasslands or N2 Tall herb meadow mixture. Indeed, a combination of the above mixes could be a good approach and would create a vibrant tapestry of meadow types through the riverside park. To achieve the best results soils or substrates should be nutrient poor where possible and there should be a good seedbed for germination. The management of any areas of more species rich grassland will need to be managed sympathetically with mowing restricted to later in the season (August/September). The precise details for management could be agreed within a LEMP or equivalent document. The current proposals have also not addressed the relatively small loss of scrub habitat. According to my calculations an area of around 0.1 ha is required for mixed scrub creation either within the site or

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

somewhere nearby provided the scrub can be managed to a moderate condition. As referred to above there is also a need to plant more trees to address the predicted losses. Whether these can be planted within the boundary of the development is unclear and may be a challenge. It is therefore important that off-site locations are identified where trees can be planted ideally close to the river either up or down stream of the development.

The proposal plans also indicate that areas adjacent to the river (in the area where trees are to be cleared and three buildings demolished) will be re-planted with marginal planting. This marginal planting does not appear to be included in the metric as an enhancement and there are no details of the type of marginal planting or the species to be used. The vegetation planted here will need to be compatible with river dynamics as it could be a highly stressful and unpredictable environment. Himalayan balsam – there will need to be a plan in place for the control of Himalayan balsam within the development area, especially where new habitats are to be created and managed.

Conclusions and recommendations

Following changes to the development proposals a revised biodiversity metric has been completed for the site together with a revised Biodiversity Net Gain Assessment. The development will now result in a net loss of 11.96 habitat units. The Council is advised to request further details from the applicant as to how they intend to address the net loss and how they intend to increase the biodiversity value of the proposed habitat creation and enhancement. In our view this should include the following: - • The creation of 0.4 ha of species rich wet meadow • The creation of riparian vegetation and details of type and species to be used (this should be included in the metric). • Additional tree planting along the river to address the trading rules in the metric and the biodiversity net loss. • Creation of at least 0.1 ha of mixed scrub to satisfy the trading rules in the metric. • The issues raised by the EA in relation to impacts on the river should be addressed and resolved as necessary. These changes should result in a measurable net gain in accordance with the NPPF and Local Plan policy and satisfy the metric trading rules.

Once the above changes have been made I will be happy to review the metric and provide a final updated set of conditions for the development.

5.18. Natural England:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

This is the link to the Natural England Annex A –

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=200015460>

5.19. National Highways:

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (“the Circular”). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A52 trunk road.

National Highways Recommendations

The scheme is approximately 2 miles from the SRN therefore, does not share a boundary with the SRN and should not have an impact on the purpose and safety of the SRN. Therefore, National Highways has no objections to this full application.

Standing advice to the local planning authority

The Climate Change Committee’s 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

5.20. Derby and Sandiacre Canal Trust:

The scheme as proposed is a problem for the ambitions of the Trust to provide waterside facilities on this stretch of the river. The location of the flood wall as it crosses Exeter Place and skirts Exeter House leaves very little space to do anything exciting with the riverside. Previous schemes proposed the demolition of Exeter House which resulted in greater space for waterside features. The scheme needs to be revised to allow sufficient space on the river side of the flood wall for the proposed

Derwent Wharf. This should include space for restaurant boats, food kiosks and once the lock is open, for boats travelling up the river from the restored canal. The plans should also take into account the proposed lock in the weir as well as landscaping and footpath and cycle routes. There are also opportunities for enlivening the Stuart Street frontage for the mooring of boats and associated attractions which again could be reflected in the plans. The proposals by the Trust are supported by the Council and would significantly contribute to planning policy aims to improve the attraction of the riverside encouraging active frontages, increased leisure infrastructure, tourism, increased activity and vitality and economic benefit to the City and City Centre. The benefits of an active waterfront are acknowledged by various studies. A report to Defra (Department for Environment and Rural Affairs) in 2011 indicated that each mile of waterway active with canal boats contributed up to £1.175 million to the local economy. Phase 1 of the Trust's proposals has been the successful launching of the Riverboat in the city centre soon to be given more prominence by operating from the approved pontoon later this year. Phase 2 of the proposals for the riverside would be the implementation of the Derwent Wharf and subsequently further moorings and the lock in the weir. Other aspects The aesthetics of the flood defences introduce a stark wall in most places and more inventive solutions would be less visually intrusive such as green walls or walls that provide other functions such as walkways. By creating active frontages with boats such as restaurant boats to increase evening activity and active surveillance, the potential of anti-social behaviour would be reduced. The submitted documents suggest that extensive consultation has been undertaken with stakeholders. This is not so with respect to the Trust which clearly has interests in this area as demonstrated, not least, by the Riverboat and the pontoon proposals at Phoenix Green (within the application area). In fact, despite sending details of its proposals to the OCOR Team, requests to be involved prior to the planning application submission were denied. The Trust also submitted its proposals in response to the City Centre Ambition consultation. The proposals also indicate the demolition of the stylish 1935 Compton building designed by Naylor Sale and Widdows and included in the local list of buildings of heritage value which is surprising given the retention of other buildings of lesser value. It is requested that a way be found to retain this building. One of the aims of the Trust is based on heritage values which includes the reintroduction of canal boats in the city centre. The Trust considers that the proposals as submitted would prejudice the aims of the Trust to provide waterside attraction and facilities and must object to the proposals as submitted. The Trust would request that it be involved in meaningful discussions with respect to the OCOR proposals to encourage the attraction of the river through increased use of the river by boats which contributes to policies in the local plan to promote the City and its economic activity.

This is the link to the plan provided by the Trust:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=200004719>

5.21. Historic England

We refer you to the following published advice guidance and management plan which you may find helpful in determining the application.

HISTORIC ENGLAND - GPA3 - The Setting of Heritage Assets (2nd Edition)

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

UNESCO & ADVISORY BODIES - Guidance and Toolkit for Impact Assessments in a World Heritage Context

<https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>

HM Government has delegated the responsibility for the production of the DVMWHS Management Plan, and the oversight of its implementation, to the Derwent Valley Mills World Heritage Site Partnership.

DERWENT VALLEY MILLS 2020-2025 MANAGEMENT PLAN

<http://www.derwentvalleymills.org/about-the-derwent-valley-mills/the-management-plan/>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

5.22. Derwent Valley Mills World Heritage Site Partnership:

The site lies within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government, is pledged to maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by protecting, conserving, presenting, enhancing and transmitting its culture, economy, unique heritage and landscape in a sustainable manner. The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

C(ii) That the site exhibits “an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design”;

C(iv) That the site is “an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history”.

The SOUV records that these criteria were met for the following reasons:

C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other

facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2020. It has as the first of its nine aims to: “protect and conserve the Outstanding Universal Value of the DVMWHS to ensure its transmission to future generations.” In accordance with this aim, and with reference to the operational guidance in Section 20 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters), and have received the following advice:

Comments were made on Package 1 of the flood defence scheme by the Partnership on May 6, 2015. In very general terms it was accepted that the overall impact of the scheme would be relatively minimal although issues relating to the overall design quality of the scheme were highlighted in the response. While these proposals have been approved separately, this consultation response is mindful of those comments made by the Partnership in order to ensure there is some consistency with any advice provided herein. The current proposals for Package 2 of the flood defence scheme extends, north to south, from Causey Bridge (A601) to the intersection of the Derwent Railway Bridge and Pride Parkway Viaduct (A6). Drawing TT-03 ‘Linear Defence Plan Reach Overview’ illustrates the scheme over 8 sections or ‘Reaches’. It is clear from the information provided that Plan Reaches 1-4 overlap with the WHS Buffer Zone and so these have been considered for potential impacts on OUV. No comments have been made beyond plan reach 4 which includes a sufficient area of the wider setting beyond Exeter Bridge, the southern boundary to the WHS Buffer Zone. It is considered that any impacts on the WHS beyond this are likely to be negligible; owing to the low-lying nature of the proposals and screening afforded by the Holmes Bridge.

Section 10.1 of the accompanying HIA (prepared in accordance with ICOMOS guidelines) states that ‘the proposed development lies directly within the WHS buffer and immediately to the east of the WHS and as a result there is direct intervisibility between the two and as a result direct change to the site. Due to the Very High heritage value of the site, this is identified as a source of moderate adverse change to the asset’. Whilst the DVMWHS Partnership agrees with this honest assessment, we would also highlight that the most sensitive receptors to change, potentially impacted on by package 2 of the flood defence scheme, include the Silk Mill and the River Derwent as significant elements of attributes of the DVMWHS. Monitoring views (MV) 48 (Silk Mill from Exeter Bridge) and 49 (Silk Mill from Cathedral Green), are representative of many of the sensitivities associated with the River Derwent and the Silk Mill. Both these MVs are likely to experience changes through the proposed flood defence scheme. The proposed photomontages and existing photos at Viewpoints 1, 2 and 3 usefully illustrate the level of change that is likely to take place in these MVs through the introduction of the flood defence measures.

The potential impact of the proposed scheme has been considered from north to south, with respect to each Plan Reach 1-4, as follows:

Plan Reach 1: By means of comparison between Viewpoints 2 & 3 and MV 49 it is clear that this area of the WHS will encounter a level of change through the introduction of the flood defence proposals. The felling of the existing mature trees

and introduction of new brick-clad flood defence wall, on Phoenix Green, will be clearly visible. In order to mitigate any harmful visual effects of the flood defence wall in this location we would advise that the wall is faced in concrete, rather than brick as currently shown. This should help the wall to be more visually recessive and consistent with its backdrop of Causeway bridge; a concrete faced structure. Further mitigation could be provided by additional planting in the area in front or alongside the wall.

Plan Reach 2: Continuing slightly further down river, the proposed flood wall is kept tight alongside the Riverside development. Consequently, the new wall does not appear to be visible due to the presence of existing mature vegetation and the existing metal railing/fence in front of it. The visual impact of the section of wall in this location, from MV 49 and the Silk Mill, should be relatively small to negligible as it should read as part of the modern Riverside development. Although the wall does not appear to be visible in this location, we would advise that the choice of materials is consistent with those associated with the Riverside development at this level; whether this is brick or concrete. This should help the wall to blend in its modern urban context and help to keep any visual changes to an absolute minimum.

Plan Reach 3: As illustrated in Viewpoint 1, the demolition of the existing modern buildings (No's. 1, 3 & 5 Stuart St.) to create a linear swathe of publicly accessible green space alongside the river is supported in principle. Although this will cause a significant change to monitoring view 48, its overall impact is considered to be positive, improving access and interpretation of the River Derwent. The provision of the flood defence wall at the back edge of the new green space, to the east side of Stuart Street, is considered to be the right approach as this provides an opportunity to screen it through an appropriate planting scheme. Given the predominant use of brick in this particular location we hold no objection to the use of a well detailed brick-clad flood defence wall. The use of brick should help the wall to be less visually intrusive than concrete.

Plan Reach 4: Much of the area in this Plan Reach falls outside the Buffer Zone and into what is considered to be the wider setting of the WHS. The landscape plan indicates that the overall form of the landscaping alongside the River Derwent is not likely to be substantially altered. However, it is presumed that a number of mature trees are likely to be selectively felled to make way for the new landscaping scheme which includes a number of public spaces and widening of the footpath to include provision for cyclists. The new flood defence wall is to be constructed at the back edge of the scheme which should keep its visibility to a minimum. Overall, we believe that this part of the scheme has the potential to improve access to interpretation of the River Derwent, as part of the wider setting of the WHS. However, in order to be successfully delivered, this needs to be through the provision of a high-quality piece of contextual design. In its current form, the Partnership is not convinced that the design of the flood defence wall will necessarily meet this criteria. A single wall cladding treatment to the wall along the stretch would be more appropriate than what is currently being proposed. The 'printed concrete to mimic cladding on Exeter House on both sides & reconstituted stone coping' is not appropriate. We would much rather see a brick faced wall, consistent with that in other Plan Reaches. Alternatively, an artist-led approach may be appropriate that could serve to help provide improved interpretation of the DVMWHS. We would suggest, however, that this should be

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

reviewed by an independent design review panel to ensure that it is of the highest design quality and suitably responds to its context.

The provision of the new flood defence wall and associated works will have a visual impact on both the Buffer Zone (the immediate setting) and the wider setting of the WHS. Although these impacts have been identified as having a 'moderate adverse change' in the supporting HIA, we would also agree that many of these effects can be appropriately mitigated, to reduce this to a slight degree of change through good contextual design and appropriate screening. On balance, any harmful effects to OUV, through changes to its setting, should be mostly offset through improvements in access to areas which are currently inaccessible alongside the River Derwent. A positive consequence of improved access will hopefully provide enhanced interpretation of the WHS. The design of the wall, as a potential piece of interpretation itself, could also serve to help provide additional mitigation, if done well. Further detailed considerations, including the design of the flood wall and landscaping of any new or existing public spaces, can be appropriately dealt with by the LPA's conservation officer and landscape officer. The LPA will need to satisfy themselves that the proposals will also deliver sufficient public benefit to outweigh any harm done to OUV; this would fall towards the very lower end of less than substantial harm, under the current NPPF.

Further comments provided by the Partnership in October 2023:

The relevant background information concerning any WHS matters relating to this re-consultation response are already well versed as part of the consultation dated 21 April 2023. In summary, while it was highlighted that the proposed scheme would have a 'moderate adverse change' on the Buffer Zone and the wider setting of the WHS, it was considered that much of this harm could be reduced to an acceptable level through appropriate forms of mitigation. This included good contextual design and the potential to improve access and interpretation of the River Derwent.

In the previous consultation response, detailed comments were made individually on plan reaches 1-4; since it was considered that these parts of the scheme had the potential to impact the most on the Buffer Zone of the DVMWHS. Perceived impacts beyond plan reaches 1-4 were considered to result in a small to negligible amount of harm, and so comments were not made on the remaining plan reach areas. The amended Environmental Statement Non-Technical Summary (ES NTS) highlights the general amendments made to the scheme since the previous comments were made. Having reviewed this document together with the relevant supporting detailed information/drawings, the DVMWHS Partnership is generally satisfied that the amendments reflect the advice already provided. However, there are a few minor comments which should also be taken into consideration in further refinement of the scheme:

Plan Reach 1: As further design details of the ramp and handrail have been submitted the Partnership would advise that these are finished in a dark grey/black to ensure that these appear as visually recessive as possible. This should also extend to the colour choice of the proposed flood gate.

Plan Reach 2: No further comments.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

Plan Reach 3: No further comments.

Plan Reach 4: No further comments. We trust that any remaining detailed aspects of the design can now be suitably controlled by Derby City's conservation officer resource and the administration of appropriately worded planning conditions.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP10	Employment Locations
CP11	Office Development
CP16	Green Infrastructure
CP17	Public Green Space
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC7	The River Derwent Corridor
AC8	Our City Our River
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

E21	Archaeology
E24	Community Safety
T10	Access for Disabled People
T15	Protection of Footpaths, Cycleways and Routes for Horse Riders

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

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

- 7.1. Policy Considerations**
- 7.2. Flood Risk and Drainage**
- 7.3. Heritage and Archaeology**
- 7.4. Landscape, Design and Visual Impacts**
- 7.5. Ecological Impacts and Trees**
- 7.6. Amenity Considerations**
- 7.7. Highways / Transport Impacts**
- 7.8. Other Environmental**
- 7.9. Planning Balance and Conclusion**

7.1. Policy Considerations

The OCOR Masterplan was adopted in July 2012. It identifies that building flood walls higher does not provide a sustainable solution to reducing flood risks and instead it proposes realigning flood defences to reconnect to the floodplain and unlock economic development regeneration potential throughout the city. The overarching principles of the OCOR programme have already been established in the riverside area of the city through the consented hybrid application granted in 2015. The current application relates to the area identified as 'Package 2' and it is in essence the city centre element of the OCOR programme. It provides detail not previously considered in the original outline application and importantly seeks to change the alignment of the proposed flood defences in some locations.

The application site is covered by various policy designations, notably:

- All of the area is within the Central Business District (CBD), which is the accepted definition of the city centre in its broadest sense;
- All of the area is within the defined OCOR area, as referenced in Policy AC8;
- Areas both sides of Derwent Street form part of the Riverside character area, as referenced in Policy AC2;
- The office buildings located along Stuart Street form part of the Derwent Valley Mills World Heritage Site 'buffer zone', as referenced by Policy AC9;
- The River and its associated banks are a designated Local Wildlife Site (LWS) and form part of a Wildlife Corridor, as referenced by Policies CP16 and CP19;
- Exeter Embankment is identified as public open space, as referenced by Policies CP16 and CP17; and
- Existing commercial properties along Meadow Road are identified as existing employment land, as referenced by Policy CP10.

Importantly, there is no site-specific policy or allocation relating to the future development of the Derby Riverside area, despite long standing aspirations to see this area developed as a new residential community. The intention was that the site would be specifically allocated through a Local Plan Part 2. However, Council Cabinet (December 2021) resolved to progress a full review of the Local Plan (due to housing requirements being deemed out of date), instead of progressing a Part 2. Also, the consultation response from the Derby and Sandiacre Canal Trust is noted and whilst large parts of the former Derby and Sandiacre Canal are safeguarded in the Local Plan for potential restoration, the safeguarding does not cover any land located within the city centre, including land within the application site.

Policy CP2 commits the Council to tackling the causes and effects of climate change, ensuring that all development takes account of opportunities to minimise the impacts caused as a result of a changing climate. This commitment is supported by the fact that the Council formally declared a 'Climate Emergency' in May 2019. The implementation of the OCOR programme is identified by Policy CP2 as a key element of addressing flood risk and water management.

Policy AC7 in the DCLP1 provides detail on the Council's approach to the River Derwent Corridor and states that the Council will continue to work with partners to transform Derby's relationship with the River Derwent by managing the impact of flooding, creating a high quality river corridor and providing opportunities for new business, investment and city living. The Policy encourages development proposals within the River Derwent Corridor, particularly where they help to implement the OCOR programme by:

- Reducing overall flood risk through the provision of improved and realigned flood defences that create more space for water.
- Unlocking the economic potential of the River Derwent Corridor through the appropriate regeneration of key riverside development sites.
- Conserving and enhancing the rich cultural heritage of the Derwent Valley, including protecting the Outstanding Universal Value (OUV) of the World Heritage Site.

Policy AC7 goes on to state that the Council will seek to:

- encourage proposals where they contribute towards, creating a high-quality river corridor that maximises the river corridor's leisure and tourism potential and enhances its links to the city centre,
- promote the River Derwent Corridor as a sustainable transport route for walkers and cyclists, providing access and connectivity along the riverside,
- protect and enhance the landscape character of the river corridor and its contribution to the green infrastructure and biodiversity networks within and beyond Derby; and
- improve the ecological status of the River Derwent to deliver Water Framework Directive objectives.

Policy AC8 specifically relates to the implementation of the OCOR programme, which it recognises as the Council's and Environment Agency's shared vision to reduce flood risk by providing improved and realigned flood defences, thus creating more space for water. In order to successfully deliver the OCOR programme and achieve the objectives set out in Policy AC7, AC8 seeks to ensure that development lying within the identified OCOR area does not prejudice the implementation of improved and realigned flood defences, realigned flood conveyance corridors and other benefits associated with the OCOR programme.

Policies AC7 and AC8 clearly set out the Council's aspirations in relation to the River Derwent Corridor and the implementation of the OCOR programme and are consistent with national policy. The proposals contained in this application are fundamental to transforming Derby's relationship with the River Derwent as they provide the realigned defences necessary to enable the regeneration of key sites and the achievement of many of the other objectives listed in AC7, including opening up opportunities for new businesses, investment and city living. The proposals will facilitate the implementation of the OCOR programme and are therefore entirely compliant with the principles underpinning policies AC7 and AC8.

Policy AC2 identifies different 'character areas' within the city centre including the 'Riverside' which includes land within the application site on either side of Derwent Street. The policy notes the diverse range of residential, commercial and civic uses in the area. Within it, the implementation of the 'Our City, Our River' programme in line with Policy AC8, including the regeneration of key riverside sites and the enhancing of the environmental quality of the Riverside area are projects that are identified as being given priority. The overriding provisions of this policy therefore support the general principles of the proposals being put forward.

Policy MH1 is the 'implementation' style policy underpinning the delivery of the DCLP1 proposals. MH1 is clear in stating that the Council is committed to ensuring that the necessary and appropriate infrastructure, facilities, amenities and other planning benefits are provided to... (inter alia), facilitate growth. MH1 goes on to acknowledge that the Council will only permit proposals for new development where a comprehensive and co-ordinated approach to both phasing and infrastructure is demonstrated. In considering issues of comprehensiveness and coordination it has long been the intention that the OCOR flood defences are part of a suite of measures that will help unlock the potential of the river corridor. Policy AC8 identifies an 'OCOR Area', which incorporates the full extent of the application area. It seeks to ensure that development within the defined area does not prejudice the implementation of improved and realigned flood defences, realigned flood conveyance corridors and other benefits associated with the OCOR programme. An interpretation of this policy wording is that any proposals within the defined area, including those associated with the delivery of the OCOR defences, should not prejudice 'other benefits' which could be taken to include the unlocking of economic potential as referenced in AC7.

In addition to these points, it should be noted that the Derby Riverside area is identified in the Council's 'Ambition' document as an opportunity to create a new urban village, providing in the region of 1,000 new homes. The document notes that, *'To ensure that this (area) can provide a high-quality residential environment, it is vital that it is well integrated with the OCOR flood defences...'* It should also be noted

that the contribution made by brownfield sites such as the Derby Riverside area (and the wider city centre) is likely to be a key component of Derby's residential capacity, moving forward into the next Local Plan period, which is likely to cover the period up to around 2040. These policy reference points provide the rationale for understanding how the OCOR proposals will relate to the development of the dry side of the defences in the Derby Riverside area. Ultimately, we need to be comfortable that these proposals will not prejudice the development potential of the dry side and that the OCOR proposals are not simply an engineering solution to a flood risk problem, with no regard to other objectives.

The applicant has sought to address these issues through undertaking work on a concept plan, extracts of which have been submitted for information, in support of the application. The process of developing the concept plan and the thought / discussions that have been had in relation to it are equally, if not more important than the end product itself. The commitment to developing the concept plan and the associated discussions have now provided some comfort that in principle, the defences can be implemented without prejudicing the development potential of the dry side. However, it will be essential that the detailed design and finish of the defences, associated spaces and routes result in the creation of a high-quality environment that actively facilitates regeneration of the dry side.

Whilst the area on Stuart Street where the occupied office blocks identified for demolition are located, isn't specifically identified as existing employment land on the Policies Map, it is clearly in beneficial employment use. Therefore, loss of the office buildings should be justified in terms of the criteria set out in Policy CP10 which allows for the loss of employment land where it can be demonstrated that:

- the alternative use would benefit the economy of the city or other strategic objectives of the Plan
- existing land or buildings no longer meet modern requirements and that they have been adequately marketed for employment use for a reasonable period of time
- the employment land supply would not be unduly affected in terms of quantity or quality
- surrounding uses would not be adversely affected and in the case of sites near to residential areas would lead to an improved environment for residents.

Relevant to the consideration of this point, it is also worth noting that Policy CP9 specifically states that the Council will encourage proposals which, 'provide relocation opportunities, particularly where it would enable regeneration'. In addition, the Council's Ambition document identifies the need for and importance of (in terms of city centre transformation / regeneration) locating more office jobs in the city centre. It's therefore very important that this issue is properly addressed, as demolition of occupied office blocks is clearly at odds with the wider objective and it is noted that third party objections have been raised in response to the resulting loss of city centre office provision. Demonstrating that all avenues have been explored (in terms of relocation of existing occupiers) will also be highly relevant to any future CPO proceedings.

It is understood that discussions between the applicants and the office occupiers are ongoing and there is no obligation to relocate the occupiers as they will be subject to CPO. However, whilst CPO is a mechanism to enable delivery, it doesn't in itself address the policy issue. The applicants have confirmed that city centre locations for relocation in some instances have already been identified and efforts are ongoing to secure these. They also note that the individual businesses would be eligible for additional support with identifying suitable relocation facilities, should this be required. This indicates that there has been some progress in successfully relocating businesses, but a resolution is still yet to be achieved with all occupiers that will be impacted, including significant employers with circa 300 members of staff. This issue remains a concern from the perspective of compliance with policy CP10 and from a wider city centre vibrancy perspective.

It is necessary for us to review the criteria in CP10. The land accommodating the office blocks will form part of the flood conveyance corridor under the proposals. This alternative use will benefit the wider economy of the city (specifically the city centre) in terms of the flood risk benefits it provides, the creation of new open space and opening up of development potential on the dry side. The revised alignment is an improved solution (compared to the consented alignment under the hybrid application) in terms of placemaking and the ability to realise wider regeneration benefits. However, the office buildings that will be lost are relatively modern and clearly meet modern requirements. It is also acknowledged that the city centre lacks readily available office space, so it could be argued that the loss of the office buildings will exacerbate this supply issue. So, whilst there are clear benefits in losing the buildings, concerns do remain from a policy perspective and these concerns will need to be weighed in the overall planning balance, taking account of all the benefits of the scheme as a whole.

7.2. Flood Risk and Drainage

Information supporting the application indicates that the existing flood defences through the site were constructed following a flood in 1965. During a flood in 2000, the existing defences were close to overtopping and as a result it was identified in the Lower Derwent Flood Risk Management Strategy that the existing flood defences through Derby (not including those delivered as part of package 1) currently have between a 4% (1 in 25) and 2% (1 in 50) chance of being overtopped each year. The defences are also approaching the end of their original design life and therefore the chance of a breach occurring during a flood event is increasing.

Planning permission is being sought for re-aligned flood defences, with sections set back from the river's edge. 1.2km of flood defences are proposed to create a broad floodplain conveyance route, releasing flows around Exeter Bridge. The NPPF requires proposed development within Flood Zones to be in conformity with the provisions of the sequential test. Much of the area affected by the proposals is located within Flood Zone 3a and 3b. The only appropriate uses in these areas are 'water compatible' uses and essential infrastructure, subject to the Exceptions Test. Flood defences can be described as 'flood control infrastructure' and are therefore water compatible, thus meeting the requirements of the sequential test. As the proposals include the setting back of the flood defence from the existing alignment, the works do not involve any loss of floodplain.

As required by the NPPF, a detailed Flood Risk Assessment (FRA) supports the planning application and it considers all potential sources of flood risk to the site including fluvial, surface water and overland flow routes, groundwater, sewers and reservoirs. As the proposed scheme is for the installation of flood defences, the study extent area within which the impacts of the scheme are assessed is larger than the redline boundary. The area assessed stretches from the A38 road bridge to the north and down to the confluence of the River Trent and River Derwent. The information in the FRA is detailed and the modelling that supports it takes account of the proposals forming part of a wider flood defence scheme comprising three packages of works, noting that package 1 and part of package 2 have already been completed.

In terms of other risks of flooding to the site, not including fluvial, the FRA identifies most of the area within the site boundary as being at very low risk of surface water flooding giving that the area is heavily urbanised and is serviced by public sewers throughout. The risk of groundwater flooding is identified as being low to medium, with the medium risk areas located from Meadow Road southwards. Seepage calculations support the application and the flood defences in reaches 3 and 4 include seepage cut off as part of the design to address groundwater issues in those areas. The existing risk of flooding from sewers is identified as being medium as during periods of high river levels, the sewers would not operate as effectively. In respect of reservoirs, the closest reservoirs are located within the hills of the Peak District and are more than 50km upstream. Whilst this is not close to the site, in the event of a breach, water will naturally gravitate to the waterways and make its way along the Derwent to Derby. The risk of a reservoir breach is stated as very low, but the effects of a breach event are severe, so the risk of flooding from reservoirs is identified as being medium. No risk from Canal flooding is identified.

A detailed Drainage Impact Assessment supports the FRA, and it outlines a surface water management strategy for the site. It is proposed to disconnect the surface water runoff from the combined Severn Trent sewer network and direct flows to a new proposed outfall to the river. The impact of this is reduced pressure on the sewer network. The Drainage Impact Assessment considers in detail, the impermeable areas within the individual reaches and reviews SuDS options. The surface waters directed to the river Derwent are proposed to receive treatment through SuDS features. Rain gardens form part of the proposals in Stuart Street, Derwent Street and Exeter Place. The majority of the existing outfalls to the river are proposed to be maintained and have been incorporated into the design of the flood wall so that drainage from the dry side of the wall would not be impeded. As part of the works, non-return valves are proposed to be fitted where they are not currently in place to ensure there is no backward flow of river water through these drainage routes in times of flood. Our Land Drainage colleagues have advised that the proposals accord with the Lead Local Flood Authorities requirements in all respects and therefore it is clear that the drainage solutions proposed in the application are deemed to be acceptable.

The application and FRA were submitted before recent flood events and in assessing the fluvial risk to the site, the FRA notes that in November 2019 there were large areas of Derby affected by flooding, including within the application site. A Flood

Investigation Report carried out by the Council determined that the cause of flooding in this area was from seepage through the existing flood wall. This seepage is thought to have resulted in flooding on Meadow Road, with flood depths exceeding 2m in the lowest spot. The seepage through the flood wall is also reported to have resulted in flooding in Darwin Place with flood depths of up to 0.5m. Also, during this 2019 event the raised embankment around Exeter House was overtopped and further flooding had to be mitigated with the implementation of temporary sandbag defences.

Modelling reported in our SFRA 2 shows that flooding of the site occurs during the 2% AEP (annual exceedance probability) event as flood waters overtop the banks of the river in the north and flow overland along Phoenix and Derwent Street, under St Alkmund's Way. It is reported that once flooding has begun the area from Causey Bridge to Holmes Bridge and beyond is flooded within 4 hours. The SFRA presents the fluvial flood hazard for the site area as 'Extreme'. During a 1% AEP event in Epoch 3 (2080's) where climate change is taken into account (29% central allowance) the flood extents cover a large area of the city centre and there are flood depths of 0.25m throughout most of the application site and flood depths present to the north of the A601. There are flood depths through the wider area, and across the major highways. These flood extents cover areas that are used for commercial purposes and major traffic routes through the centre of the city. What this shows is that the risk of fluvial flooding to the site and surrounding area is currently high and this is identified in the FRA.

A Review of the River Derwent hydraulic model and hydrology was completed recently in 2022 by Binnies. The full model supports the FRA and has been approved by the Environment Agency. The OCOR flood defence levels across all packages were designed to provide a 1% (1 in 100) annual chance standard of flood protection with a 5% increase in flows for climate change. The 2022 modelling by Binnies established a new baseline for the OCOR scheme as it showed 34% less flows expected on the 1% AEP event that OCOR had established as its baseline. This means that the new modelling shows a clear reduction in flows down the river. The design level of the defences proposed in this application continue to follow the original consented hybrid planning application level (and those defences already delivered) for the 1% AEP event plus a 5% allowance for climate change. However, with the reduction in flows, the flood defence levels set from OCOR would now achieve a minimum of 1% AEP plus 29% climate change allowance protection, alongside a suitable freeboard allowance. This is an increased standard of protection, and this would make the scheme NPPF compliant. The FRA states that the higher standard of protection now allows the OCOR scheme to be in excess of the requirements set out in the NPPF which will further benefit future development behind the flood defences.

A hydraulic model accompanies the FRA, and it has been used to determine the impact of the package 2 works on the flood risk around Derby. The baseline model includes the package 1 defences as they are already in place. The modelling considers the proposed package 2 defences installed on top of the baseline scenario and the proposed package 2 and future potential package 3 defences on top of the baseline scenario. They are modelled using the central and higher Derwent Derbyshire Catchment peak river flow allowances and take account of water level

changes arising from changes to the catchment hydrology (as identified in the Binnies report). The modelling work that supports the FRA has been approved by the Environment Agency.

In respect of flood extent and depth, the modelling shows that following the implementation of the Package 2 flood defences, approximately 185ha of Derby that was previously flooded by the river in a 1% AEP plus 29% climate change central allowance event would now be dry. The main highways and key transport routes would be dry, including the A61, Exeter Place and Phoenix Street. Residential areas, education facilities and other local amenities are identified as being not at risk of flooding following the implementation of these defences. The FRA states that the extent of river flooding is reduced, and flood volumes are retained within the channel and designated conveyance corridors, and this means that the Package 2 flood defences can be considered to offer a level of protection beyond the 1% AEP in Epoch 3 event and the overall flood risk to the area would be significantly reduced. These are significant flood risk benefits afforded to the city as a result of the scheme and accord with the ES conclusions that the scheme would deliver major, beneficial environmental effects in relation to flood risk.

A key requirement of Policy CP2 is to ensure that development does not lead to an increased risk of flooding elsewhere. One of the principles underpinning the OCOR programme is to convey flood water through the city, and it is understood that the implementation of flood defences can have effects on the flood risk both upstream and downstream of those defences. The effect of this has been modelled from the Toll bridge at Darley Abbey Mills to the confluence of the River Derwent and River Trent and is discussed in detail in the submitted FRA. Upstream of the site and within the redline boundary the proposed defences are stated as causing a slight increase in peak river levels. The greatest change in level is sited as 0.33m at the Derwent Bridge when accounting for climate change, however there are no modelled levels upstream or within the redline boundary that are expected to overtop the existing or proposed Flood Defence Level for the 1% AEP plus 29% climate change event. As the flood defences are designed to retain water within the river channel, raises in level have been anticipated and the Package 1 and 2 OCOR flood defences that have been built have already accounted for increases in level associated with the implementation of this package of the works. As a result, those changes in peak water levels are not identified as a significant environmental effect in the ES because they do not result in an increase in flood risk.

The modelling shows slight increases in peak water levels downstream of the redline boundary, with up to 0.52m in the 1% plus 29% (2080's) climate change event. Flood water remains within the channel until The Sanctuary nature reserve and the Wilmorton Railway Bridge where a slight increase in the flood extents is seen on the right bank of the river after the Package 2 works have been implemented. There are no properties in this area as it is flood plain therefore the increase in flood extents from the Package 1 baseline to Package 2 are identified in the FRA as a negligible impact as the flood zone of the area would not be changed. The modelling also shows that Ambaston, which is outside the bounds of the city and in South Derbyshire is predicted to see increased flood depths of up to 0.07m. The FRA and ES note that no increase in flooding to properties or new properties is identified in this area.

Both the OCOR Masterplan and approved hybrid application outlined works to be completed as part of Package 3 to alleviate any changes in risk to people or property arising from the delivery of the earlier packages of works. The impact of the installation of the package 2 defences on the peak water levels downstream within present day is outlined as being negligible and within model tolerances. The FRA indicates that as climate change is realised through later epochs, the risks downstream do increase, as noted. The EA advise that because of the changes in hydrology in the recent Derwent modelling, (as identified in the Binnies Report) the downstream impacts are not directly comparable to the OCOR 2015 FRA that supported the hybrid planning application, but they advise that it does not appear that any new receptors would be affected. However, they advise that the comprehensive mitigation measures outlined in the 2015 FRA that mitigate the impacts of the scheme including in the climate change scenario should be undertaken prior to the commencement of the package 2 works. The mitigation identified in the 2015 FRA included works at Ambaston and Shardlow and the OCOR project has already confirmed completion of the mitigation works at Ambaston. Whilst it is not possible to secure the works at Shardlow by condition of this planning permission, given that the land is outside of the red edge and outside of the remit of the City Council, the applicants have provided written confirmation that the works in Shardlow do form part of the programme of works for the 'Riverside' (package 2) defences. The works in Shardlow are identified by the applicants as being delivered in consultation with the EA and South Derbyshire District Council (SDDC) who have been consulted on the application and have raised no objections to it, noting that the mitigation works downstream will require careful consideration and management.

It is noted that the modelling shows that the area around the Silk Mill is shown to experience flood depths of up to 0.5m during a 1% AEP plus 29% climate change central allowance event. This aligns with the nature of this area as a designated flood conveyance corridor. The FRA also identifies The Tap public house as being the only building that would remain in place on the wet side of the proposed defences. Prior to the package 2 implementation, modelled water levels are expected to be approximately 46.92m AOD in this location as this building is already at flood risk. This level is reduced to 46.90m AOD with the implementation of package 2. However, the peak water level for the 1% AEP event plus 29% climate change central allowance event rises to 47.75m AOD. The threshold to The Tap on Derwent Street is identified as being 47.47m AOD and on Exeter Place there is another access point into the building with a threshold of approximately 46.68m AOD. Based on these values, for the present day 1% AEP event, the water depth at the access on Derwent Street is below the threshold, and therefore no Property Flood Resilience (PFR) will be required. At the access on Exeter Place, the depth is approximately 0.22m, therefore standard PFR is proposed to be used to offer protection to the access to the pub building. While the proposals do not defend this building from flooding via the river, the PFR would afford the building a better standard of flood protection than is available to it now.

The advice provided by the Environment Agency (EA) is critical to understanding the acceptability of the increase in water levels and flood depths arising upstream and downstream of the site. They have no outstanding questions relating to the modelling work undertaken or the level of information supporting this application and

it is clear that it adequately demonstrates that the scheme has been designed to provide adequate flood risk management, mitigation and resilience against the 'design flood' and meets with the requirements of the Planning Practice Guidance. In isolation, this application does not address impacts on flood risk elsewhere, as required by Policy CP2, but the downstream works at Shardlow are committed by the OCOR project on the understanding that the OCOR scheme is an extensive project, proposed to be delivered in phases. On this basis, the EA do not raise any objections to the proposals.

The EA continue to support the delivery of the OCOR scheme and do not object to the package 2 works outlined in this application. In accordance with their advice, conditions of planning permission should be imposed to require the delivery of the development in accordance with mitigation measures outlined in the FRA, provision of a Construction Environmental Management Plan (CEMP) and measures to control contamination not previously identified in the interests of preventing the pollution of the river during the construction phase of the works. Given the lack of any objections from our specialist consultees, I am satisfied that the information supporting the application demonstrates that the proposals offer suitable flood protection measures for the city, and they would deliver the major flood risk benefits identified in the ES.

7.3. Heritage and Archaeology

The application site sits within the historic core of the city centre and is close to many heritage assets. The northern section of the site boundary abuts the Derwent Valley Mills World Heritage Site (WHS) and land extending across the site from Phoenix Green, downstream to Exeter Bridge, lies within its buffer zone. There are no statutory listed buildings within the bounds of the application site, and no part of it is within the bounds of a Conservation Area. There are two locally listed buildings within the site and they are Crompton House on Derwent Street and The Smithfield Public House on Meadow Road.

The boundary of the City Centre Conservation Area sits on the opposite banks of the river and includes within it, the Grade I listed Cathedral (stands 160m to the west), the Grade II listed Silk Mill and the Grade I listed Bakewell Gates. The grade II listed Magistrates Court sits on the opposite bank of the river. Locally listed buildings that also stand outside the bounds of the application site but are close to it include, the TA Centre on Phoenix Street, The Exeter Arms public house on Exeter Street and Exeter House flats on Exeter Street. The locally listed Council House also stands on the opposite bank of the river. This list of designated and non-designated heritage assets is not exhaustive, and a Heritage Impact Assessment (HIA) supports the application which assess the significance of the heritage assets in the area of the site and the impact of the proposed development on those assets in accordance with the requirements of the NPPF. The Assessment has been prepared in accordance with the ICOMOS guidelines and the Conservation Officer has advised that the impact on heritage assets has been assessed appropriately. The HIA identifies a total of thirty three listed buildings, one scheduled monument and two conservation areas, as well as eight locally listed buildings within its study area.

In considering the application decision makers must engage Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the

authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 is not relevant in the determination of this application as the site is not located within a Conservation Area. Local Plan Policy CP20 seeks the protection and enhancement of the city's historic environment, including the WHS, listed buildings and conservation areas and Policy AC9 recognises the outstanding universal value of the Derwent Valley Mills World Heritage Site and its buffer zone. Saved Policies E18 and E19 also seek to preserve and enhance the character and appearance of historic, listed buildings and conservation areas and protect them from development which is harmful and compliment the requirements of Policy CP20.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraph 201 of the NPPF states that where proposals "...will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- "a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use."

Guidance in the NPPF provides that proposed developments involving substantial harm to (or total loss of a significance of) a designated heritage asset planning permission should be refused and would require clear and convincing justification. Where the harm to the designated asset is considered to be less than substantial, paragraph 201 of the NPPF provides that the "harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

There are three UNESCO monitored views within the area. The DVMWHS Partnership advise that monitoring views 48 (Silk Mill from Exeter Bridge) and 49 (Silk Mill from Cathedral Green), are representative of many of the sensitivities associated with the River Derwent and the Silk Mill. They go on to advise that both of these monitored views are likely to experience changes through the proposed flood defence scheme. In response to monitored view 48 (Silk Mill from Exeter Bridge), our Conservation Officer has commented that the impact of removing the three modern buildings from the north-eastern bank would result in a neutral impact rather than a negative one. The Conservation Officer also advises that there would be no impact on the view from Causey Bridge looking south to the former Silk Mill. While the proposed flood walls will be seen in views, including the monitoring view from Cathedral Green towards the Silk Mill, this will be evident in the distance backdrop to the former Silk Mill, Bakewell Gates and river, albeit on the opposite side of the river.

The applicants HIA states that the demolition of the Stuart Street Buildings and proposed landscaping will remove massing within the WHS buffer and create greenspace which is more akin to the 18th century setting of the Silk Mill and, thus, the southern end of the WHS. Both the use of traditional materials, alongside hard and soft landscaping is identified in the HIA as resulting in a minor positive effect on the WHS. In their response to the proposals within reach three, the DVMWHS Partnership comment on the demolition of the buildings and creation of a linear swathe of publicly accessible green space alongside the river which they advise is supported in principle. They note that although this will cause a significant change to monitoring view 48, they consider its overall impact to be positive, improving access and interpretation of the River Derwent.

The DVMWHS Partnership have commented that it is clear from the information provided that Reaches 1-4 overlap with the WHS Buffer Zone and so these have been considered for potential impacts on Outstanding Universal Value. The Partnership have not commented on the design of the defences beyond reach 4 and advise that any impacts on the WHS beyond this are likely to be negligible; owing to the low-lying nature of the proposals and screening afforded by Holmes Bridge.

To further reduce impact, the HIA suggests that development situated within the WHS buffer should adhere to the character of the WHS by using compatible building materials in order to maintain the authenticity and integrity of the site. The Conservation Officer advises that impacts on the monitored views, particularly from Cathedral Green and views to and from the Grade I Cathedral, Grade I Bakewell Gates and Grade II listed former Silk Mill could be reduced if high quality materials are used. Revisions have been made to the external finish for some sections of the proposed flood defences during the life of the application to address consultee comments including those of the DVMWHS Partnership and a brick finish through reach one has been amended to an exposed aggregate concrete finish in accordance with their recommendation. The printed concrete proposed to mimic cladding on Exeter House has also been removed from the scheme. Based on the comments provided in response to the revisions, it is clear that the Heritage consultees consider different options would be preferable through reach one in particular. It is noted that the Conservation Officer considers a brick finish would be preferable, questioning whether concrete is the visual aesthetic needed when within and experiencing this area from a pedestrian point of view.

Through reaches one and two the DVMWHS Partnership's comments suggest that the choice of material for the flood defence finish should help it to blend into its modern urban context, that being a backdrop of the concrete faced structure that is Causey Bridge in reach one and the Riverside Apartments in reach two. They raise no objections to the use of a brick finish through reach three, advising that it should help the wall to be less visually intrusive than concrete in this location. The Partnership advise that the provision of the flood defence wall at the back edge of the new green space, to the east side of Stuart Street, is considered to be the right approach as this provides an opportunity to screen it through an appropriate planting scheme. In respect of reach four, the Partnership note that the much of the area in this reach falls outside the WHS Buffer Zone and into what is the wider setting of the WHS. They note that the landscape plan indicates that the overall form of the landscaping alongside the River Derwent is not likely to be substantially altered. They

advise that the new flood defence wall is to be constructed at the back edge of the scheme which should keep its visibility to a minimum.

The Heritage chapter in the ES notes that the overarching vision for the Derwent Valley Mills WHS is: ‘to conserve the unique and important cultural landscape of the DVMWHS, to protect its Outstanding Universal Value, to interpret and promote its assets and to enhance its character, appearance and economic well-being in a sustainable manner.’ (Derwent Valley Mills World Heritage Site Interpretation Plan, 2011: 4). It goes on to identify as a key aim ‘to increase public awareness of, and interest in, the WHS, to realise its full potential as an education and learning resource and establish a coordinated research framework.’ The enhanced opportunity that the scheme would provide for access to the riverside, providing new green space within the corridor and affording views toward the WHS and the Cathedral and Silk Mill and gates would accord with those aims. The enhanced access also presents opportunities for new historic interpretation and public art relating to the OUV of the WHS noting the Conservation Officer states that the scheme presents an exciting opportunity for new place making and the DVMWHS Partnership identify a positive consequence of improved access would be enhanced interpretation of the WHS.

The applicants HIA identifies indirect effects as arising for the WHS and direct effects on the WHS buffer. The Statement notes that the inclusion of the flood defences on the river would slightly stray from the “authenticity” of the site, but suggests that impacts can be mitigated slightly if the appropriate ‘authentic’ materials are used to keep in character with the WHS. The ‘moderate adverse change’ identified in the HIA as arising for the WHS is stated as being a fair assessment of the impact of the scheme by the Conservation Officer, given the very high heritage value of the WHS and impact on its immediate setting. The DVMWHS Partnership also note that the revised scheme would have a ‘moderate adverse change’ on the Buffer Zone and the wider setting of the WHS but advise that much of this harm could be reduced to an acceptable level through appropriate forms of mitigation, including good contextual design and the potential to improve access and interpretation of the River Derwent. Whilst adverse impacts are acknowledged, it is noted that these specialist heritage consultees have not raised objections to the scheme based on resulting impacts on any of the protected views or the outstanding universal value of the WHS. Historic England have been consulted on the application and have not raised any issues or concerns in this regard.

In response to the heritage impact on the Cathedral, the HIA states that while the immediate setting of the Cathedral will not be impacted by the proposed works, the proposed changes across the river will alter its wider setting. The proposed changes will see the creation of landscaped greenspace referencing the greenspace evident on 18th century mapping of Derby and the removal of undistinguished late 20th century buildings. As a result, the HIA identifies the proposals as resulting in minor positive changes to the setting of the Cathedral. For the Bakewell Gates permanent, noticeable change to the setting of the asset are again identified as a result of the loss of the modern buildings but noting that they do not contribute to its setting or character. Likewise for the Silk Mill itself, the HIA notes that the use of a brick finish for the flood defence is proposed, on the left bank of the river, between Exeter Bridge and the greenspace below the Cathedral. It indicates that this results in an enhancement of the setting of the Mill, affording a design that references the historic

character. The Conservation Officer notes the intervisibility between the proposal and listed Cathedral, Bakewell Gates and Silk Mill as well as the former Magistrates Court noting that the proposals will alter their wider setting. The Conservation Officer also highlights the view from the city centre conservation across Exeter Bridge and beyond as important and highlights the need to secure the high design standard secured on the opposite side of the bridge and adjacent to the Council House and Magistrates Court. The Conservation Officer suggests that the impact on the setting of these designated heritage assets would be limited, given the position on the opposite side of the river, but again stresses the need for the use of high quality materials. The limited level of impact for those assets is noted, considering that the application has not generated any objections from Historic England.

Paragraph 203 of the NPPF requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance. In respect of Crompton House, which is a locally listed building, the flood defence alignment bisects this building from Stuart Street to Derwent Street and permission is sought for its demolition. The HIA identifies this building to be of low historic value given its non-designated status while noting its undoubted architectural interest as an example of Pharaonic Art Deco, a style inspired by the 1922 discovery of Tutankhamun's tomb. The HIA states that the full demolition of this locally listed asset will result in major adverse effects. CHAC note the loss of building as regrettable and in objecting to the application, the Derby and Sandiacre Canal Trust suggest that a way should be found to retain this building. The Conservation Officer identifies the large degree of harm and negative impact on this locally listed building, while noting that its demolition was approved under the previous hybrid application for OCOR flood defence works. The Conservation Officer advises that if this this fine 1938 building cannot be retained, then investigation into reuse of materials, including the retention (repair and maintenance) of the Smith's clock and natural stone plinth within this immediate area, should be pursued where possible. The applicant's HIA suggests that opportunities would be explored for the re-use of the clock and the building façade and therefore conditions of planning permission can be imposed which require such options to be pursued. The County Archaeologist has commented that should the loss of the locally listed building be accepted then it should be fully recorded before demolition in line with NPPF para 205, and this should also be secured by planning condition.

In respect of other locally listed buildings, the Conservation Officer identifies impacts arising on the setting of those locally listed buildings nearest the flood defences such as Exeter House and The Smithfield, advising that the impact will depend on the materials used to the flood wall (on both the wet and dry sides) and their details. The flood defence finish closest to Exeter House has been revised during the life of the application to brick with glazed panels and this is considered an improvement given that Exeter House is predominantly brick. In respect of the locally listed Smithfield public house the Conservation Officer notes that a long stretch of the wall to the north is currently a stone clad wall, so a change to concrete seems to be a retrograde step and there is a historic stone wall adjacent to The Smithfield that should be retained in situ. The Conservation Officer has noted the revisions made during the life of the application to the material in this area and the change from block coursing to harbour timber imprinted concrete. The Officer advises that this may be acceptable subject to

appropriate colour and should be subject to further agreement through conditions of planning permission as also recommend by CHAC.

In respect of archaeology, an Archaeological Desk Based Assessment from 2008 which was produced for the OCOR scheme supports the ES and it is extensive, covering a wide area from Duffield in the north to Alvaston in the south. It identifies the section that covers the application site and indicates that the data collated is still current with the exception of the HER search which has been updated. The Assessment informs the ES chapter on Heritage and Archaeology which identifies some intermediate effects and indicates that to reduce the effects on below ground archaeology, archaeological works which would include excavation and recording are recommended. The County Archaeologist has provided detailed comments relating to the history and potential for archaeology and deposits within the application site and notes the information submitted in support of the application. The County Archaeologist has advised that the scheme will need to incorporate further archaeological work in line with NPPF para 205, to record and realise research benefit from the archaeological and palaeo-environmental remains to be impacted by the proposals. He advises that he agrees with the scope of work outlined at 10.6.1 and 10.6.2 of the Environmental Statement. As recommended, a suitably worded condition would secure this work and the imposition of such a condition would accord with the requirements of policy E21 and paragraph 205 of the NPPF.

In response to non-designated heritage assets paragraph 203 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. In order to reach a balanced judgment, the loss of Crompton House does not weight in favour of this scheme and is contrary to the aims of policy E19. Some improvements have been made to external finishes during the life of the application that have reduced impacts on the setting of other locally listed buildings including Exeter House. Further material sample details can be sought by condition, to control impacts on the setting of the Smithfield Public House and to ensure the archaeological potential of the site is suitably investigated and recorded. These impacts are balanced alongside the flood protection afforded the wider area from these package 2 works including the heritage assets that stand on this side of the river. The proposed defences would protect Exeter House, the Exeter Arms, the TA Centre and The Smithfield Public House from potential flood events and these are significant benefits for these non-designated heritage assets that tip the balance in favour of the scheme.

The harm identified as arising for the buffer zone and wider setting of the WHS and the setting of nearby listed buildings and city centre conservation area, is contrary to the intentions of the adopted Local Plan Policies CP20, AC9, E18 and E19. Given the lack of substantial objection to the scheme from our specialist heritage consultees, and the ability for material samples, for the flood defence finishes and areas of public realm and landscaping to be subject to conditions of planning permission, I am of the view that the degree of such harm would be low. The level of harm is considered to be "less than substantial harm" in the terms of the NPPF as indicated by the Conservation Officer and the DVMWHS Partnership. In accordance with paragraph

202 of the NPPF, the harm must be weighed against the public benefits of the proposal. The public benefits of the proposal include:

- The delivery of a key section of the OCOR flood defences needed to enable package 2 of the OCOR scheme to be completed, providing comprehensive flood protection measures to many homes, businesses, key infrastructure and heritage assets within the city.
- The improvement of access to the river, and enhanced interpretation of the WHS.
- The delivery of flood protection to development site's in the WHS buffer, river Derwent Corridor and city centre, supporting regeneration aspirations.

These public benefits are considered to outweigh the level of harm which has been identified for the heritage assets. For this reason, I am satisfied that the heritage tests in the NPPF are satisfactorily met by the proposal.

7.4. Landscape, Design and Visual Impacts

Policies CP3 and CP4 are general design policies that seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area. A description of the proposals is provided in section 1.4 of this report. The requirements of policies CP3 and CP4 are not easily applied in this case, given that the flood defences are long, linear sections of infrastructure with a functional purpose. There are also many factors influencing their proposed alignment and the balance between the visual, heritage, transport, amenity and ecological impacts has to be weighed against securing a design for the defences that is deliverable and provides the necessary flood protection benefits.

Policy AC5 is clear that development along the riverside should exhibit 'active frontages'. There's clearly a potential tension between providing robust flood defences and enabling activation and animation of the riverside, particularly as the planned defences are standalone as opposed to being integrated. The proposed green open space will to an extent address this point, but there remains a degree of tension between what is being proposed and this policy requirement. This issue will also need to be weighed in the balance alongside other residual impacts resulting from the scheme.

The comments of the Derby and Sandiacre Canal Trust have been considered in detail. It is clear that they consider that an alternative alignment for the flood defences should be pursued particularly around Exeter Place and Exeter House. Their desire to enliven the Stuart Street frontage and provide new waterside facilities would accord with the Local Plan's aspirations of creating a high quality river corridor. The Trust have commented that the proposals do not make sufficient space for the proposed Derwent Wharf and other new waterside features. However, Derwent Wharf and associated proposals including a lock in the weir are not yet committed schemes that are recognised through our Local Plan policies, nor do they have the benefit of a planning permission. Importantly they would not give a basis on which the proposed defence alignment could be resisted. The concept masterplan that supports the application provides comfort that the alignment of the defences that is proposed does not prejudice future development on the dry side of the defences and

the regeneration aspirations for the Riverside area that are implicit in our Local Plan policies and the Council's ambition document for the city centre. On balance, it is therefore considered that the proposed alignment offers a solution that would not prejudice the wider regeneration of the area. The planning application and the ES do reference the riverboat and its pontoon that were granted planning permission earlier this year and the proposals would not comprise its delivery.

The application site is not the subject of any landscape quality designations at national or local level and Natural England have advised that the development will not have significant adverse impacts on any designated sites. The LVIA that supports the ES provides a robust assessment and is a useful tool and its conclusions are outlined in section 1.5 of this report. The adverse significant landscape effects it identifies during the construction phase of the works, can be appreciated, given the scale of the demolition and development needed to deliver this major infrastructure through a long stretch of the riverside, in this prominent city centre location.

In the long term the LVIA identifies beneficial environmental effects in landscape terms resulting from the demolition of the office buildings and the creation of new green space, alongside the river. Landscape and visual effects are noted as having greater significance in the ES in this area of the scheme where buildings are to be demolished, the flood defences are proposed to be set back from the riverside and new green parkland is to be created. While the green space is a welcome addition to the riverside, the proposals also involve significant loss of vegetation and trees. The character of the river corridor along this section would become harder and less natural, noting that opportunities for tree planting are limited in the flood conveyance areas. Visual effects would arise, as identified in the ES, the majority of these being from the opposite side of the river to the site.

There are adverse impacts arising as a result of the chosen alignment for the defences and this includes the loss of Crompton House. If possible, amendments would be sought to secure the retention of this locally listed building. However, the need to deliver a conveyance route around Exeter Bridge is understood as the formation of a conveyance corridor which allows flood water to bypass Exeter Bridge is critical to the success of the defences in this part of the scheme. It is noted that objectors to the application have stated that occupied office buildings should not be demolished, and instead, Exeter Bridge should be modified to address the throttling effect it has in times of flood. Such a solution does not make space for water and would not provide the green space that is the proposed conveyance route which would also be an attractive addition in the city centre. Other issues raised in objection to the scheme have been considered in detail including the proximity of flood walls to retained businesses in the riverside area, resulting in changes to access arrangements and availability and proximity of on-street parking provision.

I am satisfied that the design solutions presented have taken account of retained business within the riverside area as far as practically possible. It is accepted and understood that a significant section of flood defence infrastructure cannot be delivered without some resulting changes including to access and views. Moving the proposed alignment of the flood walls effects the flood modelling and alternative solutions that involve high flood walls along the extent of the riverside edge are not

considered to offer a desirable solution for the city in the long term. As submitted, the proposed alignment would deliver flood protection to all retained businesses in the riverside area, the only exception to this, being The Tap public house, which is already at flood risk.

Consultation with the police has highlighted that the existing river corridor environment within the site attracts anti-social activities in some areas, particularly around Stuart Steet and Phoenix Street. New seating, planting, lighting and the opening up of river views would provide enhancements to the area and help to improve the safety and security of the environment along Stuart Street, Phoenix Street and Derwent Street as a result of enhanced natural surveillance. These improvements arising from the design, would accord with the community safety requirements of Policy E24.

The Derby and Sandiacre Canal Trust have commented that the aesthetics of the flood defences introduce a stark wall in most places and more inventive solutions would be less visually intrusive such as green walls or walls that provide other functions such as walkways. The defences extend through a long linear section of land that is constrained by highways and privately owned land and buildings. While a variety of flood defence solutions would be preferable in design terms, it is understood that all options are not practical or affordable. Chapter 4 of the ES outlines the alternatives considered in drawing up the design of the scheme. Alternative solutions such as flood embankments with footpaths crossing over, as delivered in parts of the OCOR package 1 works, involve significant areas of land take that would impact on the highway network, privately owned land and the availability of land on the dry side of the defences for regeneration. The Design and Access Statement indicates that essential consideration for the cladding or covering of the flood structures is the ability to be able to regularly inspect for any visible movement which may indicate an issue with the integrity of the asset. It, therefore, suggests that the application of a 'camouflage' in the form of a living green wall surface is not considered appropriate as a viable option as a covering of flood defence walls. It is understood that the solutions that are presented in this application are cost effective solutions that are deliverable given the land constraints and are suitable to provide the necessary flood benefits in the long term.

It is clear, from the mitigation measures outlined in the ES that key to the successful mitigation of landscape and visual effects will be the delivery of the proposed hard and soft landscaping proposals and the use of different external finishes for the flood defences that are attractive and sympathetic to the character and appearance of the different parts of the site. As identified in the consideration of heritage impacts, revisions have been sought to the external finishes during the life of the application. On balance, it is considered that the revised finishes are acceptable, having taken into consideration the character and use of the spaces alongside them, as outlined in the applicants Design and Access Statement. The points at which the flood defence finish transitions from one treatment to another are considered appropriate and the precise design detail relating to the transition points can be secured through an appropriately worded condition. Policy AC8 requires all new flood defences to be sympathetically designed taking account of the visual and historic sensitivity of the River Derwent Corridor. I am satisfied that the revised proposals reasonably meets with this policy requirement.

Opportunities for historic interpretation and public art are identified as being delivered as part of the scheme. A 'Cultural Threads' document supports the application which sets out the project's ambitions for the site and the wider OCOR project. Its creative opportunities are listed as: celebrate the riverside inspired by Erasmus Darwin, link parks and green spaces to enhance the green corridor, challenge our concepts of sustainability with re-wilding initiatives, include nature within creative interpretation projects and save and generate energy. The concepts are supported and would add interest and quality to the resulting spaces in and around the flood defences whilst providing historic interpretation of the WHS and the history of Derby. While the final details do not form part of the application, it is understood that the chosen solutions are to be the subject of engagement with key stakeholders including the local community. Suitably worded planning conditions should be imposed to allow these concepts to be explored and finalised but also ensure that they are delivered in a timely manner. Its delivery as part of the scheme would accord with the public art aspirations of policy AC8.

Overall, it is considered that the revised design solution for the flood defences that is presented in the application is sufficiently justified in the application submission. Only limited adverse visual effects are identified in the ES as arising in the long term and the conclusions drawn in the LVIA are accepted. Subject to the delivery of the landscape proposals along with the scheme of historic interpretation and public art, it is concluded that the alignment and design of the defences are acceptable and no wider design objections to the application are therefore raised in respect of policies CP3 and CP4.

7.5. Ecological Impacts and Trees

The ES and the surveys that support it, provide detailed assessment of the impact of the development on habitats and species and Derbyshire Wildlife Trust (DWT) have advised that these surveys provide a sound basis for the assessment of potential impacts and any mitigation and compensation measures that may be required. The overall conclusions drawn in the Ecology chapter of the ES are that the implementation of the embedded mitigation acts to prevent any likely significant ecological adverse effects from the application site clearance and construction phase of the proposed development. The advice of DWT, Natural England and the EA have been sought on the submitted information and in accordance with the advice they have provided, I am satisfied by the assessments and survey detail provided.

The river Derwent is identified as a wildlife site (Wildlife Sites Register Number DE007) and is therefore covered by the provisions of CP16 and in particular CP19, and both policies seek to minimise and mitigate impacts on biodiversity. The proposals in this application will have an impact on the protected area and policy CP19 states that proposals that would have an adverse impact on a Local Wildlife Site (LWS) will only exceptionally be permitted where specific criteria are met. The views of DWT are an important consideration in assessing consistency with the policy criteria and they have advised that the potential or predicted impacts of the proposed development are relatively minor in so far as protected species impacts can be mitigated and loss of semi-natural habitat is minimal. They advise that the integrity and key ecological features of the Local Wildlife Site (River Derwent) should not be adversely affected.

The planning application includes the required surveys and mitigation plans for all relevant protected species and DWT advise that impacts on species have been fully assessed and the recommendations set out in the various reports are acceptable. They advise that these should be brought together within a Construction Environmental Management Plan (Biodiversity) and implemented in full, and this can be secured through an appropriately worded condition. In respect of habitats, DWT advise that impacts are limited to habitats of low nature conservation/biodiversity value such as amenity grassland, ephemeral vegetation, and tall herb as well as some broad-leaved woodland, shrubs and trees. They note the loss of the broad-leaved woodland as being the most significant.

An Arboricultural Method Statement supports the application which further considered the detail of proposed construction methods on trees within the site and details relating to tree removals have been verified during the life of the application. The submitted tree clearance drawings identify 160 no. trees to be removed of which some are individual trees, and some are within groups. Some groups are to be protected and retained but with highly selective felling and pruning to enable construction. In total approximately 205 trees of various sizes (including smaller trees below 150mm diameter) are proposed to be removed to enable the works. The Councils Tree Officer notes that some of the trees identified for removal are protected by Tree Preservation Orders (TPO) and other trees are worthy of a TPO. However, as they are owned and managed by the city council there was no expediency to make them subject to a TPO. The Tree Officer notes that many of the trees provide important wildlife habitats, provide significant screening benefits especially those along the northern part of the riverbank along with trees on the Exeter Embankment. The Officer notes that trees are required to be removed to facilitate bank grading, river corridor conveyance and installation of the flood defence wall. The Officer also notes that The Hawthorn tree located on the riverbank within G38 and west of The Smithfield Public House has veteran tree features. Initially this tree was proposed to be removed however given its importance it is now shown to be retained and this is welcomed. In places, cycle path realignment is required within root protection areas (RPAs). Where this happens non-dig construction is proposed and should be secured by condition of planning permission as recommended by the Tree Officer. The Officer advises that there is no doubt that the proposed tree losses will have a significant negative impact on the landscape and comments that it is extremely unfortunate that so many high quality trees need to be removed in order to facilitate the proposed flood defence works.

It is clear, that the delivery of flood defences would result in the loss of a significant number of trees including trees of high quality and their loss would materially affect the riverside landscape. This is contrary to the aims of policy CP16. Criteria (k) of policy CP16 advises that to ensure that where new development has an adverse impact on a recognised important element of green infrastructure, that impact should be clearly understood, minimised and any residual adverse impacts mitigated for. Detailed landscaping proposals form part of this proposal and the provision of the new green space (park) alongside this part of the river corridor, as provided by the conveyance corridor, explains the lack of significant long term landscape effects in the ES. The new green space provides some mitigation where overall, 85 no. trees are proposed to be planted as part of the landscaping works.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

The information supporting the application outlines the constraints to delivery of more replacement tree planting. In accordance with EA advice, it is stated that trees need to be situated high up within the conveyance corridor, widely spaced and aligned with the general direction of floodwater flow. The landscape drawings submitted with the application show the 85 no. extra heavy standard trees to be planted on site and while this number of replacements does not account for the number of trees to be removed, it is recognised that the OCOR tree planting programme sets out proposals for tree planting across the entire wider OCOR river corridor. While it identifies an estimated total loss of 573 no. trees because of the delivery of the project, approx. 433 have already been planted with a further 1,442 planned over the next few years, giving a total of 1,855 new trees. Details of the OCOR tree planting programme support the application and tree planting sites are identified as including parks, highways, Nottingham Road Cemetery and Schools. The programme also includes a joint project with local charity 'Trees for Derby,' which offers supply of a free ornamental garden tree or fruit tree to households within a broad river corridor through the city. It is advised that 100 no. trees were planted in 2022, with a further 200 no. proposed over the next few years through this programme.

The Environment Act seeks to ensure that, from January 2024, all development delivers Biodiversity Net Gain (BNG), and this aspiration is reflected within policy CP19, specifically criterion (a). At the present time, the requirement to deliver BNG is voluntary and the 10% target will be required only when BNG becomes mandatory. As this application was submitted before the mandatory date, there is no requirement for it to deliver BNG.

Irrespective of this, the applicant has submitted a completed BNG metric which indicates that the implementation of this development will result in a net loss of 23.82% which is substantially under the Government's intended target. The habitat which is impacted by this loss is of low and medium significance and is made up of urban trees, 0.31 hectares of woodland, mixed scrub, introduced shrub, modified grassland and 3.93 hectares of developed land. Another element of delivering BNG is to ensure that the distinctiveness of existing habitats are not degraded or replaced with poorer quality habitats following development. Under the trading rules, losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis. The results derived from the data provided by the applicant in the metric indicate that the trading rules have not been met. However, as the delivery of BNG is not yet mandatory, an application cannot be refused on this issue.

The proposal therefore fails to secure enhancements in biodiversity, as sought by policy CP19. The net loss of biodiversity and not meeting of the trading rules, is reflected in the responses provided by DWT and the EA. The issue has been raised with the applicants but there are a number of issues that impact on the schemes ability to deliver biodiversity gains. Fundamentally, large areas of the application site are within private ownership and the applicant has no control over its use or management in the long term. The red edge extends across a long linear stretch of land needed to deliver the flood defences and open space opportunities are limited within its bounds given the extents of private land. In addition, one of the main reasons the trading rules cannot be met is the inability of the scheme to plant more replacement trees within the bounds of its red edge.

Notwithstanding the inability of the scheme to deliver biodiversity net gain, suitable conditions are recommended, should planning permission be granted, to ensure a CEMP provides the precautionary methods of working and other mitigation measures to address impacts on protected species. Provision of a Landscape and Biodiversity Enhancement Management Plan (LBEMP) would still be required in the interests of ensuring the suitable creation, enhancement and management of the habitats and species that are shown to be delivered as part of the scheme.

In accordance with the advice provided by DWT, through the discharge of the LBEMP condition, options may be available to consider alternative forms of grassland and planting including within the swales. As advised by the EA, works within the 10m riverbank top will affect the river unit assessment and mitigation for this can be explored. The detailed wording of the condition would be drawn up in consultation with DWT and the EA as their suggested wording varies. Importantly, it will be necessary to ensure the condition does not impose requirements on the applicants to manage areas of the site, in the long term, that are outside of their control, but ensure it does exhaust all options for improving the biodiversity of the proposals outlined in the application.

It is clear that further enhancements to mitigate losses in biodiversity cannot be easily designed into this area of the package 2 works resulting in adverse impacts on biodiversity. While the delivery of BNG is not yet mandatory, this does not give a basis on which the application should be refused but such impacts need to be weighed against the wider benefits of the proposals when considered in their entirety.

7.6. Amenity Considerations

The NPPF states that planning policies and decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or wider area to impacts that could arise for the development. Policy CP2 requires a response to climate change impacts including air quality impacts. Sensitive receptors in close proximity to the site include residential properties at Riverside Apartments and Exeter House a hotel and the library. There are also a number of commercial and business premises that will remain in close proximity to the construction activities.

On completion, the flood defences would offer limited air quality implications. However, the scheme does include extensive demolition and construction works over a relatively long period of time. Consequently, emissions from the demolition/construction phase of the scheme have the potential to influence local air quality, associated with road traffic emissions and also demolition and construction dust releases. Colleagues in Environmental Protection have considered the information presented in the Air Quality Assessment along with the information in the air quality chapter of the ES. They advise that the air quality impacts have been appropriately assessed and that it provides a useful indication that the development is not expected to cause any significantly adverse air quality impacts. They note the potential for construction dust impacts which could be significant if not adequately mitigated. They therefore recommend that an appropriate CEMP is secured by

planning condition to ensure suitable measures are in place during the construction phase to limit impacts on local air quality.

A construction noise and vibration assessment supports the planning application. It considers the potential noise and vibration impact of the construction activities. The existing ambient noise levels around the site are identified as including traffic from the A6, A601 and Eastgate, trains, infrequent aircraft, birds and river flow. Residential receptors considered in the assessment include properties at Riverside Court and Exeter House along with existing businesses within the site boundary or in close proximity. Ecological receptors along the river are also considered.

The construction works are identified as increasing noise and vibration levels as a result of construction vehicles and plant and construction related activities including piling and general earthworks. The results indicate that the noise levels at the façades of the existing noise sensitive properties and ecological sensitive receptors will exceed criterion in several locations in accordance with BS 5228-1. To minimise noise disruption the implementation of a CEMP is again proposed along with the inclusion of appropriate hoarding around the areas of demolition and construction activities. To reduce the potential effects of vibration, a series of piling methods are identified as having been considered as part of the scheme design. The assessment concludes that with live monitoring of piling activities, implementation of a CEMP with consideration of BS 5228 methods, the demolition and construction vibration is deemed to be acceptable and are not considered significant effects that are likely to arise during the demolition and construction works on site. Environmental Protection colleagues have not raised objections to the application on noise grounds and this is on the basis that with the mitigation strategy outlined in the assessment and mitigation measures outlined, all sensitive receptors and ecological receptors are expected to be within the relevant noise criteria. Again, adherence to a CEMP throughout the construction phase of the works is crucial to the delivery of that mitigation and this will be secured through planning conditions. A condition is also recommended to limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays with no noisy work to take place on Sundays and Bank Holidays. This would be in accordance with Environmental Protection Colleagues advice and is proposed to prevent nuisance to neighbours.

In terms of issues relative to massing, proximity and overshadowing, the most sensitive neighbours are the residential properties at Riverside Apartments and Exeter House. Given the low level nature of the flood walls, no adverse impacts relative to proximity or loss of light are of concern. The glass panels are a welcome addition to the section of flood wall proposed to extend alongside Exeter Place and this would reduce its sense of enclosure by allowing views to be maintained from the ground floor properties towards the river. Issues of massing, proximity and overshadowing are less sensitive in relation to retained commercial and business premises although it is noted that objectors to the application have raised concern regarding proximity and a loss of light and outlook to retained businesses resulting from the position of sections of the proposed flood wall. The resulting relationships have been considered carefully and of note, is the Stuart Street section of the flood wall and its proximity to windows in the street facing elevation of Simpson Jones. The 1.7m high flood wall would provide a level of enclosure around the site frontage that would reduce some light and outlook for those windows. Given that this is a business

premises and so is less sensitive, the relationship is considered to be acceptable, balancing against the impacts, the significant benefits afforded this property in terms of the flood protection offered by the flood wall. On completion, it is considered that the wider amenity around Stuart Street would be improved overall as a result of the establishment of the green and open space through the conveyance corridor and opened up views towards the river.

The LVIA notes the close proximity of some residential properties to the construction activities and resulting impacts on views. While these are not identified as significant in EIA terms, given the short term nature of construction works, it can be appreciated that the construction activities will cause some disruption for those residents and businesses that will remain within the riverside area. Saved policy GD5 seeks to ensure that development does not cause unacceptable harm to the amenity of nearby areas and requires consideration of a number of factors when determining harm and they include noise and vibration along with air, water, noise and light pollution. Amenity considerations are also required by Policy E12. Given the conclusions reached in the ES and the specialist advice provided by Environmental Protection colleagues, it is considered that the noise and air quality impacts arising have been suitably assessed and can be controlled, subject to some mitigation measures being sought by condition. As outlined in other sections of this report, conditions are proposed to be included to control the installation of external lighting and for measures to control incidents of water pollution. Together it is considered that sufficient controls can be put in place to ensure that impacts on amenity be controlled to an acceptable degree in accordance with the requirements of policies GD5 and E12.

7.7. Highways / Transport Impacts

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. In assessing applications for development, it requires that opportunities are taken to promote sustainable transport modes - given the type of development and its location, that safe and suitable access to the site is achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

As stated in the consultation response provided by colleagues in highways, the application is not proposing any new land use development that might change traffic levels on the network. The main issues for consideration relate to assessing the impacts arising as a result of the flood defence infrastructure physically impacting on the highway, and any changes proposed for the highway layout, footways and cycleways.

It is noted that in its consideration of traffic and transport, the ES does not identify any significant environmental effects as arising. This is during normal conditions and during flood events. The application is accompanied by a Transport Assessment (TA) and it concludes that the proposed permanent changes to the network as a result of the works required for the flood defences, would not have a material impact on the operation of the highway network. The full and comprehensive comments of highways colleagues are set out in section 5.1 of this report. Highways colleagues'

comments consider in detail, requirements for safe and suitable access, changes to parking and transport impacts during a flood event.

It is noted that some objectors to the application have raised issue with the loss of on-street parking resulting from the works and the impact this will have on the ability of staff and customers / clients, particularly, the elderly, disabled and vulnerable, to easily access business that would remain. Whilst it can be appreciated that the loss of on-street parking from the area will change existing parking arrangements that are undoubtedly regularly used, the retained businesses are in the city centre, with good access to all the sustainable transport options it has available along with city centre car parking. All the resulting links, including footpaths and cycleways are proposed to be delivered in accordance with the Councils highway standards and it is not considered that the proposal offers any conflicts with the accessibility requirements of policy T10. Objectors have also expressed some concerns regarding the implications of the works for changes to the accesses to retained buildings. These issues are covered by the response from highways colleagues which provides detail on how access would be changed including during times of flood. It is noted however, that an existing access (vehicle and pedestrian) that serves Simpson Jones on Stuart Street would be cut off by the new defences. However, the area around this site is proposed to be opened up by the demolition of Crompton House making access options available via Phoenix Street. The submitted plans indicate that the sites parking area and access is to be reconfigured and this would have to take place in consultation with the landowners. Conditions of planning permission should be imposed to ensure that the alternative arrangements for this business are delivered in a timely manner and to ensure that the resulting access solution is acceptable in highway safety terms. However, given the land available and proximity to highway boundaries that would result alongside the bounds of this existing business, it is considered that a suitable access solution can be achieved and controlled via such a condition.

In light of the comments received from colleagues in highways and them having no objections to the application, it is considered that the development would comply with the requirements of Paragraph 110 of the NPPF and Policy CP23. It is noted that National Highways have also confirmed that they do not object to the application, taking into consideration the vicinity of the proposed development to the A52 trunk road.

7.8. Other Environmental

As part of the scoping exercise, ground conditions and contamination were scoped out of the ES as no significant environmental effects were deemed likely to arise during the construction or operation phases of the development. Detailed site investigations and risk assessments have been undertaken and Environmental Protection colleagues advise that due to the potential for contaminated land to be present in a number of locations and the length of time since earlier investigations have been completed, updated risk assessments will be required prior to each phase of the works. Further intrusive site investigation work is therefore proposed to be secured by condition which will provide recommendations for suitable remediation. In accordance with the advice of the Environment Agency, conditions will also be imposed to control remediation of any contamination not previously identified in the

interests of protecting groundwater. These conditions will ensure that any contamination is suitably remediated to ensure the proposals compliance with Policies E12 and E13.

Climate change and sustainability are addressed in the applicants Planning Statement and note that the proposed development would deliver significant improvements to the existing flood defence provision within the city as supported by policy AC8 which seeks to improve flood security measures for the City in the wake of future flood events. In line with the OCOR Masterplan, the proposals incorporates features and measures that seek to minimise waste and maximise the reuse of materials wherever possible. Prior to the commencement of construction, a contractor's 'Construction Phase Plan' is proposed to be prepared, which would include a Site Waste Management Plan for adherence throughout the construction phase. This Plan would aim to minimise material use, reduce waste generated by construction, reuse surplus materials and recycle waste. Given the nature of the site, carbon emissions associated with the development would only arise during the construction phase resulting from embodied carbon associated with the construction materials, energy use on site as well as emissions from transport. Where possible, the detailed design of the scheme is stated as incorporating environmentally sustainable techniques and materials (e.g. low carbon concrete), to reduce the carbon footprint. The scheme is identified as having been designed so that it will require little active management and maintenance over its design life, therefore, limited to no carbon emissions are anticipated following the completion of the construction works. Overall, the potential effect of the scheme on carbon is identified as not significant in EIA terms. Given the extent of demolition works proposed as part of this application, the measures outlined are welcomed and would accord with the intentions of Policy CP2 which seeks to ensure that development proposals take account of opportunities to reduce greenhouse gas emissions and minimise the impacts caused as a result of the changing climate.

7.9. Planning Balance and Conclusion

The proposals included in the application form the next phase of the OCOR programme. Importantly, they will provide vital flood protection from the river to people, infrastructure, property and heritage assets in the city. This is particularly pertinent in light of the recent flood event and associated impacts of Storm Babet, which resulted in significant flooding of areas that would be safeguarded by the measures set out in this application. It is also worth noting the impact of measures implemented already as part of the package 1 and 2 proposals, which successfully defended residential and commercial properties from the worst impacts of the flood event.

Whilst new flood defences are important in their own right, it has long been the intention that they will form part of a suite of measures to help unlock the potential of the river corridor. The proposals contained in this application are fundamental to transforming Derby's relationship with the river Derwent as they provide the realigned defences necessary to enable the regeneration of key sites in the city centre and the achievement of many of the other objectives listed in Policy AC7, including opening up opportunities for new businesses, investment and city living. The proposals will facilitate the implementation of the OCOR programme and are therefore entirely

compliant with the principles underpinning policies AC7 and AC8 and the relevant elements of policies AC2 and CP2 which seek to tackle the causes and effects of climate change.

The application has generated some objection from third parties. They have been taken into consideration and the key issues in determining this application are robustly set out and addressed within this committee report. This application has been considered in accordance with the relevant policies in the Development Plan and based on advice provided by consultees and it is considered that the information in the ES and other supporting documents is sufficient to enable the environmental effects of the proposal to be fully considered.

The impacts of the proposals will lead to a significant change in the character of this part of the city centre and removal of numerous trees of high amenity value will change this to a 'harder' more managed character. As a series of flood defence structures that are not integrated into new development, they do not provide active frontage to this part of the river corridor. The proposals relate to the city centre and subsequently will be very prominent, but it is considered that the revisions to the wall finishes, alongside the delivery of the green space, historic interpretation and public art will deliver an environment that does not prejudice the future development potential of land they are designed to protect. This is successfully demonstrated in the applicant's concept plan.

As with any major infrastructure project of this nature, there are undoubtedly adverse Impacts that have to be weighed in the balance and these include the loss of the locally listed Crompton House, the significant loss of trees and quantified impacts on the biodiversity value of the re-engineered corridor. The remaining concerns about the potential displacement of office occupiers is also an adverse impact that needs to be weighed in the planning balance.

In reaching a conclusion, it is noted that specialist consultees who have advised on this application, while recognising some of the adverse impacts arising from it, have not raised substantive objections to it. Where policy tensions do exist, it is recognised that there is a clear and pressing need to implement the new flood defences, to deliver the next phase of the OCOR project and protect people and property within the city from flooding from the river. The flood protection and regeneration benefits arising as a result are deemed to significantly outweigh any adverse impacts arising and it is recommended that planning permission should therefore be granted subject to the conditions noted in the report.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

It is considered that the information provided to support this application justifies the extent of works proposed to deliver this essential part of the Our City Our River flood defence scheme. The defences seek to unlock the regeneration potential of the river corridor and continue to accord with the Local Plan aspirations of tackling the causes and effects of climate change, and reducing flood risk to people, property, heritage assets and infrastructure in the city as outlined in policies CP2, AC7 and AC8. The Environmental Statement identifies and assesses the main effects of the development on the environment and while adverse impacts are identified as a result of the loss of the locally listed Crompton House, and a significant number of trees, along with a reduction in the bio-diversity value of the re-engineered river corridor and the displacement of office occupiers, the flood protection and regeneration benefits arising are deemed to significantly outweigh any adverse impacts. It is also considered that a high quality public realm can be secured as part of the works along with new green space and opportunities for historic interpretation and public art.

8.3. Conditions:

Members will note that certain consultees have recommended the detailed wording of conditions in this report. However, in line with previous Counsel advice the following conditions are provided in an abbreviated format to ensure that the final wording can be subsequently agreed by all parties. If there are any over-riding issues with the inclusion/exclusion or the wording of any condition(s) the Chair and Vice Chair will be consulted to agree a way forward.

General Conditions

1. Standard condition specifying the standard 3 year time limit for the commencement of works.
2. Standard condition listing the approved plans.

Pre-Commencement Conditions:

3. Contaminated land condition requiring suitable remediation and validation reports.
4. Condition requiring submission of a WSI for archaeology to include requirements for historic building recording of Crompton House.
5. Provision of a Construction Environmental Management Plan (CEMP) – to include measures to control dust and noise, measures relating to protected species and highways.
6. Provision of colour and sample details for all external materials including hard landscaping.

Committee Report Item No: 9.1

Application No: 23/00320/FUL

Type: Full Application

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7. Provision of a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) – to include details relating to bat and bird nest boxes and details of management of ecological enhancements proposed.
 8. Submission of a final BS5837 compliant AMS (including TPP) prior to commencement of works (including preparatory works).
 9. Submission and agreement of details for no-dig methods of working in root protection areas of retained trees.

Pre-Occupation Conditions:

10. Submission of a detailed landscaping plan – details to include species target soil volumes and actual soil volume availability.
11. Precise details of any external lighting to be submitted and agreed prior to its installation.
12. Details of historic interpretation and public art proposals as outlined in the 'cultural threads' document to include details of consultation / engagement and the provision of a timetable for the delivery of the proposals.
13. Condition requiring precise details of tie into network rail embankment with sour protection details – to be submitted prior to the commencement of those works.
14. Submission of proposals for the re-use of materials and historic features of Crompton House.
15. Submission of a Traffic Management Plan prior to the flood defences becoming operational.
16. Provision of CCTV to cover the new public space between the river and Stuart Street – details to be agreed prior to installation of the CCTV and include a timetable for delivery.

Management Conditions:

17. Condition to control construction and demolition working hours.
18. Condition requiring delivery of development in accordance with mitigation measures outlined in FRA – PFR to be installed at The Tap public house and production of an emergency plan.
19. Condition requiring suitable remediation of any contamination found that was not previously identified.
20. Condition requiring approval of any revisions to drawings that may impact upon the highway network.

8.4. Informative Notes:

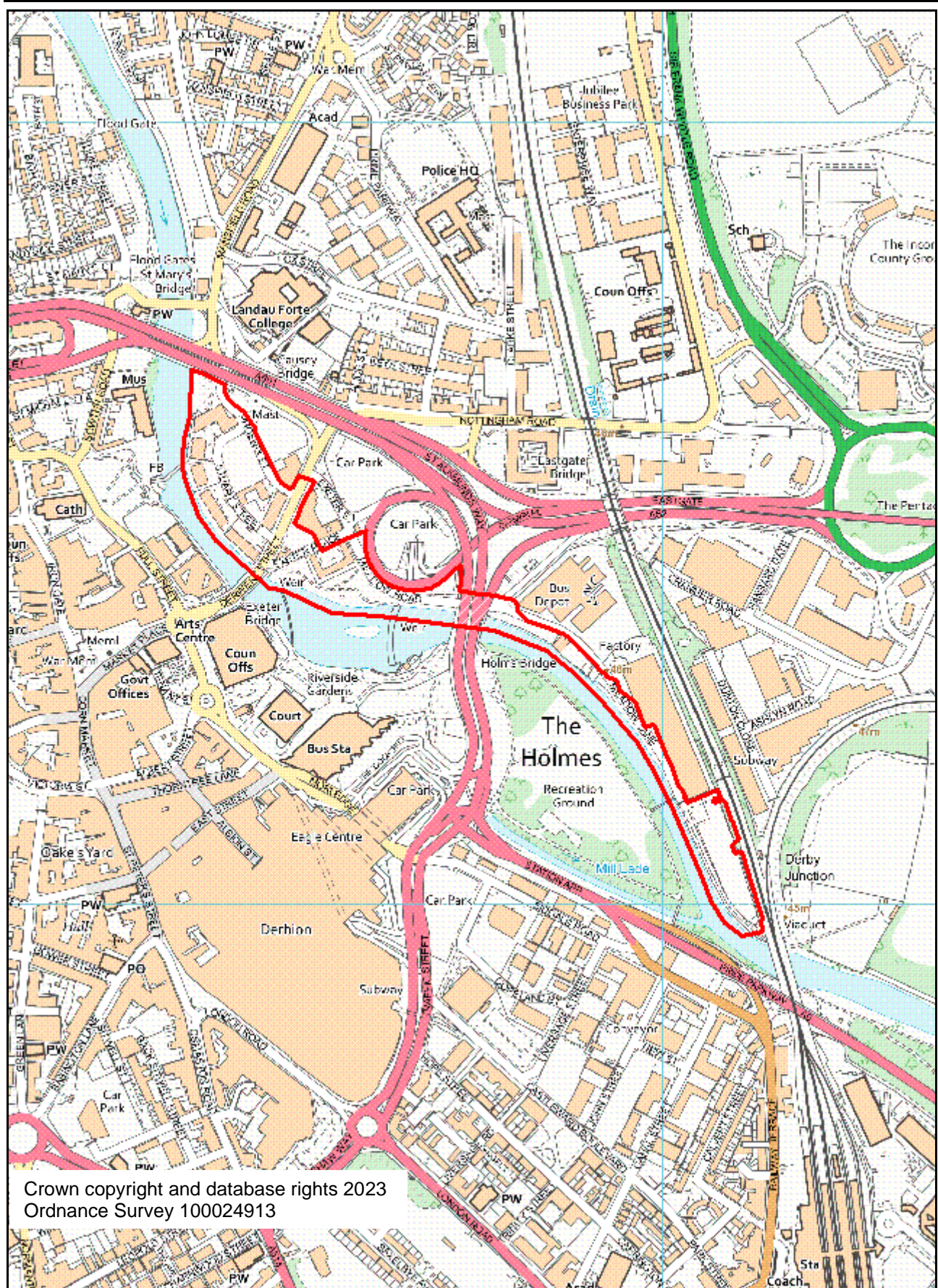
- a) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- b) Any part of the public highway which it is proposed is to be stopped up will be subject to the process as defined by S247 of the Town and Country Planning Act 1990 (as amended). Any area of highway to be stopped up will require the consent of the Highway Authority.
- c) The proposals outlined in the application will require amendments to traffic regulation orders. It should be noted that changes to traffic regulation orders involve a public consultation process that can attract objections and is therefore not certain.
- d) DCC's emergency plan relies on support from Trent Barton and the above proposals should be discussed with DCC emergency planning team.
- e) A report detailing breach of defences scenarios has been included in the Flood Risk Assessment. The Environment Agency do not require any further information for the FRA on this point, however once the model is adopted as the main flood risk model for the River Derwent in Derby, they have advised that they would appreciate having a GIS layer with the flood heights of the breach scenarios as data points through the floodplain. This will enable them to give accurate advice on land use planning proposals in this area. A 'combined' layer would run all the breaches together and take the highest level as the height for each data point. The Environment Agency have advised that they may be able to assist with this if the modelled breach height grids can be supplied to them.

8.5. S106 requirements where appropriate:

None.

8.6. Application timescale:

An extension of time has been agreed for 23/11/23 to enable consideration of the application by the Planning Control Committee.



Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

1. Application Details

1.1. Address: Derby Dance Academy, Lynton Street, Derby

1.2. Ward: Abbey

1.3. Proposal:

Change of use from dance studio (Use Class E) to one five bedroom (five occupant) flat in multiple occupation (Use Class C4) and one four bedroom (four occupant) flat in multiple occupation (Use Class C4), together with alterations to fenestration

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00605/FUL>

The application property is located at the junction of Peet Street and Lynton Street on the south-western outskirts of the City Centre. It forms part of a group of former industrial buildings dating from the 1890's. Historically the site was used as plaster works and then a tape factory. The application property was last in use as a dance studio (Use Class E). It has been vacant since early 2023.

The main part of the building is two-storeys in height with a white painted finish. There is a single storey red brick addition along the Lynton Street frontage. To the rear of the application property is a small courtyard providing access and parking for some of the neighbouring units. The application property itself has no off-street parking provision.

The surrounding area is predominately comprised of traditional terraced housing with some small-scale commercial uses; these include a boxing gym located along Lynton Street, and 'The Nest Studio', an office/studio/meeting space which is accessed off Parliament Street. The attached buildings to the south of the application property have previously been converted into three residential units.

There are existing residents parking restrictions (Permits Only Monday-Sat 8am -6pm) on the north side of Lynton Street. The southern side of Lynton Street is not covered by the restriction, nor are the adjoining streets (with the exception of the (south) eastern side of Peet Street).

The Proposal

This application has been brought back to Committee following its deferral at the Planning Control Committee meeting on 7 September. During the meeting Members raised concerns about room sizes and general quality of the proposed living accommodation. The application was deferred to allow Officers to seek amendments to the scheme.

The scheme originally sought to convert the building into two flats in multiple occupation (use class C4): one **six bedroom (six occupant)** flat on the first floor of the building; and **one five bedroom (five occupant)** flat on the ground floor. Following negotiations with the applicant the layout of the scheme has been amended, and the development now proposes to convert the building into one **five bedroom (five occupant)** flat on the first floor of the building; and one **four bedroom (four occupant)**

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

flat on the ground floor. All rooms would be single occupancy and the accommodation (as amended) would house nine occupants in total.

As per the original scheme no extensions, or significant alterations, are proposed to the exterior of the building to facilitate the proposed change of use. No designated off-street parking would be provided for the proposed residential accommodation.

A link to the previous committee report is provided below, for your information.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201255022>

2. Relevant Planning History:

Application No:	08/91/01084	Type:	Full Application
Decision:	Conditionally Granted	Date:	31/10/1991
Description:	Alterations & extensions to existing offices, and use of stable block as offices		
Application No:	03/90/00389	Type:	Full Application
Decision:	Conditionally Granted	Date:	11/06/1990
Description:	Use of ground floor as car park and erection of 1 st floor extension for offices and workshop		
Application No:	12/88/01762	Type:	Full Application
Decision:	Conditionally Granted	Date:	04/07/1985
Description:	Use of warehouse as garage (ground floor) with Office accommodation above		
Application No:	05/85/00580	Type:	Full Application
Decision:	Conditionally Granted	Date:	04/07/1985
Description:	Use of premises as dance studio with ancillary Accommodation		

3. Publicity:

- Neighbour Notification Letters – 11
- Site Notice

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

The changes to the layout have reduced the overall number of bedrooms proposed within the building. As a result, there would be no additional impact on neighbours and no further public consultations have been carried out, following receipt of the amended plans.

11 objections were received during the consultation on the original scheme proposed. The issues raised within the representations are summarised below:

- There are too many HMO's in the area
- Inadequate parking/concerns about where existing residents will park
- Increase in on street parking/congestion issues
- Highway safety concerns
- Concerns about access for emergency vehicles due to parked cars
- Concerns parked vehicles blocking the public footpath
- Increased noise, disturbance and anti-social behaviour associated with the proposed use
- Increase litter and concerns about bins – smells, vermin etc.
- Lack of community facilities in the area – no GP, post office or pub
- The premises should remain as a business
- There are already plenty of housing options locally
- More family accommodation is needed

The following comments have been made by Councillor Carmel Ashby

'There have been approximately 10 applications and Abbey councillors have been contacted by residents who have shared their concerns with us, including access for emergency vehicles. There have already been number of problems for residents and I would be grateful if you could seen a report from the fire and ambulance services.'

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

5. Consultations:

5.1. Highways Development Control:

These observations are primarily made on the basis of the following submitted information:-

Drawing 23,026-P-002 ~ Existing Floor Plans

Drawing 23,026-P-102 /B ~ Proposed Floor Plans

Drawing 23,026-P-103 ~ Proposed Elevations

Planning Statement

The application is reliant upon on-street parking for vehicles associated with the residential occupancy of the site. There is an existing residents parking restriction (Permits Only Monday-Sat 8am -6pm) on the north side of Lynton Street, occupants of the proposed development would not be eligible for the issue of permits.

The south side of Lynton Street is not covered by the restriction.

Adjoining streets (with the exception of the (south) eastern side of Peet Street are also not covered by waiting restrictions.

The Planning Statement says

'The site is located within 10 minute walking distance of a multitude of amenities, facilities, transport links as well as the city centre. Peet Mini Market is the closest shop, located 100 yards/1 minutes' walk away from the site, Lidl is within 8 minutes' walk of the site as well as several other supermarkets, takeaways, public houses and restaurants.'

Considering likely vehicle parking associated with the proposals:-

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

This shows that for a 1 room non-owner occupied flat (which is the best equivalent to a room in a House in Multiple Occupation) that the average car ownership is 0.3 vehicles. As such, for a 12 bedroom HMO this would equate to 4 vehicles.

There are no figures available to establish vehicular demand for the dance studio; however I can envisage occasions where there would be considerably more vehicles associated with the studios, in particular when they would be fully operational.

At worst, it is the Highway Authority's view that the proposals will not necessarily lead to a significant increase in vehicle generation over that which could be anticipated and associated with the present consented use of the site.

As stated, the site is in a sustainable location, within walking distance to shops, city centre amenities and public transport opportunities.

Para. 111 of the National Planning Policy Framework states that

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

To be clear, 'severe' does not relate to parking, but the consequences of congestion as a result of the traffic effects arising from the development.

Whilst the scheme would potentially increase demand for parking spaces, it would not be possible to argue that the scheme would lead to 'unacceptable impacts' to highway safety.

I do note that drawing 23,026-P-102 B shows an outwards opening door; this would not be acceptable to the Highway Authority.

Section 153 of the Highways Act 1980 requires that doors, gates, and windows do not open outwards over the public highway. The risk to highway users of an outward opening ground floor door, window or other obstruction must always be avoided.

There is a risk that if doors or windows open outwards onto the highway that pedestrians could be injured by protrusions (such as a window at head height for example), or that they could collide with a door that is either open or is in the process of being opened.

Accordingly, ground floor doors and windows should be inwards opening only. This can be dealt with by condition.

Recommendation:

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

Condition:

New doors and windows on the ground floor street frontage shall open inwards only and shall be provided in accordance with details which have been first submitted to and approved in writing by the LPA prior to their installation. The approved doors and windows shall then be retained for the life of the development.

Reason: In the interest of pedestrian and highway safety

5.2. Environmental Services (Health – Pollution):

I note that the application site sits on land formally occupied by a Tape Factory, which is categorised from a contamination perspective as a 'textile and dye works' (map dates 1947 and 1967). Consequently, future occupiers of the proposed residential units are at risk of exposure to contamination which could impact human health.

The application is not supported by any information relating to land contamination risks.

Recommendation

In the circumstances, the Environmental Protection Team would recommend the attachment of the following conditions to the planning consent, should it be granted:

i) Before commencement of the development, a Phase I ground contamination study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and all plausible pollutant linkages with respect to future site users in accordance with the Government's Land Contamination Risk Management (LCRM) Guidance. A Phase I Desktop Study Report will be required for

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

submission to the Local Planning Authority for written approval prior to commencement of the development.

ii) Where the agreed Phase I Assessment has identified potential contamination, a Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the health of future site users, in accordance with LCRM Guidance. A risk assessment will then be required to determine the level of potential risk to site end users. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of the development.

iii) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks to human health exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks. The Remediation Strategy shall be completed in accordance with LCRM Guidance and submitted for written approval by the Local Planning Authority prior to commencement of the development.

iv) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full, that all significant risks to human health have been removed and that the remediation targets have all been met. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

5.3. Environmental Services (Health – Noise):

With regards to the above planning application, I am concerned that the proposed residential units would be exposed to significantly high levels of noise. The building is situated in a predominantly residential area with a small mix of commercial enterprises adjacent and to the rear of the site, most notably Nest Studio's. The 'Boxing Gym' adjoining the site can possibly produce high noise level of noise (short duration) through weight lifts banging on the floor, raised voices and possible noise from music during training sessions.

For the reasons given above, I would have very serious concerns of detriment that will be caused to future occupiers of the proposed residential units due to noise. If planning consent is granted, I would recommend that the condition below is attached.

- *A comprehensive noise assessment must be undertaken, assessing the site against the criteria contained within BS8233:2014, ProPG Guidance on Planning & Noise or any other relevant standards or guidance. The Survey shall be completed by a competent and suitably qualified acoustician and a report submitted for written approval by the LPA prior to the commencement of the development. Where the agreed Assessment indicates that mitigation works are required, a scheme must be submitted by the developer for approval, before the development commences. All agreed mitigation works must be incorporated into the Development prior to its first occupation.*

5.4. Resources and Housing (HIMO):

The planning application has been reviewed by Housing Standards in accordance with the relevant housing legislation and guidelines applied by this department. It does not have objections but has the following comments to make:

The proposed development is for 2 flats within a two-storey building, having one flat on each floor. each flat contains six units of accommodation. Ten of the twelve units are labelled as studios and are self-contained. Two of the units (one in each flat) are not self-contained as they do not contain kitchen facilities. Instead, each flat has one separate kitchen, thus making the development technically two HMOs according to definitions set out under section 254 of the Housing Act 2004.

The size of each self-contained unit ranges from 14.6m² to 15.2m². These are considered small for self-contained units from a housing standards point of view and do not meet space standards set out by The Department for Communities and Local Government, in 2015, in 'Technical Housing Standards ' Nationally Described Space Standard'. This document sets out requirements for gross internal floor area of new dwellings and specifies that single storey dwellings should be a minimum of 37m² for one occupant. The proposals for this development demonstrate a significant departure from this requirement.

This department assesses existing dwellings for health and safety using the Housing Health & Safety Rating system (HHSRS). One of the hazards is 'crowding and space' which is relevant to small dwellings such as those proposed. It directs the assessor to consider inadequate sized living space in the assessment. Current government guidance such as that detailed above should be referred to in an assessment and may lead an assessor to conclude there could be an impact on the health of occupants living in such units.

Under the HHSRS this department must also consider the fire safety of dwellings. A development such as the one proposed is high risk for the hazard of 'fire'. This is due to it being four storeys, having cooking facilities in most units and being occupied by a high number of separate households. The guidance used by this department for assessments of this hazard was published by LACORS in 2008 (a copy can be obtained from this department if required). The property would require as a minimum, a mixed fire alarm system consisting of Grade A LD2 and D1 in each unit along with the escape route protected by FD30s.

Other significant hazards under the HHSRS are also more likely to be present in small self-contained units such as 'damp and mould', 'flames, hot surfaces etc', 'food safety' and 'electrical'. Each self-contained unit must contain mechanical extract ventilation in the room containing cooking facilities, which is vented to external air. This is to reduce the build-up of moisture internally.

Each flat will be classed as a HMO under Section 254 of the Housing Act 2004 and will require a licence from this Authority for occupation by five or more persons. It will need to meet the guidelines set out by this Authority for HMOs in the City which can be obtained from this department. In order to obtain a licence it will also need to be adequately managed and free of significant hazards under the HHSRS (including fire, damp and mould and crowding and space etc as detailed above).

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

All conversion work should be carried out in accordance with current building Regulations. Substantial alterations in residential accommodation which are not carried out to the current standards may later be subject to enforcement under the Housing Act 2004, depending on the circumstances.

The Housing Standards department can be contacted with any queries on fire safety, HHSRS or HMO licensing.

5.5. The County Archaeologist

The proposed development lies on the site of two NDHA's, a former cement and plaster works established c. 1880 (MDR10266) which was then incorporated into a tape works (MDR10302) in the 1890's. However, I do not think that the proposals will impact below ground archaeology and have no objection.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
H14	Re-use of Underused Buildings
E13	Contaminated land

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/enviromentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement, as of April 2023.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. Changes to the scheme/Quality of Living Environment

7.2. Other Issues

7.3. Conclusion

7.1. Changes to the scheme/Quality of Living Environment

The changes to the scheme are as follows:

- One bedroom in each flat has been removed. The bedrooms have been replaced with kitchen/living spaces, or workspaces, to improve the communal living conditions.
- A communal kitchen/utility area, and a living/dining area are now provided for occupants in the first floor flat (Flat B).
- A communal kitchen/living area, a utility room living/dining area, and a workspace/home office area are now provided for occupants in the ground floor flat (Flat A).
- Bedrooms within the ground floor flat (Flat A) have been made larger by reducing the size of the bins/bike store, so they are all now between 15.3m² and 18.4m² in area.

The bedroom sizes now all exceed the minimum requirements for HIMO's contained with the City Council's '*Amenities and Space Standards for Houses in Multiple Occupation*'. This document requires a minimum of 8 m² for bedrooms with adequate lounge or dining space elsewhere and cooking facilities not provided in bedroom; and a minimum of 8 m² for bedrooms with cooking facilities provided in the room. All bedrooms are over 14 m². Both flats are also above national described space

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

standards in terms of their overall floorspace (Flat A is 45m² above, Flat B is 28m² above), the minimum required floor area being 90m².

With the proposed changes to the layout: the increased bedroom sizes, larger areas of communal space, and the proposed reduction in the overall number of occupants; it is considered that the internal spaces have been significantly improved, and as a result, would achieve the high-quality living environment for future occupants required by saved Policy H13 of the CDLPR.

7.2. Other Issues

Although the ground floor cycle/bin storage area has been reduced in size in allow for the enlargement of some of the ground floor bedrooms, it is still considered to be of an adequate size to accommodate sufficient bins to serve the number of residents proposed (in this case it is estimated that no more than 4 bins would be required). The cycle storage area has also been reduced, but again it is still shown to be large enough to accommodate 9 bikes. This is deemed to be acceptable for the reduced number of occupants proposed. The proposed reduction in the overall number of future occupiers would also help address earlier concerns raised with regards to the potential impact on on-street parking. Highway/parking issues were covered in more detail within the earlier committee report.

7.3. Conclusion

The application site is located in an established residential area, close to local amenities and public transport links and is therefore considered to be a sustainable location for new residential development to be situated. The proposal would also increase variety of accommodation type and maximise the efficient use of the site contributing to housing delivery in line with the intentions of Saved Local Plan Policy H13 and Policy CP6 of the Derby City Local Plan – Part 1(Core Strategy), a factor which should be given significant weight considering the City's housing supply position and the need to consider the tilted balance.

Whilst the development may potentially give rise to some additional on-street parking, it is considered that this is unlikely to result in any demonstrable harm to highway safety, or residential amenity as a result. Nor would the proposal have such an overriding impact on residential amenity, or the general character of the area, as to warrant a refusal. It is considered that the minor adverse effects attributable to the development would not significantly or demonstrably outweigh the benefits inherent in increasing the City's housing supply.

The proposal, as amended, meets all the Council's housing standards, regarding room sizes and a satisfactory quality of living accommodation is proposed. All other technical matters, such as noise and contaminated land, can be addressed through condition. Consideration has been given to the loss of the existing community facility and the development is considered to be in line with the intentions of Policy CP21.

Overall, it is considered that all relevant planning matters have been adequately addressed and the proposal reasonably satisfies the requirements of the adopted policies of the DCLP1 and the saved policies of the adopted CDLPR as included within

this report, with the tilted balance being taken into consideration, and the over-arching guidance in the National Planning Policy Framework

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The “tilted balance” is engaged, meaning great weight must be given to the provision of residential accommodation. Whilst the development may potentially give rise to some additional on-street parking, it is considered that this is unlikely to result in any demonstrable harm to highway safety, or residential amenity as a result. Nor would the proposal have such an overriding impact on residential amenity, or the general character of the area, as to warrant a refusal. The minor adverse impact of granting permission in this case, if any, would be outweighed by the benefits of increasing the City’s residential accommodation by even a small amount. The proposal is considered to be acceptable in principle, and with specific regard to the provision of a high-quality living environment and impacts on residential amenity, the local highway network and the character of the area.

8.3. Conditions:

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

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

2. The development shall conform in all aspects with the plans and details shown in the application as listed below.

Location Plan – 23,026 – P -001

Proposed Floor Plan - 23,026 – P -102 rev: D

Proposed Elevations - 23,026 – P -103 Rev: A

Reason: For the avoidance of doubt.

Pre-Occupation Conditions

3. Condition requiring the submission of a noise assessment and implementation of approved noise mitigation measures and any required ventilation prior to occupation of the residential accommodation.

Reason: To ensure a satisfactory living environment is provided.

4. Contaminated land condition - phase 1.

Reason: To ensure a satisfactory living environment is provided and protect occupiers from any exposure to contamination.

5. Condition controlling provision and retention of a bin storage area and suitable ventilation of that space.

Reason: To ensure a satisfactory living environment is provided.

6. Condition controlling the provision and retention of cycle storage area and the provision of 3 electric bike charging points.

Reason: To promote the use of sustainable modes of transport.

7. Condition requiring the submission of a Phase II report.

Reason: To ensure a satisfactory living environment is provided and protect occupiers from any exposure to contamination

8. Condition requiring the submission of a remediation strategy.

Reason: To ensure a satisfactory living environment is provided and protect occupiers from any exposure to contamination.

9. Condition requiring the submission of a verification report.

Reason: To ensure a satisfactory living environment is provided and protect occupiers from any exposure to contamination.

Management Conditions

10. Condition controlling details of replacement windows and doors – precise design, materials and finish.

Reason: In the interests of visual amenity.

11. Condition controlling the use of the building – use as two flats in multiple occupation (maximum 9 bedrooms and 9 persons)

Reason: To ensure a satisfactory living environment is provided and because a more intensive use may not be acceptable in this location because of the potential impact on the amenities of neighbouring occupiers and parking issues.

12. Condition restricting outwards opening doors and windows.

Reason: In the interest of pedestrian and highway safety

8.4. Informative Notes:

The applicant should note the Housing Standard's Officer comments with regards fire safety and amenity.

Please see comments from The Environmental Protection Officer below

- The developer should note that windows shall not be sealed closed but should be able to be kept closed, by choice, whilst allowing the occupier to enjoy adequate source of fresh air. If deemed necessary by the survey, the sound insulation scheme shall incorporate a mechanical ventilation to allow windows to remain closed irrespective of the external conditions (The developer should note that the window

Committee Report Item No: 9.2

Application No: 23/00605/FUL

Type: Full Application

shall not remain closed to achieve the Indoor ambient noise guideline values as specified in British Standard BS 8233:2014).

- The ventilation arrangements shall ensure that 4 air changes per hour, if necessary, using mechanical ventilation, is available on demand in all habitable rooms (to ensure thermal comfort and purged ventilation). If mechanical ventilation is not required, then tm52/59 overheating assessment will be required for alternative ventilation system. • The scheme shall ensure that the LAmax does not exceed 45dB(A) on more than 15 occasions during any night-time period). full details of LAFmax will be required in a tabular format between 23:00 hours and 07:00 hours (every 15 mins) for the duration of the assessment.
- I would like to see LAeq, 1hr, throughout the day and night in a tabular format submitted as it will help determine the appropriate glazing specification required for the residential units.

Notwithstanding any Planning Permission please note that the proposed development will not qualify for the issue of residents parking permits.

The developer should note that the proposed works will take place in an area covered by permit parking restrictions, which may necessitate the purchase of temporary permits for vehicles associated with the construction works. The developer should therefore contact businessdev@derby.gov.uk in order to make arrangements for the purchase of temporary permits as appropriate.

Due to the change of use from a business premises to a residential property, you would need to contact Derby City Council and Royal Mail to notify them of the changes when the development approaches completion. You can contact Derby City Council by emailing customerservices@derby.gov.uk or telephone 01332 640000 and Royal Mail Development Team by emailing addressmaintenance@royalmail.com or telephone 0845 6011 110, option 3, option 1.

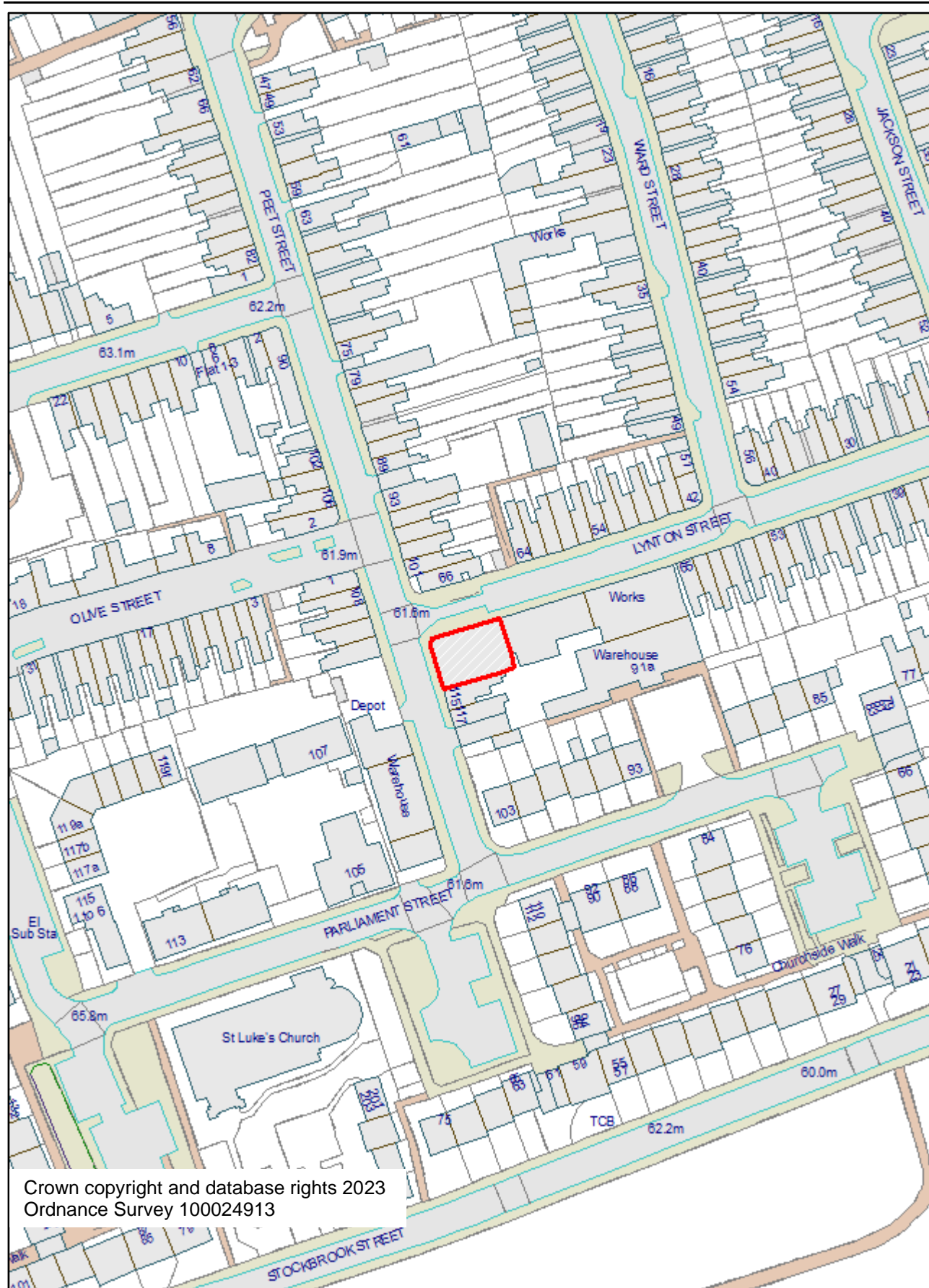
An adequate number of bins need to be provided to cater for the overall number of residents occupying the building and should be stored in the designated bin storage area, off the public highway. It is recommended that procedures are put into place to ensure bins are put out at an appropriate time and to ensure the sorting of recycling is managed correctly.

8.5. S106 requirements where appropriate:

None required.

8.6. Application timescale:

The application has been called in to committee by Councillor Ashby. **An extension of time has been sought from the applicant until 20 November.**



Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

1. Application Details

1.1. Address: Allestree Firs, Woodlands Road, Derby

1.2. Ward: Allestree

1.3. Proposal:

Demolition of dwelling house. Erection of 10 detached dwelling houses

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01236>

The site and surroundings

The application site is a roughly triangular piece of land covering approx. 0.69ha in area. It is located on the western side of Woodlands Road and lies on the northern edge of the suburb of Allestree. The site is currently occupied by a detached two-storey dwelling and an associated range of outbuildings. They include a number of attractive brick-built barns, sheds and a detached swimming pool building. The buildings are all set within a large mature garden plot, with well vegetated boundaries. Land levels across the site slope up gently from south to north. There is an existing vehicle access serving the site off Woodlands Road. The site lies within walking distance to shops and other services at the nearby Blenheim Drive Neighborhood Centre, and close to several bus routes which extend along Woodlands Road and West Bank Road.

The north the site abuts an area of Woodland (also within the ownership of the applicant) which is allocated as Green Belt. Beyond this lies open farmland within Amber Valley. To the south the site abuts the garden areas of existing properties within the built-up area of Allestree. To the north-east of the site is Allestree Park, which is occupied by the Grade II Listed Allestree Hall, and allocated as an area of open space. The boundary of the Derwent Valley Mills World Heritage Site Buffer Zone runs along the opposite side of Woodlands Road but the application site itself falls outside of this designation. The site is however covered by a Derbyshire Historic Environment Record: Allestree Firs (MDR11237).

The Proposal

The applicant is seeking permission to demolish the existing buildings on the site and erect ten dwellings. The proposed development would form a private drive off Woodlands Road and involves the repositioning of the existing vehicle access approximately 10m to the south of the existing arrangement. The proposal also requires the removal of trees and hedgerows along the site frontage to facilitate the desired visibility splays either side of the new site access.

The proposed dwellings would all be large detached houses with either attached or detached double garages. They would vary between two and two and a half storeys in height and would be a mixture of four, five and six bedroomed house-types. The proposed properties have a suburban character and are principally of red brick

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

construction, with some reconstituted stone features. The houses would be set in relatively generous garden plots arranged around a central roundabout/turning area.

During the life of the application amendments have been made to the scheme. They are detailed in the Agent's email dated 11th September 2023, as follows -

- *'The retention of a 'green' frontage has been recognised and substantial additional new tree planting is proposed behind the new hedge boundary. The green area in front of the hedge boundary required by the Highways Engineer will be planted out with wild flowers and left in a natural state.*
- *The dwellings fronting Woodlands Road have been reviewed. Plot 10 which has a side elevation facing the road, (and purposely kept that way to avoid a new pedestrian access close to the new vehicular access) has been redesigned to give a more side articulated elevation. In addition the roof accommodation has been removed allowing the height of the building to be reduced by 1300mm.*
- *The access road into the site has been reduced slightly to minimum acceptable sizes.*
- *The site has been inspected and the following materials and items will be reclaimed and used in the development.*
 - 1) *The original gates will be fixed permanently open and the boundary walls will be constructed from facing bricks with stone copings from the existing buildings and structures on site.*
 - 2) *Stone flags for the traffic calming and other areas*
 - 3) *2 no. stone cheese presses will be used with reclaimed timber to form a seat or other feature in front of a raised central bed constructed from facing bricks and stone copings.*
 - 4) *Bin stores will be constructed from reclaimed facing bricks and stone copings*
- *Additional trees will be planted within the site in appropriate areas*
- *All garages will incorporate twin openings rather than one large opening. The heights of plots 7 and 8 have been reduced by 620mm.'*

The application is accompanied by various reports and documents which includes the following:

- A Planning Statement
- A Tree Report
- A Phase 1 Desk Top Study
- An Ecological Report
- A Sustainability Statement
- An Archaeological Desk-Based Assessment
- A Historic Building Assessment

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

2. Relevant Planning History:

Application No:	06/90/00806	Type:	Outline Application
Decision:	Granted	Date:	02/08/1990
Description:	Extensions To Dwelling House (Garage & W.C.)		
Application No:	06/84/00738	Type:	Full Application
Decision:	Granted	Date:	01/10/1984
Description:	Conversion Of 2 Storey Barn To Dwelling		

3. Publicity:

- Neighbour Notification Letter - 12
- Site Notice – Yes
- Statutory Press Advert – Yes

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

In total 14 objections and 1 letter of comment have been received in response to the consultation carried out on the application. The issues raised are summarised below:

Derby Civic Society

- The applicant has made no case for the retention of the existing building which is a designated heritage asset on the basis that it is registered upon the County Council's sites and monuments register (MDR 11237).
- The proposed development would permanently harm the setting of Allestree Park
- The application spends most of its time responding to the post war housing to is south, but absolutely none to the parkland to its north, east and SE in which it has been embedded since the early 19th century.

Others

- Concerns about the impact on neighbouring windows – light/outlook.
- Drainage concerns – no details of how surface water drainage will be accomplished – concerns about the permeability of the ground in the area.

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

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- Concerns about the enclosure the newly wilded area of Allestree Park
 - Impact on character of the area – loss of tree lined section of Woodlands Road and detrimental impact on the character of the area
 - The development will result in urban sprawl
 - Over intensification of the site
 - The development will be harmful to the setting of Allestree Park and the street scene
 - The development does not fit the green agenda
 - Concerns about the loss of the existing house and outbuildings, which are considered to be worthy of retention and refurbishment.
 - Concerns about the loss of trees on the site (and the tree removal which has already been undertaken on the site) and the resultant impact on the area
 - The proposed replacement tree planting is out of character with the site
 - Allestree Firs acts as a key buffer to what is in effect a rural band, linking to Allestree Park and woods. It is vital in maintaining the environmental ambience of the area.
 - The wrought iron gates to the proposed should be restored
 - Concerns that the development will open doors to more building in the locality
 - Loss of biodiversity
 - Concerns about increased traffic
 - Highway safety concerns – due to the bend in the road and proximity to nearby schools
 - Flood Risk concerns
 - Concerns about the impact on services such as doctors' surgeries and schools
 - Concerns about potential increased noise and disturbance
 - Allestree already has plenty of homes of this size. 2 bed starter homes are required.

5. Consultations:

5.1. Highways Development Control:

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

Observations:

As a result of the observations the Highway Authority made on 31/08/2022, the applicant has commissioned a speed survey, and provided a revise detail drawing 19617/X/01B).

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

The issues raised have all been overcome except for the provision of an appropriate refuse collection point; this must not be on the highway; two have been shown on the plan, however they are in excess of 20m from the highway carriageway. The applicant/developer is reminded that refuse vehicles are unlikely to enter the site to collect containers (and the layout seems unsuited for such movements). This may entail alterations to the layout but from a highway standpoint this can be dealt with by appropriate condition.

The Speed survey carried out identifies that the 85th percentile speed of approaching traffic is higher than the posted speed limit; with the drawing being subsequently amended to show appropriate visibility splays. It appears that the splays will be contained within land either within the highway extents or land within the applicants ownership/control.

The physical works to construct the footways to the site (within the highway) will need to be carried out under agreement (Section 278 of the Highways Act 1980); these works will include the closure and subsequent reinstatement of the existing access.

The applicant has also provided vehicle tracking to demonstrate that the “roundabout feature” is capable of being accessed by (in this case) a fire tender. The applicant is reminded that the site will remain a private drive and will not be subsequently ‘adopted’ as highway by the council.

Due to the location of the site and the works to be carried out; it will be necessary for the applicant/developer to first provide for approval a suitable Construction Management Plan, prior to the commencement of works. This will be dealt with by appropriate condition.

It will likely be a requirement of the Highway Authority that street lighting be extended along Woodlands Road to the extent of the development, this provision will be funded by the developer and will be dealt with as part of the Technical Approvals process under Section 278 of the Highways Act which falls outside of the planning approval process.

As an observation, some of the internal shared driveways are too narrow for the passing of vehicles and potentially turning of (say) delivery vehicles – such as home shopping; this may lead to such vehicles having to reverse back onto the internal estate road. As this is not highway it is considered to be more of an operation issue for the applicant and occupants,

Recommendation:

The Highway Authority has No Objection to the proposals, subject to the following suggested conditions:-

Condition 1:

No development shall commence unless or until a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

routing of vehicles associated with the operations. The construction works shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure that suitable arrangements are provided for the construction work to be undertaken without undue effect upon the adjacent highway network, and in the interests of highway safety.

Condition 2:

No part of the development hereby permitted shall be occupied until the highway access has been constructed to the specification of the Highway authority and the satisfaction of the Local Planning Authority, generally in accordance with details shown for indicative purposes on approved drawing "19617/X/01B".

Reason: To protect the structural integrity of the highway to allow for future maintenance, and in the interests of highway safety.

Condition 3:

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 19617/X/01B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

Condition 4:

The development hereby permitted shall not be brought into use until a Servicing Management Plan has been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be serviced in accordance with the approved plan, for the lifetime of the development.

Condition 5:

No gates shall be erected at the access to the development from the public highway.

Reason: In the interests of highway safety.

Condition 6:

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 12 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

Condition 7:

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Condition 8:

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

Reason: To promote sustainable travel.

5.2. Built Environment:

The Firs is a former farmstead and was once the only development in this area surrounded by fields. The farmstead are historic buildings of historic interest and are evidenced on early maps, were in situ at least by the mid to late eighteenth century and are seen to be a part of the Allestree Hall Estate. The group consists of a farmhouse and attached, to the west, a coach house, cow houses, a two-storey threshing barn (with pigeonhole access) and stable which surrounded a former yard area. The farm buildings are constructed of traditional local red/orange with a tiled roof and the farmhouse has been partially rendered. They are a collection of historic farm buildings, of local importance, which can be classed as a heritage asset in NPPF terms (2021) as 'A building, monument, site place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest' and is a group of buildings which are of age, local interest and importance.

Missing information, impact of proposals on Heritage Assets and comments

The proposals are to demolish this locally distinctive historic former farmstead and construct 10 detached dwellings on the site.

Looking at the submitted historic building assessment the significance has not been fully assessed in terms of the setting of the farmstead as a heritage asset, as per the NPPF para 194. '194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. Our Archaeological advisor will cover comment on the information needed regarding the below ground archaeology.

There is harm and complete loss of the heritage asset as a result of this proposal. The proposal does not consider whether the existing buildings could be retained and converted as part of the proposals. This is strongly suggested for heritage, and climate change, reasons to reduce carbon by reuse of these buildings rather than construction of new buildings of new materials and the embodied energy they contain.

Policies

Policy E19 of the saved Local Plan Review (2006) is relevant here. It includes the following 'The City Council will also seek to ensure the conservation of locally important buildings and structures, including those on its Local List, by encouraging their retention, maintenance, appropriate use, and restoration. The Council will therefore not normally approve development proposals that would have a detrimental effect on locally important buildings or structures as a result of a. demolition or part demolition, b. inappropriate alteration or extension, c. impact on its setting or context. In the case of buildings of local importance, applicants will be expected to demonstrate that all reasonable alternatives to demolition have been considered and found to be unrealistic.'

Also relevant is CP2, CP20 of the Local Plan – core strategy (2017) and Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in particular, paragraph 197, 203, 204 and 205. There is harm caused to the heritage asset. Para 203 states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Recommendation: Object to proposal and strongly suggest conversion of historic buildings are incorporated into any proposal.

5.3. Environmental Services (Health – Pollution):

Contaminated Land

Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the development, other than within a land contamination context.

In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

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1. The application has included a Phase 1 desk-based study (Kiwa CMT, ref: 84654/64886 dated 07/03/2022). This has identified the site as formerly in residential/agricultural use with some small scale quarrying in the north east corner and outside the immediate site.
 2. There are a number of buildings, including the main dwelling, that will be demolished as a result of this development. The report has concluded that there is a low-moderate risk of contamination from any made ground that would potentially be present on the site and a phase 2 intrusive investigation would be required to ensure that there is no significant contamination on the site.
 3. We would concur with this recommendation and in view of the proposed sensitive end use, would recommend that the following conditions be attached to any planning permission granted:
 - i) Where the previously submitted Phase I geo-Environmental Assessment has identified potential contamination, a Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the development. A risk assessment will then be required to determine the level of potential risk to end users of the development and to controlled waters. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of the development.
 - ii) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks. The Remediation Strategy shall be submitted for written approval by the Local Planning Authority prior to commencement of the development.
 - iii) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full and that all significant risks to users of the development and controlled waters have been removed. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

Construction Management Plan

Due to the close proximity of local residents, the applicant may be advised to consider the use of a construction management plan to mitigate and control environmental noise and dust emissions throughout the duration of the construction phase of the development, including any demolition as applicable. This should incorporate best practicable means from BS5228-1:2009 +A1:2014 – Code of Practice for noise and vibration control from construction and open sites and IAQM – Guidance on the Assessment of Dust from demolition and construction (2014).

I have no other comments to make on the application regarding environmental protection matters at this time.

5.4. Natural Environment (Tree Officer):

Relevant documents to the Arb consultation:

- Tree Survey, AIA, AMS, TPP
- Site Plan - Rev B

Observations:

The submission of the tree survey, AIA, AMS and TPP is welcomed.

Of note I had reports from members of the public on the 8th March 2021 that trees were being felled at the site. A site visit was carried out where it was observed that the majority of the trees on the interior of the site had been felled. At that time there was no threat to the boundary trees and there was no requirement to make a TPO. It is possible that the felling was in preparation for the development of the site. I was unable to open the Biodiversity Metric Report however it is likely that it is not a true reflection in relation to development however we can only really assess the site at the time of application.

I am satisfied that the tree survey is an accurate assessment of the trees and their retention categories.

The tree survey has identified 13 individual category C trees and 3 category C groups. In terms of compliance with BS5837 the removal of category C is acceptable to facilitate development. The majority of trees shown to be removed to facilitate development are on the east boundary with Woodlands Lane. Whilst the loss of the east boundary trees will result in a loss of green infrastructure and public visual amenity the BS5837 category assessment demonstrates that their removal is reasonable to facilitate development. Mitigatory planting on site would to a certain extent compensate for the loss of green infrastructure.

The TPP shows protection measures for the retained trees and is acceptable.

I am of the opinion that if permission is granted retained trees must be protected by a TPO to help ensure protection measures are fully complied with. A TPO could include new trees to be planted within the site.

Tree Planting

The Proposed Layout with Tree planting Plan within the tree survey identifies a hedge to be planted on the east boundary consisting of Hawthorn, Field maple and Beech. The plan also identifies the following trees to be planted.

- 6 No. Sliver Birch
- 3 No. Fastigate Oak
- 7 No. Multi-stemmed Rowan
- 1 No. Small Leaved Lime
- 2 No. Sweet Gum

A landscape plan, schedule and maintenance plan must be conditioned. The Small Leaved Lime is proposed to be planted in a roundabout. There is the potential for conflict from Honeydew drifting onto parked cars if it reaches maturity. It may be

appropriate to select an alternative large canopy tree. Of note the tree has a large target soil volume and will require a significant amount of soil volume for it to reach maturity in the landscape. It is likely that soil cells will need to be utilised to provide the soil volume under hard surfaces. Details of target soil volume and of the actual soil volume available must be supplied in the final landscape documents.

Tree loss evaluation is in section 5.15 of the tree survey. This is a tad vague and does not provide real detail on canopy loss and canopy gained. An assessment of canopy loss and canopy gained from proposed planting must be supplied and I would like to see a net increase in canopy cover. If this cannot be supplied on site then I would like to see a contribution to planting off site. This could be factored into a Biodiversity Enhancement and Management Plan.

Conclusion

- I have no objection subject to full compliance with the supplied AMS (including TPP). Compliance must be conditioned and must include the arboricultural monitoring.
- I suggest that the condition specifically includes that the protective fencing/ground protection measures shall be erected/installed prior to commencement of construction (including preparatory works) as per the TPP and that the project arboriculturalist provides evidence that the fencing has been erected in accordance with the TPP prior to commencement of construction (including preparatory works).
- A canopy assessment is required to show m2 canopy loss through tree removals and m2 projected canopy from tree planting.
- Where a net loss or a balanced canopy cover is projected then off site tree planting must be secured (could be factored into a Biodiversity Enhancement and Management Plan).
- Prior to commencement of development the supply and approval of a final landscape plan, schedule and maintenance schedule must be conditioned.

The below may be appropriate:

Condition: Prior to development hereby approved details of treatment of all parts on the site not covered by buildings (to the front of the site) shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted
2. Provision of access to adequate soil volumes to support the tree through to independence in the landscape and beyond (may include soil cells).
3. Provision of root deflectors and or root barriers if appropriate.
4. Irrigation pipe (if used).

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

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5. Method of securing.
 6. Tree protection (if used).
 7. Method of tree pit finish must be supplied: i.e. mulch (including depth) or tree grille/grids etc.
 8. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of landscaped areas within the development, and to enhance its setting within the immediate locality in accordance with CP2, CP16 and CP19.

5.5. Derbyshire County Council Archaeologist (amended comments 15/02/23):

I note the inclusion of the Archaeological Desk Based Assessment to compliment that of the Heritage Impact Assessment. Together they form a comprehensive history of the development plot that clearly and explicitly demonstrate consideration of the building as a heritage asset and its setting along with the consideration of the archaeological resource and its potential.

Please consult your own Buildings and Conservation officer for their assessment and view on setting and the heritage value of the extant asset as well as on the need for and appropriate level of any building recording of upstanding fabric etc in the light of the newly submitted documents.

In considering the buried archaeological resource. The desk based assessment identifies that, in effect, the presence of prehistoric to medieval archaeology on the site is a known unknown, and absence of evidence is not evidence of absence. The presence of later archaeology, relating to the development of the farm buildings and complex is a known in outline, it is demonstrated on the maps and present in the building fabric. It appears to me then that the main heritage value and potential for the site is two-fold and lies in:

- a) any below ground and upstanding evidence of the development of the building (complex) and use and occupancy units over time on the one hand,
- and
- b) testing for any evidence of earlier occupation within the site by examining site formation processes relative to depth of impact and so ground truthing the deductions/assumptions of the DBA on the other.

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

It is my opinion that further archaeological work will be necessary on this site. This should encompass:

1. archaeological evaluation trenching within the proposed development area/footprint of the proposed new buildings outlined in the proposal (trench locations and number to be agreed), to be followed by any mitigation, if necessary.
2. a scalable archaeological watching brief
 - during ground works associated with establishing access, compound etc, and any ground reduction
 - once demolition of the Firs is to the base of the walls, not the foundations, of the standing buildings is complete.

This archaeological work could be undertaken post determination and conditioned into any planning consent under Para 205 of NPPF the wording of which might read.

- No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

The WSI should be compiled in consultation with this office and be authored by the archaeological contractors who will undertake the work in the field.

5.6. Derbyshire Wildlife Trust:

I have checked our biodiversity datasets and we are not aware of any statutory or non-statutory nature conservation designations associated with this plot of land. The site is comprised of a residential property with a main house, outbuildings, and a garden. We are also not aware of any records for protected species or Species or Habitats of Principal Importance (S41 NERC Act 2006) within the site itself. However, information for private sites is understandably often quite limited.

The application is accompanied by a Preliminary Roost Assessment including Bat Emergence Surveys report prepared by Haslam Ecology June 2022. The report includes the results of the preliminary bat assessment, the bat emergence surveys and additional assessments for other protected species and a biodiversity net gain assessment. The report appears to be a hybrid report between a Preliminary

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

Ecological Appraisal and a bat roost assessment, but this is not very clearly explained in the report.

The report has not undertaken a desktop survey, so no consideration appears to have been given to the potential for records of protected species near the site and what this may mean in terms of the surveys needed at the site. This is a constraint on the findings and conclusions of the report.

The preliminary roost assessment undertaken in February 2022 concluded that the buildings were suitable for roosting bats and two further bat emergence surveys have subsequently been completed in May. These surveys accord with current guidelines and the results are acceptable.

No evidence of roosting bats has been found in any of the outbuildings or main house. The surveys have found that bats are using the garden and treelines around the garden for foraging and commuting.

Habitats

There is very little information in the report on the habitats present within the site other than a brief sentence stating that 'the site is comprised of a garden with lawns, rough grassland, shrubs and trees'. Unfortunately, at this time I have been unable to access the biodiversity metric report to see if any further information is provided in that format. Nonetheless we would normally expect more detail on the habitat types with a description of each one and the characteristic plant species identified and listed.

Biodiversity Gain (in line with NPPF 2021)

The report includes a section on Biodiversity Net Gain which appears in the non-technical summary at the start of the report. However, the full details of how the figures for BNG have been arrived at are not included in the report. There is only a brief paragraph in the Evaluation and Impacts section. The proposal to deliver habitat enhancements on adjacent land is in principle potentially acceptable, but the level of detail provided is very limited.

Conclusions and recommendations

The ecological assessment is limited in some respects by the lack of a desktop survey and the hybrid nature of the report. Information on the habitats present within the site is also limited and although the metric figures provided in summary form suggest that a net gain can be achieved, further details of the impacts on habitats at the site would be useful. Unfortunately, the biodiversity metric was not accessible, so I have not been able to review this part of the ecological information.

If the Council is minded to approve the application the following conditions are advisable:

Breeding birds

No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive.

Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.)

Lighting

Prior to the installation of lighting fixtures a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Badger (General)

All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

Comments: This condition can be used to ensure that badgers are not trapped and harmed on site and also to ensure that badgers do not cause problems for future site operation, e.g. blockage of pipes

Reptiles

Prior to the commencement of works (including clearance of grassland, refugia piles, scrub or groundworks) a Reptile Method Statement shall be submitted to the LPA to safeguard {slow worm, along with any other reptiles or amphibians encountered}. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered.

The Method Statement shall be implemented in full, and a short statement of compliance submitted at the end of site clearance works.

Bats

The development shall proceed in strict accordance with the Reasonable Avoidance Measures set out in Table 5.2 within the Preliminary Roost Assessment including Bat Emergence Surveys report prepared by Haslam Ecology June 2022.

Biodiversity Enhancement and Management Plan

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP is to enhance and sympathetically manage the biodiversity value of on-site and off-site habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:-

- a) Details for 10 integrated swift bricks and 3 external bat boxes
- b) Details of hedgehog connectivity gaps within the development
- c) Details of the habitats to be enhanced and managed off-site for Biodiversity Net Gain
- d) Aims and objectives of off-site management.
- e) Appropriate management methods and practices to achieve aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- h) Details of the body or organization responsible for implementation of the plan.
 - i) A monitoring schedule to assess the success of the enhancement measures
 - j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP shall also include details of the legal and funding mechanism(s) by which the longterm (30 years) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

5.7. Highways – Land Drainage

This application is in Flood Zone 1 and there is no flooding shown on any website, apart from a tiny pond at the north-east of the site. This can be easily designed out.

It will however be necessary to deal with the increased run-off. Infiltration may be possible ' the site is shown as being on the boundary between an area of soil type 10 (freely draining) and soil type 8 (impeded drainage) so infiltration testing would be sensible. If infiltration is not possible, the applicant can utilise such measures as rain gardens, permeable paving, tree pits and green walls.

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

5.8. The Environment Agency

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

- The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1(a)	Presumption in favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General Criteria
E13	Contaminated Land
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology

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

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,266 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5-year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.69 years of dwellings against the annual 1,266 requirement.

For the purposes of decision making, the lack of a demonstrable 5-year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5-year supply this means granting planning permission unless –

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- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5-year supply is material. A housing land supply of 3.69 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

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

7.1. The Principle of Development

7.2. Visual Impact and Residential Amenity Issues

7.3. Heritage Issues

7.4. Highway Issues

7.5. Other Issues

7.6. Conclusion

7.1. The Principle of Development

The site is on the edge of an existing residential area, it is also located close to local amenities and public transport routes and so could reasonably be argued to represent a sustainable location for new residential development to be sited. The site itself isn't allocated for any specific use within the Core Strategy and lies outside of the designated area of Green Belt which extends to the north. As a result, there are no site-specific reasons to resist residential development in this location.

The proposal would also increase the variety and amount of housing delivery in accordance with Core Strategy policy CP6. As set out in Section 6.2, above, the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is

unable to demonstrate a 5-year supply is material. There is currently a significant housing land supply shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

Overall, it is considered that the development would be reasonably in line with the intentions of policies H13 and CP6, the tilted balance being considered, and there no in principle reasons to resist residential development in this location.

7.2. Visual Impact and Residential Amenity Issues

Policies CP3 and CP4 of the DCLP1 and saved Policy H13 of the City of Derby Local Plan Review seek high quality design and efficient use of land in residential development. Policy CP4 requires new development to respond appropriately to its context. Saved Policies H13 and GD5 both require development to safeguard the amenity of both existing and future residents.

Visual Impact

The application site is located on the edge of the built-up area of Allestree and from the south the proposed houses would be viewed in context to the existing suburban development. To the north, the substantial area of retained woodland, together with retained trees, and planting proposed, around the site boundaries itself, would assist in limiting any impact on open countryside views. This vegetation screening would also help limit views from Allestree Park to the north-east, and the replacement landscaping proposed along the site frontage would help to soften the visual impact of the development when viewed from Woodlands Road.

The proposed houses are large, detached properties, which don't appear to have been designed to directly reflect any of the existing house types in the area. However, they are clearly suburban in character, and taking into account the mixture of house styles and ages within the vicinity of the site, are not considered to be out of keeping with the general character of the area. The houses would be set in similar sized garden plots to many of the nearby properties, and the use of complementary building materials (mainly red brick) would assist in integrating the development into the existing built context.

Residential Amenity

The distance between the proposed dwellings and the rear elevations of properties on Maple Grove (located to the south and west of the site) is in excess of 20m. This distance is considered to be acceptable to avoid any undue loss of amenity to those neighbours through loss of light, massing or loss of privacy. Retained trees and vegetation along the site boundaries would also help screen neighbouring dwellings from the development. Precise details of boundary treatment can be controlled through condition to ensure appropriate levels of privacy are provided in existing and proposed garden areas.

Number 109 Woodlands Road, the direct neighbour to the south of the site, has a row of rooflights facing the proposed development and a number of ground floor openings, all of which are secondary room windows. The main dwellings within the nearest proposed plots (plots 8 and 9) are located an acceptable distance from these openings to ensure there would be no unacceptable loss of light or

overlooking. The proposed detached garage serving plot 9 would be located close to the boundary with No. 109, however, it is unlikely to cause any significant loss of light to this neighbour, given the nearest windows are not primary room openings. It is recommended that details of the detached garages are conditioned to ensure control over their height and design.

Overall, it is considered that the development would be a reasonable addition to the street scene, taking into account the suburban character of the development found to the south, and the existing woodland screening retained to the north. It would also provide a high-quality living environment for future residents without causing significant harm to the amenities of existing properties. As a result, there would be no direct conflict with policies CP3, CP4 of the and saved DCLP1, or saved policies GD5 and H13 of the CDLPR.

7.3. Heritage Issues

The buildings on the site are not locally or statutorily listed, and whilst the site is covered by a Historic Environment Record, this does not make it a '*designated heritage asset*'. The Conservation Officer advises that the buildings should be treated as a '*non-designated heritage asset*' because of their age, local interest, and importance. The Conservation Officer objects to the development and suggests that the historic buildings are incorporated into the scheme.

The key policies of reference are policy E19 of the CDLPR and policy CP20 of the DCLP1, together with the overarching guidance within the NPPF. Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in particular, paragraphs 197, 203, 204 and 205. Para 203 states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Paragraph 205 states that '*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

A Historic Building Assessment and an Archaeological Desk Based Assessment have been submitted by the applicant during the life of the application. The submitted Archaeological Desk Based Assessment states that:

'The standing buildings of Allestree Firs house appear to include elements of possible early to mid-19th-century date, all of which have been substantially modified over the 20th century. The outbuildings include cowsheds, a threshing barn, a stable and the partially demolished remains of a pigsty, again ranging in date from the early to late 19th century. Many of these

structures have also been altered. Due to the extent of redevelopment and modernisation, the standing buildings within the Site can be classed as historic unlisted buildings of modest quality, which have been compromised by relatively poor survival of contextual associations’.

The Historic Building Assessment also states that

‘The mid-19th century threshing barn is of some local typological interest, as is the general arrangement of cowhouse, stable and barn around the fold yard. But the value of the ensemble as a whole was always typical and modest rather than exceptional, and has been seriously eroded by the comprehensive modernisation and alteration of the former farmhouse’. It goes on to say that: ‘Having investigated the farmstead, I agree that it has a level of interest which merits consideration in the planning process. However, I do not believe that the interest comes anywhere close to being of a level that warrants preservation. The buildings have no specific merit, and do not satisfy any of the criteria that might make them eligible for local listing’.

Whilst some of the brick-built barn buildings on the site are reasonably attractive, it is clear that the majority of the existing buildings have been significantly altered and are only of modest quality. They are also fairly well hidden, and therefore make a limited contribution to the character of the area and local distinctiveness, which could strengthen the argument for their retention. The applicant has been encouraged to consider reuse of the buildings on the site but has chosen to proceed with the current proposals. The proposed scheme would result in a direct impact on one recorded undesignated heritage asset: Allestree Firs, and whilst it would constitute a major impact it would be on a heritage asset of low/local significance. When weighed up against the significant benefits of the scheme, which would provide new residential accommodation in a sustainable location, the delivery of which would contribute to the challenging housing requirements of the City Council as outlined in Part 6.2 and the ‘tilted balance’ policy context, the benefits are considered to outweigh the harm.

In terms of the impact on wider heritage assets, with the tree screening in place around the site boundaries and the additional landscaping proposed, it is considered that there would be only a minor impact on the wider setting of Allestree Park, which houses the Grade II Listed Allestree Hall, and the buffer zone to the Derwent Valley Mills World Heritage Site. There would be no significant impact on the visual amenity or significance of these designated areas, and no impact on the immediate setting of Allestree Hall. The proposed development would therefore not result in any direct impacts on nationally-designated heritage assets. Again, any less than substantial harm caused to the setting of wider heritage assets are considered to be outweighed by the benefits of the development in terms of the contribution towards the City’s housing supply.

Archaeology – Following the receipt of an Archaeological Desk Based Assessment the County Archaeologist is now satisfied that enough information has been submitted to demonstrate consideration of the building as a heritage asset and its setting, along with the consideration of any below ground archaeology. The undertaking of further archaeological work is considered to be necessary, to include evaluation trenching and provision of an archaeological watching brief. A condition

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

is recommended in line with the County Archaeologist's comments, in order to comply with saved policy E21 of the CDLPR.

7.4. Highway Issues

The proposed development would form a private drive off Woodlands Road and be served from a repositioned vehicle access to the south of its existing site. The proposal would also require the removal of trees and hedgerows along the site frontage to achieve the required visibility splays. Each property would be served by four off street parking spaces and the dwellings would be arranged around a central landscaped roundabout feature. Traffic calming measures are proposed at the site entrance.

Following the receipt of further information (a speed survey and vehicle tracking), the Highways Officer has raised no objections to the development. The speed survey identified that the 85th percentile speed of approaching traffic is higher than the posted speed limit (30mph); however, visibility splays have been amended to reflect this. Tracking details demonstrate that the site can be suitably accessed, including by emergency vehicles. Conditions are recommended to control details of access arrangements, visibility splays, a construction management plan, bin collection points, surfacing, drainage and a Travel Plan.

Overall, it is considered that the development would provide a safe and suitable access and that there would be no significant adverse impact on the safe and efficient operation of the surrounding highway network. The development would therefore meet the transport objectives in policy CP23 of the DCLP1.

7.5. Other Issues

Ecology

There are no statutory or non-statutory nature conservation designations associated with the site and the application is accompanied by an ecological survey which concludes that the proposals would not harm protected species, or their habitat. The applicant has also submitted a copy of DEFRA's metric which is the standard tool for assessing Biodiversity Net Gain. The metric contains the baseline data given as units. The DEFRA Biodiversity Metric is a means of calculating losses and gains resulting from a proposed development, or other land use changes. The metric is based on habitats and results which are expressed as 'biodiversity units'. By comparing the biodiversity units on the site prior to development and the number of units post-development, it can be determined if there has been a net loss or a net gain. The Government expects that development would provide a 10% net gain.

The baseline data indicates that the site consists of low-quality scrubland and vegetated garden but high quality mixed deciduous woodland which equates to 2.19 units. Whilst the applicant is proposing some on-site enhancement, this drops to 1.42 units once development takes place, which equates to an on-site loss of 35.14%. Off-site compensation is focussed on the woodland to the north of the site and includes diversifying the woodland, creating habitats for invertebrates and wildflower diversification. Taking this into account provides a net gain of 82.63% which is substantially above the Government's requirement of 10%. The

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

Environment Act seeks to ensure that all development delivers Biodiversity Net Gain and this aspiration is contained within policy CP19. At the present time, the requirement to deliver Biodiversity Net Gain is voluntary, and therefore the applicant's intention to include it in this application is welcomed.

Conditions relating to breeding birds, lighting, badgers, reptiles, bats, and provision of a Biodiversity Enhancement and Management Plan for the site are recommended, in line with Derbyshire Wildlife Trust's comments, and to ensure the development complies with policy CP19 of the DCLP1.

Trees

No objections have been raised by the Tree Officer, who is satisfied with the submitted Tree Survey, Arboricultural Method Statement and Tree Protection Plan. Some tree removal on site had occurred prior to the submission of the planning application, however, this was reviewed by the Tree Officer at the time. None of the visually significant trees around the site boundary were considered to be at threat. Conditions are recommended with regards tree protection measures, a canopy assessment, and a detailed landscaping plan. It is recommended that any retained trees are made subject to a Preservation Order if planning permission is granted. Whilst there will be some tree loss on the site to facilitate the development, suitable compensatory planting and landscaping can be controlled through condition, in order to comply with policy CP16 of the DCLP1

Contaminated Land

The application includes a Phase 1 desk-based study which has identified the site as formerly in residential/agricultural use with some small scale quarrying in the north east corner of the site. Subject to the inclusion of standard contaminated land conditions (Phase II Site Investigation, Remediation Strategy and Validation Report) no objections are raised by the Environmental Protection Officer and it is considered that the development would comply with saved policy E13 of the CDLPR.

Flood Risk/Drainage

The site lies within Flood Zone 1 where there is a less than 1 in 1000 annual probability of fluvial flooding. As a result, the proposed dwellings would not be at unacceptable risk from flooding. The Land Drainage Officer raises no objections in principle to the development but advises that it will be necessary to deal with any increased run off. If infiltration is not possible, measures such as rain gardens, permeable paving, tree pits and green walls can be utilised. A surface water drainage condition is recommended to control details of sustainable drainage measures on the site, in order to comply with policy CP2 of the DCLP1.

Sustainable Design

The application is accompanied by a Sustainability Statement which outlines the various sustainable design features proposed. They include the provision of a home office for each dwelling, the incorporation of under floor heating, the use of energy efficient lighting, and the provision of an electric vehicle charging point for each property. Features such as air source heat pumps, solar water heaters and

rainwater harvesting are also being considered. The proposed roofs are steeply pitched and designed to accept south facing photovoltaic panels, however, reorientating the roof slopes to maximise solar gain has proved difficult without causing amenity/overlooking issues, and impacting on retained trees. It is recommended that precise details of sustainable design features are controlled through condition in order to comply with policy CP2 of the DCLP1.

7.6. Conclusion

The proposed development would provide much needed residential accommodation in a sustainable location and, as the City Council cannot presently demonstrate a 5-year supply of housing, paragraph 11 of the NPPF is active. In the opinion of the Local Planning Authority, the adverse impacts of the development, namely the loss of the non designated heritage assets on the site, would not significantly and demonstrably outweigh the benefits of this scheme. The proposed development is considered to be acceptable with regard to its relationship with the street scene, its impact upon the amenity of neighbouring properties and would provide a high quality living environment for future residents. The provision of net biodiversity gain across the wider area within the applicant's ownership is proposed, and can be controlled through condition, together with suitable replacement tree planting and landscaping. All other technical matters, including highway safety issues, have been addressed, or can be dealt with by condition.

Subject to safeguarding conditions the proposal is, therefore, acceptable in this context and broadly accords with the relevant policies contained within the Derby City Local Plan – Part 1(DCLP1), the saved policies contained within the adopted City of Derby Local Plan Review (DCLPR), and the guidance contained within the NPPF.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed development would provide much needed residential accommodation in a sustainable location and, as the City Council cannot presently demonstrate a 5 year supply of housing, paragraph 11 of the NPPF is active. In the opinion of the Local Planning Authority, the adverse impacts of the development, namely the loss of the non designated heritage assets on the site, would not significantly and demonstrably outweigh the benefits of this scheme. The proposed development is considered to be acceptable with regard to its relationship with the street scene, its impact upon the amenity of neighbouring properties and would provide a high quality living environment for future residents. The provision of net biodiversity gain across the wider area within the applicant's ownership is welcomed together with suitable replacement tree planting and landscaping. All other technical matters, including highway safety issues, have been addressed, or can be dealt with by condition. Subject to safeguarding conditions the proposal is, therefore, acceptable

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

in this context and broadly accords with the relevant policies contained within the Derby City Local Plan – Part 1(DCLP1), the saved policies contained within the adopted City of Derby Local Plan Review (DCLPR), and the guidance contained within the NPPF.

8.3. Conditions:

1. Standard 3 year time limit for implementation

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

2. Standard approved plans condition
Location plan - p8b/uk/831669/1124073
Site layout plan – 19617/P1/X/01
Sections - 19617/P1/A4/01
Block plan - 19617/X/02
Elevations plot 1 - 19617/P1/1/02
Floor Plan plot 1 – 19617/P1/1/01
Elevations plot 2 and 3 - 19617/P1/23/02
Floor Plan plot 2 and 3 – 19617/P/23/01
Elevations plot 4 and 6 - 19617/P1/46/02
Floor Plan plot 4 and 6 – 19617/P1/46/01
Elevations plot 5 - 19617/P/5/02
Floor Plan plot 5 – 19617/P/5/01
Elevations plot 7 and 8 - 19617/P1/78/02
Floor Plan plot 7 and 8 – 19617/P1/78/01
Elevations plot 9 - 19617/P/9/02
Floor Plan plot 9 – 19617/P/9/01
Elevations plot 10 - 19617/P1/10/02
Floor Plan plot 10 – 19617/P1/10/01

Reason: For the avoidance of doubt

Pre-Commencement Conditions

3. Condition controlling finished floor levels and any changes to site levels.

Reason: In the interests of visual amenity, residential amenity and to protect retained trees and hedgerows

4. Condition controlling a surface water drainage scheme for the site including attenuation where appropriate.

Reason: To ensure the provision of satisfactory drainage arrangements

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

5. Archaeology condition

Reason: To ensure that any archaeological remains and features are recorded

6. Condition controlling Historic building recording of the buildings on the site.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the buildings

7. Condition controlling the provision of protection measures for retained trees and hedgerows on the site before work starts – in line with the approved Tree Protection Plan.

Reason: To protect trees and other vegetation on and adjoining the site

8. Construction Management Plan Condition

Reason: In the interests of residential amenity and highway safety.

9. Landscaping scheme condition (to include a schedule and maintenance schedule), maintenance schedule and timeframe for implementation.

Reason: In the interests of visual and biodiversity enhancement

10. Biodiversity Enhancement and Management Plan (BEMP) condition

Reason: In the interests of biodiversity enhancement

11. External materials condition

Reason: In the interests of visual amenity

12. Boundary treatment condition

Reason: In the interests of residential amenity

13. Standard condition Phase II Site Investigation, Remediation Strategy and Validation Report)

Reason: In the interests of residential amenity

14. Condition requiring details of sustainable design features

Reason: To accord with the sustainability features suggested in the application

15. Condition controlling the submission/implementation of a Reptile Method Statement

Reason: In the interests of nature conservation

16. Condition controlling details of detached garages

Reason: Because precise details have not been provided. In the interests of visual and residential amenity

Pre-Occupation Conditions

17. Condition requiring the construction of the vehicle access into the site in accordance with the approved details including no gates across the access.

Reason: To protect the structural integrity of the highway to allow for future maintenance, and in the interests of highway safety.

18. Condition requiring the provision of the approved visibility splays and to ensure they are kept free of obstructions

Reason: In the interests of highway safety.

19. Condition controlling the provision of bin storage areas within 20m of the highway, or the submission of a servicing management plan for the site.

Reason: To protect the structural integrity of the highway to allow for future maintenance, and in the interests of highway safety.

20. Condition controlling provision of driveways/parking/turning and surfacing for these areas

Reason: In the interests of highway safety.

21. Condition controlling the drainage of the access driveway

Reason: In the interests of highway safety.

22. Condition controlling the submission of a Travel Plan for the site

Reason: To promote sustainable travel.

23. Condition removing permitted development rights

Reason: In the interests of visual amenity and to protect the health and visual amenity value of retained trees around the site .

Management Conditions

24. Condition restricting demolition/vegetation clearance within the bird nesting season.

Reason: In the interests of nature conservation

25. Condition controlling the submission of a lighting scheme for the site

Reason: In the interests of nature conservation

26. General Badger condition

Reason: In the interests of nature conservation

8.4. Informative Notes:

Highways

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980.

The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. Contact StreetPride; maintenance.highways@derby.gov.uk tel 0333 2006981

Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; kerrie.jarvis@derby.gov.uk

External Lighting to private developments - Any artificial external lighting to the development shall be in accordance with industry guidance and best practice, having due care and consideration to either remove the introduction or to minimise the impact of artificial light on the environment, climate, and ecology. The applicant/developer should focus on the lighting aspects of the development, including purpose, design, assessment, and all future maintenance considerations. "The right light, in the right place, at the right time, with the right controls". Consideration of energy management must be at the forefront of any design and installation, including a clear asset management plan which focuses on how the installation is to be tested and maintained once installed.

The following suite of documents are published within the industry as a means of guidance for designers.

- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light
- Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's
- Institution of Lighting Professionals Guidance Note 9/19: 2019 Domestic exterior lighting: getting it right!

The consent granted will result in the construction of a new street which needs naming and numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact

Committee Report Item No: 9.3

Application No: 22/01236/FUL

Type: Full Application

traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary means of access on each plot.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, correspondence with Highway Authority should be addressed to:-

HighwaysDevelopmentControl@derby.gov.uk

Trees/vegetation

It is likely that soil cells will need to be utilised to provide the soil volume under hard surfaces. Details of target soil volume and of the actual soil volume available must be supplied in the final landscape documents.

There is the potential for conflict from Honeydew drifting onto parked cars if it reaches maturity. It may be appropriate to select an alternative large canopy tree for use in the proposed central roundabout feature.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive.

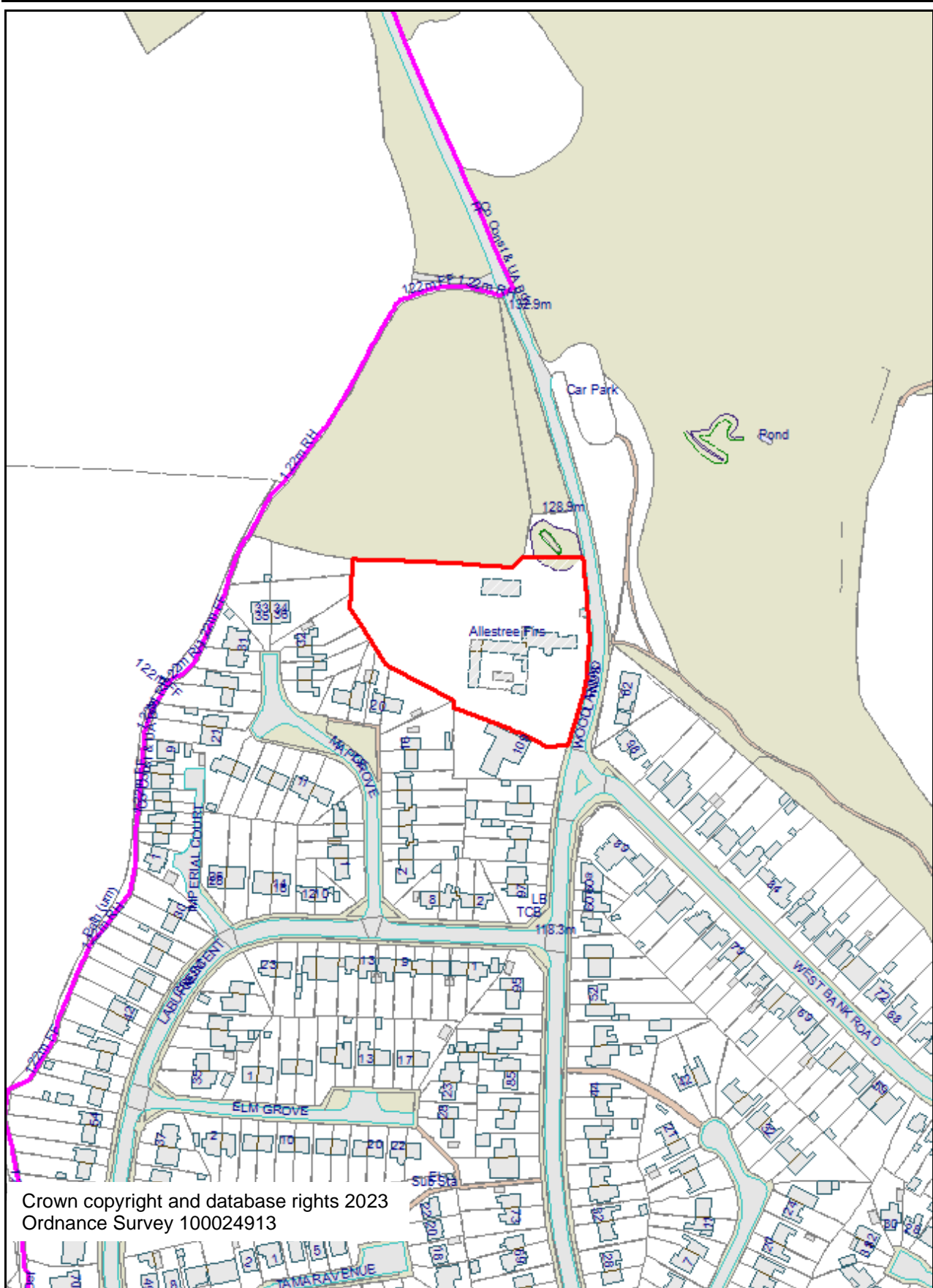
Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.)

8.5. S106 requirements where appropriate:

None

8.6. Application timescale:

An extension of time has been requested on the application until the 21st November. The application was called in by Councillor Hassall.



Committee Report Item No: 9.4

Application No: 23/01155/FUL

Type: Full Application

1. Application Details

1.1. Address: 36 Otter Street, Derby

1.2. Ward: Darley

1.3. Proposal:

Erection of replacement front boundary treatment

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01155/FUL>

Brief description

36 Otter Street is a red brick, end of terrace dwelling erected in the late 1800s. It is situated within a residential area, near to Darley Park and within Strutt's Park conservation area. The house is situated between 34 and 38 Otter Street. There is a small gap between 34 and 36 Otter Street and 34 sits at a slightly lower level than the applicant's dwelling. The wider street scene is composed of similar red brick terraced dwellings with some variation in details and a regular layout. The street scene presents a cohesive appearance. Within the wider street scene front boundaries walls are varied in terms of materials and height. Some boundary walls are more modern additions than others and some include railings. Permission is sought for the replacement front boundary heritage style reconstituted stone plinth with railings above and matching replacement gates. The existing wall has been found to be unstable and works to remove it have taken place to avoid any harm due to the risk of the wall falling.

A reconstituted stone plinth has been installed in the arrangement shown in the submitted drawings - appendix 3. The completed replacement boundary (including railings) would be some 1.3m in height. The work is intended to take place in two stages, firstly removal of the boundary wall and gates and installation of the stone plinth and, secondly, the installation of railings and gates.

This application is being reported as the applicant is a City Council employee.

2. Relevant Planning History:

Application No:	10/12/01257	Type:	Full Application
Decision:	Granted Conditionally	Date:	17/12/2012
Description:	Single storey rear extension to dwelling house (enlargement of kitchen)		
Application No:	02/04/00257	Type:	Full Application
Decision:	Granted	Date:	08/04/2004
Description:	Installation of windows and doors to front elevation of dwelling house.		

3. Publicity:

- Neighbour Notification Letter
- Site Notice
- Statutory Press Advert

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

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

- No comments have been received.

5. Consultations:

5.1. Highways Development Control:

The following comments are made in relation to the documents submitted with this application. In particular: -

Appendix 4 ' Proposed Front and Side Elevations.

The applicant is proposing to replace the existing front boundary wall to metal railings 1.3m in height. The property is located on Otter Street which is in a residential area. The changes proposed are unlikely to have a significant effect upon the visibility for passing traffic therefore the Highway Authority has no objections.

Recommendation: The Highways Authority has No Objection subject to the following suggested conditions.

1) Condition:

No part of the proposed wall or its foundations, fixtures and fittings or vegetation shall project forward of the highway boundary.

Reason: In the interests of highway safety

NOTES TO APPLICANT:

The works will likely require a footpath closure. Please contact roadworks@derby.gov.uk to arrange this and ensure that a Temporary Traffic Regulation Order (TTRO) application is submitted to TTRO@derby.gov.uk at least six weeks before the work is due to start to arrange this. For further details and a copy of the TTRO application, please visit: <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/closures-and-diversions/>

5.2. Conservation & Heritage Advisory Committee:

As agreed with the chair of CHAC this application will not be discussed at CHAC on 12/10/2

5.3. Built Environment:

Heritage conservation comment - These comments are made in the light of the Planning (Listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance including the National Planning Policy Framework (2023), Historic England guidance, the relevant Local Plan Review January 2006 saved policies, Derby Local Plan - core strategy (2017) and other relevant guidance.

Designated Heritage Assets affected

36 Otter Street is one of a fine late nineteenth century terrace along Otter Street. It is located within the Strutt's Park Conservation Area which is an area of architectural and historic interest and covered by an article 4 direction to control certain materials (e.g., roofing materials, windows and doors) fronting a highway and front boundary treatments. The conservation area is a designated heritage asset.

Impact of proposals on Heritage Assets and comments

This application is for a replacement boundary treatment. The current front boundary is of non-original red brick with a range of coping designs along with mid-twentieth century modern gates. The newly proposed wall is proposed to be of reconstituted stone (coloured concrete) in a natural stone colour and the installation of new railings and gates in a 'heritage style, design and colour'. The principle of reinstating the original boundary treatment is supported but the current proposal is not clear on exactly what is proposed.

It is very unlikely that a reconstituted concrete will be found that has the visual appearance of natural stone. It is often too yellow or too grey. Suggest natural stone plinth or brick considered with an appropriate chamfered stone coping. This would have been the original boundary treatment as seen at 34 Otter Street, next door and 22 Otter Street etc.

There are no exact proposals regarding the design detail of the wall, coping, gates or railings e.g., sizes, sections and exact materials. Suggest this is obtained so that impact to the conservation area, as a designated heritage asset, can be assessed.

5.4. Derbyshire County Council Archaeologist:

The proposal lies over the site of Roman Derby (MDR11320) and the site of former parklands and gardens of St Helens (on land formerly of Darley Abbey) (MDR10422). I am happy that there will be no archaeological impact from the proposals but please consult your own buildings and conservation officer regarding the impacts of the proposal on the Strutts Park Conservation Area (DDR7272).

6. Relevant Policies:**6.1. Relevant Policies:**

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

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP20	Historical Environment

Saved CDLPR Policies

GD5	Amenity
H16	Housing extensions
E21	Archaeology
E18	Conservation Areas

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

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

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and

paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

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

7.1. Impact upon visual amenities

7.2. Impact upon residential amenities

7.3. Impact upon heritage asset

7.4. Impact upon archaeology

7.5. Impact upon highways

7.1. Impact upon visual amenities

The principle of good design is reinforced by adopted policies CP3 Placemaking and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (achieving well-designed places). The existing wall is a modern addition that is not especially in-keeping with the wider Conservation Area, and this forms the fall-back position for any new proposal.

I am satisfied that its removal and the installation of a reconstituted stone plinth would be a reasonable first step and that this would not unacceptably harm the character and appearance of the dwelling or wider area. I note that the Council's Built Environment officer would prefer to see natural stone or brick with natural stone coping. I have put this suggestion to the applicant, but reconstituted stone is the preferred option and there is precedent for this form of development within the wider street scene.

Furthermore, in view of the modern wall that has most recently been in place I consider that the reconstituted stone would be reasonable solution. The stone plinth has now been installed and can be seen in situ and I consider that it is a reasonable solution. The subsequent installation of the railings would also be in keeping with the character of the wider area. The applicant has indicated that they intend to seek railings in a similar design to those at 38 Otter Street and I am satisfied that precise details of the wall and railings can be conditioned.

7.2. Impact upon residential amenities

Policy GD5 requires that development considers impact upon residential amenities. The proposed development would not unacceptably affect light to neighbouring dwellings or cause overbearing effects of massing. I am satisfied that there would be no unreasonable effects upon residential amenities.

7.3. Impact upon heritage asset

The Conservation Area contains a variety of front boundary treatments including more modern additions and more traditional stone and reconstituted stone plinths with railings above. With regards to this proposal, I consider that removal of the existing modern brick built boundary treatment would be an improvement to the character and appearance of the dwelling and wider Conservation Area.

The installation of the stone plinth would be reasonable and in-keeping with the traditional character of the area and the subsequent installation of railings would be acceptable provided that the style of the railings is simple and similar to others already found within the street. Whilst I accept that natural stone would provide a better finish than reconstituted stone, considering the recently removed modern brick wall, I consider that the proposal would be an improvement in terms of the impact upon the character and appearance of the area.

A photograph of the stone plinth in situ has been submitted and the appearance, design and colour can be seen. The stone will obviously weather over time, but I do consider that it is an acceptable addition to the dwelling and wider street scene in terms of its impact upon the character and appearance of the Conservation Area. Specifically, I do not think that there would be any significant harm to the heritage asset and any small harm would be mitigated by the removal of the unstable modern wall and the improvement in design compared to that wall.

Overall, I consider that whilst there may be better solutions, the proposed reconstituted stone plinth is an acceptable boundary treatment. With regards to the proposed railings, I accept the applicant's proposal to install railings at a later date and am satisfied that precise detail (size/design and finish) can be conditioned. I do not think that it is necessary to impose time constraints on the installation of railings as the street scene contains precedent for stone plinth boundary treatments with and without railings above. As such the boundary treatment will not look out of place prior to the railings being installed.

7.4. Impact upon archaeology

No objections have been raised with respect to archaeology.

7.5. Impact upon highways

No objections have been raised subject to a condition relating to the position of the wall and associated fittings.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal has been considered against Local Plan Policies, the National Planning Policy framework where appropriate and all other material considerations.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and, whilst no amendments to the scheme were necessary in this case, it has been determined in a positive fashion.

The proposal is considered acceptable in Planning Policy terms in regards to the impact upon the Conservation area, design, visual amenity and residential amenity.

8.3. Conditions:

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

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

2. The development must conform in all aspects with the plans and details shown in the application as listed below. (It is very important to note that, in order for this decision to be lawfully implemented, all approved plans and details must be adhered to, and any other condition(s) attached to this decision must be formally discharged, by separate Discharge of Conditions application, in accordance with the relevant timeframe).

Reason: For the avoidance of doubt and to define the bounds of this decision.

Pre-Occupation Conditions

3. The proposed development will take place in two stages, firstly involving the installation of the stone plinth (already in place) and secondly involving installation of the railings and gates. Prior to the installation of the railings and gates, details of the design and materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Details shall include scale drawings of the railings and gates including a cross section drawing and precise details of materials and finish. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of the character and appearance of the Conservation Area and street scene and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the City of Derby Local Plan Review as included in this Decision Notice.

4. No part of the proposed wall or its foundations, fixtures and fittings or vegetation shall project forward of the highway boundary.

Committee Report Item No: 9.4

Application No: 23/01155/FUL

Type: Full Application

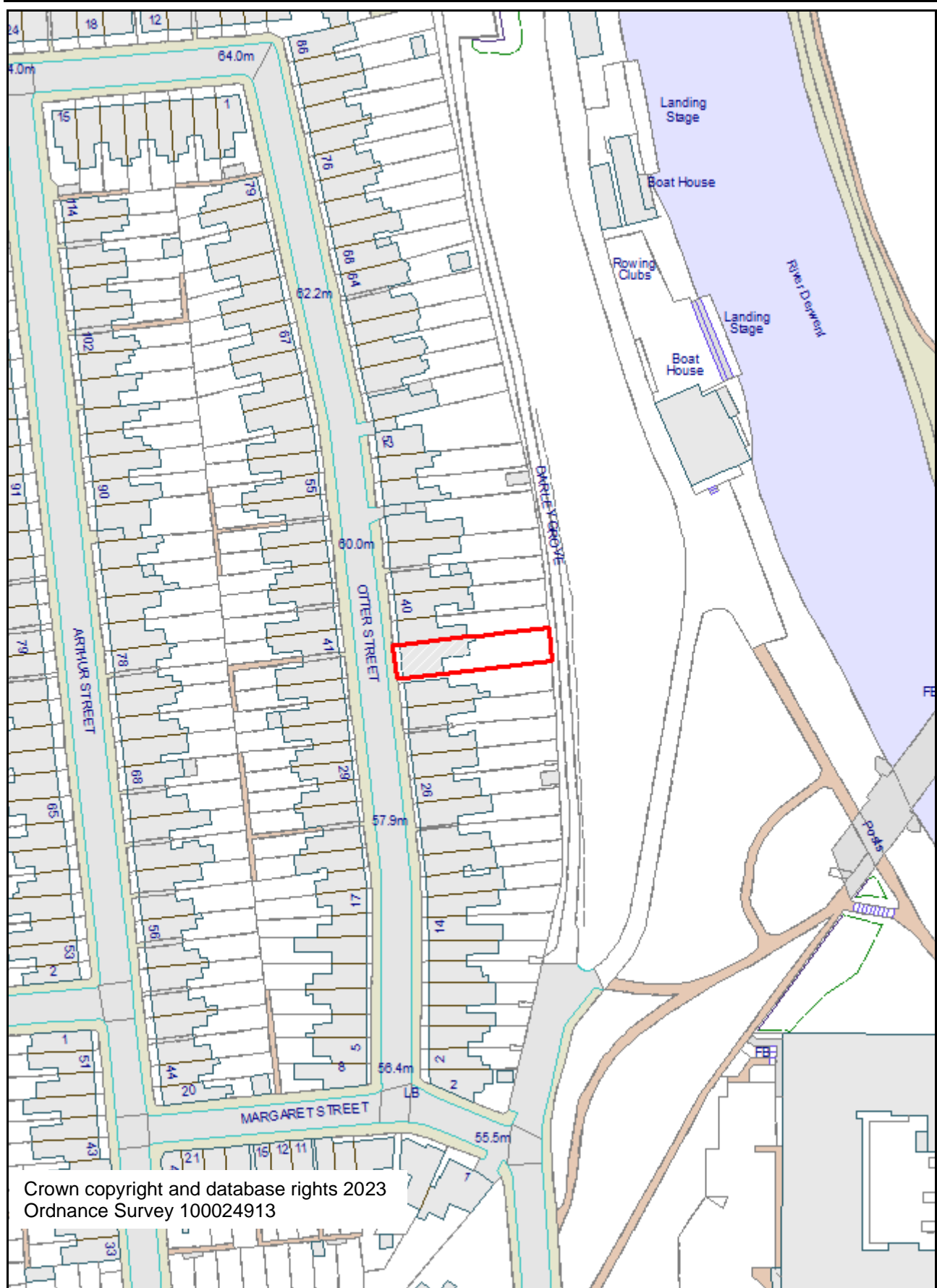
Reason: In the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the City of Derby Local Plan Review as included in this Decision Notice.

8.4. Informative Notes:

The works may require a footpath closure. Please contact roadworks@derby.gov.uk to arrange this and ensure that a Temporary Traffic Regulation Order (TTRO) application is submitted to TTRO@derby.gov.uk at least six weeks before the work is due to start to arrange this. For further details and a copy of the TTRO application, please visit: <https://www.derby.gov.uk/transportand-streets/roads-highways-pavements/closures-and-diversions/>

8.5. Application timescale:

The 8 week target date for the application was 18.10.2023. An extension of time has been sought to accommodate the proposal being presented at Planning Control Committee and has been agreed until 20.11.2023.





Derby City Council

Delegated decisions made between Between 01/09/2023 and 30/09/2023



Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/01696/FUL	Full Application	Derby Engineers Club And Institute Ltd 214 Osmaston Road Derby DE23 8JX	Demolition of part of social club building. Erection of a two storey side extension and change of use from social club to create eight apartments (Use Class C3). Residential development - 24 apartments in three blocks (Use Class C3) with associated landscaping and parking provision. (32 apartments in total)	Approval	22/09/2023
22/00893/FUL	Full Application	8 West Avenue South Derby DE73 5SH	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis use)	Approval	01/09/2023
22/01135/FUL	Full Application	52 Merchant Avenue Derby DE21 7NA	Two storey side/rear extension to dwelling house and formation of a raised patio to the rear garden	Refused	28/09/2023
22/01196/FUL	Full Application	4 Vernon Street Derby DE1 1FR	Change of use from offices to six apartments (Use Class C3) and one five occupant house in multiple occupation (Use Class C4)	Approval	20/09/2023
22/01197/LBA	Listed Building Consent- Alterations/Demo	4 Vernon Street Derby DE1 1FR	Alterations in association with change of use from offices to six apartments (Use Class C3) and one five occupant house in multiple occupation (Use Class C4)	Approval	20/09/2023
22/01403/FUL	Full Application	110 Ashbourne Road Derby DE22 3AG	Demolition of house in multiple occupation (Use Class C4). Erection of ten apartments (Use Class C3)	Application Withdrawn	28/09/2023
22/01472/FUL	Full Application	15 Horwood Avenue Derby DE23 6NX	Two storey and single storey extensions to dwelling house together with roof alterations to form rooms in the roof space and creation of a front balcony area	Approval	19/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
22/01577/FUL	Full Application	1165 And 1167 London Road Derby DE24 8QF	Demolition of outbuilding. Erection of three supported living studios and change of use from Use Class C3(b) (supported living) to Supported Living (Use Class C2)	Approval	12/09/2023
22/01638/FUL	Full Application	109 Woods Lane Derby DE22 3UE	First floor extension to form three flats (Use Class C3)	Approval	26/09/2023
22/01663/LBA	Listed Building Consent- Alterations/Demo	82 Friar Gate Derby DE1 1FL	Installation of new staircase balustrades and five replacement internal doors - retrospective application	Approval	15/09/2023
22/01810/RES	Reserved Matters	Land North Of Snelsmoor Lane Chellaston Derby	Residential development for up to 800 dwellings (Class C3) access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Class D1) with playing field, alongside open space including creation of country park (including footpath/cycleways, wildflower meadows, public orchard etc.) and Green Infrastructure network - approval of reserved matters of appearance, landscaping, layout and scale for 52 dwellings (Phase 2B) under outline permission Code no. 04/13/00351	Approval	21/09/2023
22/01912/FUL	Full Application	2A Henry Street Derby DE1 3BQ	Single storey side and rear extension to dwelling house (home office and living space)	Application Withdrawn	21/09/2023
22/01969/FUL	Full Application	824 Osmaston Road Derby DE24 9AA	Change of use of first floor from restaurant/cafe (Use Class E) to two apartments (Use Class C3), formation of room in roof space, installation of new windows, roof lights and door	Approval	25/09/2023
23/00051/FUL	Full Application	54 Church Lane Darley Abbey Derby DE22 1EY	Roof alterations and installation of a front dormer window to form rooms in the roof space (three bedrooms) together with a rear extension	Approval	15/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00108/VAR	Variation of Condition	12-14 Mansfield Road Derby DE1 3QY	Demolition Of Existing Buildings And Erection Of 33 Apartments - Variation of condition 2 of previously approved planning permission Code No. 12/14/01708 to amend the approved plans.	Approval	08/09/2023
23/00203/FUL	Full Application	5 Babington Lane Derby DE1 1SU	Change of use of first floor from retail (Use Class E) to a 9 bedroom house in multiple occupation (Sui Generis) including installation of a dormer, roof top privacy fence and alterations to windows and doors	Approval	29/09/2023
23/00345/FUL	Full Application	68 - 70 St Peters Street Derby DE1 1SN	Extensions to building to form a larger house in multiple occupation (Use Class Sui Generis)	Approval	05/09/2023
23/00418/FUL	Full Application	8 Hargreaves Close Derby DE23 3YH	Single storey rear extension to dwelling house (enlargement of kitchen/living area) and formation of rooms within the roofspace (two bedrooms, two w.c's and office) including hip to gable alterations to roof with rear dormer, front roof window and extended chimney stack	Approval	25/09/2023
23/00429/FUL	Full Application	109 Brighton Road Derby DE24 8SZ	Change of Use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis use)	Refused	26/09/2023
23/00442/FUL	Full Application	17 Willowcroft Road Derby DE21 7FR	Change of use from dwelling (Use Class C3) to a children's home for a maximum of four children (Use Class C2)	Approval	05/09/2023
23/00458/FUL	Full Application	Warwick House Bonsall Avenue Derby DE23 6JW	Erection of 22 dwellings (Use Class C3) and associated infrastructure	Approval	13/09/2023
23/00480/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To B And M Store Stenson Road Derby DE23 1JD (fronting Derby Lane)	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	05/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00517/ADV	Advertisement Consent	5 Uttoxeter Old Road Derby DE1 1GA	Installation of internally illuminated fascia signs	Approval	06/09/2023
23/00536/FUL	Full Application	Land At The Side Of 3 Highbury Close Derby DE22 4HZ	Erection of a dwelling (Use Class C3)	Approval	26/09/2023
23/00554/FUL	Full Application	348 Kedleston Road Derby DE22 2TE	Single storey front and first floor side extensions to dwelling house (porch and bedroom) and installation of a dormer to the rear elevation	Approval	28/09/2023
23/00559/TPO	Works to a tree with a TPO	74 Pastures Hill Derby DE23 4BB	Felling of a Cedar tree and cutting back of branches to give 1-2m clearance of the roof of an Ash tree protected by Tree Preservation Order no. 252	Approval	25/09/2023
23/00571/VAR	Variation of Condition	Units 1, 2 And Land At The Rear Of 6 Arthur Street Derby DE1 3EF	Demolition of 14 garage units. Erection of four dwelling houses (Use Class C3) and alterations and change of use of an existing two storey outbuilding to form four flats (Use Class C3) - Variation of condition 2 of previously approved planning permission Code No. 20/00439/FUL to amend the approved plans	Approval	28/09/2023
23/00582/VAR	Variation of Condition	Site Of Former Gasholders Pride Parkway Derby DE24 8JH	Erection Of Petrol Filling Station, Drive Through Coffee Shop, Retail Unit /Hot Food Shop And Associated Car Park - Removal of condition 7(c) (ramped pedestrian link) of previously approved planning permission 05/18/00651	Refused	15/09/2023
23/00591/FUL	Full Application	22 Bramblewick Drive Derby DE23 3YG	Two storey front extension and single storey rear extension to dwelling house	Approval	13/09/2023
23/00639/FUL	Full Application	Garage Courts Rawlinson Avenue And Underhill Avenue Derby	Demolition of ten garages.- (Retrospective) Erection of six replacement garages	Approval	29/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00643/FUL	Full Application	300 Uttoxeter Road Derby DE3 9AG	Demolition of single storey rear extension and outbuildings. Erection of single storey rear extension (day room, kitchen and office)	Approval	13/09/2023
23/00657/FUL	Full Application	56 Arthur Street Derby DE1 3EH	Demolition of existing rear outbuilding. Erection of a single storey rear extension (enlargement of kitchen). Installation of replacement door and windows and installation of overhead, PV panels and 2.no sun tunnels together with an air source heat pump to the rear.	Approval	26/09/2023
23/00679/FUL	Full Application	21 Vicarage Avenue Derby DE23 6TQ	Extensions and alterations to dwelling house to form two single storey rear extensions and two balconys at first floor level - Part Retrospective Application	Approval	08/09/2023
23/00718/FUL	Full Application	267 Normanton Road Derby DE23 6UT	Sub-division and part change of use of ground floor retail unit (Use Class E) to form a hot food takeaway (Sui Generis Use) including retention of the installation of a new shop front and an extraction flue - amendments to previously approved planning permission Code No.20/01534/FUL to include an additional retail unit (Use Class E) and elevational changes	Approval	25/09/2023
23/00738/FUL	Full Application	79 Wolfa Street Derby DE22 3SE	Change of use from a five bedroom (six occupant) house in multiple occupation (Use Class C4) to a five bedroom (eight occupant) house in multiple occupation (Sui generis use)	Approval	20/09/2023
23/00745/FUL	Full Application	16 Dennis Close Derby DE23 4BP	First floor side and single storey rear extensions to dwelling house (bedroom, en-suite and enlargement of kitchen/living/dining space)	Approval	20/09/2023
23/00775/FUL	Full Application	24 Gilbert Street Derby DE24 0LD	Single storey front and rear extensions to dwelling (porch and kitchen/dining/living space)	Approval	15/09/2023
23/00778/FUL	Full Application	116 Morley Road Derby DE21 4QX	Erection of an outbuilding - retrospective application	Approval	05/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00794/FUL	Full Application	488 Nottingham Road Derby DE21 6PF	Change of use from cafe (Use Class E) to a public house/micro pub (Sui Generis)	Approval	13/09/2023
23/00800/FUL	Full Application	142 Ashbourne Road Derby DE22 3AH	Change of use from commercial gallery and workshop (Use Class E) to a six bedroom (six occupant) house in multiple occupation (Use Class C4) including re-instatement of a door	Approval	08/09/2023
23/00809/ADV	Advertisement Consent	Middleton Lodge 2A Middleton Avenue Derby DE23 6DL	Display of one non-illuminated double sided freestanding sign	Approval	05/09/2023
23/00822/FUL	Full Application	26 Highfield Road Derby DE22 1GZ	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a eight bedroom (eight occupant) house in multiple occupation (Sui Generis)	Refused	12/09/2023
23/00823/ADV	Advertisement Consent	14 Victory Park Way Derby DE24 8ZF	Display of one internally illuminated fascia sign	Approval	06/09/2023
23/00846/ADV	Advertisement Consent	Highway Verge Derwent Parade Derby (opposite Pride Park Stadium)	Display of one internally illuminated double sided digital display screen	Approval	29/09/2023
23/00853/FUL	Full Application	9 Short Avenue Derby DE22 2EH	First floor side and single storey rear extensions to dwelling house (sitting room, kitchen, outdoor terrace, two bedrooms) and enlargement of basement below (gymnasium)	Approval	22/09/2023
23/00858/FUL	Local Council Own Development Reg 3	5 Mundy Street Derby DE1 3PS	Single storey rear extension to dwelling house (bedroom and kitchen)	Approval	12/09/2023
23/00862/NONM	Non-Material Amendment	The Towers 112 Blagreaves Lane Derby DE23 1AB	Change of use from care home (Use Class C2) to 14 apartments (Use Class C3) - Non-material amendment to previously approved planning permission 22/00548/FUL to allow the provision of new external access steps	Approval	04/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00864/FUL	Full Application	31 Goldcrest Drive Derby DE21 7TN	Two storey side extension to dwelling house (garage, pantry, bedroom, bathroom and enlargement of kitchen/dining area)	Approval	01/09/2023
23/00865/FUL	Full Application	Moorways Sports Village Moor Lane Derby DE24 9HY	Refurbishment of an artificial grass pitch with perimeter fencing, hardstanding areas, storage container, floodlights and an access footpath	Approval	26/09/2023
23/00867/FUL	Full Application	14 Wood Road Spondon Derby DE21 7DP	Two storey rear extension to dwelling house (covered space and enlargement of bedroom)	Approval	12/09/2023
23/00871/FUL	Full Application	5 Castleland Way Derby DE73 5XU	Single storey rear extension to dwelling house (kitchen/dining area)	Approval	26/09/2023
23/00879/FUL	Full Application	131 Osmaston Park Road Derby DE23 8WL	Formation of a vehicular access	Refused	13/09/2023
23/00880/VAR	Variation of Condition	Derby High School Hillsway Littleover Derby DE23 3DT	Formation of additional car park, relocation of netball and tennis courts to playing field and erection of refectory and Art and Design Building - Variation of condition 2 of previously approved planning permission Code No. 23/00368/VAR to amend the approved plans to allow a revised design and phased development.	Approval	20/09/2023
23/00883/FUL	Full Application	32 Park Road Spondon Derby DE21 7LN	Single storey rear extension to dwelling house (enlargement of kitchen)	Approval	01/09/2023
23/00890/FUL	Full Application	105 Max Road Derby DE21 4GZ	Two storey side and single storey front extensions to dwelling house (porch, shower room, store, utility, bedroom and bathroom) and roof alterations including installation of a rear dormer to form rooms in the roof space (bedroom, shower room and storage)	Approval	12/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00896/LBA	Listed Building Consent-Alterations/Demo	37 Corn Market Derby DE1 2DG	Alterations to the ground floor, rear and side elevations due to fire escape requirements	Approval	18/09/2023
23/00905/TPO	Works to a tree with a TPO	The Vicarage St Matthews Church 25 Church Lane Darley Abbey Derby DE22 1EX	Various works to trees protected by Tree Preservation Order No 306	Approval	08/09/2023
23/00913/FUL	Full Application	Normanton Park Warwick Avenue Derby DE23 8DA	Installation of 4.00m high replacement steel mesh fencing and replacement artificial turf sports surface onto the existing macadam tennis court.	Approval	26/09/2023
23/00930/FUL	Full Application	25 Sandringham Drive Derby DE21 7QL	Two storey side extension to dwelling house (utility, W.C., two bedrooms and enlargement of kitchen/dining area)	Approval	25/09/2023
23/00946/TPO	Works to a tree with a TPO	The Firs 320 Burton Road Derby DE23 6AF	Prune branches overhanging the garden of 318 Burton Road back to the boundary with 320 Burton Road as and when required within a 10 year period of two Yew trees protected by Tree Preservation Order No 279	Approval	06/09/2023
23/00947/TPO	Works to a tree with a TPO	Holly House 107 Radbourne Street Derby DE22 3BW	Crown lift to 4 metres and removal of deadwood and crown reduce back to previous reduction points of nine Lime trees and reduce conifer down to gutter level and maintain at that height (7m) and prune canopy to provide 1m canopy clearance to building as and when required. protected by Tree Preservation Order no. 133 - works to be maintained for a period of ten years	Approval	06/09/2023
23/00949/FUL	Full Application	30 Lawn Heads Avenue Derby DE23 6DQ	Single storey front and side/rear extensions to dwelling house (porch and kitchen/dining area) together with alterations to the front bay window	Approval	01/09/2023
23/00953/FUL	Full Application	27 Friday Lane Derby DE21 4UE	Single storey side extension to dwelling house (study, W.C., utility and snug) and relocation of boundary fence up to the side boundary line	Approval	06/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00954/FUL	Full Application	296 Uttoxeter Road Derby DE3 9AG	Installation of side and rear dormers to form rooms in the roof space (bedroom and en-suite) and erection of outbuilding	Approval	28/09/2023
23/00955/TPO	Works to a tree with a TPO	St Josephs Catholic Church Burton Road Derby	Crown reduction by 2m (T4) and 3m (T5) of two Sycamore trees protected by Tree Preservation Order no. 146	Approval	12/09/2023
23/00961/TPO	Works to a tree with a TPO	23 Binscombe Lane Derby DE21 2AZ	Crown thin by 10%, crown raise to 3m, crown clean and cutting back of branches to clear the house roof by 2m of a Horse Chestnut tree protected by Tree Preservation Order no. 477	Approval	12/09/2023
23/00962/FUL	Full Application	25 Devonshire Drive Derby DE3 9HA	Two storey rear extension to dwelling house (living space, bedroom and bathroom) and installation of a new first floor side elevation window	Approval	21/09/2023
23/00963/FUL	Full Application	47 Penaltion Close Derby DE24 9BP	Erection of an outbuilding and relocation of boundary fence	Approval	29/09/2023
23/00964/TPO	Works to a tree with a TPO	84 Chestnut Avenue Mickleover Derby DE3 9FS	Crown reduction by 1.5m in height and 1m width of a Horse Chestnut tree protected by Tree Preservation Order no. 8	Approval	25/09/2023
23/00966/FUL	Full Application	91 Moorside Crescent Derby DE24 9PT	Two storey side and single storey front extensions to dwelling house (porch, W.C., lounge, wet room, shower room, study and bedroom)	Approval	06/09/2023
23/00972/FUL	Full Application	44 Portland Close Derby DE3 9BQ	Single-storey front/side extension to dwelling (office, utility, bathroom and bedroom)	Approval	05/09/2023
23/00974/FUL	Full Application	15 Scarborough Rise Derby DE21 4DG	Installation of new first floor window to the front (Scarborough Rise) elevation	Approval	08/09/2023
23/00975/CLP	Lawful Development Certificate -Proposed	38 Stanley Street Derby DE22 3GT	Change of use from dwelling house (Use Class C3) to a six occupant House in Multiple Occupation (Use Class C4)	Approval	05/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00984/TPO	Works to a tree with a TPO	Recreation Ground Applemead Close Derby (Tree At The Rear Of 18 Chime Close)	Cutting back of branches overhanging the boundary of 18 Chime Close of an Ash tree protected by Tree Preservation Order No 149	Approval	28/09/2023
23/00988/PNRPV	Prior Approval - PV on Non-Domestic	Tenpin Bowling Derby Foresters Park Centre Sinfin Lane Derby DE23 8AG	Installation of roof mounted solar panels	Approval	01/09/2023
23/00992/FUL	Full Application	84 Holbrook Road Derby DE24 0DF	Single storey rear extension to dwelling (dining/family space)	Approval	12/09/2023
23/00997/FUL	Full Application	210 Derby Road Chellaston Derby DE73 6RQ	Alterations and conversion of outbuilding to create a self contained annexe building, installation of new facing materials to the existing dwelling and hard surfacing of the front garden area	Approval	13/09/2023
23/01000/TPO	Works to a tree with a TPO	Trees At 30, 32 And 34 Applemead Close Derby DE21 4QP	Crown reduction by 5m in height and 3-4m lateral spread of three Sycamore trees protected by Tree Preservation Order No 149	Application Withdrawn	15/09/2023
23/01001/FUL	Full Application	34 Darley Park Road Derby DE22 1DA	Two storey side and single storey rear extensions to dwelling house (garage, W.C., utility, bedroom, en-suite and enlargement of lounge and kitchen)	Approval	20/09/2023
23/01004/FUL	Full Application	15 Pittar Street Derby DE22 3UN	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (nine occupant) house in multiple occupation (Sui Generis)	Refused	28/09/2023
23/01005/FUL	Full Application	118 Osmaston Road Derby DE1 2RD	Change of use from offices to six apartments (Use Class C3)	Approval	18/09/2023
23/01013/FUL	Full Application	40 Borrowfield Road Derby DE21 7HD	Two storey side and single storey rear extensions to dwelling house (cloaks/office, living space and bedroom)	Approval	14/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01016/CLP	Lawful Development Certificate -Proposed	113 Allestree Close Derby DE24 8SX	Installation of roof lights to the front and rear roof elevations and a new first floor window to the side elevation	Approval	01/09/2023
23/01017/TPO	Works to a tree with a TPO	Sile Croft 2 Friars Close Derby DE22 1FD	Crown raise to 6m of a Pine tree protected by Tree Preservation Order no. 154	Approval	28/09/2023
23/01020/FUL	Full Application	74 & 76 Littleover Lane Derby DE23 6JG	Erection of outbuilding - Retrospective Application	Approval	12/09/2023
23/01021/FUL	Full Application	53 Middleton Street Derby DE23 8QJ	Single storey rear extension to dwelling house (lobby and shower room)	Approval	01/09/2023
23/01023/CLP	Lawful Development Certificate -Proposed	4 Gisborne Crescent Derby DE22 2FL	Loft conversion with hip to gable roof alteration, installation of a dormer to the rear elevation and roof lights to the front elevation	Approval	05/09/2023
23/01026/FUL	Full Application	28 Haydn Road Derby DE21 4HR	Single storey rear extension to dwelling house	Approval	14/09/2023
23/01027/FUL	Full Application	16 Ainsworth Drive Derby DE23 1GJ	Single storey side/rear extension to dwelling house (guest room, wet room and enlargement of kitchen), alterations to front porch and installation of render and cladding	Approval	19/09/2023
23/01029/FUL	Full Application	4 Oriel Court Derby DE1 2FW	Single storey rear extension to dwelling house (utility and wet room)	Approval	14/09/2023
23/01032/FUL	Full Application	172 Stenson Road Derby DE23 1JG	Single storey side and rear extensions to dwelling house (garage, W.C. and enlargement of kitchen)	Approval	14/09/2023
23/01035/FUL	Full Application	30 Willson Road Derby DE23 1BZ	Side extension to dwelling (utility and enlargement of kitchen), roof alterations to include raising of the roof height, installation of a rear dormer and new first floor side elevation windows to from rooms in the roof space (two bedrooms, study and bathroom)	Approval	19/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01040/VAR	Variation of Condition	29 York Street Derby DE1 1FZ	Demolition of rear extension and extension of boundary walls to enclose rear yard and formation of en-suite in connection with previously approved permission 21/00291/FUL - Change of use from office (Use Class E) to dwelling house (Use Class C3). - Variation of condition 2 of Listed Building Consent 21/01579/LBA	Application Withdrawn	22/09/2023
23/01043/FUL	Full Application	50 Windmill Hill Lane Derby DE22 3BP	Single storey side/front and rear extensions to dwelling house (porch, two bedrooms with en-suites)	Approval	28/09/2023
23/01044/FUL	Full Application	Development Land At Kingsway Hospital Kingsway Derby DE22 3LZ	Installation of nine public art sculptures	Approval	14/09/2023
23/01047/FUL	Full Application	14 Froggatt Close Derby DE22 2TY	Single storey side extension to dwelling house (enlargement of dining room)	Approval	25/09/2023
23/01049/FUL	Full Application	44 Leacroft Road Derby DE23 8HT	Single storey rear extension to dwelling house	Approval	14/09/2023
23/01050/PNRH	Prior Approval - Householder	36 Campion Street Derby DE22 3EF	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	01/09/2023
23/01051/CAT	Works to Trees in a Conservation Area	58 Friar Gate Derby DE1 1DF	Felling of a Goat Willow tree and re-pollarding to 5m a group of eight Lime trees within the Friar Gate Conservation Area	Raise No Objection	28/09/2023
23/01055/FUL	Full Application	49 Uttoxeter Road Derby DE3 9GF	Single storey side and side/rear extensions to dwelling house (covered way and kitchen/dining area) with stepped access to rear	Approval	28/09/2023
23/01056/CAT	Works to Trees in a Conservation Area	Derwent Medical Centre 26 North Street Derby	Felling of Silver Birch, Cherry and Laburnum trees within the Strutts Park Conservation Area	Raise Objection	25/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01063/PNRH	Prior Approval - Householder	484 Uttoxeter New Road Derby DE22 3NA	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Approved	04/09/2023
23/01064/FUL	Full Application	28 Park Farm Centre Park Farm Drive Derby DE22 2QN	Change of use from takeaway (Sui Generis) to nail bar (Sui Generis)	Approval	14/09/2023
23/01066/FUL	Full Application	5 Fremantle Road Derby DE3 9HW	Installation of a dormer to the front elevation	Approval	14/09/2023
23/01067/CAT	Works to Trees in a Conservation Area	146 Osmaston Road Derby DE1 2RF	Felling of trees forming a hedge within the Hartington Street Conservation Area	Application Withdrawn	12/09/2023
23/01070/PNRH	Prior Approval - Householder	46 Wild Street Derby DE1 1GN	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	04/09/2023
23/01072/FUL	Full Application	48 West Drive Derby DE3 0EU	Single storey side/rear extension to dwelling house	Approval	14/09/2023
23/01073/FUL	Full Application	59 Church Lane Darley Abbey Derby DE22 1EX	Single storey rear extension to dwelling house (kitchen and family areas)	Approval	29/09/2023
23/01081/PNRH	Prior Approval - Householder	124 Brighton Road Derby DE24 8TA	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.6m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	04/09/2023
23/01086/FUL	Full Application	15 Causeway Derby DE22 2BW	Single storey rear extension to dwelling (kitchen and living room)	Approval	26/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01092/NONM	Non-Material Amendment	Land To South Of Field Lane, Derby	Non material amendment to previously approved application 04/13/00351 - (OUTLINE PLANNING APPLICATION - for up to 800 dwellings (Class C3) with all matters reserved except access; access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Class D1) with playing field, alongside open space including creation of country park (including footpath/cycleways, wildflower meadows, public orchard etc.) and Green Infrastructure network. FULL PLANNING APPLICATION - for 245 dwellings (Class C3) including site roads, Infrastructure, landscaping, attenuation ponds and play areas.) - To amend the pedestrian crossing of the ditch running through Field Lane playing fields from a timber footbridge to an informal culvert footpath	Approval	20/09/2023
23/01096/PNRH	Prior Approval - Householder	42 Pear Tree Crescent Derby DE23 8RP	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	04/09/2023
23/01113/PNRH	Prior Approval - Householder	63 Avon Street Derby DE24 8TL	Single storey rear extensions (projecting beyond the rear wall of the original house by 4.8m and 3.5m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	15/09/2023
23/01126/CAT	Works to Trees in a Conservation Area	St Christophers Court Ashbourne Road Derby	Various works to trees within the Friar Gate Conservation Area	Raise No Objection	25/09/2023
23/01131/PNRH	Prior Approval - Householder	59 Haven Baulk Lane Derby DE23 4AD	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.29m, height to eaves 2.32m) to dwelling	Prior Approval Not Required	20/09/2023
23/01154/PNRH	Prior Approval - Householder	145 Watson Street Derby DE1 3SJ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.75m, maximum height 3m, height to eaves 3m) to dwelling	Prior Approval Not Required	28/09/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01172/CAT	Works to Trees in a Conservation Area	5 Abbey Lane Derby DE22 1DG	Felling of a Cherry tree within the Darley Abbey Conservation Area	Application Withdrawn	05/09/2023
23/01195/NONM	Non-Material Amendment	9 Victory Park Way Derby DE24 8ZF	Installation of solar panels - Non-material amendment to previously approved planning permission 22/00242/FUL to amend the layout of the panels	Approval	15/09/2023
23/01201/NONM	Non-Material Amendment	1 Willson Road Derby DE23 1BY	Two storey side and single storey rear extensions to dwelling house (garage, office, bedroom, two bathrooms, en-suite and enlargement of kitchen/dining area) - Non-material amendment to previously approved planning permission 22/00907/FUL to convert the garage space to an office, removal of a window, alterations to windows and repositioning of a door	Approval	20/09/2023
23/01213/NONM	Non-Material Amendment	5 Gable Court Derby DE3 9ND	Single storey side extension to dwelling house (garage) - Non-material amendment to previously approved planning permission 22/01112/FUL to change the garage to habitable space	Approval	28/09/2023



Derby City Council

Delegated decisions made between Between 01/10/2023 and 31/10/2023



Derby City Council

Application No:	Application Type	Location	Proposal	Decision	Decision Date
21/00597/FUL	Full Application	24 Iron Gate Derby DE1 3GP	Change of use to office space at ground floor level and four apartments	Approval	19/10/2023
21/01217/FUL	Full Application	Telecoms Mast At Da Vinci Academy St Andrews View Derby DE21 4ET	Installation of a replacement 25m lattice tower supporting 12 antenna on an open headframe, two dishes and ancillary development	Finally disposed of	10/10/2023
22/00598/FUL	Full Application	20 Welney Close Derby DE3 0NZ	Extensions to dwelling house	Refused	26/10/2023
22/00749/LBA	Listed Building Consent-Alterations/Demo	3rd Floor Royal Buildings Victoria Street Derby DE1 1ES	Refurbishment of existing offices	Approval	19/10/2023
22/00965/ADV	Advertisement Consent	The Cosy Club Royal Buildings Victoria Street Derby DE1 1ES	Display of three internally illuminated fascia box signs, external wall lights and one internally illuminated projecting sign	Finally disposed of	10/10/2023
22/00966/LBA	Listed Building Consent-Alterations/Demo	The Cosy Club Royal Buildings Victoria Street Derby DE1 1ES	Installation of signage and wall lights	Finally disposed of	10/10/2023
22/01176/LBA	Listed Building Consent-Alterations/Demo	24 Iron Gate Derby DE1 3GP	Conversion of upper floors to four apartments (including alterations at ground floor, staircase and entrances).	Approval	19/10/2023
22/01301/FUL	Full Application	1 St Peters Street Derby DE1 2AE	Installation of replacement ATM and removal of three ATMS	Approval	24/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
22/01302/ADV	Advertisement Consent	1 St Peters Street Derby DE1 2AE	Display of ATM signage	Approval	24/10/2023
22/01304/LBA	Listed Building Consent- Alterations/Demo	1 St Peters Street Derby DE1 2AE	Installation of one replacement external ATMs and signage, removal of two external ATMs, replacement of three internal ATMs and removal of one internal ATM	Approval	25/10/2023
22/01499/FUL	Full Application	67 Station Road Chellaston Derby DE73 5SU	Single storey rear extension to dwelling house (kitchen/dining area, wet room and utility). Erection of an outbuilding (gym/store) - retrospective application	Approval	19/10/2023
22/01559/FUL	Full Application	Lees Brook Community School Morley Road Derby	Erection of a canopy	Approval	30/10/2023
22/01572/FUL	Full Application	7 Birchway Grove Derby DE23 3UR	Raising of the roof height and installation of dormers to form rooms in the roof space, single storey rear extension to dwelling house together with new external finishes	Approval	17/10/2023
22/01739/DISC	Compliance/Discharge of Condition	St Marys Catholic Voluntary Academy And Nursery Broadway Derby DE22 1AU	Erection of primary school and nursery, together with new playing field, extension of existing Multi Use Games area, creation of woodland, rearrangement of existing parking and drop-off area, hard and soft landscaping and ancillary works - Discharge of condition 6 (trees) of planning permission 22/01060/FUL	Approval	16/10/2023
23/00070/FUL	Full Application	Hillbrooke Guest House 299 - 301 Burton Road Derby DE23 6AG	Two storey side/rear extensions to existing guest house with new dormer windows and external stair case, formation of parking area to the rear with new vehicle access off Whitaker Road and change of use to a House in Multiple Occupation.	Approval	24/10/2023
23/00211/FUL	Full Application	1 Willetts Road Derby DE21 4NH	Single storey front/side extensions to dwelling house (hall, bathroom, living space)	Refused	02/10/2023
23/00251/FUL	Full Application	7 Coriander Gardens Derby	Single storey rear extension to dwelling house (garden store) - retrospective application	Approval	02/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00374/FUL	Full Application	187 Vicarage Road Mickleover Derby DE3 0EF	Change of use from single dwelling (Use Class C3) to five self-contained residential units (Use Class C3(b))(supported living) and use of outbuilding for use as office in association with main use - retrospective application	Approval	25/10/2023
23/00443/FUL	Full Application	159 Shardlow Road Derby DE24 0JT	Single storey rear extension to dwelling house (garden room) with basement and terrace	Approval	12/10/2023
23/00568/FUL	Full Application	Land At The Side Of 151 Cowsley Road Derby DE21 6EG	Erection of a dwelling house (Use Class C3)	Refused	12/10/2023
23/00626/FUL	Full Application	32 Arlington Road Derby DE23 6NY	Single storey front, side and rear extensions to dwelling house and formation of a raised patio area to the rear garden	Approval	11/10/2023
23/00629/FUL	Full Application	Car Park At Rear Of Wilson Street Surgery 1 Wilson Street Derby DE1 1PG	Change of use from private car park to a public car park - retrospective application	Approval	17/10/2023
23/00667/FUL	Full Application	Land At The Rear Of 157 Duffield Road Derby DE22 1AH (Access Of Stanley Close)	Demolition of garage. Erection of a dwelling house (Use Class C3) - amendments to previously approved permission 21/00394/FUL	Approval	03/10/2023
23/00673/FUL	Full Application	187 Rykneld Road Derby DE23 4DL	Conversion of existing garage to form an annexe for dependent relatives	Approval	04/10/2023
23/00684/FUL	Full Application	24 Chaddesden Lane Derby DE21 6LQ	Erection of carport/canopy - retrospective application	Approval	24/10/2023
23/00688/LBA	Listed Building Consent-Alterations/Demo	Wilderslowe House Osmaston Road Derby DE1 2QY	Removal of existing pitched roof tiles and flat roof covering (to main roof only), with installation of roofing membrane, felts, tile laths, lead flashings and site won slates.	Approval	10/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00692/FUL	Full Application	Land At Rear Of 114 And 116 Brighton Road Derby	Erection of three storey building to form Retail unit (Use Class A1) on ground floor and one apartment on the upper floors	Refused	26/10/2023
23/00721/FUL	Local Council Own Development Reg 3	Site Of Former Knoll 241 Village Street Derby	Erection of 17 dwelling houses (Use Class C3)	Approval	20/10/2023
23/00723/FUL	Full Application	173 Allestree Lane Derby DE22 2PG	Two storey side and rear and single storey front and rear extensions to dwelling house (garage/store, boot room, W.C., utility, bathroom, two bedrooms and enlargement of hall, lounge kitchen/dining area and bedroom)	Approval	04/10/2023
23/00728/FUL	Full Application	85 Littleover Lane Derby DE23 6JH	Two storey side and rear and single storey rear extensions to dwelling house	Approval	20/10/2023
23/00739/FUL	Full Application	12 Longley Lane Derby DE21 7AT	Two storey rear and single storey front extensions to dwelling house (bathroom, en-suite and enlargement of lounge, kitchen/dining area and bedroom)	Refused	06/10/2023
23/00749/DISC	Compliance/Discharge of Condition	Site Of Former 398 Utttoxeter New Road Derby DE22 3HX	Erection of a two storey building to provide a five bedroom house in multiple occupation (Use Class C4) and two seven and eight bedroom houses in multiple occupation (Sui Generis) - Discharge of condition 3 (noise impact assessment) of planning permission 22/01788/FUL	Approval	17/10/2023
23/00770/FUL	Full Application	The Bull And Bush 256 Prince Charles Avenue Derby	Installation of cedar cladding	Approval	27/10/2023
23/00826/FULPSI	Full Application - PSI	St Benedict Catholic Voluntary Academy Duffield Road Derby DE22 1JD	Erection of a new teaching block, comprising specialist science classrooms, and replacement and extension of existing hard outdoor PE area	Approval	04/10/2023
23/00855/FUL	Full Application	11 Grant Avenue Derby DE21 6RN	Single storey front and two storey side extensions to dwelling house (porch, study, W.C., store, utility, bedroom and en-suite)	Approval	09/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00863/FUL	Full Application	Ihub Nuclear Skills Infinity Park Way Infinity Park Derby DE24 9FU	Installation of an extraction flue with enclosure	Approval	17/10/2023
23/00874/VAR	Variation of Condition	Land At The Side Of 9 Vicarwood Avenue Derby DE22 1BX	Residential development - one dwelling. Approval of reserved matters of appearance, landscaping, layout and scale under outline permission Code no 20/00383/OUT - Variation of condition 1 of planning permission 22/00518/RES to amend the footprint of the dwelling, outhouse, internal layout and fenestration	Approval	02/10/2023
23/00875/TPO	Works to a tree with a TPO	Trees At Bleaklow Close And Alport Heights Drive Derby	Various works to trees protected by Tree Preservation Order no's. 11, 31 and 247	Approval	16/10/2023
23/00889/FUL	Full Application	Derby College The Roundhouse Roundhouse Road Derby DE24 8JE	Extension to the Stephenson Building	Approval	04/10/2023
23/00898/FUL	Full Application	14 Pendlebury Drive Derby DE3 9SS	Two storey and single storey side extensions to dwelling house (storage, cinema room, gallery and kitchen/dining/living space) and single storey extension to the front of the welling.	Approval	04/10/2023
23/00920/FUL	Full Application	Riverlights Morledge Derby DE1 2AY	Conversion of fourth floor to form 28 bedrooms and change of use of existing vacant ground floor commercial unit (Use Class E) as a hotel front of house (Use Class C1) and installation of a mezzanine floor and alterations to ground floor elevation	Approval	02/10/2023
23/00931/FUL	Full Application	50 St Chads Road Derby DE23 6RR	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	12/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00935/HZC	Hazardous substances consents	Rolls Royce Plc Raynesway Derby DE21 7BE	Use of land for storage of hazardous substances	Approval	11/10/2023
23/00950/FUL	Full Application	Boulton St Marys Community Centre Barrett Street Derby DE24 0EN	Erection of a shed	Approval	19/10/2023
23/00952/FUL	Full Application	26 Victoria Street Derby DE1 1ES	Change of use of first and second floors from tattoo studio (Sui Generis) to 2 x one bedroom apartments (Use Class C3)	Approval	06/10/2023
23/00982/TPO	Works to a tree with a TPO	40 Applemead Close Derby DE21 4QP	Crown reduction by 5m in height and 3-4m lateral spread of an Ash tree protected by Tree Preservation Order No 149	Approval	02/10/2023
23/00999/PNRPV	Prior Approval - PV on Non-Domestic	Unit 10 Kingsway Retail Park Kingsway Derby DE22 3FA	Installation of roof mounted solar panels	Prior Approval Approved	13/10/2023
23/01010/NONM	Non-Material Amendment	Ihub Nuclear Skills Academy Infinity Park Infinity Park Way Derby DE24 9FU	New permanent smoking shelter, vehicle access barrier and 7 timber palisade fencing external plant compounds. - Non-material amendment to previously approved planning permission 23/00398/FUL to relocate the air compressor container compound	Approval	12/10/2023
23/01012/FUL	Full Application	9 Leafenden Close Derby DE22 1JP	Single storey rear extension (utility room and home office) and first floor side extension (bedroom and en-suite) to dwelling house	Approval	06/10/2023
23/01025/FUL	Full Application	1 Kirk Street Derby DE1 3SB	Installation of one replacement window	Approval	10/10/2023
23/01028/FUL	Full Application	165 Chaddesden Lane Derby DE21 6LJ	Erection of outbuilding (store)	Approval	13/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01034/VAR	Variation of Condition	61 High Street Chellaston Derby DE73 6TB	Retention of change of use from retail (Use Class A1) to mixed use retail and cafe (Use Classes A1 and A3) - Variation of condition 2 of previously approved planning permission 20/00480/FUL to amend the approved opening hours to 8am to 7pm Sunday to Wednesday and 8am to 11pm Thursday to Saturday	Approval	26/10/2023
23/01036/TPO	Works to a tree with a TPO	17C Kings Croft Derby DE22 2FP	Felling of three Leylandii trees protected by Tree Preservation Order No. 471	Approval	18/10/2023
23/01058/FUL	Full Application	Alstom Litchurch Lane Derby DE24 8AD	Erection of replacement boundary fencing and gates with 2.4m high galvanised steel palisade fencing and gates.	Approval	13/10/2023
23/01059/TPO	Works to a tree with a TPO	4 Longshaw Gardens Derby DE24 0EY	Crown lift to give 3m clearance from ground level and crown reduction by 2m of a Hornbeam tree protected by Tree Preservation Order no. 334	Approval	02/10/2023
23/01061/TPO	Works to a tree with a TPO	Old Wall House 2 Kipling Drive Derby DE3 9NH	Crown reduction by 2m in height and 3m lateral spread of two Horse Chestnut Trees protected by Tree Preservation Order No. 14	Refused	18/10/2023
23/01068/FUL	Full Application	6 Saxondale Avenue Derby DE3 0SF	Two storey front and rear and single storey side and rear extensions to dwelling house (porch, office, living/kitchen space, bedroom and enlargement of bedroom) and installation of new first floor side elevation windows	Approval	13/10/2023
23/01071/TPO	Works to a tree with a TPO	30 Santolina Drive Derby DE21 2DQ	Crown lift to give 3.5 metres clearance from ground level and crown reduction by 3m of an Oak tree protected by Tree Preservation Order No's 24 and 247	Approval	26/10/2023
23/01078/FUL	Full Application	5 Underhill Avenue Derby DE23 8WD	Two storey side and first floor rear extensions to dwelling house together with installation of a dormer to the front elevation (covered way and two bedrooms)	Refused	19/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01082/FUL	Full Application	3 Hawke Street Derby DE22 3DP	Two storey side and rear extensions to dwelling house	Approval	02/10/2023
23/01087/FUL	Full Application	63 Wardwick Derby DE1 1HJ	Change of use from 'Tattoo Studio' (Sui Generis) to a 'Health Massage Parlour' (Sui Generis) - Retrospective Application	Approval	23/10/2023
23/01088/ADV	Advertisement Consent	63 Wardwick Derby DE1 1HJ	Installation of non-illuminating sign to the front elevation and glass vinyl graphics to the shop front.	Refused	20/10/2023
23/01093/FUL	Full Application	Manorfields 47 Farley Road Derby DE23 6BW	Erection of two single storey extensions (Conservatories) - Retrospective Application.	Approval	02/10/2023
23/01095/TPO	Works to a tree with a TPO	Fermyn Wood Kings Croft Derby DE22 2FP	Various works to trees protected by Tree Preservation Order No 471	Approval	19/10/2023
23/01098/TPO	Works to a tree with a TPO	10 Caversfield Close Derby DE23 3SR	Pollarding to 7 metres of Ash tree protected by Tree Preservation Order No 30	Approval	26/10/2023
23/01099/CLP	Lawful Development Certificate -Proposed	4 Riddings Derby DE22 2GB	Formation of dormer extension to rear roof slope	Approval	04/10/2023
23/01101/TPO	Works to a tree with a TPO	Tesco Store Kipling Drive Derby DE3 9NH	One metre reduction of the overhang over No 2 Kipling Drive. Carry out a one metre reduction of remaining crown to rebalance. Remove any dead wood over 50mm in diameter- Oak tree protected by Tree Preservation Order No 14	Approval	11/10/2023
23/01105/FUL	Full Application	147 Station Road Mickleover Derby DE3 9FL	Raising of eaves height and erection of replacement roof to existing out building and erection of pergola	Approval	03/10/2023
23/01106/FUL	Full Application	27 Bannels Avenue Derby	Single storey rear extension to dwelling (enlargement of kitchen)	Approval	02/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01108/FUL	Full Application	Unit 2 Fernhook Avenue Derby DE21 7HW	Installation of 12m communications monopole, 300mm dish and equipment cabinet	Approval	16/10/2023
23/01114/FUL	Full Application	35 Mount Carmel Street Derby DE23 6TB	Single storey extension to detached property (kitchen)	Approval	04/10/2023
23/01119/FUL	Full Application	54 Murray Road Derby DE3 9LD	Two storey rear and single storey front and rear extensions to dwelling house (porch, kitchen, study and bedroom)	Approval	06/10/2023
23/01120/FUL	Full Application	Inchcape 26-33 Cattle Market Chequers Road Derby	Proposed stand-alone 'Smart Repair' bay facility for the specialised servicing of motor vehicles.	Approval	17/10/2023
23/01121/TPO	Works to a tree with a TPO	4 Cottisford Close Derby DE23 3SL	Crown reduction by 2m, crown raise to 5m and crown clean to remove epicormic growth by 10% of an Oak tree protected by Tree Preservation Order No 30	Approval	16/10/2023
23/01123/FUL	Full Application	45 Upper Bainbrigge Street Derby DE23 6WN	Two storey rear extension to dwelling house	Refused	04/10/2023
23/01130/FUL	Full Application	290 Osmaston Road Derby DE24 8AE	Change of use of part of ground floor from tyre and wheel sales (Sui Generis) to retail (Use Class E). Alterations to windows	Approval	10/10/2023
23/01136/PNRIA	Prior Approval - Commercial to Resi	40 Leopold Street/1 The Avenue Derby	Change of use of ground floor from offices (Use Class E) to flat (Use Class C3)	Approval	02/10/2023
23/01137/FUL	Full Application	224 Chellaston Road Derby DE24 9ED	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, two bedrooms, shower room and enlargement of kitchen/dining area)	Refused	16/10/2023
23/01141/TPO	Works to a tree with a TPO	Revive Healthy Living Centre Roe Farm Lane Derby DE21 6ET	Crown reduction by 1.5m-2m, crown lift to 2.5m from ground level and cutting back of branches to give 0.5 - 1m clearance of cables of Plum and Cherry trees protected by Tree Preservation Order No 396 - works to be maintained for a period of ten years	Approval	26/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01142/FUL	Full Application	Alvaston Glass Haydock Park Road Derby DE24 8HT	Change of use from industrial (Use Class B2) to mixed use vehicle repairs and MOT centre (Use Class B2 and Sui Generis)	Approval	17/10/2023
23/01143/FUL	Full Application	171 Uttoxeter New Road Derby DE22 3NP	Conversion of roof space including installation of roof lights to provide one additional flat Use Class C3)	Approval	11/10/2023
23/01146/FUL	Full Application	5 Welbeck Grove Derby DE22 2LS	Single storey side and rear extensions to dwelling house (living space and store). Installation of hardstanding to the front garden	Approval	09/10/2023
23/01147/FUL	Full Application	1 Dulwich Road Derby DE22 4HG	Single storey side and rear extensions to dwelling house (garage, study, shower room and sitting area)	Approval	09/10/2023
23/01159/CLP	Lawful Development Certificate -Proposed	16 Swinburne Street Derby DE1 2HJ	Change of use from a dwelling house (Use Class C3) to a house in multiple occupation for a maximum of six occupants (Use Class C4)	Approval	04/10/2023
23/01160/FUL	Full Application	28 Robincroft Road Derby DE22 2FR	Single storey rear extension to dwelling house (dining room)	Approval	09/10/2023
23/01164/CAT	Works to Trees in a Conservation Area	61 Mile Ash Lane Derby DE22 1DE	Reduce False Acacia tree once every 3 years within a 10 year period back to the previous pruning locations	Raise No Objection	18/10/2023
23/01168/FUL	Full Application	88 Monk Street Derby DE22 3QB	Two storey rear extension to dwelling house (enlargement of kitchen and bathroom)	Approval	24/10/2023
23/01169/ADV	Advertisement Consent	Royal Stuart Hotel 119 London Road Derby DE1 2QR	Display of various signage	Approval	18/10/2023
23/01170/FUL	Full Application	Royal Stuart Hotel 119 London Road Derby DE1 2QR	Installation of an ATM	Approval	20/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01171/FUL	Full Application	Royal Stuart Hotel 119 London Road Derby	Installation of plant with enclosure and access gate to form new service yard	Approval	20/10/2023
23/01177/CAT	Works to Trees in a Conservation Area	8B The Green Mickleover Derby DE3 0DE	Felling of two Damson trees, crown raise to 2m and cutting back of branches to give 1.5m clearance of the building of a Magnolia tree and reduction back to the fence line of a Laurel hedge within the Mickleover Conservation Area	Raise No Objection	16/10/2023
23/01179/FUL	Full Application	997 London Road Derby	Erection of ancillary storage building	Approval	19/10/2023
23/01183/FUL	Full Application	1 Meadow Brook Close Derby DE23 3YT	Two storey front extension to dwelling house (porch and enlargement of bedroom)	Refused	09/10/2023
23/01185/FUL	Full Application	26 Kenilworth Avenue Derby DE23 8TW	Single storey front and rear extensions to dwelling house (porch, enlargement of kitchen and dining room) and formation of a vehicular access	Approval	18/10/2023
23/01186/FUL	Full Application	25 Woodlands Road Derby DE22 2HG	Single storey rear extension to dwelling (lounge/kitchen/dining area) and installation of render	Approval	18/10/2023
23/01193/FUL	Full Application	3 Emerald Close Derby DE21 2JZ	First floor side extension to dwelling house (two bedrooms and enlargement of bedroom)	Approval	23/10/2023
23/01194/PNRH	Prior Approval - Householder	4 Douglas Street Derby DE23 8LH	Single storey rear extension (projecting beyond the rear wall of the original house by 3.6m, maximum height 3.5m, height to eaves 2.7m) to dwelling	Prior Approval Not Required	04/10/2023
23/01199/FUL	Full Application	3 Wyndham Street Derby DE24 0EP	Single storey front extension to dwelling house (porch) and installation of render	Refused	24/10/2023
23/01202/CLP	Lawful Development Certificate -Proposed	156 Balfour Road Derby DE23 8UQ	Roof alterations to include installation of a rear dormer, two rooflights to the front elevation and roof alteration from hip to gable end	Approval	12/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01204/FUL	Full Application	Nicco Wheelwright Way Derby DE24 8SQ	Extension to restaurant (prep room), formation of external seating area and new service road access	Approval	19/10/2023
23/01207/FUL	Full Application	487 Stenson Road Derby DE23 1LL	Formation of a vehicular access	Approval	18/10/2023
23/01209/FUL	Full Application	6 Rona Close Derby DE24 9LE	Two storey front and first floor side extensions to dwelling house (porch, bedroom and enlargement of bedroom)	Refused	18/10/2023
23/01216/FUL	Full Application	96 Empress Road Derby DE23 6TE	Erection of an outbuilding - retrospective application	Approval	18/10/2023
23/01227/ADV	Advertisement Consent	Development Land London Road Derby DE1 2QY	Display of one internally illuminated digital display screen	Approval	27/10/2023
23/01228/FUL	Full Application	3 Ashtree Avenue Derby DE24 8EW	Single storey side extension to dwelling house (wet room and bedroom)	Approval	19/10/2023
23/01233/NONM	Non-Material Amendment	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of 796 dwellings comprising 773 dwellings and apartments, conversion of Wilderslowe House into 10 apartments conversion of nos 123-129A Osmaston Road into 12 apartments, alteration and refurbishment of The Lodge together with conversion and extension of the 'Pepper pot' buildings into a cafe, exhibition/meeting space, and gym/fitness facilities. Relocation of the listed Queen Victoria statue, together with formation of vehicular access, public open space, landscaping and associated engineering works - Non-material amendment to previously approved planning permission 20/01096/VAR to update the site master plan	Approval	13/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01234/FUL	Full Application	149 Western Road Mickleover Derby DE3 9GS	Single storey side/rear extension to dwelling house (utility, study and enlargement of living space)	Approval	19/10/2023
23/01236/FUL	Full Application	1 Rushdale Avenue Derby DE23 1HY	Installation of a replacement roof with reduced ridge height together with removal of rear dormer. Installation of partial render to the North East facing elevation and a replacement window to the front elevation (retrospective application)	Approval	31/10/2023
23/01240/FUL	Full Application	62 Radcliffe Drive Derby DE22 3LA	Single storey and first floor rear extensions to dwelling house (bedroom and enlargement of kitchen)	Approval	19/10/2023
23/01247/FUL	Full Application	Unit 4 Cherry Tree Close Sheltered Housing Scheme Kingsway Hospital Kingsway Derby DE22 3LZ	Single storey extension and alterations to specialist care office (staff, patient and visitor, administration and welfare facilities)	Approval	31/10/2023
23/01249/FUL	Full Application	18 Walton Road Derby DE21 6QE	Single storey rear extension to dwelling house (shower room and enlargement of lounge) and installation of pitched roof to the single storey front projection	Approval	24/10/2023
23/01257/FUL	Full Application	3 Namur Close Derby DE22 3JS	Two storey side extension to dwelling house (shower/w.c/ utility, dining room, bathroom and bedroom)	Approval	31/10/2023
23/01259/NONM	Non-Material Amendment	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of an additional 124 apartments (Use Class C3) - Non-material amendment to previously approved planning permission 21/01740/FUL to amend the building footprint extents, fenestration and include solar panels to the roof	Approval	13/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01263/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6YH	layout, appearance and landscaping in respect of Phase 3 - Erection of four commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure - Non-material amendment to previously approved planning permission 22/01000/RES to change the external cladding materials for Units D027 and D082	Approval	18/10/2023
23/01264/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6YH	Reserved matters application pursuant to outline planning permission ref. 19/00491/OUT providing details of scale, layout, appearance and landscaping in respect of Phase 3 - Erection of four commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure - Non-material amendments to previously approved planning permission 22/01000/RES to amend door locations, car parking, entrances and cladding and include sprinkler tanks and pump house to service yard	Approval	13/10/2023
23/01271/FUL	Full Application	34 Vicarage Road Mickleover Derby DE3 0EB	First floor side extension to dwelling house (bedroom and en-suite) and alterations to existing garage	Approval	25/10/2023
23/01272/PNRH	Prior Approval - Householder	102 Rose Hill Street Derby DE23 8FY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling	Prior Approval Not Required	16/10/2023
23/01278/FUL	Full Application	Moorways Sports Village Moor Lane Derby	Erection of a storage building	Approval	25/10/2023
23/01280/FUL	Full Application	11 West Drive Derby DE3 0EX	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	31/10/2023
23/01291/FUL	Full Application	24 Chinley Road Derby	Erection of a boundary fence	Approval	31/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01294/PNRH	Prior Approval - Householder	14 Stables Street Derby DE22 3EJ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	16/10/2023
23/01295/PNRH	Prior Approval - Householder	9 Grange Road Derby DE24 0JW	Single storey rear extension (projecting beyond the rear wall of the original house by 4.4m, maximum height 3.6m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	12/10/2023
23/01296/DISC	Compliance/Discharge of Condition	Land Adjacent To 48 Cummings Street Derby DE23 6WW	Erection of four dwelling houses (Use Class C3) and all associated works - Variation of condition 2 of previously approved planning permission 19/01732/FUL to include roof mounted solar panels - Discharge of condition 15 (validation report) of planning permission 22/00904/VAR	Approval	11/10/2023
23/01297/NONM	Non-Material Amendment	21 Alice Street Derby DE1 2BY	Conversion of existing workshop and storage building into workshops, offices and stores. Demolition of storage building to east of site and construction of a parking courtyard - Non-material amendment to previously approved planning permission 22/00294/FUL to alter parking and boundary wall	Approval	23/10/2023
23/01299/PNRH	Prior Approval - Householder	72 Werburgh Street Derby DE22 3QG	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Approved	18/10/2023
23/01308/NONM	Non-Material Amendment	Radbourne Unit Royal Derby Hospital Uttoxeter Road Derby DE22 3WQ	Single storey extensions to hospital (additional ward space) - Non-material amendments to previously approved planning permission 22/00173/FUL to replace an area of roof to Ward 32 and expand the garden area of Ward 35	Approval	19/10/2023
23/01310/CAT	Works to Trees in a Conservation Area	6 Welney Close Derby DE3 0NZ	Felling of a Corsican Pine tree within the Mickleover Conservation Area	Application Withdrawn	11/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01311/PNRH	Prior Approval - Householder	5 Spinney Road Derby DE22 3TP	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3.826m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	25/10/2023
23/01318/FUL	Full Application	115 Moorside Crescent Derby DE24 9PT	Erection of outbuilding (garage)	Approval	19/10/2023
23/01323/NONM	Non-Material Amendment	2 Snelston Crescent Derby DE23 6BL	Single storey front extension with balcony above and two storey rear extensions to dwelling house with loft conversion (ground floor living space and sun room, first floor en-suites and bedroom with bedrooms, bathroom and office in the loft space) - Non-material amendment to previously approved planning permission 20/01407/FUL to omit the first and second floor extensions	Approval	19/10/2023
23/01326/PNRH	Prior Approval - Householder	8 Victoria Close Derby DE3 9JQ	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	25/10/2023
23/01333/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project - Approval of reserved matters of scale, layout, appearance and landscaping in respect of Phase 1 - Erection of three commercial units within B2/B8 use class, to include associated loading, servicing and parking areas, landscaping and infrastructure under outline permission Code no. 19/00491/OUT - Non-material amendment to previously approved planning permission 21/00148/RES to allow installation of vents and flues	Approval	18/10/2023

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01356/ADV	Advertisement Consent	Site Of Former Cock N Bull Sinfin Lane Derby DE24 9GL	Erection of flagpoles and sign	Approval	30/10/2023
23/01359/NONM	Non-Material Amendment	Garage Court Paterson Avenue Derby DE21 6RP	Erection of six apartments (Use Class C3) in a two storey block and associated ground works - Non material amendment to previously approve permission 21/00501/FUL to fenestration of windows to comply with Part O (overheating assessment)	Approval	27/10/2023
23/01360/NONM	Non-Material Amendment	Land On South West Side Of Barlow Street Derby DE1 2TT	Construction of 11 apartments providing temporary accommodation for homeless families, together with one office for support staff and associated car parking and gardens. - Non material amendment to previously approved permission 20/00939/FUL to fenestration of windows to comply with Part O (overheating assessment)	Approval	25/10/2023
23/01361/NONM	Non-Material Amendment	Site Of Former South Garage Court Monyash Close Derby DE21 4NX	Erection of a bungalow (Use Class C3) - Non material amendment to previously approved permission 21/00674/FUL to fenestration of windows to comply with Part O (overheating assessment)	Approval	25/10/2023
23/01413/CLP	Lawful Development Certificate -Proposed	17 Warren Street Derby DE24 8RU	Change of use from dwelling house (Use Class C3) to a small house in multiple occupation (Use Class C4) and installation of a dormer	Approval	20/10/2023