



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**10 January 2019**

**ITEM 6**

Report of the Director of Strategic Partnerships,  
Planning and Streetpride

**Applications to be Considered**

**SUMMARY**

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

**RECOMMENDATION**

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

**REASONS FOR RECOMMENDATION**

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.

**OTHER OPTIONS CONSIDERED**

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

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Ian Woodhead
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Ian Woodhead Tel: 01332 642095 email: <a href="mailto:ian.woodhead@derby.gov.uk">ian.woodhead@derby.gov.uk</a> None Appendix 1 – Development Control Monthly Report
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<b>Item No.</b>	<b>Page No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Recommendation</b>
1	1 - 90	05/18/00771	Land Off Phoenix Street Derby	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	<b>To refuse</b> planning permission.
2	91 - 111	10/18/01504	Carsington House Park Farm Centre Park Farm Drive Allestree Derby	Change of use of existing building from residential flats (Use Class C3) to student accommodation (Sui Generis use), including refurbishment of building with single storey rooftop extension.	<b>To grant</b> planning permission with conditions.
3	112 - 122	18/01695/FUL	24 Uttoxeter Road Derby	Change of use from a bank (use class A2) to a micro pub (use class A4) and education centre (use class D1) together with a first floor rear extension and installation of new windows and doors to the front elevation	<b>To grant</b> planning permission with conditions.

## **Committee Report Item No: 1**

**Application No: DER/05/18/00771**

**Type: Full Planning Application**

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### **1. Application Details**

**1.1. Address:** Land off Phoenix Street, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

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

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/05/18/00771>

**Brief description**

This full planning application seeks permission for the erection of a new building which will accommodate 202 residential apartments (use class C3) along with the provision of ancillary floor space including gym and coffee area together with associated car parking, servicing, site infrastructure and landscaping. The scheme also safeguards an area of land to the north which is required for the implementation of the OCOR Flood Defences.

The application site is currently occupied by a surface car park with associated entrance hut which will be removed in order to facilitate the proposed development. The site lies to the north-east of the City Centre and is located within the Central Business District (CBD) and the 'Riverside' City Centre Character Area. The site is separated from the City's Core by the River Derwent. The site is located at the junction of Stuart Street and Phoenix Street and is in close proximity to the underpass that links Phoenix Street to Mansfield Road for buses, pedestrians and cyclists. Stuart Street and Phoenix Street are, by design, one-way. St. Alkmunds Way (A601) is located to the north of the site and is in an elevated position.

The application site covers an area of some 0.29 hectares. Land levels across the site are relatively consistent however the open space to the north along with St. Alkmunds Way is elevated above the application site by some 3 metres. Phoenix Street offers very little in terms of context comprising of a further surface car park, Machine Mart and office buildings. The only real building of note on Phoenix Street is the Derbyshire Army Cadet Building, which is Locally Listed. The wider 'Riverside' area also offers little in terms of context with the exception of two public houses, Exeter House and Compton House. Compton House, Exeter House and the Exeter Arms are also on the Council's Local List but there are no statutory listed buildings within the immediate vicinity of the application site. Building heights across the North Riverside area are relatively low with the exception of those properties on Stuart Street which run parallel to the river, the apartments reaching 9 storeys in height. Those properties on Phoenix Street are also relatively low rise at some 2-3 storeys. Further along St Alkmund's Way to the north-west is the imposing Jurys Inn hotel.

There are a number of street trees, owned by the Council which run along St Alkmund's Way along with a number of unprotected trees within the application site itself, however these are not subject to a Tree Preservation Order. There are also no

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water courses within the application site. The site is not located within a Conservation Area or within the curtilage of a Listed Building. In the much wider context of the application site the Nottingham Road Conservation Area is some 40 metres to the north separated from the application site by the A601. Other heritage assets of note in the wider context are the Locally Listed Council House, and Grade II Listed Magistrates Court although these are separated from the application site by the River Derwent and some 220m distance. Although, there is unlikely to be a clear relationship at street level between these heritage assets and the proposal. The City Centre Conservation Area is also within the much wider context along with the Grade I Cathedral, World Heritage Site and the World Heritage Site Buffer. Whilst a number of these heritage assets are not within the immediate proximity of the application site they are considered relevant in the determination of this application due to potential impact of the proposal on the Derby skyline.

During the life of the planning application officers have provided detailed guidance on the content of consultation responses and whilst no amendments have been made to the overall design, external appearance, scale and height of the proposed development additional information has been submitted in respect of the following:

- Heritage Townscape Assessment – additional views and commentary have been provided
- Archaeological Assessment – an Archaeological Desk Based Assessment has been submitted
- Flood Risk Assessment – amendments have been made to the submitted FRA along with further assessment work relating to breach analysis
- Noise Assessment – additional calculations and commentary have been provided
- Highways/Access – amendments have been made to the layout and access arrangements

The application, as updated, seeks permission for the erection of a new building which will accommodate 202 residential apartments, the building is considered in two elements; the tower and shoulder element. The application will be accessed via Phoenix Street by way of a new two way vehicular access point which leads directly into the 47 space car park and servicing area. Two disabled car parking spaces are provided along with motorcycle parking. A 30 space cycle shelter is located on the ground floor of the proposal. A service/loading bay is also proposed. A separate pedestrian access is also provided off Phoenix Street providing direct access to the entrance lobby of the main building and a pedestrian route across the car park provides access to the lobby of the tower block. The proposed development will utilise the entire plot for either the footprint of the proposal or associated car parking with the exception of land safeguarded for the flood defence wall which would be located to the north of the application site.

Externally, the proposal would be one built form comprising of two elements; the shoulder element and tower. The submitted elevations provide an indication of the proposed materials in respect of colour finish which include grey cladding (two colours) and a bronze metallic cladding. The louvres, windows and doors would be

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aluminium finished in RAL7016 – Anthracite Grey (Dark Grey) with transparent glazing and curtain walling. The exact materials would need to be agreed by condition. The building has a largely U-shaped footprint which envelopes the surface car park at ground floor.

The tower is the tallest element of the proposal standing at 17 storeys (16 floor plus ground floor). This element is located in the south-eastern corner of the site in close proximity to the on-slip to St Alkmund's Way. The tower would stand at 54 metres.

The shoulder elements would stand at 9 storeys (8 plus ground floor) with a reduced element in the north-eastern corner where the scheme reduced to 7 storeys (6 plus ground floor). The shoulder element has a height of 29 metres reducing to 23 metres on the corner.

The tower has an almost L shaped footprint with aspects of the elevations protruding and recessing. The elevations are a mix of bronze and grey cladding, where the elevations are grey they are edged in bronze. The southern elevation also incorporates a ribbon of bronze cladding which runs up the elevation between storeys 7 – 17 this aspect has flush windows whereas the rest of the elevation accommodates the tapered window detail. Similar to the shoulder block the inward facing windows are flush along with those windows along St Alkmund's Way.

The shoulder element is located at the north-west corner of the site and runs parallel alongside St Alkmund's Way. This element is predominately finished in grey cladding with the exception of the corner which will be wrapped in bronze cladding. The elevations facing the inward are simple in their design with flush windows in a regimented pattern. The outward facing elevations are to be finished in grey cladding but have a tapered window design, which adds relief and interest to the elevations. In order to create the taper the cladding would be angled back towards the window. The upper floor would be fully glazed.

The footprint of the proposal is largely in a U-shape with different recesses and projections due to the internal arrangement of the building. However this also adds interest to the elevations and provides opportunities for changes in the materials and elevational treatment/design. The proposal does not incorporate any balcony details. The building has a contemporary appearance with a modern materials palette. The rationale behind the buildings design, form, appearance and materials is set out in the Design and Access Statement and Integrated Heritage, Townscape and Visual Impact Assessment, as amended.

Given the applications location within flood zone 2 and 3 in order to overcome concerns relating to evacuation of the building the proposal incorporates a dry egress and access. This is in the form of a pedestrian bridge, located on the eastern elevation of the proposal. The bridge will link and provide access from the first floor to a landscaped area on St Alkmund's Way – this will allow residents to safely evacuate the building during times of flood and also reside in the building during this time. The building has been designed to provide flood resilience to the building as set discussed below.

Internally, the proposed apartments are either one or two bedrooms, as shown on the submitted floor plans, pink rooms apartments accommodate one bedroom where as the yellow apartments accommodate two bedrooms. Each apartment accommodates

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an open plan living room with kitchen area, bathroom and bedroom. The two bedroom apartments have an en-suite bathroom to one of the bedrooms. There are 117 one bedroomed apartment and 84 two bedroom apartments. As a result of the installation of the pedestrian bridge this has reduced the size of one of the apartments, it is therefore now of an unacceptable size and will be used as a concierge office and studio flat; as shown on the first floor plan.

The proposed building will accommodate two cores each providing stair and lift access to the upper floors. Core 1 will serve the shoulder element and Core 2 will serve the tower however either can be used for the majority of the building as the apartments are all accessed off a central corridor. The proposal also incorporates ancillary uses for its residents including a dry gym and coffee area along with a residents lounge on the 8<sup>th</sup> floor. The main lobby area accommodates a reception, post room, with associated kitchenette. Two water tank rooms, two bin stores and two electrical plant rooms are provided at ground floor.

### **Private Rented Sector**

This application seeks permission for residential apartments that will be used within the private rented sector (PRS). PRS is a housing tenure as described by the Ministry of Housing, Communities and Local Government; approximately 2.4 million properties are PRS within England representing some 12% of the countries housing stock. This sector has grown by over 10% in the last 10 years and is set to grow further in the coming years. PRS is typically aimed at key workers and young professionals in the 25 – 35 year old category, providing high-quality hassle-free accommodation for varying lengths of tenure. As part of the PRS developments ancillary facilities are also provided, in this instance the applicant seeks to provide a gym, home working spaces along with a lounge.

The applicant has considered Derby's high rate of employment and its population of under 35's and considers that this proposal is '*perfectly positioned to serve this sector*' and should assist in the retention of this younger population which is drawn to work in some of Derby's largest employers including Rolls Royce, Bombardier and Toyota rather than them commuting in from neighbouring cities as this living opportunity is under provided for in Derby. Similar living opportunities are being constructed in our neighbouring cities of Leicester and Nottingham and are well occupied in the larger cities of London, Birmingham and Manchester.

The applicant has also confirmed that they have secured funding to commence and complete the proposed development, if planning permission were to be granted.

### **Flood Defences**

The application site is located in an area known as Derby Riverside and is identified as a development site opportunity within the Our City Our River (OCOR) masterplan which formed part of the full and outline planning application for the City's flood defences, under code no. DER/02/15/00210.

The OCOR scheme is to be delivered in three packages. Package 1 which is reaching completion extends from Darley Abbey to St Mary's Bridge. Package 2 extends from St Marys Bridge to Pride Park and Package 3 extends from Pride Park to Ambaston. Package 1 and some of the package 2 works were approved in full with the remainder of the Package 2 and all package 3 works being in outline only. The

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outline elements set only the height and alignment of the defences. For clarity the application site is located within Package 2.

Whilst the proposal does not incorporate stand alone or integrated flood defences the scheme does safeguard land for the implementation of a flood defence wall. The wall would be located between the proposal and the open space/pedestrian link to St Alkmund's Way. The application also seeks to provide a contribution for the implementation of flood defences on Derby Riverside which will be secured through the Section 106 Agreement. This approach is considered to be acceptable, in this instance, as the OCOR project is reviewing the alignment of flood defences on Derby Riverside.

The application has considered a number of scenarios; the interim scenario where Package 2 is not completed and final scenario where the OCOR scheme is implemented in its entirety along with breach analysis of the completed defences. In considering these scenarios it is also important to consider the flood risk for the development in both scenarios. In doing so, the proposed development has incorporated a number of key features that will provide flood protection and flood resilience to the proposal and contribute to the OCOR protection. These are considered as follows:

- **Dry Egress and Access Bridge**  
As discussed above the application incorporates a pedestrian bridge which provides a dry means of access and egress from the building should there be a flood event which removed the ground floor from use. The installation of the bridge is welcomed by the Environment Agency and colleagues in Land Drainage. The pedestrian bridge has been design for a 1 on 100 year flood event + 30% for Climate Change with free board allowance
- **Safeguarding of the Land**  
As discussed the application seeks to safeguard an area of land to the north of the application site for the installation of the consented flood defences. The application would also seek to make a financial contribution towards the flood defences on Derby Riverside, subject to viability.
- **Flood Resilience Measures**  
The application has incorporated various flood resilience measures in the design of the building including sealed doors, raised internal electrical points and structural glass in elevations of the gym and coffee lounge (ground floor). The applicant has been unable to raise plant rooms to the first floor or above due to viability and deliverability concerns.
- **Building Management**  
As the building will be managed by a single operator and will benefit from a concierge, the applicant has stated that they will be able to ensure details of any flood warning/alerts will be passed on to buildings residents at the earliest opportunity.

The application is accompanied by various technical and design documents some of which have been updated and amended through the life of the application. These documents include Planning Statement, Design and Access Statement, Integrated Heritage and Townscape Impact Assessment, Archaeological Report, Noise

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Assessment, Land Contamination Report, Air Quality Assessment, Transport Assessment, Arboricultural Assessment, Ecological Report and Energy Statement.

### **Environmental Impact Assessment**

The applicant has sought a formal Environmental Impact Assessment Screening Opinion from the Council. The formal response from the Council can be viewed through this [link](#). The Council when taking into consideration the *Characteristics of Development, Location of Development and Type and Characteristics of Potential Impacts* along with *Cumulative Impacts* considered that an Environmental Statement was not required as the proposal is not likely to have any significant effects on the environment.

## **2. Relevant Planning History:**

<b>Application No:</b>	DER/02/15/00210	<b>Type:</b>	Full Planning Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	04/12/2015
<b>Description:</b>	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 Letter sent to 7 properties

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:**

The application has attracted three letters of representations, 1 letter of objection and a letter of support. These are summarised as follows:

### **Letter of objection**

- No consideration has been given to the environmental impacts of wind effects on the surrounding area/buildings. The impacts of wind will be exasperated as a result of the buildings design and location, facing into south westerly quarter winds. It is considered difficult if not impossible to calculate the effects of wind.

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- The concerns are relating to the impact of wind on the structural stability of the building along and the dissipation of wind in the surrounding area and leading to unacceptable conditions at ground level.
- Derby has little or no experience of wind effects at street level.
- The objector provides calculations for determining the impact of wind, giving the example of a gentle 10mph breeze underneath the building, through the car parking area, will result in 37.5 mph winds towards the ring road. Although it is acknowledged that the wind will decrease as it travels through the area but there will still be difficult conditions on the ring road and its slip road and as result.
- Given the complex nature of the buildings design and wind potentially coming from every direction the only way to ascertain the impact of wind is to carry out wind tunnel tests.

### **Letter of Support**

- The site is currently earmarked for as a gateway and should therefore be used for something more exciting than a car park.
- The application has not progressed despite ticking various boxes. The proposal signifies growth, aspiration and ambition and will replace an empty ugly site.
- The proposal is very much fit for purpose and will provide desperately needed professional accommodation, removes an eyesore and will bring jobs to the City.
- Marketing Derby works to bring forward investment and investors from around the world and when investors come to the City they are greeted with hesitation, uncertainty and indecision.
- It appears that Derby City Council and its Planners consider that these investors are only considering investing in Derby but this is simply not the case and will be considering other locations.
- The needs of the people should be considered.
- The acceptance of the proposal and the creation of a string of gems will send a strong signal to other investors that Derby is 'open for business' and does 'walk the talk' despite all the uncertainty that surrounds the UK.
- Please agree to the project before it slips away and turns up in another city.

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### **5. Consultations:**

#### **5.1. Historic England:**

*20/12/2018 - Historic England has confirmed that Section 72(1) of the Planning (Listed Building and Conservation Areas) Act is not relevant in the determination of this planning application*

Comments Dated 13 December 2018

#### Introduction

We have been consulted on additional information provided within the Integrated Heritage, Townscape and Visual Impact Assessment- Supplement document and an Archaeological Desk-Based Assessment for the site. We have previously provided advice on the scheme in our letters of the 6th July 2018, 21st September 2018 and 15th October 2018 which still remains relevant. As you are aware, we referred the application internally to Historic England's National Advisory Committee (HEAC) in view of our serious concerns in relation to the proposed scheme. We have integrated our previous advice of 15th October 2018 and our specific response in relation to the further information provided into a final letter for ease of reference. Our view remains that we continue to object to the application for the reasons set out below.

#### Summary

The proposed part 17/part 9 storey building is at a key location in Derby city centre close to prominent and highly significant heritage assets, including Derby Cathedral, Derby City Centre conservation area and the Derwent Valley Mills World Heritage Site incorporating the Silk Mill. These heritage assets are integral to Derby's identity and character. They form a key part of what makes Derby an attractive city to work and invest in, as well as to visit. Quite rightly images of the historic environment are prominently used in marketing Derby.

The proposed scheme misses a key opportunity to bring forward high quality development on this site which would enhance and add to the existing elements of this important 'gateway' location (such as the cathedral, the River Derwent itself, Cathedral Green and World Heritage Site) and help deliver sustainable regeneration of the Derby Riverside area as a whole. On the contrary, the height, scale and mass of the proposed building would be very harmful to the heritage assets affected, including Nottingham Road conservation area, and loom over key historic spaces and buildings. It would erode the vital contribution that the cathedral, Cathedral Green and the World Heritage Site (including the Silk Mill) make to Derby's identity and attractiveness as a place. It would greatly reduce the prominence of the cathedral as an existing landmark which signifies the heart of the city. The proposed building is also woefully short of the design quality required for a landmark building.

Historic England has invested heavily in the historic environment in Derby in partnership with your authority. Many millions of pounds of public money are also being invested in the Silk Mill to help turn Cathedral Green into a vital hub in Derby and the southern gateway to the World Heritage Site. We consider that the proposed scheme would run counter to these initiatives to support growth in Derby.

In our opinion the proposed scheme is not good enough for Derby. We would support the aspiration for a very high quality building on this site, which enhances, and is enhanced by, the existing qualities of the place and thereby helps deliver

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regeneration of the riverside. For this to be successful it is vital that proposals form part of an up-to-date urban design strategy for this area of Derby, including for tall buildings, which is informed by current consideration of flood defences and the riverside as a whole.

We consider that the proposed scheme fails to comply with the National Planning Policy Framework (NPPF). We do not think the harm caused to multiple heritage assets is justified nor do the public benefits outweigh the harm caused. We also consider that the proposal fails to comply with the Derby City Council Local Plan - Part 1 Core Strategy.

Historic England therefore objects to the application on heritage grounds.

Historic England  
Advice Significance

We refer you back to our letter of 6th July 2018 in relation to our assessment of the significance of key designated assets which are affected by the proposal. The proposed scheme is at a key location in Derby city centre close to prominent and highly significant heritage assets, including Derby Cathedral, Derby City Centre conservation area and the Derwent Valley Mills World Heritage Site (DVMWHS) incorporating the Silk Mill. These heritage assets are integral to Derby's identity and character. They form a key part of what makes Derby an attractive city to work and invest in, as well as to visit. Quite rightly images of the historic environment are prominently used in Marketing Derby.

The Cathedral Church of All Saints is listed grade I. Its tower is a key landmark within the conservation area and the surrounding townscape/ landscape and signifies the heart of the city. The tall and powerful tower still remains the most powerful accent in the skyline of Derby despite later development. Its height and dominance is a key part of the building's significance.

To the west of the site is the southern gateway of the World Heritage site which is of Outstanding Universal Value. The grade II listed Silk Mill is an important landmark within the city and a significant building within the DVMWHS. The buffer zone of the DVMWHS extends close to the site. The grade II\* listed and scheduled St Mary's Bridge is located approximately 160 metres to the north-west, along with the grade I listed Chapel on the Bridge and grade II listed Chapel House, which form an important historic entity. The Nottingham Road Conservation Area is to the north-east, immediately beyond St. Alkmund's Way (the ring road).

The character of the Nottingham Road Conservation Area is of an historic suburb of Derby of generally of two storey buildings designed in the Arts and Crafts style. The tower of the cathedral is clearly visible from the edge of the conservation area and provides a visible link with the historic core of the city.

### **Impact of the proposed scheme**

We do not wish to comment on the Desk- Based Assessment on this occasion and refer you to the advice of Steve Baker, the County Archaeologist in this regard. Our comments therefore relate to the amended Supplement document and fly- through. The fly- through submitted reinforces our concerns regarding the overbearing nature of the proposal in relation to surrounding townscape and cathedral tower, albeit that it

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shows the impact from an elevated view in many instances, rather than the view from street level, which is misleading.

We note that further visualisations have been provided within the amended Supplement document. Our comments in our letter of the 21st September still remain in relation to the standard of the visualisations provided. However, we note and welcome the further visualisations provided from amended viewpoints. In our view, these demonstrate and reinforce our previous concerns in relation to the adverse visual impact of the proposed development on the setting of numerous heritage assets. These concerns are outlined in more detail below. We have provided headings in relation to the additional views submitted for ease of reference.

### View 6

As previously advised we are particularly concerned by the visual impact of the proposed building in fine views from the south east towards the historic core of Derby, e.g. from Holmes Bridge. In our view, the proposed development would erode the character and identity of historic Derby and diminish the understanding, appreciation and experience of the historic settlement. Having reviewed the additional visualisations provided on page 43 and 85 (View 6) within the amended supplement document, this is clearly demonstrated and reinforces our concerns.

### View 10

Similarly, we are still of the view that due to the height of the proposed development, it has the potential to impact on distant views of the Cathedral and historic approaches into the city centre. In particular, we believe the proposal would have an adverse visual impact in multiple views when travelling on the historic route into the city along Nottingham Road from Chaddesden. Having reviewed the additional information provided the adverse visual impact of the proposed development from Nottingham Road is clearly demonstrated on page 59 (View 10) reinforcing this view. This shows the overbearing nature of the proposal in relation to the Cathedral tower. We would highlight that the proposed development would be present in multiple views along this route, aligning closer to the Cathedral in some views.

### View 11

Due to the height of the proposed development, we still remain of the view that it has the potential to impact on the setting of numerous heritage assets that have not been taken into account, particularly key approaches into the city and in wider views of the city centre. The visualisation on page 63 (View 11) shows a panoramic view of the city centre taken from Nottingham Road Cemetery (registered Historic Park and Garden - grade II) and clearly demonstrates the overbearing nature of the proposed development in relation to the cathedral tower.

### View 9 and 7

As previously outlined, we believe that the proposed scheme would also erode the setting of the WHS and its outstanding universal value. The WHS overlaps the City Centre Conservation Area, and the tower of the Silk Mill forms an additional landmark feature within the area, which is enhanced by Cathedral Green, an attractive landscaped area to the south. Due to the bulk and inelegance of the proposal, we consider it would harm the significance the Silk Mill derives from its setting. A key attribute of the Derwent Valley Mills World Heritage Site is the relationship of the mills and associated settlements with the River Derwent. In our view the proposal would

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be an intrusive and dominant feature in views gained by moving through the river corridor from Darley Abbey towards Derby: in particular, views when moving south along the river towards Derby, including the view from Handyside Bridge (listed grade II), and in views from and around St Mary's Bridge which forms an historic entity with the Chapel on the Bridge and the Chapel House Bridge. The additional visualisation provided on page 55 and 90 (View 9) clearly shows the impact from St Mary's Bridge and reinforces this view. The visualisation shown on page 47 and 87 (View 7) clearly shows the adverse visual impact of the proposal from the Market Place within the City Centre Conservation Area and on the significance the Grade II listed former Magistrates Court derives from its setting.

### View 5

The proposed scale and height of the tower block would also cause serious harm to the significance of the Nottingham Road Conservation Area as previously advised. The scale and height of the proposed development would block direct views of the Cathedral tower in key views from the conservation area, particularly on the approach to the conservation area and at its eastern edge visually separating the conservation area from the heart of the city of which it is an historic suburb. This impact is clearly demonstrated within the document on page 39 and 82 (View 5).

Our view remains and is reinforced by the additional information provided, that the current proposal, by virtue of its scale, design and over-prominence, would cause a high level of harm to the significance of the Cathedral Church of All Saints (Grade I), and the significance, character and appearance of Nottingham Road and City Centre Conservation Areas and the Silk Mill within (Grade II). It would also harm the outstanding universal value of the World Heritage Site and the significance numerous heritage assets derive from their settings, including St Mary's Bridge (Scheduled Monument and Grade II\*), Chapel on the Bridge (Grade I) and Chapel House (Grade II) and the Handyside Bridge (Grade II).

It is for your authority to access the impact of the proposed development on the setting of individually listed Grade II buildings and non-designated heritage assets.

Overall, the proposed development is too tall and bulky for its context and is of very poor design quality. In our view, the proposal would be an inelegant and overbearing development, the tallest in Derby. It would be neither locally distinctive nor innovative and would have a significant negative impact on the skyline of the historic core of Derby City Centre. It would not enhance the image of the city. Its monolithic scale would create an intrusive visual presence when viewed in approaches to the heart of the city and the City Centre conservation area. The proposed development would compete with the dominance of the Cathedral Tower on the skyline, both when viewed from within the city centre and in wider views and historic approaches into the city.

### Legislation, policy and guidance

Our advice on this planning application is given in the context of the 1990 Act and Government policy and guidance provided in the NPPF and the Planning Practice Guidance.

As the application affects the setting of listed buildings the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and

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any features of special interest (s.66, Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when determining this application.

We refer you to the advice contained within our letter of 15th October 2018, where relevant legislation, policy and guidance are outlined in more detail.

### **Position**

As previously advised we have been proud to work in close partnership with the City Council and local businesses on the highly successful PSiCA scheme which focussed on securing the regeneration of the City Centre Conservation Area by playing to its strengths - the fantastic quality of Derby's heritage. Overall the scheme saw £2.6 million of investment in the City Centre with just under £800,000 coming from Historic England. Vacancy rates have been transformed, jobs secured and created and the Cathedral Quarter quite rightly won Best British High Street. At the same time the Silk Mill Museum is being reimaged as an innovative visitor attraction with the benefit of support from the Heritage Lottery Fund and the Cathedral has seen increasing use as a venue with further plans for the future. In short, the quality and character of Derby's heritage in all forms is making a vital contribution to its regeneration and attractiveness as a place to live, work and visit.

We do believe that there is a significant opportunity to enhance this fragmented part of Derby, including the proposed site and surrounding area and that an up-to-date urban design and tall building strategy is fundamental to inform the regeneration of this riverside area. The site provides a significant opportunity to create a high quality development which would enhance the townscape of Derby and respond positively to context by making the most of the high quality of nearby heritage assets. There is also an opportunity to enhance the connection through from the east side of the river bank across the bridge onto Cathedral Green. We understand the local planning authority's aspiration is to create a landscaped public open space on the east side of the river to enhance the Cathedral Green area on the opposite side and provided better connectivity between the east side of the river and the city centre. We are supportive of this approach.

However, as outlined above, we believe the proposed development is too tall and bulky for its context and is of a poor quality in terms of design - we believe Derby deserves better.

### **Recommendation**

Historic England objects to the application on heritage grounds. We have serious concerns in relation to the adverse impact of the proposed development on the significance a number of highly graded heritage assets derive from their settings and the wider impact of the proposal on the identity of historic Derby. We consider the application does not meet the requirements of the NPPF, in particular paragraphs 124,127,130, 192, 193,194 and 196.

We believe that there is a significant opportunity here to enhance and regenerate this fragmented part of Derby, including the proposed site and surrounding area and that an up-to-date urban design and tall building strategy is fundamental to inform the regeneration of this riverside area.

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Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

### **Comments Dated 15 October**

#### **Summary**

The proposed part 17/part 9 storey building is at a key location in Derby city centre close to prominent and highly significant heritage assets, including Derby Cathedral, Derby City Centre conservation area and the Derwent Valley Mills World Heritage Site incorporating the Silk Mill. These heritage assets are integral to Derby's identity and character. They form a key part of what makes Derby an attractive city to work and invest in, as well as to visit. Quite rightly images of the historic environment are prominently used in marketing Derby.

The proposed scheme misses a key opportunity to bring forward high quality development on this site which would enhance and add to the existing elements of this important 'gateway' location (such as the cathedral, the River Derwent itself, Cathedral Green and World Heritage Site) and help deliver sustainable regeneration of the Derby Riverside area as a whole. On the contrary, the height, scale and mass of the proposed building would be very harmful to the heritage assets affected, including Nottingham Road conservation area, and loom over key historic spaces and buildings. It would erode the vital contribution that the cathedral, Cathedral Green and the World Heritage Site (including the Silk Mill) make to Derby's identity and attractiveness as a place. It would greatly reduce the prominence of the cathedral as an existing landmark which signifies the heart of the city. The proposed building is also woefully short of the design quality required for a landmark building.

We refer you back to our letter of 6th July 2018 in relation to our assessment of the significance of key designated assets which are affected by the proposal. The proposed scheme is at a key location in Derby city centre close to prominent and highly significant heritage assets, including Derby Cathedral, Derby City Centre conservation area and the Derwent Valley Mills World Heritage Site (DVMWHS) incorporating the Silk Mill. These heritage assets are integral to Derby's identity and character. They form a key part of what makes Derby an attractive city to work and invest in, as well as to visit. Quite rightly images of the historic environment are prominently used in marketing Derby.

The Cathedral Church of All Saints is listed grade I. Its tower is a key landmark within the conservation area and the surrounding townscape/ landscape and signifies the heart of the city. The tall and powerful tower still remains the most powerful accent in the skyline of Derby despite later development. Its height and dominance is a key part of the building's significance.

To the west of the site is the southern gateway of the World Heritage site which is of Outstanding Universal Value. The grade II listed Silk Mill is an important landmark within the city and a significant building within the DVMWHS. The buffer zone of the DVMWHS extends close to the site. The grade II\* listed and scheduled St Mary's Bridge is located approximately 160 metres to the north-west, along with the grade I listed Chapel on the Bridge and grade II listed Chapel House, which form an

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important historic entity. The Nottingham Road Conservation Area is to the north-east, immediately beyond St. Alkmund's Way (the ring road).

The character of the Nottingham Road Conservation Area is of an historic suburb of Derby of generally of two storey buildings designed in the Arts and Crafts style. The tower of the cathedral is clearly visible from the edge of the conservation area and provides a visible link with the historic core of the city.

### **Impact of the proposed scheme**

The proposed scheme is a part seventeen- storey/part nine-storey development incorporating 202 apartments, associated car parking, servicing, infrastructure and landscaping. At 17 storeys the proposed building would be very high in the context of Derby.

Notwithstanding the insufficiency of the visualisation information provided, from our own assessment and site visit we consider that the proposed development is too tall and bulky for its context and is of very poor design quality. In our view, the proposal would be an inelegant and overbearing development, the tallest in Derby. It would be neither locally distinctive nor innovative and would have a significant negative impact on the skyline of the historic core of Derby City Centre. It would not enhance the image of the city. Its monolithic scale would create an intrusive visual presence when viewed in approaches to the heart of the city and the City Centre conservation area. The proposed development would compete with the dominance of the Cathedral Tower on the skyline, both when viewed from within the city centre and in wider views and historic approaches into the city. We are particularly concerned by the visual impact of the proposed building in fine views from the south east towards the historic core of Derby, e.g. from Holmes Bridge. In our view, the proposed development would erode the character and identity of historic Derby and diminish the understanding, appreciation and experience of the historic settlement.

Due to the height of the proposed development it has the potential to impact on distant views of the Cathedral and historic approaches into the city centre. In particular, we believe the proposal would have an adverse visual impact in multiple views when travelling on the historic route into the city along Nottingham Road from Chaddesden. Due to the height of the proposed development, it has the potential to impact on the setting of numerous heritage assets that have not been taken into account, particularly key approaches into the city.

In addition, we believe the proposed scheme would also erode the setting of the WHS and its outstanding universal value. The WHS overlaps the City Centre Conservation Area, and the tower of the Silk Mill forms an additional landmark feature within the area, which is enhanced by Cathedral Green, an attractive landscaped area to the south. Due to the bulk and inelegance of the proposal, we consider it would harm the significance the Silk Mill derives from its setting. A key attribute of the Derwent Valley Mills World Heritage Site is the relationship of the mills and associated settlements with the River Derwent. In our view the proposal would be an intrusive and dominant feature in views gained by moving through the river corridor from Darley Abbey towards Derby: in particular, views when moving south along the river towards Derby, including the view from Handyside Bridge (listed grade II), and in views from and around St Mary's Bridge which forms an historic entity with the Chapel on the Bridge and the Chapel House Bridge.

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The proposed scale and height of the tower block would also cause serious harm to the significance of the Nottingham Road Conservation Area. The scale and height of the proposed development would block direct views of the Cathedral tower in key views from the conservation area, particularly on the approach to the conservation area and at its eastern edge visually separating the conservation area from the heart of the city of which it is an historic suburb.

In our view, the current proposal, by virtue of its scale, design and over-prominence, would cause a high level of harm to the significance of the Cathedral Church of All Saints (Grade I), and the significance, character and appearance of Nottingham Road and City Centre Conservation Areas and the Silk Mill within (Grade II). It would also harm the outstanding universal value of the World Heritage Site and the significance numerous heritage assets derive from their settings, including St Mary's Bridge (Scheduled Monument and Grade II\*), Chapel on the Bridge (Grade I) and Chapel House (Grade II) and the Handyside Bridge (Grade II).

It is for your authority to access the impact of the proposed development on the setting of individually listed Grade II buildings and non-designated heritage assets.

### **Legislation, policy and guidance**

As the application affects the setting of listed buildings the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest (s.66, Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when determining this application.

As you will be aware the revised NPPF has given greater importance to achieving well designed places and states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which we live and work and helps make development acceptable to communities (Paragraph 124).

Paragraph 127 (c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding townscape setting.

Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The current proposal fails to meet the requirements of the NPPF in terms of design.

The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192, NPPF). Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 194, NPPF). We do not consider that the proposed scheme is justified.

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In determining the application your authority will need to consider whether any public benefits associated with the scheme outweigh the harm caused by the impact of the proposed new development, as per the NPPF paragraph 196. Historic England considers that the public benefits of the proposal do not outweigh the harm caused.

The site is within the setting of the DVMWHS just beyond the edge of its buffer zone. Relevant Guidance in relation to World Heritage Sites and buffer zones is contained within the Planning Practice Guidance. The UNESCO Operational Guidelines seek protection of “the immediate setting” of each World Heritage Site, of “important views and other areas or attributes that are functionally important as a support to the Property” and suggest designation of a buffer zone wherever this may be necessary. A buffer zone is defined as an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site. The buffer zone forms part of the setting of the World Heritage Site. “Setting” however can be more extensive than the buffer zone.

In addition the current proposal is clearly in conflict with Derby City Local Plan Part 1 (2017) Policy CP3 (Placemaking Principles), Policy AC1 (City Centre Strategy), Policy AC2 (Delivering a City Centre Renaissance), and Policy CP20 (Historic Environment) as well as Policies E18 (Conservation Areas) and E19 (Listed Buildings) contained within the saved policies of the City of Derby Local Plan Review (2006).

Further useful guidance is contained within Historic Environment Good Practice Advice Note: The Setting of Heritage Assets (GPA 3) and Tall Buildings: Historic England Advice Note 4.

### **Position**

We have been proud to work in close partnership with the City Council and local businesses on the highly successful PSiCA scheme which focussed on securing the regeneration of the City Centre Conservation Area by playing to its strengths - the fantastic quality of Derby’s heritage. Overall the scheme saw £2.6 million of investment in the City Centre with just under £800,000 coming from Historic England. Vacancy rates have been transformed, jobs secured and created and the Cathedral Quarter quite rightly won Best British High Street. At the same time the Silk Mill Museum is being reimaged as an innovative visitor attraction with the benefit of support from the Heritage Lottery Fund and the Cathedral has seen increasing use as a venue with further plans for the future. In short, the quality and character of Derby’s heritage in all forms is making a vital contribution to its regeneration and attractiveness as a place to live, work and visit.

We do believe that there is a significant opportunity to enhance this fragmented part of Derby, including the proposed site and surrounding area and that an up-to-date urban design and tall building strategy is fundamental to inform the regeneration of this riverside area. The site provides a significant opportunity to create a high quality development which would enhance the townscape of Derby and respond positively to context by making the most of the high quality of nearby heritage assets. There is also an opportunity to enhance the connection through from the east side of the river bank across the bridge onto Cathedral Green. We understand the local planning authority’s aspiration is to create a landscaped public open space on the east side of

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the river to enhance the Cathedral Green area on the opposite side and provided better connectivity between the east side of the river and the city centre. We are supportive of this approach.

However, as outlined above, we believe the proposed development is too tall and bulky for its context and is of a poor quality in terms of design - we believe Derby deserves better.

### **Recommendation**

Historic England objects to the application on heritage grounds. We have serious concerns in relation to the adverse impact of the proposed development on the significance a number of highly graded heritage assets derive from their settings and the wider impact of the proposal on the identity of historic Derby. We consider the application does not meet the requirements of the NPPF, in particular paragraphs 124,127,130, 192, 193,194 and 196.

We believe that there is a significant opportunity here to enhance and regenerate this fragmented part of Derby, including the proposed site and surrounding area and that an up-to-date urban design and tall building strategy is fundamental to inform the regeneration of this riverside area.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

### **5.2. Derwent Valley Mills Heritage Partnership:**

Please find below the latest DVMWHS response to the consultation concerning the above application. These comments will be taken to the World Heritage Site Conservation and Planning Panel for verification in November.

The proposed development lies outside but abutting 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 conserve the unique and important cultural landscape of the Derwent Valley Mills World Heritage Site; to protect its outstanding universal value (OUV), to interpret and promote its assets; and to enhance its character, appearance and economic well-being 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”.

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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 2014. It has as the first of its nine aims to: “protect, conserve and enhance the Outstanding Universal Value of the DVMWHS.” In accordance with this aim, and with reference to Section 12.1 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 with members of the DVMWHS Conservation and Planning Panel at a site visit held on Friday 20th July, and have received the following advice:

Comments were provided previously by the Partnership on 23 July 2018 in which historic sensitivities associated in close proximity to the site were well versed. Primary concerns were expressed in relation to the height of the building and that it was not accurately represented in the Integrated Visual Assessment (IVA).

Section 2.0 (Methodology) states that the IVA has been carried out with reference to a recognised methodology in accordance with ‘Guidelines for Landscape and Visual Impact Assessment’ (Landscape Institute and Institute of Environmental Management & Assessment, 2013). While this provides some assurance that the photomontages submitted within the updated IVA are more realistic, it would be helpful to understand in more detail how they were constructed; the ‘Technical Methodology’ begins to explain this but it appears to be incomplete/missing.

Notwithstanding this, some of the images (notably Views 01, 02 & 03) included within the IVA demonstrate that the new building will contribute to the further erosion of the setting of the DVMWHS, including the Silk Mill. Until relatively recently the Silk Mill was one of the more dominant features in this part of the WHS. However, a number of recent taller developments, such as the residential buildings on the adjacent side of the river and Jurys Inn, have significantly altered the appreciation of the dominance of the building within the historic city skyline. Government guidance ‘Conserving and enhancing the historic environment’ (paragraph: 032 Reference ID: 2a-032-20140306) states that planning authorities should satisfy the following principle: protecting a World Heritage Site from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect. The new development marks a further step-change in the skyline and will have a cumulative impact on the setting of the Silk Mill.

As previously stated, concerns remain over the fact that the new development will obscure views from the train, as you head up by and through the Derwent Valley Mills World Heritage Site from Derby to Matlock.

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It is to this end that the World Heritage Site Partnership objects to the proposed development in view of its negative visual impact and consequently its harm on the OUV of the DVMWHS. In NPPF terms it is considered that this will be less than substantial harm unless the LPA are satisfied that this harm will be outweighed by the public benefits (para 196).

### **5.3. Joint Committee of the National Amenities Societies: The Victorian Society**

Thank you for notifying the Victorian Society of this proposal. The case was presented to our Northern Buildings Committee at its recent meeting and the Committee's views are set out below. With apologies for our delayed response, nonetheless we hope that our views will still be taken into account in determining this application, and in looking at tall building proposals in Derby more broadly.

The Society strongly objects to the current proposal, which will cause an unjustified degree of harm to the settings of numerous heritage assets within the surrounding area, including but not limited to the southern end of the Derwent Valley Mills World Heritage Site. These conclusions have been reached on the basis of the following assessment:

Derby is characterised as a city of small to medium rise buildings almost uniformly built in red brick or stone; brick used particularly for industrial ranges but also generally for commercial and residential buildings across the city; and stone used particularly in more prominent commercial, civic and religious buildings such as the Cathedral.<sup>1</sup> This special historic character is clearly illustrated in an early view of Derby of c.1725, reproduced in Appendix A below for ease of reference. The site sits on the east side of the River Derwent within the wider setting of the historic city core. This area broadly shares a similar character in terms of scale, form and materiality, although it is part of a later development phase and has also experienced a greater degree of post-war change.

The current proposal is for a tall, asymmetrical 17-storey range that will provide 195 purpose-built one and two bedroom rental apartments with associated parking for 45 residents. The building would have an aluminium anodised rainscreen cladding system in bronze and dark grey metallic finishes, with anthracite grey aluminium windows. Given its height and prominence, it is very concerning that the design of the building is so poor. Bland, over-scaled, and repetitious, these qualities will be exacerbated further by the choice of materiality, which is completely at odds with the materials palette of the surrounding built environment. Somewhat perversely, its contrasting form and character to the surrounding built environment is recognised without analysis within the scheme submission, and celebrated in the building's name, 'The Landmark', without further justification offered for these design choices.

The Heritage Statement sets out the high sensitivity of the area surrounding the site, including identifying the visibility of the site from the numerous heritage receptors within the surrounding area. Although intervisibility varies between assets, it is clear that there will be a broad degree of harm arising to their collective settings from this so-called Landmark's over-prominence within the wider heritage context: specifically from the incongruity of its form, scale and materiality. This effect is encapsulated in

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the CGI of the site looking eastwards from the Cathedral tower, which is reproduced below in Appendix B.

Regarding development affecting listed buildings, there is a clear statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the Local Authority to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'<sup>2</sup> Regarding development within Conservation Areas, the Local Authority's statutory duty, set out in Section 72 of the 1990 Planning Act, is to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area.'<sup>3</sup>

The National Planning Policy Framework (Para. 132) states further that:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'*<sup>4</sup> [Our emphasis]

Where harm arises to designated heritage assets, the tests of paragraphs 133 and 134 must be applied. Paragraph 134 is relevant here:

*'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 securing its optimum viable use.'*<sup>5</sup> [Also our emphasis]

In view of these legislative and policy frameworks, the present scheme would fail to preserve or enhance the settings of the multiple heritage assets within its surroundings: the application fails to give clear and convincing justification for the necessity of any harm: and there are no public benefits arising from the scheme that could not be secured in another, less harmful way.

We therefore request that substantial design revisions are requested to better respond to the prevailing character and appearance of the site's wider setting. Failing these revisions, we advise that the scheme should be refused on the grounds of unjustified impact to setting to numerous heritage assets.

Further, given the recent emergence of a series of tall building proposals in Derby, we request that serious consideration is also given to the pro-active adoption of a tall buildings policy for Derby to provide a development framework and design guidelines to steer such developments in future.

### **The Twentieth Century Society**

We have been made aware of the application for the proposed residential scheme at Phoenix Street, ref. 05/18/00771. Please consider this email to constitute our consultee comment.

The Twentieth Century Society wish to object to the proposed development. We consider the setting of the site to be extremely sensitive, and we are not convinced

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that the current application considers the impact of the development on locally listed buildings, namely the former Harwoods Stationery Depository (now Natwest Crompton House, 1937-8) and Exeter House (1932-33). Although proper assessment of the impact on these buildings has not been provided by the applicants, we consider it to be harmful. We are also disappointed to see that the justification for the negative impact on Derby's Market Place rests on the 'likely' replacement of the Assembly Halls. We consider the Assembly Halls to be a non-designated heritage asset, and following a long campaign the building is no longer at risk of demolition.

We wish to echo Historic England and the Victorian Society's concerns about impact on the sensitive setting of Derby's city centre, and recommend that the plans are revised in a manner more appropriate to the wealth of heritage assets proposed to be affected.

### **Derby Civic Society**

#### **Background**

Unlike many more northerly industrial towns, Derby is a relatively small city which has a compact core, mostly spread along a ridge rising approximately from south to north and bounded on the east by the Derwent and on the west by the declivity through which runs the now culverted Markeaton Brook. Its Georgian & Regency built heritage has survived relatively well.

This topography has ensured that the city presents an impressive view from afar, especially as seen from the east, dominated, as it has been since 1531 by the 172 ft. perpendicular tower of All Saints' church (since 1927 Derby Cathedral).

This view has been recorded by artists since 1696, when the Renishaw Hall East Prospect was painted, followed by that of Samuel and Nathaniel Buck (1728) and that currently in Derby Museum datable to c. 1730, the same date that Thomas Cox also published one. Subsequently George Monypenny engraved one for William Hutton's History of Derby (1791). [see appendix]

Any building of 17 storeys is likely hopelessly to compromise and cause serious harm to this classic view, which is still to be enjoyed by people arriving from the east, especially along St. Alkmund's Way, which has, if anything, made the view of the historic centre of Derby from this direction rather more accessible.

#### **Setting**

- **Conservation Areas**

#### **Liversage Estate**

Not only would a structure of such bulk harm and compromise the setting of the east side of the City, which still (notwithstanding a number of ill-judged intrusions built over the past 20 years, albeit on a much lower scale) enjoys a fine riparian setting along the Derwent, but it would also harm the setting of the Nottingham Road (Liversage Estate) conservation area, which is separated from the site only by the width of St. Alkmund's Way, and includes the listed former Punch Bowl Inn of 1756 with its converted cock pit. This estate, which was laid out by the Liversage Trust 1895-1903 and designed by the distinguished Nottingham architect Alexander MacPherson (1847-1935) in artisan Arts-and-Crafts style. The idea was to afford the Trust's pensioners reasonable living standards in a sequestered environment which, despite

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the intrusion of St. Alkmund's Way in 1967, they still enjoy. This environment and the setting of these few modest, low-rise streets would be entirely compromised by having this huge structure with its apartments for the well-heeled looming over the two storey houses, quite apart from considerations of wind-eddies and lack of SW sunlight the structure's presence would entail.

### City Centre Conservation Area

The sheer bulk of the proposed development would seriously affect the setting of the City Centre Conservation Area.

#### • Heritage Assets

The proposed structure would also compromise the setting of a number of designated heritage assets, notably a group of such buildings on Canary Island, all on the local list, which area contains the site for which the proposal is made. These assets include:

#### Locally Listed buildings

- The former Harwood's stationery repository (now Natwest Bank), Art-Deco style of local stone 1937-1938 by George Widdows for Naylor & Sale of Derby.
- Exeter House Flats, a pioneering and well-sited block Art-Deco block, brick with stone dressings, of 1932-1933 by C. H. Aslin for Derby County Borough Council for the Council's tenants.
- The former Royal Standard inn (now The Brewery Tap), Derwent Street East, built 1862, two storeys, brick, and rebuilt in the 1890s by James Wright for Pountains and run in the early 20th century by the father of the late Reg Parnell (1911-1964) the famous Formula One motor racing fame.
- The Exeter Arms, Exeter Place, built in brick in 1816 as the end element of now demolished Exeter Terrace.
- The former business premises of horse dealer William Gelsthorpe in Phoenix Street (now Royal Naval cadets' HQ), a later 19th century brick building still bear a stone plaque advertising Mr. Gelsthorpe's trade.

#### Listed Buildings

It would be invidious to list those that would have their settings harmed by a building of such size, but it would be wrong not to pick out a few which would be most directly affected.

- Derby Cathedral: tower 1531, nave 1723-25 by James Gibbs, later alterations 1968-71 by Sir Ninian and Sebastian Comper (Listed Grade I).
- Derby Silk Mill 1718-1721, arguably England's first true factory, by George Sorocold & Thomas Steers, rebuilt 1835 with broached tower, and further altered 1911 (Listed Grade II)
- The College, Full Street, built on the site of (and incorporating some of the fabric of) the pre-Reformation Collegiate residence of the sub-dean and canons of All Saints' and rebuilt in the 1750s for Thomas Coke and extended in 1822 for Daniel Parker Coke MP, currently offices (listed grade II).

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- **Historic Environment**

The 1972 destruction of the Municipal power station, Full Street, allowed the area upon which it stood to be cleared & grassed for the first time since it was developed in 1601. By so doing the City Council successfully enhanced the conservation area by creating Cathedral Green, and thereby improved the setting of the three heritage assets listed above. Despite the decision taken to allow the flats opposite the Silk mill -rightly objected to by English Heritage (as it then was) – the fact that these are less than half the height of the proposed building has not entirely spoilt the setting of the buildings around the Green, whereas a building of 17 storeys and great bulk less than 50 yards further east most certainly would.

The proposal would also harm the setting of listed buildings and the pattern of historic development more widely. Its sheer bulk and mass will inevitably have the effect of diminishing the built environment that surrounds it. It will also be clearly visible considerable distances away, eg. through the trees of Darley Park, from the churchyard at Spondon and from the heights of Littleover.

### **Other Considerations**

#### **Employment**

The applicant has claimed that the proposal will create a considerable number of jobs, but in reality, these would be almost all concerned with the actual building work. They would thus be ephemeral and unlikely to involve many local people, bearing in mind that the sort of major contractor likely to win a tender for such an operation would have a core workforce to bring in. The only jobs remaining would be for a couple of concierges to service the accommodation.

Conclusion: very few permanent jobs would result from the building.

#### **Quality of life.**

In architectural circles it has been stated that there is a strong public perception that that there is something inherently exploitative about building very tall and/or bulky structure in a generally humane and low-rise context; that would certainly be true of this building.

Since the Grenfell fire disaster, there has, according to the House Builders' Federation, been a perceptible slow-down in take up of properties situated in high-rise residential buildings, whether 'affordable' or luxury.

The problem of mass evacuation from tall buildings and those posed by the necessity to have high speed lifts in dedicated shafts, are two mutually incompatible problems presented by tall buildings about which debate still continues.

A serious problem exists over the effect of wind on high-rise buildings. Anyone who has stood beside the Cathedral tower on a breezy day will know that eddies blow restlessly about from unpredictable directions. This problem is magnified by the size of the building, and especially those where there is an open ground floor as here. There appears to be no attempt in the application to address the problem whatsoever. In this case too it might well impinge upon the raised A52 alongside the proposed development. Strong eddies, magnified by wind being forced through restrictive apertures, might well have serious effects on the controllability of vehicles.

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There is a massive perceptual gap between what the architect (or in this case the CAD) visualises and what the average man or woman experiences. It is this sociological consideration which has led to the demolition of so many high-rise buildings put up in the 1960s and 1970s. Anarcho-syndicalists like Le Corbusier envisaged such buildings as places for people to live en masse, like bees in a hive without perceiving the inevitable de-humanising affects.

### **Conclusion**

In 2008, Derby's Urban Regeneration Company, with the support of the Council and the Civic Society, held a day-conference from which emerged a proposed Tall Buildings Policy for Derby as a precursor towards a City-wide design brief, all parties being in agreement. A change of control saw this furtively set aside and it was not until the Chairman of this Society set out to unearth it that the matter returned to attention. The Conservation Area Advisory Committee, which, like this society, opposes the present application - chiefly on grounds of harm to the setting (in accordance with section 66(1) of the 1990 Act) - has been assured that the policy is currently under urgent review prior to becoming policy. Were it so already, this application would not even have been made.

As it is, the Civic Society considers the proposed building to have merit neither in height nor massing, nor design, and consider that if built, it would cause irreversible harm upon both the adjacent conservation areas and also upon the heritage assets surrounding it.

Appendix can be viewed at -

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=134688917>.

### **Derbyshire Archaeological Society**

I am writing on behalf of the Derbyshire Archaeological Society to register a very strong objection to the above planning proposal from Godwin Developments. The greater number of the c350 members of the Society live in Derby or its environs and many have expressed deep concerns about the siting of the proposed building and about an emerging policy of high rise buildings which seems to be developing in Derby. The site at present is a useful but undistinguished car park and members do not oppose the principal of redevelopment for residential use. Indeed, a scheme that is sympathetic to its surroundings could be a decided enhancement of the area. The proposal however takes no account of Derby's character, its international importance as part of the DMVWHO, and its considerable heritage assets. However, the proposed building is too dominant in scale and mass and unsympathetic in building materials. The following comments are made in full support of the letters written by Heritage England, the contents of which are not repeated here.

Godwin Developments describe their project as a 'Landmark' building, designed to stamp its mark upon the City. A walk through the City Centre, from St. Mary's Roman Catholic church via Full Street to the Market Place, leaves no doubt that it would stand out, as intended, from many viewpoints. The Society regularly organises visits to historic cities and large towns and has noticed everywhere the care taken to site modern, especially tall, buildings away from a cathedral. On a recent visit to Liverpool for example it was remarked that its tall buildings had been placed on the periphery

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of the City Centre, and that it's Cathedrals, albeit modern, allowed to dominate the landscape. In Derby we have a Cathedral of great antiquity which is distinctive and unique. It merits similar treatment; to retain its status as the most commanding building in the City Centre.

The Society is also concerned about the adverse impact upon the Silk Mill (Grade 2 listed) and the DVMWHS. The City Council's website describes ongoing work at the Silk Mill as a 'significant and cultural heritage project'. Once the Silk Mill is renovated and reopened, the City will have a unique tourist attraction, not only a new Museum but also the first stop in the discovery of the World Heritage Site. It is difficult to envisage any other World Heritage Site being faced with such a threat to its setting. The City has a binding commitment to its protection and this proposal will test the Council's resolve to accept this commitment and accept the considered view of Heritage England that it will do harm.

Derby is the southern gateway to the DVMWHS, which has such a lot to offer the visitor if properly marketed. You have to ask why people are so attracted to historic places, not simply A-listers such as York, Lincoln and Chester, but smaller cities such as Hereford and Peterborough where, on recent visits, we found town centres full of people, far more so than in Derby. In conclusion, we hope that our considered objections will be favourably received

### **5.4. Derbyshire County Council Archaeologist:**

As we recommended, an archaeological desk-based assessment has now been produced to inform the application. This considers in detail the past uses and development of the site, and makes an assessment of the likelihood that archaeological remains will survive within it.

Whilst it is assessed that the potential for the survival of remains from prehistoric, Roman or Medieval periods is low (at least not at a depth at which the remains would be impacted by development), it is considered that remains of a later, post medieval date may survive despite the clearance of the site in the 1970s (section 9.1.6 of the dba report). Such remains would include the foundations of early 19th century housing and the early street lay out in the eastern sector of the site (see figure 7 in the dba report). Evidence from the logs of trial pits undertaken as part of the geotechnical assessment; confirm that below ground archaeological remains occur in this location. The log for trial pit 1 for example, which was located in the north-eastern sector of the site, records 'frequent whole brick and wood between 0.7 - 0.9m and 'edge of brick footing in eastern elevation of trial pit between 0.7 - 1.5m.

Whilst recognising the archaeological potential of this site, the desk-based assessment concludes that no further mitigation is necessary on the assumption that the new structure will be built on pile foundations. We would not support this conclusion as the engineer's trial pits have shown that archaeological remains occur at a level which could easily be impacted by ground preparation in advance of the insertion of piling. This is confirmed by recommendations on page 44 of the geotechnical report in which it is recommended that ground preparation of the site should include: 'removal of buried obstructions/structures prior to piling'.

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Taking the above into account we would recommend that the following condition be attached to any grant of planning permission for this scheme. The pre-commencement condition would require the submission of Written Scheme of Investigation.

This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost. We would be asked to be consulted on the detail of the proposed foundation/piling arrangement as soon as this is finalised in order that the required archaeological evaluation and recording scheme will be compatible with any proposed foundation design.

In addition to providing advice on archaeological mitigation for this scheme, should it proceed, we note that both Historic England and the Derwent Valley Mills World Heritage site team do not support the application because of its potential harm to the setting and significance of a range of highly significant heritage assets. We would concur with, and support, the views and conclusions of organisations.

### **5.5. Conservation Area Advisory Committee:**

#### **Minutes of the 06/12/2018 Meeting**

CAAC noted the additional viewpoints and fly-round submitted. However if anything, they felt that the additional views identified, such as that from Nottingham Road, only reinforced their fears about the scheme's skyline impact. They also highlighted the County Archaeologist's request for the need for further archaeological evaluation. In summary, CAAC reiterated their previous objection to the scheme on the grounds of its detrimental heritage and townscape impacts.

Recommendation: Objection.

#### **Minutes of the 14/06/2018 Meeting**

CAAC expressed strong concerns at the major negative impact on the setting of all major designated heritage assets (particularly the Cathedral) and heritage assets in the City Centre and the setting of the Nottingham Road Conservation Area.

Recommendation: Objection.

### **5.6. DCC Built Environment:**

#### **Conservation Consultation**

**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, Historic England guidance, the Derby City Local Plan Part 1 (2017), the saved policies in the Local Plan Review (January 2006) and other relevant guidance.**

I note and agree with the comments made within the advice letters from Historic England (6th July 2018, 21<sup>st</sup> September 2018, 15<sup>th</sup> October 2018 and 13<sup>th</sup> December 2018).

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*I note the further information that has been submitted to include new and moved viewpoints within the supplement 'Integrated Heritage, Townscape and Visual Impact Assessment' and the 'fly round'.*

We provided advice at pre-application stage. We stressed the importance of providing a clear and accurate information and analysis on the impact of the proposals on heritage assets. At this stage we highlighted concern about the proposed height, scale and massing in this location and the harm to heritage assets. Some of these heritage assets have a high cultural value at international, national level and local level.

This application is for a substantial new building providing 202 residential apartments including ancillary floor space with associated car parking, servicing, site infrastructure and landscaping. The site sits north east of the City Centre and is located south of Derby's inner ring road. The building is partially 17 storeys and part nine storeys in height. The site is a currently a car park with no surviving buildings on the site. The principle of appropriate development on this site is accepted, however, I have concern about the size, height, scale, massing and detailed design of what is proposed.

The proposal will have an impact on designated heritage assets including the Derwent Valley World Heritage Site (DVMWHS) (and its OUV), which is of international importance, and is located to the west and north-west of the site. The building is within the setting of the DVMWHS (just outside the buffer zone which identifies it's immediate but not, as Historic England Guidance and Planning Policy Guidance 2014 confirms, all of its setting). The site is also located very near to the Nottingham Road Conservation Area and the proposals will be seen from the City Centre Conservation Area. It is near to and affects the setting of a number of nationally important listed buildings including the grade I Cathedral, grade II Magistrates Court, the grade II Silk Mill, grade II\* Bakewell Gates, grade II\* St Mary's Bridge, grade I Bridge Chapel, grade II Bridge House, grade II Magistrates Court. There are other heritage assets including the locally listed buildings near to the site including the TA Centre at 1 Phoenix Street, the NatWest Bank building on Derwent Street, Exeter House on Exeter Place and the Council House.

The proposal will also impact upon views of the city skyline, including the setting of the grade I cathedral and other listed buildings with towers such as the Silk Mill and Guildhall etc. This can be seen within many of the visuals submitted.

**The impact on each of these heritage assets will be assessed within this consultation response.**

### Principle of tall buildings

The Jury's Inn building is at a height of 45m and I would like to highlight that this should not set precedence as the application was assessed on its own merits some years ago when the city needed a hotel. The current proposed building is 54m therefore taller in height. The Tall building strategy 2008 EDAW study can be taken into consideration in the assessment of this application. This document states that this area is within constrained area that should not contain a tall building.

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### Information submitted

- I note that there is incorrect heritage information within the Planning Statement including that it does not seem to have been updated in line with the accompanying Integrated Assessment document e.g. there are mistakes on the designations map etc.
- I am not convinced that the ring road can be classed as 'a screen' between the Nottingham Road Conservation Area and the development. Although there is a slight separation between the site and the conservation area, because of the road, the proposed building will be clearly seen, be dominant and overbearing when viewed from a number of locations from within the Nottingham Road Conservation Area.
- I agree with Historic England that the content of the documents on the standard of the visualisations provided and 'fly round' which seem to be misleading and underplays the potential impact of this proposed development when viewed at pedestrian level.

I note that there are comments on the original '**Integrated Heritage, Townscape and Visual Impact Assessment**' I previously made have not been addressed in the newly submitted supplement document. Please note that the view numbering refers to earlier version of the document prior to the supplement. The photograph from outside the Silk Mill, View 5, and within Cathedral Green is very selective in terms of its position. If one moves further towards the Silk Mill or the cathedral, within Cathedral Green, the negative impact on the view can be seen much more. I suggest there is a need for views from the silk mill itself to enable the assessment on the impact on the setting of this building?

- As Historic England a state in their letters, this document is not sufficiently worked up to fully assess the impact and harm on the setting of the world heritage site or listed buildings. More narrative has been provided but there is limited views from within the world heritage site looking towards the site, and also to show views illustrating the setting of the listed buildings including, for example, what do you see from the windows of the Silk Mill? What is the impact on setting of other listed buildings within this document? This needs to be undertaken to be in line with Historic England Guidance. The importance of evaluating the setting of listed buildings (listed above) was something I mentioned at pre-application stage. Although there are views indicated within the submitted documents it is important to highlight that guidance states that the experience of the proposed building on heritage assets is not static but is experienced when one moves through the surrounding townscape. I suggested therefore that a walk through is undertaken to show the impact of the building when one experiences walking (route to be agreed) through the city (of long, mid and close range views) and a drive past experience along the ring road (both ways) at car driver level. I note that the 'fly around' has been submitted. However this is not at ground level but part way up the building. The impact can be seen to be harmful and one can only imagine how harmful the impact would be from pedestrian level when walking at the base of the building, within streets nearby and when viewed from heritage assets.

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### Applicant's assessment of Impact

The supplement page 64 – 66 of the 'The Landmark, Phoenix Street, Integrated visual assessment; townscape, heritage and visual' highlights their method for assessment of heritage impacts as being based on the ICOMOS guidance on 'Heritage Impact Assessments' (2011). Although this is the correct methodology the assessment process in this guidance hasn't been correctly or fully applied. This guidance cross references value with the impact to result in the significance of effect/impact.

The table does list the heritage asset but does not clearly state its VALUE (e.g. very high, High, Medium, Low and Negligible) using the Appendix of the ICOMOS guidance etc. The MAGNITUDE OF IMPACT is not clearly shown with an impact grading (Major, Moderate, Minor, Negligible, No Change). Neutral is used in the table and this is not a grading the ICOMOS guidance uses. This is not using this guidance correctly. The VALUE of the heritage asset is cross referenced with the MAGNITUDE OF IMPACT and therefore when these are cross referenced they should result in a SIGNIFICANCE OF EFFECT or SIGNIFICANCE OF IMPACT. This is missing from the table.

Using the table submitted and the ICOMOS guidance my interpretation is that the DVMWHS value is VERY HIGH value asset and the MAGNITUDE OF IMPACT is stated in the applicants table as NEGLIGIBLE but I suggest this is incorrect and should be MINOR ADVERSE change. This equates to within the table to a MODERATE/LARGE significance of effect/impact. Where is the significance of effect/impact within the table? This information is misleading and does not use the ICOMOS guidance clearly enough. I suggest this is reviewed and revised in line with the ICOMOS guidance so that the table is clear on the value of the heritage asset, the magnitude of impact and the significance of effect/impact so that the amount of harm can be fully understood.

**As previously mentioned in my view this document underplays the impact of the proposal on heritage assets.**

### Assessment of Impact

The NPPF para. 132 states that 'when considering the impact of a proposed development on the significance of the heritage asset, great weight, should be given to the asset's conservation. The more important the asset the greater weight should be.'

In my view the visual intrusiveness of this building in terms of its size, height, bulky scale and dominant massing of this proposal will have a negative adverse harmful impact on the city's skyline, upon designated heritage assets including the outstanding universal value (OUV) of the Derwent Valley World Heritage Site (DVMWHS), which is of international importance, and is located to the west and north-west of the site. The building is within the setting of the DVMWHS (just outside the buffer zone which identifies it's immediate but not, as guidance confirms, it's whole setting). It is considered that the proposals would have an intrusive visual presence when viewed in approaches to and from the DVMWHS and diminish the understanding of the historic settlement of Derby and its integral relationship with the DVMWHS. This means that there will be a harmful impact on the setting of the DVMWHS and its OUV.

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In my view the proposal, in terms of its height, large scale, bulky form and massing will have a negative and harmful impact and will rival the cathedral tower, which is grade I listed, in long and mid distance city skyline views and therefore also the cathedrals setting, which is part of its significance as a grade I listed building, and the setting of other listed buildings with towers e.g. the guildhall and the silk mill.

The site is also located very near to the area of special architectural and historic interest of Nottingham Road Conservation Area and the proposal will have a dominant overbearing impact, near to the City Centre Conservation Area and is likely to be seen from Little Chester Conservation Area along City Road where there will also be a negative impact. It is near to, has a harmful impact and affects negatively the setting of a number of listed buildings including the grade I Cathedral (already mentioned), grade II magistrates court, the grade II Silk Mill, grade II\* Bakewell Gates, grade II\* St Mary's Bridge, grade I Bridge Chapel, grade II Bridge House. There are other heritage assets such as the locally listed buildings near to the site including the TA Centre at 1 Phoenix Street, the Nat West Bank building on Derwent Street and Exeter House on Exeter Place where there will be a negative impact. This is because the proposed building does not respond to its context and is so dominant.

There are further wider city skyline views that will be affected.

The size and scale of this building can be seen in many of the existing and other viewpoints as having an impact with the previous '*Integrated heritage, townscape and visual impact assessment*' (submitted 29.08.18). Views including 1, 2, 3 in winter, 4, viewpoint 5 impact would be more dominant if viewed towards the silk mill building or further back into cathedral green, 7, 8, 9, 10, 11, 12 more impact if the photo was taken from next to Quad still from within the conservation area, 13, 14 and 15 suggest photo The little Chester conservation area looking along City Road (already mentioned at pre-app) the impact on this conservation area would be clearer, view 16, 17, 18, 19 and 20.

In terms of the new viewpoints (submitted 21.11.18) the negative impact on the city skyline and in relation to the significance (and setting) of the Cathedral and other listed buildings can be seen in the supplement View 5, 6, 9, 10 and 11. Views that illustrate negative impact on conservation areas are, in particular and include View 5 and 7.

Please find below my detailed comments on the new visuals within the supplement document: -

- View 3 shows a 7 and 8 storey building in the foreground with the 17 storey behind it. I am not convinced that the model and proposed view 3 is accurate as you can only see approximately 3 storeys behind the 8 storey building.
- View 5 from Nottingham Road Conservation Area taken from Nottingham Road. The view of the cathedral from this point is important regarding the skyline, wayfinding and the cathedral's setting. This shows that the proposal will block the view of the cathedral when viewed from this road. This has a negative impact on the significance (and setting) of the cathedral.

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- Viewpoint 6 from Holmes Bridge is noted and shows the negative overbearing impact of the proposal generally and in relation to heritage assets, the cathedral and the historic core of Derby.
- View 7 shows the extent seen from this location within the City Centre Conservation Area above (and therefore) from the listed former Magistrates Court as part of its setting, which is negative.
- View 9, from St Mary's Bridge shows the impact on the city skyline, impact on this grade II\* listed building (which is also a Scheduled Ancient Monument) and how it relates, poorly in my view, in the view to the Silk Mill and Cathedral.
- View 10 – the view in this area looking down the centre of Nottingham Road is exactly aligned centrally on the Cathedral Tower. The photograph does seem to be taken just away from that location where the impact would be much more e.g. the view down Nottingham Road and impact of the new building on the skyline in relation to the cathedral would be more, as the buildings would be closer, if the photograph was taken slightly from the west (on the other side of the road or from the centre of the road). This view shows the very negative impact on the significance and setting of the Cathedral and the city skyline. This underplays the impact on this key historic view.
- View 11 – from Nottingham Road Cemetery shows the city skyline including the grade I listed Cathedral. When viewed from this position the proposal and the impact on the setting of this highly graded listed buildings is harmful and negative. The impact on the city skyline from this public vantage point is harmful and negative.

### Design of the proposed building

I have no comment on layout of the building. However I strongly object to the height, scale, massing and bulk of the building. I note the design evolution but even with the detailed design and materials proposed do not hide the overpowering sheer size, scale and mass of this building and its intrusive visual presence.

### Policy

The NPPF states that planning policies and decisions should ensure developments are sympathetic to local character and history, including the surrounding townscape setting (para 127 c). That permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para 130). In my view the current proposal fails to meet the requirements of the NPPF in terms of design.

UNESCO World Heritage Sites are areas of outstanding universal value and belong to all the people of the world. The UK and its overseas territories have 31 World Heritage Sites (WHS) are the ultimate responsibility of the Department of Culture Media and Sport within the central UK government. Historic England are their advisors. World Heritage Sites are of international importance and an irreplaceable resource, and should be conserved in a manner appropriate to their significance (Para 184 of the NPPF, 2018).

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Section 66 of The Planning (Listed building and conservation Area) Act 1990 is relevant here. The Local Planning Authority in their planning functions has a duty to have special regard to the desirability of preserving listed buildings and their setting.

There is a requirement that Local Planning Authorities take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (192, NPPF, 2018).

When considering the impact of a proposal on the significance of the designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (para 193, NPPF, 2018).

Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance should require clear and convincing justification (para 194). In my view, as regards this proposal, I do not consider this proposal as justified.

There are a number of undesignated heritage assets affected by the proposal (locally listed buildings and non-designated heritage assets) so para 197, NPPF is also relevant here and that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application and that 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 asset.

The proposal is contrary to the Local Plan Review (2008) saved policies E18 and E19, covering listed buildings and conservation areas) as well as relevant policies within the Local Plan – Part 1 (2017) including the Heritage policy C20 regarding the protection of heritage assets, AC9 regarding the Derwent Valley Mills World Heritage Site and the Derwent Valley Mills World Heritage Site Management Plan 2014 - 2019.

In terms of the impact of this proposal it would have a seriously high level of harm on heritage assets, both designated and non-designated. As stated in the NPPF this can be defined as a high level of harm on the scale (but not physical harm) so this is classed as less than substantial under para 196 (NPPF, 2018). Therefore the Development Management Officer, under paragraph 196, has to weigh up the large amount of harm (demonstrated above) against any public benefits of the proposal.

### **Conclusion: -**

**In terms of the new visuals and amendments to the Integrated Visual Assessment and Townscape, Heritage Visual Supplement document the additional images are helpful to understand the impact and along with the 'fly around' which illustrates that at flying round level the impact of this building will be substantial. If the 'fly around' had been an ground level we can only imagine the substantial negative impact this building would have on the pedestrians experience of the space adjacent, the blight on sites nearby and the negative impact on heritage assets. This information only justifies and fortifies my current view on this proposal.**

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This proposal would have a seriously harmful impact on the Outstanding Universal Value of a number of designated heritage assets such as the Derwent Valley Mills World Heritage Site, harmful impact upon the significance of a number of other heritage assets (which includes their settings) including listed buildings which are Nationally Important buildings which are grade I, II\* and II as well as the city skyline as a whole, there is a negative impact on the setting of Nottingham Road Conservation Area, City Centre Conservation Area and heritage assets such as locally listed buildings.

In terms of the levels of harm on heritage assets stated in the NPPF this can be defined as a high level of harm (but not physical harm) so this is classed as less than substantial under para 196 (NPPF, 2018). Therefore the Development Management Officer, under paragraph 196, has to weigh up the large amount of harm (demonstrated above) against any public benefits of the proposal.

**Recommendation: Strongly object to this proposal on Heritage grounds.**

### **5.7. DCC Urban Design:**

The proposed development would contribute towards delivering sustainable growth on a key site in Derby city centre, and facilitates the first phase of regeneration for the Derby Riverside area as a landmark building at a key gateway to the city centre. It is unfortunate, though, that this proposal is being assessed in the absence of a long awaited complete masterplan for the Riverside Quarter.

The proposed scheme is a part seventeen- storey/part nine-storey development incorporating 202 apartments, associated car parking, servicing, infrastructure and landscaping. At 17 storeys the proposed building would be very high in the context of Derby. As a very tall building for Derby with a large mass also, the architectural design and workmanship needs to be *exemplary*, the upper storeys and roof-scape needs to be designed to the highest quality and it needs to be demonstrated that valued views are not compromised by the building.

Previous broad guidance within the council's regeneration framework has suggested that a taller building may be appropriate in this location, however this would be on the basis of exemplary urban and architectural design and respect for local context and wider long-range context – 17 storeys would be of city-wide scale. The use of a small palette of materials - with receding and minimal sections – has reduced the monolithic appearance of the whole development, and it is my view that the tower element constitutes good architectural design and detailing. The elevation projecting frame on the tower element creates depth and shadow and on the North-facing elevation tapered and flipped panels provide a vertical emphasis and movement within the façade. The metallic finish to the alum anodised cladding- 2 no. colour tones - is intended to create subtle changes in appearance through the day. However, I still have some concern whether the tower, in terms of *each* elevation, is of sufficiently high architectural quality in terms of its impact on the skyline and the views within North Riverside area.

The sum of the buildings parts, with the tower dropping down to a (still tall for Derby) and large footprint “shoulder block” remain somewhat inelegant on the skyline: and regardless of any defence of the already severing effect of the inner ring road, within

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the context of this area of north riverside, the proposal would have an overbearing effect on the Nottingham Road townscape and some of the finer grain local townscape. Pre-application suggestions were that this may have been mitigated by a recessed and visually transparent transitional zone between the tower and the remainder, so that the proposal could read as 2 schemes within a future townscape, but this hasn't been taken forward.

Due to its prominence, the development requires further 360 degree angle viewpoints at pedestrian level, and verified views of the most sensitive viewing corridors , as recommended in the national guidance Tall Buildings: Historic England Advice Note 4. The viewpoints given are not explained in terms of verification process and there are concerns as to the accuracy of the representations.

The views from the flyover overlooking the river (pg 30 of the heritage assessment) are selectively picked, where hidden by trees and so not representative: these could be viewed from further round to test the more prominent likely impact. The massing and view from the north/west (pg 37 of the heritage assessment) are as important as those from the south/east, the view on pg 37 demonstrates the impact of an over-large mass of the secondary blocks in tandem with the tower. The views from the Nottingham Road corridor do highlight the domineering effect that this development would have on the skyline, and not just as a positive gateway landmark.

National Tall Buildings Policy also clearly states that “exemplary” design is not just of the architecture/red-line building footprint. It is very much about the highest quality of public realm, which is not offered within the development. There has been some effort to enhance the “active edge” to the street, but the nature of the PRS residential means a service inward- looking private realm, with little to offer the street.

I support the principle of PRS, but with some additionality towards the townscape/community. Research has shown that in order to attract and retain target group tenants, the right lifestyle and consumer propositions will be important, for example added amenities, such as a concierge. Other types of lifestyle facilities might include workspaces, communal roof terraces and gyms - the prime objective would be the contribution they make to place-making and community building. Tenants who feel that they are part of a community tend to stay longer. As this type of residential developments is designed for long-term investment purposes, the life-cycle of the building materials used plays a much greater role than in other developments and so finishes need to have a long design life and be high-quality, robust and easily maintainable/accessible.

I recommend that if viability reasons are given for the massing/height of the development, this is given professional scrutiny. I recommend this development is refused on the basis of insufficient design quality to justify its regeneration benefits.

### **5.8. Highways Development Control:**

I refer to my e-mail dated 28<sup>th</sup> June 2018 and confirm that the revised layout as shown on Drg No P16-519-503 Rev G is now satisfactory. Consequently I have no highway objections subject to the recommended conditions being satisfied. The conditions seeks to ensure a suitable construction access is provided along with suitable car park surfacing details the construction of the access as shown on the

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submitted drawings and the agreed amendments to the on-street parking bays have been made in accordance with approved details. A note to application is also recommended which reads: *Any works in the public highway must be undertaken in accordance with the requirements of the highway authority.*

### **5.9. Transport Planning:**

We had a significant amount of contact with the applicant's transport consultant in agreeing the scope of the Transport Assessment and as such it is a relatively comprehensive submission.

The site is located in a sustainable transport location of the city with good links to the City Centre by all modes of transport, particularly walking and cycling. The bus station is also within easy walking distance of the development and offers a network of bus services. As such, the development conforms with the core principle of the National Planning Policy Framework in relation to transport.

The analysis of net trip change suggests that the development is unlikely to have a specific impact on the highway network. The current 130 space car park generates 72 two way trips in the weekday AM Peak (0800-0900) and 52 trips in the PM (1700-1800), based on the recorded traffic surveys undertaken for the TA. The trip generation of the 201 flats is based on average rates from the TRICS database, which is the industry standard tool used in the assessment of traffic generation. Average trip rates have been accepted in this case because of the sustainable location of the development close to the city centre. The TA predicts that the development will generate 31 trips in the weekday AM Peak and 49 in the PM Peak, which is less than the current land use. The low level of parking, which is 47 spaces, will control the level of trips to and from the development and discourage car ownership. Further, the waiting restrictions in this area will further reinforce car ownership and travel demand to and from the development by single car occupancy. As a logical check of the trip generation the trip profile of departures can be applied to the number of car parking spaces. During the total morning travel period 0700-1000, which is the time people generally first leave their homes for work, education, retail and leisure activities, around 42% leave between 0800 - 0900. As such, this equates to around 20 trip departures based on a car park that has 47 spaces. The TA estimates 22 trip departures and as such I am satisfied that the trip generation is realistic.

There are no safety or operational problems on the main access junction to the site and both Stuart Street or Phoenix Street junction operate within capacity.

The development needs to exploit its linkages to and from the walking and cycling network. As such, the measures identified in the Travel Plan, submitted as part of the application need to be tied down either through a condition or specific schedule in the S106.

The development is proposing to remove a current on-street pay and display parking bay. Subject to this being agreed by HDC, I have advised that the City Council needs to be compensated for the loss of revenue that this space provides. The average on-street parking bay generates around £1,300 per year in revenue. As such, the City

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Council would look to secure a sum to cover the loss in revenue over a 10 year period, which equates to £13,000.

### **Travel Plan**

#### **Comments on Travel Plan**

The Travel Plan dated 4th May 2018 undertaken by Rodgers Leask Ltd on behalf of Godwin Developments supports a planning application for a residential development comprising 201 apartments, a resident's gym and coffee lounge on land east of Phoenix Street, Derby.

#### **Opportunities for Pedestrian Travel**

The site is located close to the centre of Derby which means the development would be well situated for walking to facilities in the city centre. Derby Bus Station and Derby Railway Station are within the preferred 2000m maximum walking distance catchment area as recommended by 'Guidelines for Providing Journeys on Foot', Institution of Highways and Transport, 2000. The Railway Station can be easily accessed by footpaths along roads or via an off-road path which follows the river.

#### **Opportunities for Cycle Travel**

The site is located centrally in Derby which makes it suitable for offering cycling as a sustainable option. Derwent Street is recommended for cycling on the Cycle Derby map and connects with traffic-free routes to the north and south. The Railway Station could easily be reached by bicycle via a traffic free route.

A new cycle hire scheme has been launched in Derby which could be useful to residents of the proposed development. Details of the scheme can be found on the website <https://ebikesderby.com/>. Hubs of electric bikes are located around the city and are available to hire. The nearest hubs to the development are located outside the Council House on Corporation Street, outside the Assembly Rooms at the Market Place and on Victoria Street. The ebikes can be hired and then left at either a hub or a standard bike rack within the geo-fenced area.

#### **Opportunities for Bus Travel**

The site is highly suitable for access to bus travel. There are bus stops on Exeter Street, Derwent Street and Meadow Road and Derby Bus Station is within a walkable distance.

#### **Opportunities for Rail Travel**

Derby Railway Station is within an acceptable walking distance and is easily reached by bicycle.

#### **Targets**

The Travel Plan has suggested a 10% reduction in single occupancy vehicle (SOV) use over a five year period. This will reduce SOV modal share from 40.4% to 36% which is an acceptable target. As stated in the Travel Plan, given that the development will have 47 car park spaces for 201 apartments it is likely that only 24% of residents will drive to work. However, it is important that sustainable travel is actively promoted to ensure demand for the car park does not get too high and residents have alternative options to the car.

It is proposed to have targeted increases in sustainable travel over five years; this is acceptable. Table 3 (the Action Plan), refers to a 1.5% increase in public transport

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use over five years. This is not referred to anywhere else in the Travel Plan and there are no targeted increases given for other modes. Is this figure an anomaly or an estimate for a targeted increase in public transport use?

### Travel Plan Co-ordinator Role (TPC)

A TPC is to be appointed at least one month prior to first residential occupation and will continue in this role for five years after 100% occupation; these timescales are acceptable. Although it is recognised as a good addition to the Travel Plan activities to establish a residents group, it is unrealistic to expect this group to carry on the duties of a TPC.

### Travel Plan Measures

#### Travel Pack

The contents of the proposed travel packs are useful. Other information that could be included in the packs are details of the following:

- Bikeworks Derby which provides free secure parking in Derby City Centre for bicycles <https://bikeworksderby.co.uk/pages/free-bike-parking> and
- Bike Back Derby which provides refurbished bikes, cycle training and cycle maintenance training <https://www.lifecycleuk.org.uk/derby>
- Derby ebike hire scheme <https://ebikesderby.com/>

#### Personalised Travel Planning (PTP)

This is an excellent measure which should highlight various travel options to residents.

#### Walking

The suggestion of encouraging the parents of school-age children to explore sustainable travel initiatives such as walking buses is useful and may show parents there are alternatives to driving the car up to the school.

The Derby Connected website is useful for providing information about sustainable travel; however, the online journey planner referenced in section 5.6 and 5.8 is no longer available. Alternatively, Google Maps can be used for directions for multiple modes of transport.

#### Cycling

Providing discount vouchers for residents for money off bikes and cycle equipment is useful and may help residents to consider purchasing a bike. Keeping cycle maintenance kits in reception for the use of residents is also a helpful measure.

#### Cycle parking

30 cycle parking spaces seems inadequate considering there are to be only 47 car park spaces and the development is being promoted as cycle friendly. 30 provides only 15% of households with a cycle parking space. For cycle parking, the 6Cs Design Guide states that: 'For developments with common facilities, such as flats, one space for every five dwellings. Parking to be under cover and secure. Where spaces are allocated, there should be one space for each dwelling.' Following the guidance in the 6Cs Design Guide seems more appropriate than the Derby Core Strategy with regards to cycle parking for apartments. One cycle parking space for every five dwellings would mean providing 40 spaces. As car parking is limited at the

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development, residents are likely to rely on alternatives such as cycling and, therefore, will need adequate cycle parking.

### **Electric Vehicle Charging Points**

Consideration of electric vehicle charging points within the development is useful and forward thinking. If the charging point sockets are already in place then this may be an incentive for residents to consider an electric vehicle.

### **Reducing the Need for Travel**

The provision of internet infrastructure will make it possible for home working and online shopping. The success of this will depend on if working from home is an option for residents.

### **Car Club**

Co-wheels operate a car club in Derby. As stated in section 5.10, there are three cars located within 500m of the site; however, the Tennant Street bay has been removed, instead there is a bay at Queen Street. The Co-wheels cars could be useful for residents who do not have a car parking space at the development. It is also useful to consider having a club car on site if there is the demand.

### **Car Sharing**

The promotion of car sharing websites is useful as it may match up residents who need to travel who do not have a car parking space with residents who do. The car sharing websites would also allow residents to match up with those from other developments who may be travelling to the same destination. Derby Carshare which is run by Liftshare has a specific Derby site. Co-wheels is mentioned in section 5.11 as a car share site but this is actually a car club.

### **Monitoring**

The first travel survey is to be undertaken upon occupation of the 50th dwelling or six months from first occupation and then for a further five years. A monitoring report is to be produced within one month of the survey. These timescales are acceptable.

Should the frequency of stakeholder meetings mentioned in the Action Plan be yearly rather than every six months? If the meetings are to be held within two months of each travel survey then this would make the meetings yearly.

The Travel Plan Monitoring Toolkit referenced in section 6.0 is not used so an alternative will be required.

### **Travel Plan Monitoring Fees**

Fees are to be secured through S106 to cover administrative costs associated with reviewing travel plan monitoring results. The fees will reflect the amount of Local Authority officer time required to undertake evaluation of the initial plan, assess the monitoring data and participate in consequential reviews and discussions to agree any amendments to the travel plan in the future.

The travel plan monitoring fees will cover the following costs to Derby City Council:

- A. Pre-approval of travel plan:
  1. Assessment of travel plan drafts
  2. Site visit and travel expenses
  3. Approval of action plans and targets

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- B. During operation of travel plan:
1. Receipt and checking of monitoring data and tracking of actions implemented
  2. Site visits and travel expenses
  3. Approval of conditions and obligations (where fulfilled) relating to the implementation of actions and achievement of modal split targets
  4. Provision of travel plan advice and materials and liaising with Travel Plan Coordinator

The level of fee will be based on the size of the development:

<b>Size of Proposed Development</b>	<b>Charge Band</b>	<b>Annual Monitoring Fee</b>	<b>Total fee over 5 year monitoring period</b>
Commercial development – single occupier. Single phase of development. Up to 200 dwellings.	Small	£500 (+VAT)	£2,500 (+VAT)
Commercial development – large, multi-occupancy. Multi-phase development, mixed-use. Over 200 dwellings	Large	£1,000 (+VAT)	£5,000 (+VAT)

The monitoring fee required for this development is £1000 (+VAT) per annum to cover the monitoring period of 5 years.

### **Revision to the Travel Plan and Remedial Measures**

The Travel Plan acknowledges that measures and targets may change during its lifetime, however, there is no reference to any remedial measures should the targets not be met. If monitoring identifies that targets are not being met then DCC will work with the developer to identify remedial actions that could assist in reducing single occupancy vehicle use.

- That one year on from occupancy of the site, the absolute number of single occupancy vehicle drivers to the site shall be no greater than the amount identified within the initial household travel survey.
- On completion of the Full Travel Plan and monitoring period the number of single vehicle users will be reduced by 10% of the agreed baseline data.

The developer needs to ensure an adequate budget for remedial measures in the event the targets are not met.

### **Conclusion**

Overall, the Travel Plan is a satisfactory basis for addressing the challenges of reducing single vehicle occupancy and promoting sustainable travel. The suggested

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targets to reduce single car occupancy are acceptable and the suggested measures are good. However, there does need to be consideration of remedial measures should targets not be met and extra cycle parking should be considered.

### **5.10. Environment Agency:**

The Environment Agency has been liaising with the flood risk consultant regarding the above proposals and the latest information we received was dated 19 November 2018, and which we understand the Local Planning Authority is also in receipt of.

#### **Environment Agency position**

The proposed development will only meet the National Planning Policy Framework's requirements if a condition requiring the submission of the following details is included:

- Finished floor levels for residential use shall be set no lower than 51.40m above Ordnance Datum (AOD) as detailed in section 3.1.1 of the flood risk assessment referenced above.
- A permanent footbridge will span between St Alkmund's Way to the north of the site and the first floor of the development; the minimum elevation at which the footbridge will join St Alkmunds Way will be 49.08m above Ordnance Datum (AOD) as detailed in section 3.1.1 and section 4.1.2 of the flood risk assessment referenced above.
- Flood resistant and resilience measures shall be provided for the gym and coffee lounge on the ground floor up to a level of 49.08m above Ordnance Datum (AOD) as detailed in section 3.1.1 of the flood risk assessment referenced above.

#### **Advice to LPA/applicant**

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood.

We can provide the following information on the characteristics of flooding at this site to help with your decision:

In a 1 in 100year plus 30% climate change flood heights could be 48.63m AOD, this will result in flooding of depths of up to 1.9m.

The breach analysis shows that although flood depths will be less, 0.9-1.2 m, the peak velocity could be between 1.5 m/s and 2.5 m/s. This should be considered when assessing structural stability and emergency evacuation procedures.

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### **5.11. Our City Our River (OCOR):**

The OCOR response to the latest FRA submission by the applicant is as follows:

The proposal remains compliant with the current OCOR consented alignment for the flood alleviation corridor boundary in this area of Derby Riverside, therefore we have no objection to the application on these grounds.

The applications associated S106 agreement includes a financial contribution towards the necessary flood mitigation works which is acceptable.

The latest FRA which considers breach scenarios does not affect the construction of the proposed OCOR defence and as such, OCOR stated position.

Should the proposal have included integrated flood mitigation measures, then OCOR would have considered these in the appropriate manner.

### **5.12. Emergency Planner:**

We are in agreement with the comments submitted by the Derby City Streetpride, Communities and Place team, in that we can support the development on flood risk grounds provided that a condition is placed on the consent to require a Flood Warning & Evacuation Plan (pre-occupation) to be put in place. This plan would need to contain sufficient details to adequately warn residents and enables residents to be informed prior to and during a flood emergency in order to minimise the risk to life. Within section 3.1.1 of the FRA, although it mentions that the “resident concierge can pass on details of any flood warnings to the buildings residents”, we would suggest that all residents are encouraged to sign up to receive the EA flood warnings direct also.

Further details of the plan would need to include the evacuation procedure, and that this would likely be a part of a wider evacuation response within Derby City. Where possible the Local Authority would help where required, but residents should consider self-sufficient evacuation procedures given that this would be wide scale.

It also noted that the provision of the footbridge from the first floor to St Alkmunds Way provides means of a dry access/egress route in the event. It also noted that the provision of the footbridge from the first floor to St Alkmunds Way provides means of a dry access/egress route in the event of a flood, and that specific flood resistance and resilience measures are to be included to protect some ground floor facilities and plant room to certain height, which would allow residents to stay in the premises if they decided that course of action appropriate.

### **5.13. DCC Land Drainage:**

#### **Comments Dated 14/12/2018**

The main issues in terms of flood risk and land drainage on the development are structural integrity of the building and the safety and resilience of the residential units during the design flood and residual risk flood events.

Regarding structural integrity, the applicant has now supplied a breach model which has been reviewed and approved by the Environment Agency and an engineer’s technical assessment which states that the risk of structural failure under the worst case modelled loading is not significant. This has been provided to the Local

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Planning Authority within Appendix D of the Flood Risk Assessment dated 24<sup>th</sup> October 2018 and was completed by Rodgers Leask. The Environment Agency state that it is not within their expertise or remit to comment on structural integrity of developments or safe evacuation measures. Not being a structural engineer I too can't comment on the technical adequacy, but I accept an informed analysis has been made by qualified individuals within Rogers Leask based on the modelled evidence available.

The second primary issue, which has not yet been satisfactorily addressed by the applicant or their agents, is the resilience of the development in the flooding scenario. The applicant will note that my request for this to be addressed was included in my comments of the 27th July 2018. It is accepted that the most vulnerable residential units are on floors above the ground floor and that there has been a safe access/egress from the building provided in the form of a raised walkway onto St Alkmund's Way from the first floor. However, the issue is with the floor level of the plant room and the impact of this on the resilience of the development.

The development is still in an area of flood risk before and after OCOR construction and so if the plant room is flooded there is a risk that the building will lose basic services such as electricity. In this instance, regardless of the provision of a high level access/egress bridge, the building would become uninhabitable. This would increase the burden on any flood response operation and make the conditions potentially unsafe for residents.

To defend against this, the FRA states that moving the plant rooms to first floor height is not feasible, although no explanation has been given as to why. Instead the FRA has recommended that the plant rooms be fitted with flood doors with elevated ventilation points. The issue with this is that the information in the FRA suggests a design flood depth here of 1.9m in the existing scenario, with a potential breach height of 1.2m depth of flooding after OCOR (residual risk). There can be no surety that flood doors and tanking of the plant room can be designed and certified up to this depth and with the hydrostatic pressure at this depth, they are likely to fail.

At a similar development nearby, Bio House, the ground floor level looks to have been set at 47.05mAOD whereas the plant room is set 1.5m above this at 48.55mAOD. I understand this is set above the anticipated flood depth with a freeboard of 300mm, bearing in mind that the timing of the delivery of that particular development is set to be after OCOR construction in this area, so pre-OCOR scenario flooding was not considered. I think it would be reasonable to expect the Phoenix Street development to follow a similar strategy.

The further issues of site drainage and a flood warning and evacuation plan across the whole development could be addressed later and protected through the use of planning conditions. However, the issue of resilience and safety with particular reference to the level of the plant room makes the proposed development contrary to policy CP2 of the Council's Local Plan. I would therefore not recommend approval of the development.

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### **5.14. Environmental Services (Health – Pollution):**

#### **Land Contamination**

I can confirm that a review of the following documents have been undertaken:

- A Combined Phase I and II Geo-Environmental Report by Rodgers Leaks Environmental reference: 16550-RLE-17-XX-RP-0-001 dated: January 2018.
- An Acoustic report by Stroma Tech ref: 07-17-64250 NC1 dated 27th September 2017.

Having reviewed these documents in the context of the application, the following comments are offered with respect to potential land contamination risks for the site.

Please note that these comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation (other than in a land contamination context).

All consultation comments provided relate to human health risks. I refer you to the Environment Agency for comments on any conclusions in the submitted documents concerning risks that may exist to controlled waters, since this is outside the remit of our own comments

#### **Phase I/II Geo-Environmental Assessment**

1. The submitted report is clear that it relates to a parcel of land adjacent to Phoenix Street, Derby, which is illustrated in a site plans (figures 2 and 3) included within Appendix B. This also relates to site plan B6176 PL 002 submitted with the application.
2. The report has demonstrated that there is elevated lead, beryllium and PAHs in the made ground. Low levels of asbestos fibres and ACM we found in the made ground.
3. Elevated levels of lead were found in the natural soil at depth (1.9m below ground level).
4. Gas monitoring was undertaken (required 6 monitoring occasions) at the site with only low levels of gas found and a gas screening value of CS1 was calculated.
5. With respect to ground water elevated concentrations of dissolved iron and mercury were found along with marginally elevated TPHs in the C21 to C35 Aliphatic range representative of mineral oil. As stated above advice concerning controlled waters should be referred to the Environment Agency.

#### **Acoustic Report**

6. Section 4.1 of the report advises that an acoustic model for the site has been developed; it does not state what this model is or what standards it is based on. Presumably the model has been based on BS8233, but there are no calculations etc. included with the report or specification of model used.
7. There has been no specification presently of which residential apartments will need which mitigation measures other than a worst case facade level being calculated. In order to mitigate the noise levels in both the daytime and night-time glazing with specification Rtra 36 dB has been used for living areas and

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Rtra 34 dB used for bedrooms. This will also require the windows to be closed and a Mechanical Ventilation with Heat Recovery system (MVHR) in order to meet acceptable levels. The MVHR is considered to prevent the need for trickle vents in windows. This appears to be mainly for the majority rooms facing the A601. It was also stated that standard thermal double glazing (Rtra 26dB) was acceptable for the majority of rooms.

### **Conclusion**

8. The Phase I/II is acceptable for this application. The report concludes that remediation will be required from a human health perspective. A cover system of 600mm capping of suitable material is suggested. I would recommend that a suitable brightly coloured geotextile membrane is emplaced below the cover of 600mm of suitable soil to act as a layer to prevent mixing and contamination of the cover layer. The hard standing areas are considered to act as a suitable to block the contaminant pathway. Any paths or patio areas would need to be designed with suitable depths etc. to be robust enough not to be easily altered and details including cross sections of this will be useful in a remediation statement.
9. The acoustic report states that the development can only meet acceptable criteria noise levels (LOAEL in Table 2 of the report) by construction of suitable mitigation methods. The mitigation being windows with specification Rtra 36 dB for living areas and Rtra 34 dB used for bedrooms with the windows closed and an MVHR in operation.

### **Recommendation**

#### **Land Contamination**

The Phase I/II has demonstrated that remediation will be required due to elevated levels of contaminants on site. In order to ensure this work is carried out conditions are recommended which will secure the submission of a remediation scheme, verification report and additional reporting of any unexpected contamination.

#### **Air Quality**

I refer to the above planning application and can offer the following comments regarding air quality implications arising from the proposed scheme.

1. The application seeks to introduce new residential dwellings into an area of the City known to already experience high levels of air pollution.
2. The adjacent St Alkmunds Way has been declared as an Air Quality Management Area due to predicted exceedances of the National AQ Objectives for nitrogen dioxide (NO<sub>2</sub>) and in accordance with the Council's Air Quality Action Plan, it is the Environmental Protection Team's policy to discourage development which would expose new receptors (i.e. the occupants of new residential dwellings) to the known high levels of air pollution within an Air Quality Management Area.
3. I note that that the application is supported by an Air Quality Assessment (Gem Air Quality Ltd, Ref: AQ1088, Dated: May 2018) and I can comment on the report and its implications for air quality within a planning context as follows.

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### Air Quality Assessment

4. The assessment considers both potential impacts from construction and also those related to the operation of the development itself i.e. in terms of additional traffic emissions and also in terms of the exposure of future residents to existing air quality.

### Construction Impacts

5. This part of the assessment utilises IAQM Guidance on the assessment of dust from demolition and construction.
6. Whilst the IAQM impact descriptors assumed for the development in the report appear reasonable based on the proposal and location, there is little detail provided to support the decision-making process.
7. The measures proposed within Table 15, Section 6.1 appear appropriate to the circumstances.

### Development Impacts

8. Air quality impacts arising from the completed development are considered based on modelling using the ADMS-Roads modelling software.
9. A base year of 2016 was used in the modelling, in conjunction with a projected opening year of 2021. 2016 emission factors have been used within both scenarios, which is considered to be a suitably conservative approach.
10. I note that an average speed of 64kmph (approx. 40mph) has been inputted into the model for traffic travelling along St Alkmunds Way. Whilst traffic does often flow at this kind of speed, there is known to be significant queuing along the section of road directly adjacent to the proposed development during the AM and PM peak periods. Given the significantly higher emissions of vehicles travelling at lower speeds, especially when idling, the modelling is likely to be underestimating the true emissions from road traffic at this point.
11. Modelled concentrations have been validated using local diffusion tube monitoring, namely the site located at 63 Nottingham Road (DT53). Only the data from DT53 was used for model verification and it is unclear why other local data hasn't been used e.g. DT56 (St Mary's Court) and DT57 (St Alkmunds Way), which are also very close to the site and representative of emissions close to St Alkmunds Way where the development is being proposed. Model validation is therefore not considered to be as robust as it could have been given the data available.
12. A total of 9 receptor locations were modelled, all based upon future occupants of the proposed development and named R1 to R9.
13. Modelled results have been compared to the Air Pollution Exposure Criteria (APEC) detailed in the Air Quality and Planning Guidance written by the London Air Pollution Planning and the Local Environment (APPLE) working group and also EPUK/IAQM Guidance.
14. Table 13 provides the predicted NO<sub>2</sub> concentrations at the 9 receptors at 1st, 2nd and 3rd floor height for the years 2016 and 2021.

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15. The modelled concentrations do appear to be quite low given the nature of the location close to the busy St Alkmunds Way, with a maximum of 28.4µgm-3 of NO2 modelled at R1 at first floor level in 2021.
16. I do note however that the lower than anticipated results appear primarily to be due to the relatively significant distance between the façade of the building and the road carriageway, which is approximately 8m to the nearest edge of the slip road and around 14m to the main St Alkmunds Way carriageway.
17. The situation is suggested as being even less significant for PM10 with a maximum concentration of 16.5µgm-3 predicted in 2021 at R1 at first floor height.
18. Local concentrations of PM2.5 are not considered in the report.

### **Conclusions and Recommendations**

19. Based on the results, whilst there is some degree of concern regarding air quality in this location, the modelling suggests that future residents of the development should be exposed to concentrations of air pollution well below recognised objectives/limits.
20. Given the limited parking on site, the development itself is unlikely to alter local air pollution concentrations.
21. I would reiterate the uncertainties inherent in AQ modelling, notwithstanding the issues around model validation and modelled vehicle speeds as highlighted above (points 10 and 11).
22. I do note however, that the predicted concentrations are well below the objectives (around 70% of the objective level for NO2) and so I would accept the report's conclusions in principle. The Environmental Protection Team therefore does not object to the application on air quality grounds.
23. I would however agree with the report's recommendation to provide a Travel Plan and Electric Vehicle (EV) "rapid charge" points within the proposed on-site car parking spaces. Consequently, The Environmental Protection Team would recommend that a condition is attached to require a Travel Plan and EV Charging infrastructure within the proposed car park on site, in the interests of mitigating air quality impacts.
24. Regarding construction related impacts, I would also accept the conclusions of the construction dust impact assessment and would further recommend that the dust mitigation measures proposed in Table 15, Section 6.1 of the report are included within a detailed construction management plan, to be secured by condition and to be followed closely throughout the construction phase of the development.

### **Noise**

I can confirm that a review of the following documents have been undertaken:

- An Acoustic report by Stroma Tech ref: 07-17-64250 NC1 dated 27<sup>th</sup> September 2017.

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- Email from the agent dated 1<sup>st</sup> October 2018 with attachments containing additional calculations with respect to facade levels in line with BS8223:2014
- Email from the agent dated 19<sup>th</sup> November 2018 with details of candidate MHVR systems
- Email from the agent dated 28<sup>th</sup> November 2018 with additional details of the candidate MHVR systems.

Having reviewed these documents in the context of the application, the following comments are offered with respect to potential noise impact for the site.

### **Acoustic Report**

1. Section 4.1 of the report advises that an acoustic model for the site has been developed; it does not state what this model is or what standards it is based on. Presumably the model has been based on BS8233, but there are no calculations etc. included with the report or specification of model used.
2. There has been no specification presently of which residential apartments will need which mitigation measures other than a worst case facade level being calculated. In order to mitigate the noise levels in both the daytime and night-time glazing with specification Rtra 36 dB has been used for living areas and Rtra 34 dB used for bedrooms. This will also require the windows to be closed and a Mechanical Ventilation with Heat Recovery system (MVHR) in order to meet acceptable levels. The MVHR is considered to prevent the need for trickle vents in windows. This appears to be mainly for the majority rooms facing the A601. It was also stated that standard thermal double glazing (Rtra 26dB) was acceptable for the majority of rooms.

This information has been supplemented by the worst case calculations for day and night time in the bedrooms where a glazing specification of: Rwi 8 mm / 16 mm argon / 9.1 mm Pilkington Optiphon™ dB; has been provided. The calculations have been carried out in line with BS8223:2014 Annex: (using the robust calculation method). The latest calculations demonstrate that the internal noise levels are acceptable with respect to noise break in from the external road noise replicated as follows:

Night time being 26dBLAeq, 16hr which is 4dB less than the criterion level of 30dBLAeq

Day time being 32.6dBLAeq, 8hr which is 2dB less than the criterion level of 35dBLAeq

The plans provided showing the outline of the building indicate external noise levels at the facade of the building. The email dated 1<sup>st</sup> October provided by the agent states: '*The glazing specification could reduce for the windows where the daytime external noise level is less than 71 dB LAeq and the night-time external noise level less than 64 dB LAeq.*' No other glazing specifications have been provided, so the assumption has been made that the minimum specification outlined in the latest information will be constructed to all sides of the building. If other lower specifications are proposed to be installed within the building then the applicant should provide details of what the specifications are and how this

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will meet the criteria in BS8223:2014. This should also as a minimum show which facades will have which specification on a plan so that it is clear for the developer.

3. On the 1<sup>st</sup> October the noise consultant provided generic comments regarding the mechanical ventilation heat recovery system (MVHR), stating that mitigation in the form of attenuators will be used where required and housed away from noise sensitive areas and *'the exact system and attenuation required will be developed during the detailed design stage.'* This is not acceptable for this stage of planning a candidate MVHR system should be used for the purposes of calculating the internal noise levels (with the MVHR switch on and off). This will then demonstrate whether the noise levels within the apartments are suitable and can be feasibly achieved. A condition could then be recommended to planning. However without using a candidate MVHR system in noise calculations under BS8223: 2014 it cannot be demonstrated that the development will be acceptable or achievable. Further relevant details within BS:8223: 2014 can be found see the extract below:

### **7.7.2 Internal ambient noise levels for dwellings**

*NOTE 5 If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.*

If applicable, any room should have adequate ventilation (e.g. trickle ventilators should be open) during assessment.

*NOTE 7 Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.*

If there is noise from a mechanical ventilation system, the internal ambient noise levels should be reported separately with the system operating and with it switched off. If the room contains items such as fridges, freezers, cookers and water heaters, these should be turned off during measurement. Shorter measurement periods such as LAeq, 1 hour may be used by agreement, provided the selected shorter measurement period is shown to be representative of the entire night or day period.

Following this in an email dated 19<sup>th</sup> November 2018 from the consultant stated that the noise level from the candidate MVHR systems would not exceed a sound pressure level of 27dBA. For us to have confidence in the calculated noise levels we will needed to see the detailed calculations. The calculations should show what the inputs are for duct losses and end reflections etc. The calculations will also need to show which sound power levels have been selected from the MVHR system and which the end user is most likely to have as a power setting. Details of the specific candidate model chosen (there are various models within one of the ranges chosen) and the technical specification with regard to noise is provided. The consultant has outlined that the MVHR systems won't exceed the noise levels in BS8223:2014, however they haven't provided the detailed calculations on the MVHR with attenuation which would provide confidence and allow us to recommend a suitable planning condition.

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Following this in an email dated 28<sup>th</sup> November 2018, the agent passed on further calculations of 2 proposed candidate MVHR systems. The calculations showed input data including attenuation and the resultant outputs but not the calculation equations used. The information provided indicates that the noise from the candidate MVHR system can achieve the required Lowest Observed Adverse Affect Level outlined by WHO and BS8223:2014.

### **Conclusion**

4. The acoustic report and other subsequent submitted information states that the development can only meet acceptable criteria noise levels (LOAEL in Table 2 of the report) by construction of suitable mitigation methods. The mitigation being windows with specification Rtra 36 dB for living areas and Rtra 34 dB used for bedrooms with the windows closed and an MVHR in operation.

### **Recommendations**

#### **Noise**

5. Details should have been provided to demonstrate prediction of which flats need which mitigation measures (specification of noise insulation for windows). However it is understood that the details of the window specifications provided will provide the necessary noise attenuation from the road and the assumption has been made that these will be fitted to all facades of the building.

The acoustic report has been supplemented with calculated internal noise levels in line with BS8233:2014. Detailed calculations of the sound pressure level of the candidate MVHR systems with attenuation has been submitted. Details provided to date of the candidate MVHR systems demonstrate that suitable ventilation can meet noise levels of Lowest Observed Adverse Affect Level (LOAEL) when combined with external noise sources as outlined in table 2 of the report. Planning should have regard to the WHO guidance which states that not being able to open windows should be a material planning consideration. This could be considered to be detrimental to a residents living amenity.

6. The internal noise level with the windows closed has been calculated correctly using Annex G of BS8233:2014 with respect to the external noise levels (road noise being predominant). Calculations have also been provided to include internal noise levels from the candidate MVHR systems showing input and output values. This information indicates that the candidate MVHR systems can meet the LOAEL in WHO/BS8233:2014. It is also understood that the developer may wish to change specification of the MVHR system and or window specifications; however they will need to keep within the LOAEL in WHO/BS8233:2014 for noise as demonstrated as feasible in the submitted information. I am therefore able recommend the following condition with respect to noise on this application:

Noise – Implement and Retain Noise Mitigation Measures

The approved detailed scheme of noise mitigation measures shall be implemented in full prior to first occupation for the hereby approved use and shall be retained thereafter. It is understood that the mechanical ventilation heat recovery systems will be sighted away from bedrooms.

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Reason: In the interests of residential amenity and to avoid unacceptable harm in accordance with saved policies GD5 and E12 of the City of Derby Local Plan Review.

### **5.15. DCC Regeneration:**

The Regeneration and Major Projects service fully supports this application for the development of 202 managed Private Rented Sector residential apartments on land off Phoenix Street, Derby.

#### **Alignment with National and Local Policy**

The Derby City Council Local Plan Part 1 (the Core Strategy) was adopted in early 2017 and promotes sustainable growth to meet its objectively assessed housing and commercial needs between 2011 and 2028. Over the plan period (2011-2028), provision is made within the City for a minimum of 11,000 new homes. The Local Plan aims to guide development towards the most sustainable locations, recognising the contribution of brownfield opportunities within the existing urban area. The City Centre is a strategic location for growth within Derby with the Local Plan setting out the aim to deliver 2,200 homes over the plan period. The proposed development will contribute towards meeting the city-wide and city centre housing delivery targets through the provision of 202 residential apartments on a key city centre site.

National planning policy and the Local Plan both encourage effective use of land by re-using land that has been previously developed (brownfield land). The published draft changes to the NPPF further reiterate the need to focus on making the most effective use of brownfield land. The proposed development represents the effective use of an existing site within Derby City Centre for residential use.

The application site is located within close proximity to the proposed Our City Our River flood defence scheme. Policy AC8 (Our City our River) states that the programme will unlock regeneration opportunities along the River Derwent and that the Council will give weight to proposals which can bring multiple benefits. The proposed development will contribute towards the physical regeneration of the OCOR area.

#### **The City Centre Masterplan 2030**

The Derby City Centre Masterplan 2030 sets out a strategic context for investment opportunities in the city centre in the next 15 years (2015-2030), demonstrating the Council's commitment to regeneration of the city centre. The masterplan aims to achieve ten key ambitions to ensure the continued regeneration of the city centre into a vibrant place as a City of Choice, a Business City, a Living City and a Connected City. By 2030, the masterplan aims to have created 4,000 new jobs and 1,900 new homes in the city centre.

In delivering a Living City, the masterplan aims to secure housing choice through sustainable city centre development accompanied by a diverse retail offer and a thriving evening and night-time experience. The new homes proposed as part of this scheme will significantly contribute towards delivering the Living City aims of the Masterplan. In particular, an element of the delivery plan is to develop a masterplan for the Derby Riverside area that will widen the city centre offer with new leisure, living and work opportunities. The application site forms part of this masterplan and

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the realisation of these development proposals will be a catalyst for the comprehensive regeneration of this long neglected brownfield area.

### City Centre Regeneration Framework

The Derby City Centre Regeneration Framework (2012) establishes a vision for the on-going regeneration of the city, including a policy to establish a “Living City” to improve the attractiveness of the city centre as a place to live. The application site is identified as an investment opportunity site in the framework for a “...tall building, landmark architecture, and mixed use or commercial development” with the proposed development supporting this vision.

### Economic Benefits

The proposal will make a significant contribution to the city centre economy through increased spend consequential of the increase in the number of people living in the city centre. The planning application states that the proposed development has the potential to generate £68.2million in economic activity and around 900 jobs during construction. In addition, permanent jobs will be created through the management and maintenance of the building.

### Summary

The Regeneration and Major Projects service fully support the proposed development, which will contribute towards delivering sustainable growth on a key site in Derby city centre.

- It will provide 202 managed Private Rented Sector residential apartments on a 0.29 ha city centre site bringing much needed new affordable and private rental housing into the city centre. The proposals are a catalyst for regenerating a long neglected brownfield site in the city centre masterplan area.
- The existence and occupation of the proposed modern tall building in this city centre location will contribute positively to the vitality of the area and to that of the city centre itself.
- The location of the development with low car parking provision, accessible by a range of sustainable travel modes and within walking distance of the city centre, results in a sustainable development.
- It supports the regeneration aims outlined in national and local policy through the provision of new housing in a highly sustainable location that is consistent with the physical regeneration objectives for the Our City Our River area.
- The proposal will make a significant contribution to the city centre economy through increased spend consequential of the increase in the number of people living in the city centre. Based on the applicants planning statement, it is estimated the proposed development will contribute £68million in economic activity and 900 new construction jobs.
- The proposal facilitates the first phase of regeneration for the Derby Riverside area, being a key investment site for the city identified within the City Centre Masterplan 2030 and the City Centre Regeneration Framework. In particular, the proposed development will deliver a landmark building and will help to kick-start the regeneration of the Derby Riverside area.

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### **5.16. Housing (Strategy):**

The Strategic Housing Division fully supports this application for the development of a residential housing scheme.

#### **Derby City Policy Support**

Support for the scheme can be found in a number of key policies: AC (Area of Change) 8 Our City Our River – Para 4.8.2 '(OCOR) will create opportunities for new businesses, investment and city living associated with the river.'

AC7 The River Derwent Corridor – '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.'

AC1 (City Centre Strategy) highlights that the Council will encourage investment that strengthens and integrates the City Centre's retail, employment, leisure, cultural and residential functions.

CP (Core Principle) 6 Housing Delivery – 'The Council will (d) continue to encourage the regeneration of brownfield sites, of which the Phoenix Street site is one.'

The Derby City Centre Masterplan 2030 sets out a strategic context for investment opportunities in the city in the next 15 years (2015-2030), demonstrating the Council's commitment to regeneration of the city centre.

The masterplan aims to achieve ten key ambitions to ensure the continued regeneration of the city centre into a vibrant place as a City of Choice, a Business City, a Living City and a Connected City. By 2030, the masterplan aims to have created 4,000 new jobs and 1,900 new homes in the city centre.

#### **National Policy**

The Housing White Paper 'Fixing Our Broken Housing Market' refers to a national housing crisis, where the major problem is that new homes are not being built, which results in those that are becoming increasingly unaffordable.

The Council should not be refusing planning applications where there is clear national and local policy support, except with very clear grounds.

The Government is also trying to make development easier for developers by ensuring Councils develop and maintain Brownfield Land Registers. If the Council were to refuse planning permission on sites where there is clear Local Plan support, this contradicts the clarity that Government is trying to achieve.

#### **Pressure on Housing Delivery**

The Derby Housing Market Area (HMA) has challenging targets – 16,388 new homes during the Local Plan period 2011-28, of which 11,000 need to be found within Derby City and 2,000 new homes within the City itself.

Derby city has under-delivered on its housing targets, in common with a number of other HMAs in the country – 955 new homes under-delivered to this point and it is essential that we catch this up. If these new homes cannot be delivered at Phoenix Street, they will need to be delivered somewhere else; there are ongoing viability challenges with the Castleward site and the related former Derbyshire Royal

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Infirmery (DRI), which is in private hands, therefore we cannot rely on those sites to deliver the necessary numbers.

### City Centre Housing Zones

The city centre has housing zone status, conferred on it by the Ministry of Housing, Communities and Local Government (MHCLG, formerly DCLG), therefore, it is essential that we continue to deliver significant housing numbers, where policy dictates, as above. This status has been essential in developing a good relationship with Homes England and we need to build on this (literally) to ensure that good relationship is maintained and Homes England continues to support developments in Derby City – for instance, 2 out of 3 Derby city bids were successful in the recent Housing Infrastructure Fund announcements – including North Riverside housing which relates to this - which is an excellent return.

### Our City Our River

OCOR is a £90m scheme, with flood defences for Derby City at its heart; however, in order to be able to deliver those flood defences, the Council and partners have to meet housing and regeneration targets. If planning applications for individual schemes are refused, this puts the entire OCOR programme at risk and potentially the £50m funding secured to date, which is a risk that the Council and partners cannot afford to take.

There is precedent for 'building up', as a result of the nearby Jury's Inn site, which is visible from the Phoenix Street site and the recently approved Bio House application. This application is slightly different, as it is 17 storeys in parts, which is a bit of a 'game changer' for the city and could act as a real catalyst for regeneration of this area. The scale of the building per se should not be used against it in decision-making.

### Encouraging Derby City as a place to live, earn and play

Support for this can be found in the Derby and Nottingham Metropolitan Strategy 2030. Derby is lagging behind the cities of Nottingham and Leicester, as we are not encouraging enough (i) city living and (ii) city centre spend.

This development will bring a number of new residents into the city and help to increase city centre spend. It should also be noted that Derby city centre land values are just not stacking up against other areas of the country, which is creating major viability challenges for the city's key regeneration sites – OCOR, Castleward, DRI, Becketwell, the list goes on - and by encouraging (i) more city living and (ii) more Grade A office space (admittedly not necessarily related) this will help to increase land values and help with the viability of individual sites. This argument would be relevant here, as if we were to go back to the applicant and suggest they come back with a scheme reduced in scale, this will immediately impact upon viability and, as above, the housing numbers would have to be found from somewhere else.

Derby City Council's Strategic Housing Division fully supports the proposed development, which will go some way to enabling the Derby Housing Market Area to meet its Local Plan and city centre homes targets.

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### **5.17. Marketing Derby**

This letter is written in support of the application above for The Landmark, 202 residential apartments on Phoenix Street. The content has been formed following discussions between Marketing Derby and representatives from Bondholder businesses and the Economic Development Advisory Committee (EDAC) including the Cathedral Quarter BID, Knights plc, Pick Everard, Derby Cathedral, Justin Smith Architects, Smith Partnership, BB&J and Salloway Property Consultants.

#### **Introduction**

Marketing Derby is the place marketing and inward investment agency for Derby – a key partner of Derby City Council, receiving funding from 350 business Bondholders from the public, private and third sectors. Our mission is to attract investment into Derby and we strongly support the ambition to develop the city as a place fit for purpose for living, working and playing in the 21<sup>st</sup> century.

Derby City Council's corporate, regeneration, economic and planning strategies are summarised in the Local Plan Part 1 AC1 policy, which states that the "Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination."

#### **Setting the context**

The summary above ties in to Derby City Masterplan 2030, a guide put in place to direct and inform development and regeneration of Derby city centre. When launched in 2015, it was done so ahead of work expected to commence on facilities such as a new swimming pool, replacement performance venue, tendering of Becket Well as a regeneration scheme and further significant regeneration programmes.

In the three years since, there has been a distinct lack of development on any of these schemes. Combined with falling city centre footfall of 10% and significant retail and leisure closures on the high street, there is a danger that Derby city centre is beginning to struggle.

In a recent study by Centre for Cities, it was identified that the leading cities in the UK have seen substantial increases in city living with some seeing increases of as much as 150%. Derby currently sits at 32%.

The city has seen residential development in the form of office conversions, student schemes or upper floor conversions. Purpose-built residential accommodation, with the exception of Castleward has been limited to smaller developments.

Whilst all of these schemes have been successful, only Cathedral Green and Weavers Point are new, purpose-built schemes, both of which sold out before show apartments could open. We therefore lack any Build to Rent or high-density residential options. Without using brownfield city centre sites there will be increased pressure on greenbelt surrounding Derby. If government targets are not met, intervention is a very real possibility.

The City Council, businesses and the population of Derby wish to see a vibrant city centre where people can live, work and visit. In light of this, it is more important than

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ever that when an opportunity arises to permit development of 200 high-quality apartments in the city centre, we take it.

### **The proposed scheme**

The economic impact of the proposed scheme in having an additional c.300 people living in the city centre cannot be underestimated. Footfall in Derby city centre has decreased by 10% this year, having a significant impact on city centre shops, bars and restaurants. The city receives negative press for high street vacancies, anti-social behaviour and poor weekday evening footfall. This can be addressed by introducing more people to the city more often. A positive impact has been felt by businesses in the Cathedral Quarter following the opening of Cathedral Court, home to 350 University of Derby students, and this would be far greater with the opening of The Landmark, whose residents would likely have high levels of disposable income. This was evidenced by research carried out recently by This Is Money, which ranked Derby in first place for levels of disposable income in the UK.

There are significant public benefits to an influx of people populating the city centre, using existing facilities, services and retailers, which in turn will provide confidence for new businesses to enter the city and fill high street vacancies.

It is not only the private sector that would benefit economically. Even on the lowest banding, Derby City Council would receive upwards of £200,000 per year in Council Tax, with the potential of an additional £200,000 per year with the addition of New Homes bonus if appropriate. Over ten years, The Landmark would contribute £3.2million to Derby City Council.

At a time when Derby City Council is having to reduce its budget, this new, unplanned income stream could be vital for the authority. Furthermore, in addition to jobs in construction, there will be roles for management and maintenance of the building. Whilst many of these jobs would be short term, the management and maintenance jobs involved would be permanent and based on-site. To secure any jobs at all from a residential development should be a significant benefit to the scheme.

The proposed building is a Build to Rent development. This means all apartments would be owned by an institutional investor, managed by a high-quality operator and only available to rent. The idea is to provide a high-quality apartment for tenants to rent on a long-term basis. This model works successfully in cities across the UK and is aimed at those looking for a serviced apartment in the heart of a city centre. Additional facilities such as concierge services, maintenance, gyms, cinema rooms, rooms for guests and dining suites are all part of schemes such as this.

In a city like Derby, which has a significant pool of weekday contractors and young, well-paid professionals, it provides a housing option which is very appealing and a different choice from living in the surrounding towns and villages.

Major employers in the city will discuss privately that attracting prospective employees to work for them isn't difficult, however the lack of living options puts them off coming to Derby. As a result they live in surrounding towns and cities, drive to their workplace, then leave at the end of the day, spending nothing in the city. This cannot be allowed to continue if Derby is to prosper; it needs its workers, residents and visitors to use the city centre.

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The site in question is currently a surface car park on North Riverside, a part of the city which has suffered from under-investment for decades. This part of the city is suitable for taller buildings. At a proposed 17-storeys, The Landmark is a confident development that makes use of a disused brownfield site in a city centre gateway location. The site in its current use does not promote a sense of arrival in a vibrant city centre, but of arrival in a place that looks underused, underinvested and undervisited. This is an opportunity to demonstrate that Derby is an investable location that recognises the importance of preparing for the future.

It is sustainable with quick access to the A52, bus station and city centre. The developer has outlined plans for solar panels to generate electricity for the development which will cover the largest part of the scheme's roof and is investigating working with local car and e-bike share schemes. There is no docking station for the e-bikes or car share availability on that side of the river at present. A consultation event was made public and the developer has been keen to be open and transparent about its plans, with 80% of respondents approving of the building.

### **Visual impact**

Much has been made of the impact The Landmark could have on the city's heritage assets, however, we believe the arguments put forward to oppose the scheme on heritage grounds to be considerably overstated.

The Landmark is well set back from important assets such as The Silk Mill and Cathedral. The verified and extensive views analysis shows that the existing riverside apartments on Stuart Street block any views of the Silk Mill when approaching the city from the West, and have already affected the setting of the Silk Mill from the North. The monitored view from the South of the World Heritage Site shows that The Landmark cannot be seen due to buildings on Stuart Street.

The Cathedral sits on higher ground and is historically a dominant feature on the Derby skyline. However, the distance from the proposed development site sets it apart in longer views. Whilst key views of the Cathedral should be maintained, there is no policy guidance which states that the Cathedral should be the only tall feature on the city skyline.

Concerns have been raised about the impact of the scheme on the Nottingham Road Conservation Area. Whilst we recognise that The Landmark would be seen from parts of Nottingham Road in this area, this part of the city was irrevocably changed when the Inner Ring Road was constructed in 1967. The relationship between the Conservation Area and the city centre was altered in a negative sense, with most views of the city centre blocked by the road. The Inner Ring Road has a screening effect along that part of Nottingham Road.

Pedestrian access to the city centre involves dimly-lit underpasses which suffer from a lack of 24-hr footfall. The impact of 202 new apartments in the area will be to create passive surveillance of a part of the city centre that has suffered from anti-social behaviour in recent times. Residents of the Nottingham Road Conservation Area will see a noticeable improvement in safety and security in the area.

Consultees have questioned the scale and massing of the building with comments referring to the so-called bulky form and massing of The Landmark. The site is small and viability challenges mean that c.200 apartments are needed to bring the site

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forward. The developer could increase the height by another 10 storeys, although we are confident that would not be welcomed by some consultees, even if it meant reducing the mass of the smaller blocks.

Materials should be chosen that emphasise instead of apologise. Compromising on materials to try and disguise height results in buildings which are always of lesser quality than they could have been. New buildings have the potential to contrast and highlight differences in architecture, which should be encouraged.

The applicant has gone to extreme lengths to demonstrate the impact of The Landmark on key views with a detailed views analysis. It is positive to see the interaction between new and old buildings which emphasise the quality and regeneration taking place around the built environment.

Derby Civic Society has referred to views of Derby from the East painted between 200 and 500 years ago, claiming this development causes serious harm to a landscape that can still be viewed today. This is quite clearly disingenuous with the light industrial, infrastructure and office developments of the 20<sup>th</sup> century all having rendered this view obsolete. To claim that The Landmark should be prevented for affecting that view is inaccurate – the city centre is not visible enough from any publicly accessible approach from the East.

Derby Civic Society also claims that very few jobs will be created by The Landmark and this argument should be given consideration. The building is a residential scheme. In construction, many jobs will be created, but they are short-term. As a Build to Rent scheme, there will be jobs created in maintenance, management, reception and concierge roles, however the primary function of the building means that job creation is not one of its primary goals. It is about getting c.300 people living in the city, increasing footfall which encourages other investors and businesses to move into the city as they see their customers on the doorstep. These businesses are the ones which will drive job creation as a result of The Landmark being built.

### **Building for Life 12**

In our consideration of The Landmark we have assessed the scheme against Design Council Building for Life 12 standards, a government-endorsed industry standard for well-designed homes and neighbourhoods.

We believe that the scheme integrates well into the neighbourhood as a frontrunner. It reinforces existing connections with the potential to improve underpasses beneath the Inner Ring Road and stepping up from the existing Stuart Street apartments. It is close to the facilities and services offered by Derby city centre, with easy pedestrian and cycle access to Bass Recreation Ground and Darley Park. Derby Bus Station and Rail Station are both within easy walking distance whilst meeting a critical requirement for high-quality city centre living.

It is undoubtedly creating a place. It has a distinctive character, as it sits in a key gateway location and is a tall building by Derby's standards. It marks the start of several key schemes around the Inner Ring Road. It sits at a low point in the topography of the city in close proximity to the River Derwent. The layout of the scheme is very legible and will see a significant improvement at ground level for pedestrians and road users in the area with attractive landscaping to Phoenix Street.

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Finally, North Riverside is an area set to undergo significant transformation in the coming years. As a result, the public environment on Phoenix Street is likely to improve as more schemes come forward. There is sufficient car parking, with ebike and car club rental schemes expected to be part of the scheme. The Landmark will be secure and extremely well managed as a Build to Rent development. Bin layouts and locations and bike storage have also been incorporated into the design.

As a result we believe that the Building for Life 12 standards have been demonstrably considered and that The Landmark is an entirely appropriate scheme.

### **Conclusion**

It is imperative that Derby continues to introduce city living in the city centre to deliver Derby City Council's Masterplan. It improves vibrancy, brings derelict buildings and vacant land back into use and supports the city centre economy, whilst relieving pressure on green belt land. This application is also in line with Derby City Council and government policy which supports high-density, brownfield residential development.

In summary, The Landmark meets national and local policy objectives – it will create a new vibrancy in a dead part of the city centre, improving public safety. The economic benefits to the city are substantial and it will create an offer of quality, well-designed and managed apartments which are rare in the city, thus helping businesses attract and retain key staff in the city. Any impact on the setting of heritage assets which is from 2 or 3 limited, specific views only and less than substantial, is justified, bearing in mind the economic, social and regenerative benefits of the scheme, the financial benefit to Derby City Council, and the addition of 202 households into Derby city centre.

The letter from Historic England far exceeds it's brief in discussing design quality and involving previous heritage-based investments and what can be expected in the future if the scheme is approved. It talks of the scheme being "not good enough for Derby" which is totally inappropriate from an Historic England Inspector as a statutory consultee. The comments made throughout the letter are subjective opinions on visual harm. No heritage assets will be lost or damaged, and even views of these assets do not suffer substantial harm. Indeed, Historic England go so far as to recognise that the scheme will see public benefit being weighed against less than substantial harm.

As a result we would remind you that, despite the use of subjective language and inappropriate comment, the proposed scheme causes less than substantial harm to limited views of a couple of heritage assets.

However, in balance, there is significant public benefit to this scheme.

- It begins the transformation of North Riverside as a gateway destination;
- It contributes to the OCOR flood defence programme;
- It introduces high-quality accommodation to the city centre, for which there is significant demand;
- It brings c.300 residents in to use city centre facilities, supporting the local economy;

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- It will improve city centre accessibility through improved safety and passive surveillance of Derwent Street and Phoenix Street underpasses;
- It has no impact on transport or highways in the area;
- It brings sustainable design features and travel options to a neglected part of the city;
- It provides a substantial income stream to Derby City Council;
- It meets the needs of the city's employers seeking to attract and retain talent;
- It supports graduate retention from the University of Derby, which is in a period of sustained growth.

Marketing Derby urges the Planning Committee to welcome and approve this application

### **5.18. Tree Officer**

The provision of a detailed BS5837 survey and supporting documents is welcomed.

Trees within the site have limited public amenity and are managed as pollards. With the exception of T4 all trees within the site are proposed to be removed. I see no real reason why T4 should be retained. As it is managed as a pollard its continued pollarding regime would have to be continued post development. Is this likely? Its amenity could be easily replicated and surpassed by planting a replacement tree. Certainly the Liquidambars they propose to plant would provide excellent autumn colour and interest.

The proposal shows the removal of numerous trees off site. Some of these tree (G2, T2 and west most tree of G3) are on the adopted highway. Trees to the northwest (G1 and T1) of site appear to be on land that is unregistered.

The Council would usually require the asset value of trees that are removed to facilitate a private development. This would enable us to plant and manage replacement trees. In my opinion the landscape plan does not indicate that the existing green infrastructure will be replicated adequately.

They do show that G3 (Highway trees to the north) are to be retained. I do have concerns for the long term viability of these trees if they were to be retained. G3 has several Birch trees within the group. The proposed development would cast considerable shade onto these trees which are not noted to be shade tolerant. If we are minded to grant planning permission consideration must be given to replacing these trees with ones that have greater shade tolerance. Soil condition of the highway verge is likely to be poor and provision must be made for some soil amelioration.

Of note we do have a colony of rare White Letter Hairstreak Butterflies nearby. Consideration must be given to planting disease resistant Elms and companion planting adjacent to the site to try and extend the range of the butterflies.

The scheme must not result in a loss of green infrastructure and associated amenity; in order for me to support this application they must demonstrate that trees within G3

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can be successfully retained and if they cannot be successfully retained details of replacement planting and soil amelioration must be provided.

Details of trees to be planted within the public realm (to include long term management) must also be provided.

If the above are provided to satisfaction I would be in support. But without the provision of the above I object to the proposal.

### **5.19. Derbyshire Wildlife Trust:**

I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which Derby City Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

The application seeking residential development on a site currently operating as a surface car park is accompanied by an Ecological Appraisal prepared by fpcr dated July 2017.

The appraisal presents the results of an Extended Phase 1 Habitat Survey of the site completed on 3rd July 2017 which identifies the site to be dominated by hardstanding and in active use as a car park at the time of the survey.

Overall, we concur with the conclusion reached within the report that the site is of negligible ecological value and, as such, no adverse ecological impacts are anticipated as a result of the proposed development provided that the removal of amenity vegetation and trees is carried out to avoid the bird breeding season and is secured by a planning condition.

### **5.20. Police Liaison Officer:**

#### **Boundaries**

There is now a complete boundary enclosure of a 1.8m high steel railing, as shown on drawing B6176 PL 10 revP1, on the assumption that the rail will meet up with the proposed flood defence wall to the north west of the site.

This drawing does still shown sections of the wall/rail previously planned, parallel to the 1.8m metal railing, which probably needs to be clarified.

Access - Pedestrian and vehicle gating is now shown on site plans.

Lighting - There are no details of any external lighting provision

Cycle Stands - These are now shown on the site plan

Consequently the detail as far as shown would be acceptable from a community safety perspective, subject to conditions to require the exact specification of:-

- External lighting
- External boundaries
- Cycle racks
- Entry control measures for pedestrian and vehicular gates

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- Entry control for communal entrance doors.
- Details of harness securing rings at each corner of the accessible flat roof.

### **6. Relevant Policies:**

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP5	Regeneration of Communities
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP12	Centres
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP24	Transport Infrastructure
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC5	City Centre Environment
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
H13	Residential Development – General Criteria
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

*Over-arching central government guidance in the NPPF (2018) is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.*

### **7. Officer Opinion:**

#### **Key Issues:**

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

#### **7.1. Over-arching Policy Context**

#### **7.2. Heritage Assets**

#### **7.3. Socio-Economic Benefits**

#### **7.4. Design, Street Scene and Amenity**

#### **7.5. Flood Risk**

#### **7.6. Transport and Access**

#### **7.7. Other Environmental Impacts**

#### **7.8. Planning Balance**

### **7.1. Over-arching Policy Context**

This amended planning application seeks permission for the erection of 202 private rented sector apartments which will be accommodated in one building. The application also seeks permission for the erection of associated works such as car parking, servicing area, plant and landscaping.

The National Planning Policy Framework has been updated during the life of this application; the new version of the NPPF was published on 24 July 2018 and is therefore relevant in the determination of this application. Although, the applicant has not updated their Planning Statement since this date the general thrust of the NPPF remains and therefore consideration can be given to the content of the original Planning Statement.

#### **General Principles**

The site is located within the Central Business District (CBD) and the 'Riverside' character area as set out in Policy AC2. The policy is clear that within the CBD, proposals that help to promote 'City Centre Living' will be supported where it would not inhibit existing business activity or undermine the vitality and viability of the Core Area. AC2 goes further to state that development within the CBD should reflect the

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role and function of the identified character areas as identified within the policy. In this specific case, the site falls within the 'Riverside' character area. Policy AC2 acknowledges that the Riverside area consists of residential, commercial and civic uses and that the Council wishes to emphasise these existing roles by maximising the potential of the riverside. The implementation of the Our City Our River (OCOR) programme and regeneration of key riverside sites is identified as a priority. The thrust of this policy sets out the vision and aspirations for the city centre and its component areas and focuses on delivering a renaissance for the city centre and reinforcing its economic, cultural and social roles. This includes environmental improvements and taking opportunities to enhance the vibrancy of the area.

In terms of the more general planning policy principles, in particular policies CP1(a), CP2, CP3 and CP4 of the Core Strategy and policies GD5 and H13 of the CDLPR are all relevant. These are general policies which seek to ensure that a sustainable and acceptable form of development is provided and that development is appropriate in the environment in which it will sit. Policy GD5 of the CDLPR is a saved policy which seeks to ensure that the amenity of the development site and buildings and that of nearby areas is not unacceptably harmed by proposals. In this regard careful consideration should be given to the relevant heritage policies.

Particular criteria within CP3 seek to optimise development densities and seek high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character. This is extremely important given the height, mass and prominence of the proposed building. Similarly, and relevant in the context of the height of the proposed building is that Policy AC5 sets out that higher density forms of development which make efficient use of land will be supported and that support will be given to the construction of 'tall buildings' in appropriate gateway locations where these are of high quality design and do not adversely affect the setting of heritage assets and the character of the city centre. This site can certainly be considered to be a gateway location as it is highly prominent adjacent to the Inner Ring Road on the northern fringe of the city centre. Whilst the local plan considers tall buildings and gateway locations it does not state how tall a building could be.

Policy AC8 is clear that development within the defined OCOR area should not prejudice the implementation of improved and realigned defences, realigned flood conveyance corridors and other benefits associated with the OCOR programme. In addition, AC8 requires (where appropriate) development proposals within the area to implement the OCOR programme by incorporating the required defences into the design of proposals and through the provision of the new defences, where necessary to facilitate development. AC8 goes further to ensure that access to and maintenance of the new defences can be secured to ensure that all new defences are sympathetically designed taking account of the visual and historic sensitivity of the river corridor. As the Council is currently reviewing the alignment of the consented OCOR flood defences on the Riverside the applicant has agreed to safeguard the land currently required along with providing a financial contribution towards their delivery.

In addition to OCOR considerations, the requirements of Policy AC2 are relevant in relation to issues associated with climate change, specifically sustainable design and construction and flood risk and water management. In areas of flood risk such as the

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application site, AC2 requires the application of a sequential approach to site selection to ensure that development is directed to areas of lowest flood risk. This issue is discussed in more detail in Section 7.5 of this report.

Policy CP3 seeks to raise the overall design standard of the city, particularly in the City Centre. CP3 sets out a series of nine 'placemaking principles' that proposals should seek to address, including principles related to density, character, amenity, sustainability, community, streets and spaces, heritage, natural environment and maintenance and management. The supporting text goes on to recommend that residential proposals have regard to 'Building For Life 12' principles and recommends its use as a tool to demonstrate compliance with the Council's own placemaking principles, whilst the policy also recommends the use of independent design review. The applicant has not provided a Building for Life 12 assessment.

Policy CP3 also seeks to encourage the incorporation of public art, particularly in highly visible/prominent locations. It has been agreed with the applicant that the provision of public art can be secured through a specific landscaping and public art condition.

Policy CP4 expects all new development to make a positive contribution towards the character, distinctiveness and identify of our neighbourhoods and identifies a range of factors to be assessed, including but not exclusively, density, layout, form, scale, height and massing. CP4 requires all proposals to be informed by context appraisal and commits the Council to giving 'particular scrutiny' to proposals for 'tall' development. The supporting text of the policy defines 'tall' in the context of the City Centre as any development over 20 metres in height. In carrying out this assessment the applicant has used the Council's 3D model and provided a variety of short and long range views of the proposal in context along with a 3D flythrough. It is disappointing to see that the 3D fly-through is not within context e.g. at pedestrian level but provided from a birds eye view. Policy CP4 will be considered in more detail in Section 7.4 of this report.

Although Policy AC5 supports the construction of 'tall' buildings in appropriate gateway locations in the City Centre, these must be of a high quality design and should not affect the setting of heritage assets and the character of the City Centre. The Darwin Loop and Derwent Street underpass areas are identified as 'gateway' locations and thus this location can be considered a gateway location. Whilst a building of this height could announce your arrival into the City Centre its impact must be weighed in the balance of other policy requirements.

As already, noted the site of the proposal is in a sensitive location, in close proximity to the Derwent Valley Mills World Heritage Site and associated buffer zone, a number of locally listed buildings and conservation areas. The development site is not itself in a conservation area, the height and scale of the building requires that the Conservation Area and Listed Building policies are relevant. CDLPR Saved Policies E18 and E19 require that planning permission will not be granted for development which would be detrimental to the special character of Conservation Areas, views into and out of, or the special architectural or historic interest of statutory listed buildings. Consideration will also be given to buildings on the Council's local list in this regard.

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There are also a number of Local Plan designations in close proximity of the site, including the Derwent Valley Mills World Heritage Site and associated buffer zone with the River Derwent to the west and south along with associated areas of open space. The site also falls within the safeguarded area around aerodromes (associated with East Midlands Airport) and there a number of locally listed buildings in close proximity including the TA Centre and Compton House with the Nottingham Road Conservation Area lying 40 metres to the west. The City Centre Conservation Area is located to the west of the site along with a number of Listed Buildings including the Magistrates Court, Silk Mill and the Cathedral.

Policy CP20 provides the overall policy framework for the consideration of proposals which have the potential to impact upon the significance of heritage assets. CP20 requires such proposals to submit a statement of significance and impact assessment in order to understand that impacts are fully understood. Such proposals are also expected to be of the highest design quality to preserve and enhance the special character and significance of heritage assets, through appropriate siting, alignment, use of materials, mass and scale. The applicant has submitted and duly amended the Integrated Visual Assessment which considers the historical context of the application site.

Policy AC9 specifically relates to the Derwent Valley Mills World Heritage Site. Whilst not within the defined World Heritage Site or the associated buffer zone (which terminates at Exeter Bridge), the provisions of AC9 are relevant in consideration of this proposal due to its scale. The Council is committed to preserving, protecting and enhancing the special character, appearance and distinctiveness of the area and recognises its Outstanding Universal Value (OUV). Criteria (c) of AC9 specifically states that the Council will only approve proposals for development outside the World Heritage Site, including sites within the World Heritage Site buffer zone, if they do not have an adverse effect upon the OUV of the World Heritage Site or its setting, including specific monitored views into and out of the site. Heritage issues are discussed in more detail in section 7.2 of this report.

Consideration must also be given to below ground archaeology as the application site is located within an Archaeological Alert Area, policies E21 and CP20 are therefore relevant in this regard. These policies set out specific requirements for considering development proposals in such locations which seeks to ensure that important archaeological sites are not adversely affected. I note the applicant has submitted and amended their Archaeological Assessment.

Policy CP23 seeks to ensure that people living, working and travelling within Derby have viable travel choices and effective, efficient and sustainable transport networks which meet the needs of residents and businesses while supporting sustainable economic growth and competitiveness. More specifically, CP23 seeks to ensure that proposals do not cause or exacerbate severe transport problems, including unacceptable impacts on congestion, road safety, access and air quality. Highways and transportation impacts are discussed in section 7.6 of this report.

### **Residential Uses and Housing Supply**

The principle of residential development in this location is welcomed as it would provide a regeneration opportunity within the Riverside area and remove a surface car park adding interest to the area and increased footfall. Furthermore, the principle

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would be consistent with the aims and objectives of the DCLP1 which seeks to deliver a minimum of 2,200 new residential units within the CBD during this plan period (2011 - 2028), as a component part of delivering new homes in the City as a whole, contributing to meeting the City's objectively assessed needs of over 16,000. It is notable that over 5,000 dwellings of Derby's housing needs have been exported to be met in Amber Valley and South Derbyshire as part of a joined up, strategic approach to meeting housing needs. The vast majority of the sites in South Derbyshire and Amber Valley will be peripheral to the city and greenfield. It is therefore extremely important that we take opportunities to maximise the use of brownfield sites within the city and to ensure that those sites are developed efficiently by seeking appropriate densities. The Local Plan specifically identifies the CBD, including the Riverside area as appropriate locations for residential development, in principle which aligns with the requirements of Section 5 of the NPPF.

The NPPF, under Section 11, provides a clear focus on the need to make effective use of land in meeting the need for new homes. It specifically states that 'substantial weight' should be given to the value of using suitable brownfield land within settlements for homes and where there is a shortage of land to meet needs (as is the case in Derby), decisions should avoid homes being built at low densities in order to optimise the potential of sites. This is a clear indication of the Government's aspiration to drive up densities on sustainable brownfield sites such as the site in question.

It is important to remember that the Council has an overall housing target to deliver 11,000 and those brownfield sites that are refused planning permission or are not effectively using the land available and whose housing densities are low will ultimately require the Council to consider the release of more sensitive or less preferable sites such as greenfield, green wedge or even green belt land in order to deliver the required and much needed housing. It is a paradox but in sustainability terms sites like this one must be pursued for high density living. But this position must be weighed in the balance of the requirements of other policy tests and policy as set out in the NPPF. It is therefore a case of considering whether the proposal accords with the development plan when read as a whole.

Policy H13 (Residential Development – General Criteria) is a saved CDLPR policy and should be considered in terms of the consistency of the proposal with each of the criteria. Members should be satisfied that a high quality living environment can be formed, particularly in terms of the layout of buildings and open spaces.

The Council's objective is to deliver significant growth in housing, business and other priority uses in the most sustainable way possible. Much of the housing needs are being delivered on medium density sites, however due to the need to regenerate and make efficient use of land, and to ensure viability in development, the City Centre is an area where higher densities should be sought. Policy H13b states that the minimum density is 35 dwellings per hectare but in the City Centre we will seek higher densities which are in accordance with the NPPF. However, this needs to be balanced in the equally important context of the need to consider the character of the city centre and the potential adverse impacts of that tall buildings may have, particularly on the historic environment.

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There can be a role for tall buildings to contribute to this growth where they are the appropriate response to the overall context of the City's townscape and urban character and do not detrimentally affect the setting of designated heritage assets.

### **Infrastructure**

Policy MH1 (Making it Happen) is the new policy in the Core Strategy which sets out requirements for appropriate supporting infrastructure to be provided with new development. The policy seeks to ensure that the necessary infrastructure is provided to support new developments. MH1 sets out the tools available to the Local Planning Authority to implement this policy which includes the imposition of planning conditions and securing developer contributions, amongst others. The section 106 relating to this application is set out in Section 8 of this report.

### **Policy Context Conclusions**

The principle of redevelopment this site for residential purposes is welcomed. It would regenerate an under used area of land that resides in a sustainable location. In addition, the proposal would assist in regenerating the wider Riverside area.

The proposed residential units would meet the aspirations for city living and increase activity in this area of the city which is currently under used. The proposal would seek to meet the housing needs. The site is well located to all modes of transport and is close proximity of walking and cycle links.

Matters such as height, scale, massing and design of the building in the context of local and national policy and the historic environment including the world heritage site, conservation areas and listed buildings which are all in close proximity of the site will be considered in detail within this appraisal. A building of this scale and its associated impact must be carefully considered and the strong objections from consultees taken into consideration. This impact and the public benefits arising from the proposal must then be weighed in the planning balance.

The proposal has the potential to meet several of the Council's policy objectives including contributing to regeneration, meeting some of Derby's housing needs and delivering city centre living. However in doing so would erode the historical context and setting of a wide range of designated heritage assets as a result of the proposals scale, mass and bulk.

The NPPF states "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)". The three strands of sustainable development are environmental, social and economic and are discussed and considered throughout this report.

When considering the socio-economic benefits arising from the proposal if you consider that these do not outweigh the harm created then planning permission must be refused.

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### **7.2. Heritage Assets**

Whilst I accept there are no Statutory Listed or Locally Listed Buildings within the application site and the site is not located within a Conservation Area the application site is located in a sensitive area. By virtue of the proposals scale and height the application is considered to have an impact on the Derby skyline and thus a number of heritage assets that reside within the sites context, this includes but is not exclusive to:

- Derwent Valley Mills World Heritage Site and associated buffer zone,
- Nottingham Road Conservation Area
- City Centre Conservation Area
- Grade I Cathedral Church of All Saints
- Grade II\* Roman Catholic Church of St Mary
- Grade II\* St Marys Bridge
- Grade I Chapel of St Mary on the Bridge
- Grade II St Mary's Bridge House
- Grade II Silk Mill Industrial Museum
- Grade I Bakewell Gates
- Grade II Magistrates Court
- Grade I St Helens House,
- Grade II Town and Goods Shed (Mansfield Road)
- Grade II Church House, Queen Street
- Grade II Old Dolphin Public House
- Grade II 1 & 3 College Place
- and the TA Centre, Council House, Compton House, Exeter Arms Public House and Exeter House which are all locally listed buildings.

The applicant has submitted an Integrated Visual Assessment, (Townscape, Heritage and Visual) which has been the subject of various amendments/updates. The assessment has sought to provide an assessment of the proposal and its relationship with the aforementioned heritage assets in accordance with the requirements of para. 189 of the NPPF. The applicant has submitted a number of views using the Council's 3D Model along with photo montages of the proposed development. The applicant has also submitted a 3D flythrough, although I have expressed concerns with regards to flythrough as it is provided from a bird's eye view perspective and not from the pedestrian viewpoint, as requested. The applicant has considered this point and has made the following comment *"...I understand the point you are making. However, given the timescale available and significant cost we cannot provide an alternative. Notwithstanding, the 3D model does work well in providing an understanding of the scheme and was well received in the public consultation."*

Whilst I appreciate the viability concerns the applicant has raised I remain of the opinion that the 3D flythrough in its current form does not provide a true perspective of the pedestrian experience of the proposal. Furthermore, the flythrough fails to detail the relationship created with the aforementioned assets. However, I note we have a range of views that have been considered and will be discussed within this report. I am of the opinion that providing a 3D model/flythrough does show the entire experience of a proposal as very rarely is development experienced in still, as per the views, or from the air, as per the submitted model. In addition the flythrough fails to

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provide any real context to the location or identify the key heritage assets that surround it.

The Integrated Visual Assessment considers the historical context of the application site, the aforementioned heritage assets, the local context and provides a massing analysis of the proposed development in this context. Colleagues have requested additional viewpoints through the life of the application in order to assist with their assessment. These have been provided by the applicant. The assessment considers the significance of the heritage asset, the attributes of setting contributing to significance from the application site and the attributes of dynamic experience of the asset contributing to significance along with providing details of their methodology, relevant legislation and guidance and visual assessment. Whilst consideration has been given to the NPPF this section has not been updated to reflect the new NPPF (2018). The assessment does not provide a summary of the public benefits arising from the proposed development, as outlined in the NPPF policy test. Although, I note the applicant has submitted a Statement of Development Benefits, dated November 2018.

Over recent years the application site has been used as a surface car park and historically the site accommodated housing and former factory buildings which appear to have been demolished in order to facilitate St Alkmund's Way. Whilst the site forms part of the OCOR planning application, in which it is identified as a development opportunity there have been no detailed applications on this site. However, in principle the re-development of this site is acceptable and would provide an opportunity for the regeneration of the Riverside area. Whilst the consultation responses largely support the re-development of the site they have raised objection to the development in its current form raising specific objection to the proposals scale, massing, design, external appearance and height.

The full comments of Historic England, the Conservation Area Advisory Committee, the Council's Built Environment Officer along with the Derwent Valley Mills Heritage Site Partnership and amenity societies including the Twentieth Century Society, the Victorian Society, Derby Civic Society and the Derbyshire Archaeological Society can be read in full in Section 5 of this report. These comments are the most recent of the consultees and reflect the amendments made to the applications supporting information.

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 application site is not located within a Conservation Area, although members will note that some consultees have referenced Section 72(1).

Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be less than substantial. Most recently the Secretary of States consideration of the Planning

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Inspectorates decision for the erection of 220 residential units within a building also constructed with a tower in Croydon (Appeal Reference APP/L5240/V/17/3174139).

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3174139>

The proposal must also be considered under the Local Plan – Part 1 (DCLP) policies and those saved Local Plan Review (CDLPR) policies which are still relevant.

The Local Plan – Part 1 policy CP20 seeks to protect and enhance the city’s historic environment, including listed buildings and Conservation Areas. CP20(c) requires development proposals which impact on the city’s heritage assets to be of the highest design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale.

Saved CDLPR policies E18 and E19 for the preservation and enhancement of Conservation Areas and buildings of historic importance continue to complement the new policy CP20.

Under saved CDLPR policy E19 proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

In term of general design principles, Local Plan – Part 1 policies CP2, CP3 and CP4 are relevant and saved policy GD5 of the adopted CDLPR are also applicable. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. Saved policy GD5 is intended to protect the overall amenity of occupiers of nearby properties from unacceptable harm.

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 192 of the NPPF states that, in determining applications, local planning authorities should take account of:

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation heritage assets can make to sustainable communities including their economic viability; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where proposals “... 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.”

Guidance in the NPPF provides that proposed developments involving substantial harm to (or total loss of a significance of) a designated heritage assets planning permission should be refused. 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 criteria set out in paragraph 195 applies.

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Where the harm to the designated asset is considered to be less than substantial, as is considered to be the case with this proposal, paragraph 196 of the NPPF provides that the “harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

Paragraph 197 of the NPPF also requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance.

The proposed development has been subject to a 3D view analysis as set out within the Integrated Visual Assessment. The analysis considers the setting of the aforementioned heritage assets and has been robustly considered within the detailed responses from consultees. The photographs have been taken at between 1.5 - 1.7 metres from ground level with a 50mm lens with the proposal superimposed into the picture. There are concerns that the views are not verified.

The Supplement to the Integrated Townscape, Heritage and Visual Assessment concludes “... *it is clear from the assessment of the additional views that the proposed development will result in some adverse effects to some townscape views and to the setting of some heritage assets which have not been previously identified, most visual effects are modest.*” The assessment further concludes “*It is our view that although the proposed development will lead to visual change, within this generally environmentally degraded area of Derby, the heritage and townscape impacts result in generally neutral or minimal adverse effects with only a limited number of views/settings being changed significantly.*”

The assessment, as supplemented, considers the site and its surrounding context providing a narrative to each of the named heritage assets along with a summary of the impact and effect created. The assessment also provides a series of views and photo montages. Although, the quality of the pictures along with their locations has been raised during the consultation process including from the Council’s Urban Designer who states “*The viewpoints given are not explained in terms of verification process and there are concerns as the accuracy of the representations.*”

The Derwent Valley Mills Heritage Site and its associated buffer zone (DVMWHS) is located to the north-west of the application site. The applicant, as advised, has considered the monitored views of the DVMWHS and has also provided further visualisations showing the context of the WHS along with key heritage assets in this locality including the Silk Mill, St Marys Bridge, Chapel of St Marys on the Bridge and St Mary’s Bridge House. To the east of the application site is the Nottingham Road Conservation Area and to the west is the city’s historic core which is home to majority of the aforementioned heritage assets.

Whilst consultees accept that some erosion of the setting of the city’s heritage assets has already taken place this does not set a precedent for further erosion. Historic England state “*These heritage assets are integral to Derby’s identity and character. They form a key part of what makes Derby an attractive city to work and invest in, as well as to visit. Quite rightly images of the historic environment are prominently used in marketing Derby.*”

The World Heritage Site panel remain of the opinion that the proposal would erode the setting of the DVMWHS and whilst they accept some erosion has already taken place following the completion of Jury’s Inn and the Stuart Street apartments the

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proposal would further erode the setting of the DVMWHS and detrimentally affect its setting and the setting of designated heritage assets within it.

Government guidance '*Conserving and enhancing the historic environment*' (paragraph: 032 Reference ID: 2a-032-20140306) states "...that planning authorities should satisfy the following principle: protecting a World Heritage Site from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect. The new development marks a further step-change in the skyline and will have a cumulative impact on the setting of the Silk Mill." The panel have concluded that whilst some erosion, from previously accepted development, has already taken place it is likely that the proposal by virtue of its scale and height would represent a cumulative threat to the setting of the Silk Mill, southern entrance to the World Heritage Site, Grade II\* St Marys Bridge, Grade I Chapel of St Mary on the Bridge, Grade II St Mary's Bridge House.

In considering the DVMWHS consideration must also be given to the Grade II Silk Mill and Bakewell Gates, Grade II St Mary's Bridge House, Grade II\* St Mary's Bridge, Grade I St Mary's Bridge Chapel which all reside within the designation and to a lesser degree the Little Chester Conservation Area. The impact of the proposal on these designated heritage assets is a direct result of the proposals scale. The development clearly sits above its context and as a result of its wide form appears inelegant on the skyline, directly impacting on the setting of and views from and to these assets resulting in less than substantial harm. The proposal would have an impact on the experience of these properties as you consider their context, views from and views to the heritage assets by virtue of the scale and height of the proposed development.

It is accepted that in the short range views the proposal is visible, albeit, barely however this robust assessment is not just considering the short range views but those longer range views in which the proposal dominates and overbears these heritage assets. For example when considering the proposal from the Bonnie Price statue (View 1) in the supplement assessment, the proposed development just stands above the Stuart Street Apartments. A similar reduced impact is shown from the Old Dolphin Public House (View 2), Cathedral Green (View 3) and Exeter Bridge (View 4). However when considering the views from slightly further the proposal dominates the skyline and blocks views as experienced in View 5 from the Peacock Public House, View 6 from Holmes Bridge, View 9 St Mary's Bridge and View 10 Old Nottingham Road. I would conclude the biggest impact of the proposal is appreciated on approaches to the city from the north, east and south east. Impacts from the west are only lessened as a result of a change in land levels.

The Nottingham Road Conservation Area is located to the east of the application site and whilst I appreciate the application site and the Conservation Area is separated by the elevated public highway due to the substantial scale of the proposal development, it is my opinion, which is echoed by consultees, that there would be an impact on its character. The land level changes in this locality also mean that whilst the public highway is elevated when viewed from Derwent Street it almost runs level with Nottingham Road and the Conservation Area – thus from the Nottingham Road Conservation Area it does not act as a visual barrier. The applicant has submitted views from the Nottingham Road Conservation Area, View 5 in the supplement

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shows the dominating impact the proposal would have on the setting of the Conservation Area and the intrusion it would have on the relationship of the Conservation Area with the wider City Centre, Cathedral and the Derby Skyline. This impact is also worsened by the close proximity of the proposal some 40 metres away and emphasised by the overall scale of the proposal from this perspective which would create a barrier to the city and the setting of heritage assets.

The updated views are clearer and show that the proposal would, in our opinion, have a detrimental impact on the setting of the Nottingham Road Conservation Area whereas the applicant's submission suggests this impact would be a 'moderate adverse' impact.

To the west of the application site is the historic core of the City which is occupied by the Grade I Cathedral, Grade II Church House and Grade II 1 Queen Street, Grade II Old Dolphin Public House and Grade II 1 & 3 College. These assets are located in an elevated position along the historic ridge of the city centre which is considered to run along Iron Gate. For similar reasons as previously mentioned the proposal would have an impact on the setting of these heritage assets particularly as you approach the city from the north along Mansfield Road. It would also have an impact on the city skyline from the city wide views detracting from and competing with the historic core of the city and particularly the Cathedral as shown from the Old Nottingham Road and Nottingham Road Cemetery view points along with the views from Holmes Bridge.

The submitted viewpoints show that the proposal does have a relationship with all the aforementioned heritage assets, albeit to varying degrees as a result of the scale and bulk of the proposal. The proposal does in the majority of viewpoints dominate the skyline detracting from the setting of heritage assets. As such the proposal would be experienced in the setting of the aforementioned heritage assets which I feel would be to their detriment.

As you will note from Section 5 of this report the application, along with the supplementary information, has not been well received by colleagues from Historic England, Derwent Valley Mills Heritage Panel, Conservation Area Advisory Committee, Built Environment Officer along with the amenities societies including Twentieth Century Society, the Victorian Society, Derby Civic Society and the Derbyshire Archaeological Society. In fact, all parties strongly object to the proposal as they conclude that the impact of the proposed development as a result of its scale, height, bulk, mass and external appearance would dominate and detract from the setting of the aforementioned heritage assets.

The Derwent Valley Mills Heritage Partnership have considered the proposed development along with the supplementary information and "*...object to the proposed development in view of its negative visual impact and consequently its harm on the OUV (Outstanding Universal Value) of the DVMWHS.*" Whilst they accept some erosion on the setting of the World Heritage Site (WHS) has taken place the proposal would significantly alter the appreciation of the WHS and dominate the skyline.

Historic England conclusively object to the proposal stating "*...the proposed development is too tall and bulky for its context and is of very poor design quality. In our view, the proposal would be an inelegant and overbearing development, the*

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*tallest in Derby. It would be neither locally distinctive nor innovative and would have a significant negative impact on the skyline of the historic core of Derby City Centre. It would not enhance the image of the city. Its monolithic scale would create an intrusive visual presence when viewed in approaches to the heart of the city and the City Centre conservation area. The proposed development would compete with the dominance of the Cathedral Tower on the skyline, both when viewed from within the city centre and in wider views and historic approaches into the city."*

The Conservation Area Advisory Committee have reviewed the supplementary information and also note the flythrough however they consider that the additional views identified "...from Nottingham Road, only reinforced their fears about the scheme's skyline impact." and reiterated their initial concerns and objections to the proposal stating that the development would have detrimental impact on the City's heritage and townscape.

The Victorian Society has commented on the impacts of the proposal but also its design stating that *"Given its height and prominence, it is very concerning that the design of the building is so poor. Bland, over-scaled, and repetitious, these qualities will be exacerbated further by the choice of materiality, which is completely at odds with the materials palette of the surrounding built environment. Somewhat perversely, its contrasting form and character to the surrounding built environment is recognised without analysis within the scheme submission, and celebrated in the building's name, 'The Landmark', without further justification offered for these design choices."*

They further conclude that the proposal fails to give clear and convincing justification for the necessity of the any harm.

The Twentieth Century Society has also expressed its objection to the proposed development noting the extreme sensitive nature of the applications location echoing the comments of both Historic England and the Victorian Society who have raised concerns about the impact on the Derby's city centre.

Derby Civic Society has considered the proposal in respect of the impact on the designated heritage assets but weighing in the balance other considerations which include employment, quality of life although they conclude that *"... the proposed building to have merit neither in height nor massing, nor design, and consider that if built, it would cause irreversible harm upon both the adjacent conservation areas and also upon the heritage assets surrounding it."*

The Derbyshire Archaeological Society has expressed its *strong* objection to the proposal. Whilst its members are not objecting to the principle of re-developing the site they consider that any proposed scheme should be sympathetic to its context stating that the development *"...however takes no account of Derby's character, its international importance as part of the DMVWHS, and its considerable heritage assets. However, the proposed building is too dominant in scale and mass and unsympathetic in building materials."*

Colleagues in the Built Environment Team also share the objections of other heritage consultees in that the proposal would have a *"...seriously harmful impact on the Outstanding Universal Value of a number of designated heritage assets such as the Derwent Valley Mills World Heritage Site, harmful impact upon the significance of a number of other heritage assets (which includes their settings) including listed*

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*buildings which are Nationally Important buildings which are grade I, II\* and II as well as the city skyline as a whole, the Nottingham Road Conservation Area, City Centre Conservation Area and heritage assets such as locally listed buildings”.*

As previously discussed, the application is accompanied by a suite of supporting information that has been updated throughout the life of the application which has been duly considered by the consultees. However the applicant has failed, through the life of the application, to satisfactorily address the concerns that have been raised. In fact, the information submitted has reinforced the concerns and objections raised by the consultees. Furthermore, the submission of the fly-through and additional views has only sought to fortify and reinforce consultees concerns and in part the submission has underplayed the impact of the proposal on heritage assets.

As a result of the conclusively negative comments from these consultees and the clear policy position as set out in the NPPF I conclude that the proposal would result in ‘less than substantial harm’ to the setting of the Derwent Valley Mills World Heritage Site and associated buffer zone, Nottingham Road and City Centre Conservation Areas, the Grade I Cathedral, Grade II Silk Mill and Bakewell Gates, Grade II Magistrates Court, Grade II St Mary’s Bridge House, Grade II\* St Mary’s Bridge, Grade I St Mary’s Bridge Chapel, Grade II\* St Mary’s Church, Grade I St Helens House, Grade II Town and Goods Shed, Grade II Church House and Grade II Queen Street, Grade II Old Dolphin Public House, Grade II 1 & 3 College and the TA Centre, Council House, Compton House, Exeter Arms Public House and Exeter House along with the wider townscape

In the context of paragraph 196 of the NPPF, as previously included for members reference, the public benefits of the proposal, that need to be weighed against the harm as identified above (this being less than substantial harm) to the setting of the extensive list of designated heritage assets which includes a world heritage site, conservation areas, listed buildings and locally listed buildings are summarised within Section 7.3 of this report.

### **7.3. Socio-Economic Benefits**

Skylines are the shorthand of urban identity, and the chance of urban flourish. Cities of all descriptions and periods rise aloft distinctive landmarks, to celebrate faith and power and special achievement. These landmarks focus city forms and highlight city portraits. In fact, a distinctive and attractive skyline is frequently used for the presentation of a city to the outside world, and plays an important role in city marketing and branding. Vantage points, or viewing balconies, from where a particular skyline can be appreciated, and distinctive landmark structures are often an important tourism focus, and as such foster the local economy.

Such opportunities along with the wider public benefits that are attributed to development proposal can be weighed in the balance of the harm they created, as set out in paragraph 196 of the NPPF.

Whilst the application has attracted strong objection from heritage consultees it has also attracted strong support from Marketing Derby, Housing Strategy, Regeneration and a resident of Derby. I also note the proposed development was welcomed during their community engagement exhibition with 83% of the 64 attendees that the

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proposal represented significant benefits to kick starting regeneration, providing a range of residential opportunities in the city centre and increasing activity, amongst other elements.

The determination of this application is therefore not solely concerned with the negative impacts it would have on heritage assets but also the benefits it would bring to this site, the city as a whole and all the regeneration opportunities it would attract.

The applicant has submitted, in accordance with paragraph 196 of the NPPF, a summary of the public benefits arising from the proposed development. These are considered, by the applicant, to be:

- **Redevelopment of a Brownfield Site** – In keeping with the guidance in the NPPF and Local Plan this development will regenerate a brownfield site in a gateway location, bringing it back into productive use.
- **Private Rented Sector (PRS) in Derby** – Delivery of the first PRS development in Derby. Providing high quality accommodation to bringing 500+ young professionals in to the city centre.
- **A Deliverable Scheme** – With a PRS Asset Manager on-board the scheme is viable, fundable and deliverable within 2/3 years.
- **A Significant Contribution towards Derby's Housing Requirement** - 201 residential apartments represents over 9% of Derby City Centre's housing target.
- **Employment Opportunities** – 900 construction jobs and approximately 10 new permanent roles.
- **Economic Impact** – £68m of additional economic activity in Derby. The demographic for the PRS market is largely professionals and they will be shopping, eating, drinking and socialising in the city.
- **High Quality Design and Public Realm** – This landmark building would deliver landscaping and public realm improvements in North Riverside.
- **Sustainable Design and Sustainable Travel** – The proposal maximises opportunities for low carbon with PV cells on the roof and encourages sustainable travel.
- **North Riverside Regeneration** – Landmark development of a gateway site that will kick-start the regeneration of North Riverside.
- **OCOR Flood Defence** – Contribution of £180,000 toward the delivery of the OCOR flood attenuation scheme.
- **Public Support** – 80% of consultee respondents expressed support for the scheme at the Pre-application Public Consultation.
- **Council Tax and New Homes Bonus** – Marketing Derby estimate the proposed development will deliver New Homes Bonus payments annually of £200,000 in addition to council tax payments of over £200,000 per annum to Derby City Council.

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The submitted Statement of Development Benefits expands the above points and states that “... *the socio-economic and wider public benefits associated with the proposal are substantial and considerably outweigh any harm caused by the proposed development...*” and that “...*the proposal meets multiple policy objectives including contributing to regeneration of a brownfield site, delivering ‘city living’ and meeting some of Derby’s housing needs...*”

Colleagues, in Strategic Housing and Regeneration, along with Marketing Derby have provided more detailed commentary on the public benefits arising from the proposal and centre their support for the proposal around the delivery of economic, social and environmental benefits.

It is appreciated that the proposal would satisfy certain local and national planning policy criteria. Policy AC1 states “*The Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.*” With the benefits outlined it is accepted that the proposal would assist in meeting the objectives of this policy through increasing footfall. Derby has reportedly seen a 10% reduction in footfall over the past 12 months. It is evident that the city centre has struggled over recent with stores and leisure uses closing and the injection of over 200 residential units, aimed at providing living accommodation for young professionals who are, generally, known to have greater disposable income are therefore highly likely to spend in the city centre would assist with rejuvenating the city centre thus meeting the aspirations of this policy, the City Centre Masterplan 2030 and the City Centre Regeneration Framework.

The applicant has stated that the proposal has the potential to generate £68.2 million in economic activity however it is unclear how this will be generated or over what period with the applicant only stating “*The demographic for the PRS market is largely professionals and they will be shopping, eating, drinking and socialising in the city.*” Expanding further to say that the development could hold a population of 350 people creating a potential cumulative disposal income of £490,000 per month based on a recent study by finder.com which found Derby residents have over £1,400 per month to spend after out goings.

The proposal would also assist in the creation of jobs through construction and also through the management and maintenance of the development. The applicant has confirmed that “*The construction of homes is estimated to create 1.5 full time construction jobs per dwelling built, with twice that number of jobs created in the supply chain. The proposed development therefore has the potential to create up to 303 construction jobs and 606 jobs in the supply chain.*” Marketing Derby has confirmed that “*To secure any jobs at all from a residential development should be a significant benefit to the scheme.*”

The key benefit is, in my opinion, the creation of housing in the City Centre. This clearly satisfies a number of Council objectives and policies and through its creation would bring with it economic and social benefits that would clearly assist the city as a whole, as outlined above and in the detailed comments of consultees.

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Colleagues in Strategic Housing consider that the socio-economic benefits of the proposal would outweigh the harm created. They have considered the proposal in respect of planning policy and consider that it satisfies policies AC8, AC7, AC1 and CP6 and the National Planning Policy Framework along with the City Centre Masterplan which focuses on increasing the opportunities for City Centre Living. Strategic Housing clearly see the wider issues of delivering city centre development as they note *“Derby city centre land values are just not stacking up against other areas of the country, which is creating major viability challenges for the city’s key regeneration sites – OCOR, Castleward, DRI, Becketwell, the list goes on – and by encouraging (i) more city centre living and (i) more Grade A office space (admittedly not necessarily related) this will help to increase land values and help with the viability of individual sites.”* They conclude with offering their full support to the scheme.

Colleagues in Regeneration also offer their full support to the proposed development as the scheme would contribute towards delivering sustainable growth on a key site in the city’s centre. They conclude:

- *“It will provide 202 managed Private Rented Sector residential apartments on a 0.29 ha city centre site bringing much needed new affordable and private rental housing into the city centre. The proposals are a catalyst for regenerating a long neglected brownfield site in the city centre masterplan area.*
- *The existence and occupation of the proposed modern tall building in this city centre location will contribute positively to the vitality of the area and to that of the city centre itself.*
- *The location of the development with low car parking provision, accessible by a range of sustainable travel modes and within walking distance of the city centre, results in a sustainable development.*
- *It supports the regeneration aims outlined in national and local policy through the provision of new housing in a highly sustainable location that is consistent with the physical regeneration objectives for the Our City Our River area.*
- *The proposal will make a significant contribution to the city centre economy through increased spend consequential of the increase in the number of people living in the city centre. Based on the applicants planning statement, it is estimated the proposed development will contribute £68million in economic activity and 900 new construction jobs.*
- *The proposal facilitates the first phase of regeneration for the Derby Riverside area, being a key investment for the city identified within the City Centre Masterplan 2030 and the City Centre Regeneration Framework. In particular, the proposed development will deliver a landmark building and will help to kick-start the regeneration of the Derby Riverside Area.”*

Marketing Derby (MD) has also offered their detailed support to the proposal, a set out above. They offer an alternative view point to other consultees as they market the city and try and attract new investment. They consider it is *“... imperative that Derby continues to introduce city living in the city centre to deliver Derby City Council’s Masterplan. It improves vibrancy, brings derelict buildings and vacant land back into*

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*use and supports the city centre economy...*” They have also considered the impact of the proposal as considered by heritage consultees and remind the decision maker that “...*there is no policy guidance which states that the Cathedral should be the only tall feature on the city skyline.*” They have also sought to promote this scheme along with its benefits and address the negativity of other consultation responses.

Taking into consideration the submission made by the applicant along with the detailed comments made by consultees the public benefits of the scheme are considered to be as follows:

- Re –development of a brownfield site
- Delivery of much needed housing
- An alternative tenure of residential accommodation (PRS is aimed at young professionals)
- Deliverable scheme
- Employment opportunities
- Sustainable development in a sustainable location
- Potential to kick-start re-development on the North Riverside
- Contribution towards the Our City Our River Flood Defence Scheme
- Economic Benefits – council tax, increased spending and footfall in the City Centre
- Improve city centre accessibility and safety within the Derwent Street and Phoenix Street area through natural surveillance
- No impact on highways or transport
- Meets the needs of the city’s employers seeking to retain and attract employers
- Support graduate retention from the University
- Meets certain local and national planning policy criteria

The scheme also includes sprinklers and photovoltaic panels at roof level however the applicant has not raised these as a public benefit.

The decision maker therefore has to weigh in the balance these socio-economic benefits with the harm the proposed development would have on the designated and non-designated heritage assets.

### **7.4. Design, Street Scene and Amenity**

When considering the design of the proposal it is necessary to have regard to and give weight to the provisions of Policy CP3 (Placemaking Principles) and CP4 (Character and Context) in the adopted DCLP.

The proposed development has been assessed within the submitted Integrated Heritage, Townscape and Visual Impact Assessment. The submitted assessment, as amended, provides a visual analysis of the proposed scheme within its immediate and wider context.

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The proposed development comprises a single building; incorporating a 17 storey tower and shoulder element set around a U shaped footprint. The development proposes two entrances, the main entrance to the north of the car park which also provides access to the lounge and concierge. The entrance the south of the development is clearly secondary providing access to the associated stairwell and plant rooms. The entrance(s) are delineated by areas of glazing and linked by a pedestrian walkway through the car park.

Given the location of the proposal and its height, the scheme has been designed to ensure activity on all elevations, as all elevations would announce themselves to the surrounding area. The applicant has also given consideration to materials and elevational treatment to ensure there is interest across the elevations.

The overall height, scale and mass of the development has been scrutinised during the determination of this application as clearly set out within the majority of the consultation responses. The Design and Access Statement (DAS) in Section 5 provides details of the design evolution of the scheme. It also provides a rationale and commentary to the design changes and justification for why they have been discounted. I would note that whilst these have been reviewed by officers, the evolution designs have not been subject to preliminary application discussions or formal consideration. This section of the DAS also considers the orientation of the building and its relationship with neighbouring properties along with consideration of breaking the mass of the building. The applicant stating *“The staggering of elements and storey heights are also a direct response to the immediate context and the existing crescendo of building heights that sweep around in close proximity.”*

The articulation of the elevations has also been considered in detail, *“A strong emphasis on façade depth is evident within the architectural approach as it is imperative for tall buildings within sensitive settings to appear of slender proportions.”* The DAS states that the building responds to its surroundings and has taken cues from the movement surrounded by St Alkmund’s Way. There is a clear difference in elevation treatment between the outward and inward facing elevations. Those outward facing elevations are articulated by tapered windows and flipped panels which add depth and movement to the elevations along with the projecting ribbon/frame on the tower which will create shadowing. Those inward facing elevations are simpler in articulation, providing a *“...consistency in depth”*. Furthermore, the *“slender”* tower has been articulated with a vertical rhythm and framing elements. The DAS stating *“Verticality and depth helps define key elements of the overall façade and ensures the building provides a positive addition to the street scene...”*

Whilst the DAS also talks about materials, a materials palette/board has not been submitted. They state that *“A clear narrative of the building envelope is achieved by employing a simple palette of colour and material.”* Clearly material choices can have an impact on the appearance of a building and when considering a proposal of such scale materials can often assist with consideration.

It is accepted that the immediate context of the application site offers very little in terms of context or cues for a tall development and the applicant has sought to introduce architectural features to assist with designing a building that would, in their opinion, provide a positive addition to the street scene.

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There have been strong objections and concerns to the proposal in respect of its design and whilst the applicant has sought to justify the proposal through the submission of additional views and the fly-through unfortunately, this has only reinforced and strengthened the objections to the proposals scale and mass.

Whilst colleagues in Urban Design have been previously positive about the proposal, the submission of additional views in the supplementary Integrated Heritage, Townscape and Visual Assessment has prompted a recommendation for refusal of the proposed development “...on the basis of insufficient design quality to justify its regeneration benefits.”

There are clear benefits to the scheme and the proposal has the potential to contribute to regeneration in the city. However, the updated NPPF along with local planning policies strive for “*high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character*”. Whilst the applicant has provided additional views they have failed to consider the impact of the proposal and have not sought to address consultation responses in respect of the proposals height, scale and mass with concerns still remaining that the proposal appears inelegant on the skyline and would have an overbearing effect on Nottingham Road, despite the separation provided by St Alkmund’s Way. Suggestions have been made, during pre-application discussions, to add separation between the tower and shoulder element however due to viability reasons these amendments have not been made. The separation of the two elements would provide transparency and allow the two elements to be also read as separate elements limiting their bulk from certain viewpoints, particularly those from Nottingham Road and Mansfield Road.

Furthermore, the form of the building has been unaltered due to the need to provide identical one bed and two bed units. Section 4 of the DAS shows that the PRS market has a clear design criteria and “*The brief demands the apartments to be a minimum size with two bed apartments to be arranged in a ‘dumbell’ format with two double bedrooms in plan to maximise efficiency and allow for the possibility of separate tenants to share equal amenity. Design of the apartments is also restricted to orthogonal arrangements due to the site geometry and building efficiency.*”

Whilst the design of the proposed development has sought to address all elevations, take cues from its surroundings, provide an active frontage at ground level and create a slender tower for Derby’s skyline the proposal has continued to generate objection. The design brief and viability of the scheme have, in my opinion, restricted opportunities to address the concerns over scale, massing and height and additional information has only sought to reinforce these concerns. For these reasons, in my opinion, the proposed development fails to satisfy design policy.

The application has attracted support in respect of its design from Marketing Derby and a third party who support the introduction of a gateway building in this location. Marketing Derby stating that “*New buildings have the potential to contrast and highlight differences in architecture, which should be encouraged.*”

The position of consultees is not one of principle but one of design, appearance and scale. There are no objections to the principle of development in this location but there are objections to its proposed appearance, scale, height and mass. The DCLP identifies the Riverside area of the city as a location for a gateway building, albeit a

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secondary gateway. It is accepted that the Council's tall building strategy is out of date and that since its formulation in 2008 the development world is somewhat different. However national policy and the Council's local policies provide clear direction for supporting *"the construction of 'tall buildings' in appropriate gateway locations, where these are of high quality design and do not adversely affect the setting of the heritage assets and the character of the City Centre"* – Policy AC5.

### **7.5. Flood Risk**

The application site is located in flood zones 2 and 3 and would be classed as defended flood zone 3 following the completion of the OCOR flood defence scheme. The site is therefore, in an area of high flood risk. The site is also located within the OCOR policy area, Policy AC8. Residential uses are classified by the Environment Agency as highly vulnerable risk uses. Policy CP2 set out the criteria related to flood risk and water management which reflect the NPPF policy requirements relating to areas of flood risk. In particular the policy requires application of the sequential test. The test requires that an applicant demonstrates why their proposal cannot be located in an area at a lower risk of flooding. I would suggest that the area of search for the test should be the city centre where the local plan sets out a specific housing target of 2,200 dwellings to be provided in the lifetime of the plan.

In considering the sequential test, the application site was considered as a development site within the OCOR outline planning application and therefore has been found sequentially preferable. In the instances of this particular application, the proposal seeks to safeguard land for the implementation of a section of the flood defence wall. Furthermore, the applicant has agreed to contributing, financially, to the implementation of this section of flood defence, matters that if the site were to be located elsewhere would not be reasonable.

The Environment Agency, the Council's Land Drainage Team and the OCOR Project Team have been consulted as part of this application. Their full comments are set out in Section 5 of this report. All consultees have accepted the sequential test position. Requests have been made during the life of the application for additional flood modelling, breach analysis and amendments to the submitted Flood Risk Assessment. All consultees have reviewed the amendments.

As discussed, the application site is located in Package 2 of the OCOR flood defence scheme and as yet construction has not commenced on either package 2 or 3. The applicant has therefore had to consider their scheme in various scenarios; no flood defences being in place, flood defences completed and for a breach of flood water over/through the defences. The proposed development is in an advantageous position as they have been able to provide a dry egress and access onto St Alkmund's Way, unlike other developments on the Riverside.

Both the Environment Agency and the OCOR Team have raised no objection to the proposal subject to compliance with recommended conditions and the securing of a section 106 contribution towards the implementation of the flood defence wall, respectively.

Whilst colleagues in Land Drainage are largely satisfied with the proposed development in respect of flood risk, as the proposal provides a dry egress and

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access, they have raised concern over the location of the plant rooms. Although the development incorporates a number of flood resilience measures including sealed doors, raised electrical points and structural glass in the ground floor elevations the applicant has been unable to raise the plant rooms to the first floor or above due to viability and deliverability concerns. For this reason, colleagues have expressed their concern that should the Riverside area flood the development may not be useable, despite having a dry egress/access due to a failure of its energy supply and as a result would be inhabitable. *“This would increase the burden on any flood response operation and make the conditions potentially unsafe for residents.”* Whilst the FRA states that flood doors should be fitted to mitigate these concerns, the FRA also suggests flood water levels could raise to 1.9 metres, with a potential breach depth of 1.2 metres, and it is unlikely that flood doors would be designed or certified to withstand this depth of water or the pressure associated with it. Land Drainage colleagues have therefore recommended the application be amended to accommodate higher level plant rooms. If the applicant is unable to secure these amendments then they would offer their objection to the scheme and recommend refusal.

Colleagues in Land Drainage have considered surface water issues and are content to secure a surface water drainage scheme through condition.

### **7.6. Transport and Access**

The application is accompanied by a Transport Assessment (TA) which has been scoped out with colleagues in Transport Planning. Transport Planning, as set out in Section 5 of this report offer no objection to the proposed development and are satisfied with the content of the submitted TA.

The application site is located in a sustainable location, in close proximity of the city centre and its associated amenities along with good transport links for all modes of transport, particularly walking and cycling. The application proposes to provide secure and covered cycle parking within the building. The proposed development would also be within an easy walking distance from the bus station. The proposal therefore conforms to the core principles of the National Planning Policy Framework.

The application does seek to provide a certain level of car parking, 47 spaces, for its residents and therefore the TA does analyse the change in trip generation from the sites current use, surface car park, to the proposed development. As detailed above, in Section 5 of this report, the proposed development would see a reduction in the overall trip generation in both the AM and PM peak periods. The TA has been carefully considered and colleagues are content that the trip rate predictions are realistic. Furthermore, the relatively low level of car parking will control the level of trips from the site and also deter the usage of the car which is welcomed.

Given the nature of the locality and the one-way street design colleagues are satisfied that both Stuart Street and Phoenix Street junctions operate within their capacity and as such no highway mitigate measures are sought.

In designing the access to the proposed development, amendments have been sought to re-locate the access. The relocation has resulted in the need to remove an existing on street pay and display parking bay. This removal has been agreed by the

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Highways Authority who has also sought compensation for its removal, which will be secured through the Section 106 agreement.

The application has attracted detailed comments from the Council's Travel Plan Officer which are set out in Section 5 of this report and I am satisfied that a suitable travel plan can be secured by condition.

Overall, there are no transport impacts arising from this proposal that cannot be adequately mitigated for and as such the proposal is considered to broadly conform with the National Planning Policy Framework and policies CP23 and T10 in this regard.

### **7.7. Other Environmental Impacts**

#### **Environmental Health Matters**

##### **Contaminated Land**

The application is accompanied by a Phase I and Phase II Geo-Environmental Report. The submitted report has demonstrated that there are elevated levels of lead, beryllium and PAHs in the ground along with low levels of asbestos fibres and ACM in the made ground. Elevated levels of lead were also found in the natural soil and gas monitoring has been undertaken which concluded low levels of gas were present on the site. As such, the report concludes that remediation of the site is required to protect human health.

Colleagues in Environmental Health have requested the submission of a remediation strategy and validation report which can be secured by condition. Along with a further condition requiring the reporting of any further contaminants found on site during the construction of the development. In satisfying the remediation strategy condition the applicant is recommended to install a brightly coloured geotextile membrane below the cover of 600mm of suitable soil to act as a barrier to prevent mixing and contamination of the cover layer. The hard standing areas are considered to act as a suitable block to the contaminant pathway but any pathways and patio areas would need to be designed with suitable depths etc. to be robust enough to not be easily altered. The above should be addressed in the required remediation strategy along with detailed designs and cross sections.

##### **Air Quality**

The application seeks to introduce new residential dwellings into an area of the City known to experience high levels of air pollution. The application is accompanied by an Air Quality Assessment which has been considered by colleagues in Environmental Health, whose full comments are set out in Section 5 of this report. The submitted assessment considers impacts from construction and also operation of the development.

Following consideration of the submitted assessment, whilst some concern remains in place, the submitted air quality modelling suggests that future residents will be exposed to concentrations of air pollution well below recognised objectives/limits. Furthermore the limited number of car parking spaces is unlikely to alter local air pollution concentrations. Colleagues in Environmental Health have, therefore, not objected to the application but have recommended to the inclusions of a condition

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that will secure a Travel Plan along with electric charge points. A further condition is requested that requires the submission of a construction management plan.

### Noise

Additional information has been submitted during the life of the application in respect of noise. This has been duly considered by colleagues in Environmental Health whose comments are set out in Section 5 of this report. Following consideration of the acoustic report and other subsequent submitted information it is concluded that the development can only meet acceptable criteria noise levels (Lowest Observed Adverse Effect Level (LOAEL) in Table 2 of the submitted report) by construction of suitable mitigation methods. The mitigation being windows with specification Rtra 36 dB for living areas and Rtra 34 dB used for bedrooms with the windows closed and a Mechanical Ventilation and Heat Recovery system (MVHR) in operation.

Whilst the submission of additional information, in respect of which flats require which levels of mitigation would have been useful, colleagues are satisfied that the window specifications provided are sufficient to ensure that they will provide the necessary noise attenuation from the road. However it is assumed that these windows will be fitted to all facades.

However colleagues in Environmental Health have expressed that whilst the acceptable noise levels can be met this is only the case when windows are closed. Should residents open windows then they will be subjected to noise levels that exceed acceptable levels of noise within the living environment. As such the proposal would be contrary to policy GD5 as this could be considered to be detrimental to a residents living amenity. There are no mitigation measures that could be installed that would overcome this matter.

However colleagues have requested the use of a condition requiring the noise mitigation measures to be implemented in full prior to the proposal being occupied.

### Trees

The application is accompanied by an Arboricultural Survey which has been considered by colleagues. The trees within the site have limited public amenity. Four of the five trees within the site would need to be removed in order to facilitate with the development itself or the access. There are also a number of Council Highway Trees located around the periphery of the application site, a large majority of these trees would also need to be removed in order to facilitate the development.

The applicant has offered to replant trees within the local area to compensate for the loss of these trees. However concerns have been raised by colleagues in the Natural Environment Team regarding this approach; planting trees in a parkland or open space does not provide for the maintenance of the trees up to the point of their current asset value. Providing the asset value of the tree(s) would provide funds for their future maintenance and would also compensate the Council for their loss. There are also concerns that the total number of trees planted would not increase the total number that have been lost.

The application site offers very little, due to its on-site constraints for the provision of landscaping and the re-planting of trees. Furthermore the applicant has also cited their concerns over viability and therefore is unlikely to be able to provide compensation/the asset value for the trees. The comments received from colleagues

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in the Natural Environment Team have been shared with the applicant but no further information has been submitted. As per their comments, as no amendments have been made and there would be an overall loss of trees and they object to the application.

### Ecology

Derbyshire Wildlife Trust has duly considered the application site and agree with the conclusions of the submitted Extended Phase 1 Habitat Survey, dated 3<sup>rd</sup> July 2017. The survey confirms that the site is dominated by hardstanding and in use as a car parking. The survey and DWT both concluded that the site has negligible ecological value and as such there would be no adverse ecological impacts as a result of the development subject to the removal of any vegetation and trees being carried out to avoid the breeding bird season, which can be secured by condition.

## **7.8. Planning Balance**

The appraisal set out above addresses the material considerations of this scheme along with the required policy tests. There is support for this scheme as it would bring forward regeneration opportunities, deliver housing and city centre living along with boosting the city's economy and encouraging footfall into the city centre. It would also safeguard land for and contribute to the OCOR flood defences. There is also no objection to the in principle re-development of this site, in fact, the re-development of this site is welcomed, subject to design and impact, and the application is support by colleagues from Marketing Derby, Regeneration and Strategic Housing.

However this support and the benefits outlined must be weighed in the balance, as required by the NPPF, against the less than substantial harm the proposal would create on many of the city's designated heritage assets and the wider townscape. This is tall building in a prominent gateway location that is located close to a number of sensitive buildings and heritage assets which all play an important role in defining the city's image.

Whilst the application has attracted letters of support the level of objection is overwhelming and conclusively negative towards the scheme and its impacts. It is the scale, mass, external appearance and height of the proposal that has attracted such a wealth of objection and whilst the applicant has sought to address requests for information/change they have not amended the scheme.

Policy CP3 requires proposals to make efficient use of land by optimising development densities and the erection of a 17 storey tower block would certainly be doing just that. However CP3 also requires proposals to incorporate high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character. Historic England state the proposal *"...would erode the vital contribution that the cathedral, Cathedral Green and the World Heritage Site (including the Silk Mill) make to Derby's identity and attractiveness as a place. It would greatly reduce the prominence of the cathedral as an existing landmark which signifies the heart of the city. The proposed building is also woefully short of the design quality required for a landmark building."*

The benefits arising from this proposal have been rehearsed and echoed by those who support the proposal however they do not, in my opinion, outweigh the harm

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created to the setting and context of designated and non-designated heritage assets. In particular, the Derwent Valley Mills World Heritage Site and associated buffer zone, Nottingham Road and City Centre Conservation Areas, Cathedral Church of All Saints, Roman Catholic Church of St Mary, St Marys Bridge, Chapel of St Mary on the Bridge, St Mary Bridge House, Silk Mill Industrial Museum, Bakewell Gates, Magistrates Court, Old Dolphin Public House and to a lesser degree St Helens House, Town and Goods Shed (Mansfield Road), Little Chester Conservation Area, Church House Queen Street, and 1 & 3 College Place along with the TA Centre, Council House, Compton House, Exeter Arms Public House and Exeter House which are all locally listed buildings. The proposal therefore does not meet the requirements of the NPPF, in particular paragraphs 124, 127, 130, 192, 193, 194 and 196.

It is considered that the proposed design and appearance of the proposed residential development would dominate the townscape and the surrounding locality and would have an overwhelming appearance in the street scene by virtue of its scale and mass. It is therefore considered that these significant adverse visual impacts by virtue of the proposals design, scale, overwhelming mass, height and inelegant appearance would be contrary to policies CP3, CP4, CP20 and AC5 of the Derby City Local Plan Part 1 and saved policies GD5, E18 and E19 of the City of Derby Local Plan.

The proposal also fails to suitably mitigate for the loss of trees some of which are within the Council's ownership. The application has therefore attracted objection from the Natural Environment Team and consider the proposal to be contrary to policies CP16 and CP19 of the Derby City Local Plan Part 1.

The application site is located in Flood Zone 2 and 3 and whilst the applicant has taken reasonable steps to incorporate flood resilience measures into the building they have been unable, due to viability reasons, to locate the plant room at the first floor or above. When the potential flood depths in this location are considered there is a possibility that these plant rooms, despite the installation of sealed would not be design to or certified to withstand the water depth or pressure shown in the applicants modelling. Without providing protection to the plant rooms the development could not be used within times of flood, despite having a dry egress and access, due to a loss of facilities/power. The proposal would therefore require full evacuation. Colleagues in Land Drainage have therefore recommended refusal of the application unless the plant rooms can be relocated as the proposal would be contrary to policy CP2 of the Derby City Local Plan Part 1.

Given the concerns outlined above the proposal, in my opinion, is not in accordance with the development plan when considered as a whole. I do not consider that the 'less than substantial harm' to the significance of the aforementioned designated and non-designated heritage assets is outweighed by the public benefits of the proposal. In reaching this conclusion I have given considerable weight to the harm on the significance of these heritage assets. As such, I consider that the benefits of the scheme, as set out within this report, are insufficient to outweigh the identified 'less than substantial harm'.

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### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

**To refuse planning permission**

#### **8.2. Reasons:**

1. In the opinion of the Local Planning Authority the proposed development, by virtue of its scale, overwhelming mass, height and external appearance would be harmful to the significance and setting of the following heritage assets; Derwent Valley Mills World Heritage Site, Nottingham Road Conservation Area and City Centre Conservation Area, Cathedral Church of All Saints (Grade I), St Marys Bridge (Grade II\*), Chapel of St Mary on the Bridge (Grade I), St Mary Bridge House (Grade II), Silk Mill Industrial Museum (Grade II) Magistrates Court (Grade II), along with the TA Centre and Compton House, which are locally listed buildings. The proposal fails to preserve or enhance these heritage assets and would cause harm. The proposal is therefore contrary to section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990, paragraphs 124, 127, 130, 184, 192, 193, 194, 196 and 197 of the National Planning Policy Framework, adopted policies CP3, CP4, CP20, AC5 and AC9 of the Derby City Local Plan - Part 1: Core Strategy and saved policies GD5, E18 and E19 of the adopted City of Derby Local Plan Review. The harm caused to the significance of the designated and non-designated heritage assets in regards to the heritage policies in the National Planning Policy Framework is considered to be "less than substantial harm" and, whilst there are public benefits that would arise from the proposed development, these are not considered to outweigh the harm that would be caused.
2. In the opinion of the Local Planning Authority the proposed development, by virtue of its scale, overwhelming mass, height and external appearance would not be a high quality form of overall design and would be detrimental to the townscape of the city and surrounding street scenes. The proposal is therefore contrary to adopted policies CP3, CP4 and AC5 of the Derby City Local Plan Part 1: Core Strategy and saved policy GD5 of the adopted City of Derby Local Plan Review.
3. In the opinion of the Local Planning Authority the proposed development fails to provide sufficient flood resilience measures to ensure usability during a flood event, despite the provision of a dry egress and access. The plant rooms are to be located on the ground floor and are therefore, despite sealed doors, liable to flooding in a flood event. The proposed sealed doors are unlikely to be designed or certified to withstand the water depths or pressures modelled. The proposal would therefore require evacuation and increase the scale of any evacuation required. The proposal is therefore contrary to policy CP2 of the Derby city Local Plan - Part 1: Core Strategy.
4. In the opinion of the Local Planning Authority the proposed development fails to provide sufficient mitigation for the loss of trees. The implementation of this scheme would, therefore, result in the loss of green infrastructure and associated amenity. The proposal is therefore contrary to policies CP16 and

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CP19 of the Derby City Local Plan - Part 1: Core Strategy and saved policy GD5 of the adopted City of Derby Local Plan Review.

5. List of refused plans.

### **8.3. S106 requirements where appropriate if the application were to be approved:**

In line with our adopted Supplementary Planning Document on Planning Obligations, this scheme should make contributions towards affordable housing, flood mitigation, amenity green space, major open space, highways, sports facilities, public realm, health and community facilities. However the applicant has stated that the development cannot afford to provide the majority of these contributions. The applicant has therefore submitted a full financial appraisal that demonstrates that the development cannot afford to make contributions through a S106 Agreement. This appraisal has been rigorously assessed by the District Valuer as an independent body and they have agreed with the conclusion that no S106 contributions can be afforded. The applicant has agreed to make contributions towards flood mitigation measures and a Traffic Regulation Order to allow safe access.

Therefore, in addition to the flood mitigation and highways contributions, the S106 Agreement will include a robust overage clause that will ensure that if any additional profit is made as the development progresses, the Council and the developer will share the uplift in profit to allow the contributions outlined above to be provided in the future. The profit level will be assessed towards the end of the development and any additional profit will be shared 50/50 with the developer up to a cap that is equivalent to the policy compliant level of contributions which should have been paid by the development.

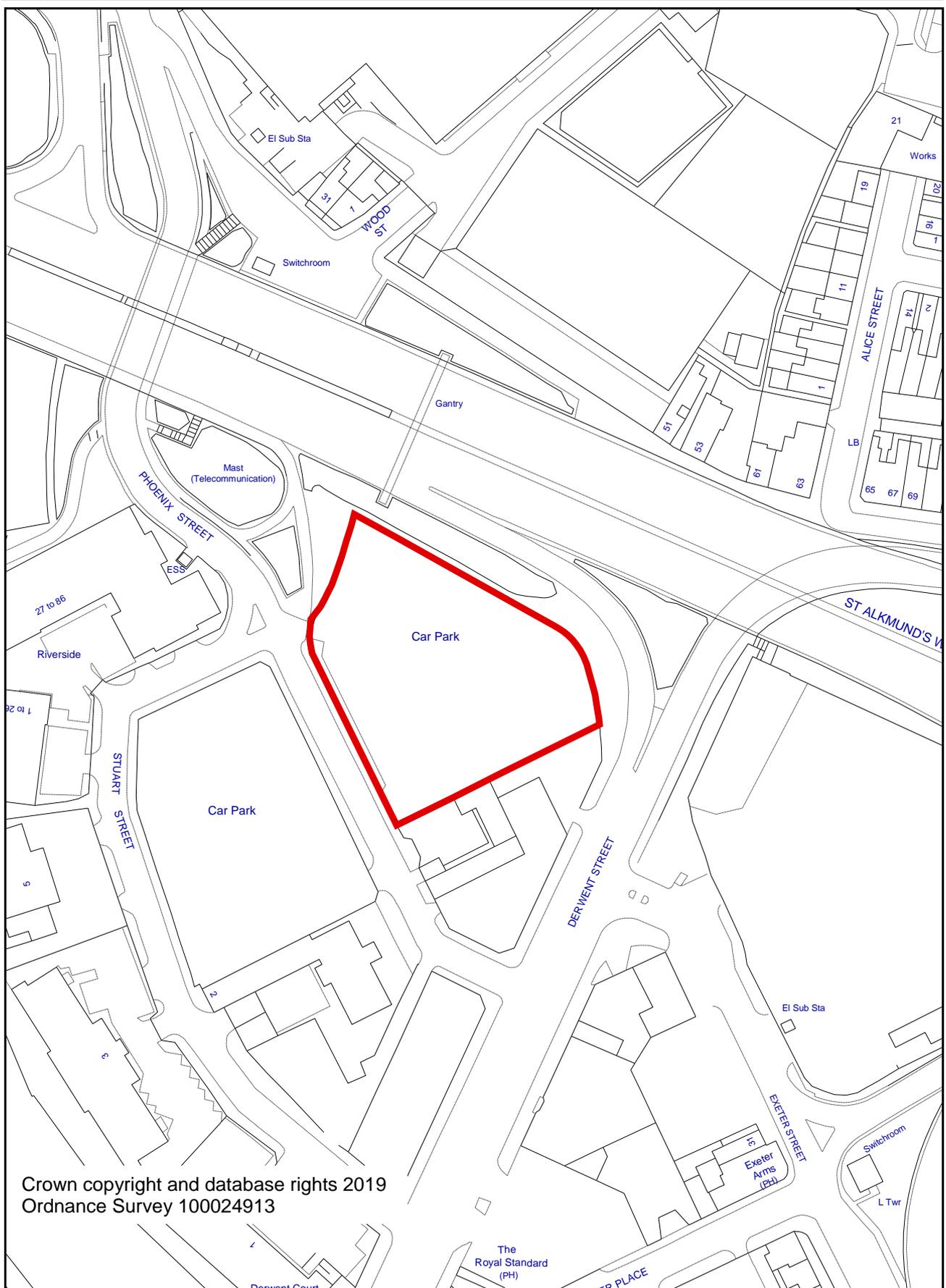
### **8.4. Application timescale:**

The applicant has agreed an Extension of Time until 31<sup>st</sup> January 2019.

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**Application No: DER/10/18/01504**

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### **1. Application Details**

**1.1. Address:** Carsington House, Park Farm Centre, Park Farm Drive, Allestree

**1.2. Ward:** Allestree

**1.3. Proposal:**

Change of use of existing building from residential flats (Use Class C3) to student accommodation (Sui Generis use) including refurbishment of building with roof top extension

**1.4. Further Details:**

Web-link to application:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=10/18/01504>

**Brief description**

This is a full application for extensions and change of use of Carsington House, which lies within Park Farm Centre in Allestree. The Centre is a District Centre within Allestree, which is situated off Birchover Way, Park Farm Drive and Carsington Crescent. It comprises retail units, with various complementary commercial and community uses, including Allestree library. There are existing residential flats and maisonettes at the upper floors within the centre which includes a four storey block fronting Park Farm Drive. There is also a separate six storey apartment building to the south of the Centre fronting onto the car park. The Centre lies in an elevated position within an established residential area of Allestree, characterised by post-war housing.

Carsington House is a three storey block, which is positioned on the roof of the Park Farm Centre. It lies to the western edge of the Centre fronting Carsington Crescent and is elevated above the roof top car park (109 spaces). The building currently has 22 one bedroom flats and vacant office space to the first floor. Access to the building is currently via a lift core and staircase from the ground floor of the Centre, which also serves the roof top parking. 22 car parking spaces are currently allocated for the existing flat residents, with the remaining 87 spaces for the use of shoppers.

This application follows refusal of a similar previous scheme for a larger development of 72 student flats with 128 bedrooms, in July this year (ref: DER/03/18/00474). The current proposal is for conversion and extension to Carsington House, by adding an extra floor to the roof of the building and making alterations of the façade, to form student accommodation. This reduced scheme would comprise 14 student flats, with a total of 70 bedrooms, breaking down into 6 studio apartments, 4x 6 bed cluster flats and 4 x 10 bed cluster flats.

The proposed roof extension would extend across the whole roof to form a fourth floor of the building and involve removal of the projecting lift core. There would also be external alterations carried out to the elevations of the building to alter its appearance give a more cohesive form to the development. This would differ from the previous proposal, because the previously proposed mesh frame is omitted and the existing brickwork is to be retained and refurbished. New window openings are proposed with dark brown aluminium frames in recessed reveals and some would include vertical louvres. The larger openings are to be projecting window boxes with

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railings to match, with dark grey frames to sliding doors. A wrap around aluminium rainscreen façade is proposed over the roof and the two end elevations, in a dark brown colour, which would also part enclose the external fire escape stairs.

The access and parking arrangement for the proposed accommodation has been amended for this revised scheme. The previous proposal was to be a “car free” development, with no car parking to be provided for residents. This was part of the reasons for refusal, so the current proposal would allocate 16 spaces for occupants of the building (including one disabled bay) on the car park level. 6 existing spaces would be lost to form the bin storage and cycle parking for the development. 28 cycle parking spaces are to be provided for the occupants.

Access to the accommodation building would be via the existing lift and stairwell core, which is shared with the public using the shopping centre. The previous scheme would have provided a second lift and stair core for use by residents only, although the applicant states that this is not now feasible with the reduced footprint of the building. It would have resulted in a reduced unit for a laundrette within the centre, which would now not be affected by the proposal.

Photovoltaic solar panels are proposed to be sited on the roof of the extended building to generate electricity for the accommodation.

In support of the application, various technical documents have been submitted in addition to the Design and Access Statement. These included a Bat Roost Assessment and Survey, Construction Method Statement, Transport Assessment and Travel Plan. An updated Security and Management Plan has also been submitted to set out the management strategy for the proposed accommodation.

## **2. Relevant Planning History:**

<b>Application No:</b>	03/18/00474	<b>Type:</b>	Full Planning Application
<b>Decision:</b>	Refused	<b>Date:</b>	19/07/2018
<b>Description:</b>	Change of use of existing building from residential flats (Use Class C3) to student accommodation (Sui Generis use), including refurbishment of building with rooftop and side extensions.		

### **Reasons for refusal:**

- In the opinion of the Local Planning Authority the proposed development would by virtue of its excessive scale, massing and height of the building and its elevational treatment, in particular through the use of the mesh frame structure and an inadequate provision of car parking, result in a sub-standard architectural design and over development of the building, which would represent an unacceptable form of development in design terms that would be distinctly out of character with the Park Farm District centre and the wider residential area of Allestree. As such, the proposal is contrary to policies CP3 and CP4 of the adopted Derby City Local Plan Part 1: (Core Strategy), saved policy H13 of the adopted City of Derby Local Plan Review and the guidance in Part 12 of the National Planning Policy Framework (2018) which attaches great importance to the design of the built environment.*

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2. *In the opinion of the Local Planning Authority the proposed development would by virtue of its excessive height, bulk and scale of the resulting building, result in an unreasonable level of massing and overbearing impact on nearby residential properties in the vicinity of the site, served from Carsington Crescent and Park Farm Drive, leading to significant harm to residential amenity in the local area. As such, the proposal is contrary to policies CP3 and CP4 of the adopted Derby City Local Plan Part 1: (Core Strategy), saved policy GD5 of the adopted City of Derby Local Plan Review and the guidance in Part 12 of the National Planning Policy Framework (2018) which attaches great importance to the design of the built environment*

<b>Application No:</b>	11/14/01558	<b>Type:</b>	Prior Approval – Offices to Residential
<b>Decision:</b>	Approved	<b>Date:</b>	06/01/2015
<b>Description:</b>	Change of use from offices (Use Class B1) to 9 flats on first floor (Use Class C3)		

<b>Application No:</b>	05/10/00511	<b>Type:</b>	Full Planning Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	03/05/2010
<b>Description:</b>	Change of use of offices (Use Class B1) to 11 flats on first floor (Use Class C3)-Extension of time period for previously approved planning permission DER/01/07/00199 by a further three years		

<b>Application No:</b>	01/07/00199	<b>Type:</b>	Full Planning Application
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	03/07/2007
<b>Description:</b>	Change of use from offices (Use Class B1) to eleven flats on first floor		

### **3. Publicity:**

Neighbour Notification Letter – 50 letters

Site Notice x 3

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:**

Twenty one objections have been received and a petition with 171 signatures. The main issues raised are summarised as follows:

- Construction work would cause disruption in the local area
- Car parking in the wider area would cause issues for local residents
- Eviction notices served on existing residents

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- Development would result in significant traffic problems around the centre. Student occupants would bring cars
- Insufficient parking to be provided for the development
- Disturbance from students for local residents
- No need for additional university accommodation
- Scale of development would have adverse impact on residents amenity and privacy
- No outside space to be provided for the students
- Negative impact on businesses in Park Farm Centre
- Risk of accidents for cyclists.
- Safety of residents and students not properly considered
- Development would be out of character with the local area
- Burden on local health and recreational facilities
- No details on bin collection or movement of cycles
- Students would result in anti-social behaviour and late night disturbance.

### **5. Consultations:**

#### **5.1. Highways Development Control:**

##### Revised comments (19/10/18):

The amended information appears to be in relation to additional Framework Travel Plan and Security & Management Plan documents.

In Highway Terms, there is therefore no material change to require revision of the highway observations of 12/10/2018.

##### Original comments (12/10/18):

The attention of the Local Planning Authority is drawn to the observations of my colleague in Transport Planning in respect of the Transport Assessment (TA) provided.

The proposals will convert 22 existing flats into 14 student flats with 70 bedrooms; with 16 parking spaces (1 suitable for disabled users) and 28 cycle parking spaces.

No Travel Plan appears to have been submitted with the application; although it is assumed that a similar Travel Plan to that submitted in support of (refused) historic application 03/18/00474 could be provided.

As set out in the TA, and the comments of my colleague in Transport Planning; the area surrounding the site is subject to parking and access restrictions which would have the effect of controlling parking in the vicinity of the site.

Further, off-highway parking spaces will be provided as part of the development; these will be controlled by a permit system; and the TA also demonstrates that the proposals will result in a nett reduction in vehicular trips set against the existing use of the site.

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The Highway Authority is of the view that the proposals will not have a severe impact upon the surrounding highway network.

As has been stated; the site is within a sustainable location, with easy access to local shops and services, and within a short walking distance of the nearby university campus.

Whilst some of the residents may own vehicles, these would be catered for within the development; and it is also likely that the majority will not due to the proximity to the University and the unavailability of parking on campus.

Any additional highway parking which subsequently takes place as a result of the proposals is likely to be dispersed throughout the area and would not be likely to have a detrimental effect upon the highway network.

However, at certain times of the year (such as the start of the academic year or term times), it is likely that there will be considerably more trips generated by the proposed development.

Personal experience suggests that the majority of trips generated at this time would tend to be at weekends; a time when the private parking associated with the local centre is likely to be in most demand.

There is potential that at such times there will be some disruption along Carsington Crescent (in particular).

It is recommended therefore that a suitable strategy to control disruption due to a large number of arrivals be put into place and detailed within a travel plan for the development; this can be conditioned.

The applicant/developer should be aware that the occupants of the units would not be eligible for "residents parking permits".

### **Recommendation:**

Should the Local Planning Authority be minded to approve the application, the following suggested conditions are recommended.

#### **Condition 1:**

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with approved plan "00617-A01-101 Rev F". The parking areas shall not be used for any purpose other than parking of vehicles

#### **Condition 2:**

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing "00617-A01-101 Rev F" has been provided. Those areas shall not thereafter be used for any purpose other than the parking of cycles.

#### **Condition 3:**

No part of the development hereby permitted shall be occupied until a satisfactory 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 shall include arrangements for monitoring

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of progress of the proposals and shall also include details of a strategy for arrivals to the site at the start of the academic year. 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.

### **NOTES TO APPLICANT**

- N1. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)
- N2. The consent granted will result in the construction of and alterations to a building which needs naming and renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto: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 access.

### **5.2. Highways (Land Drainage):**

The proposed development is located within Flood Zone 1 according to the Environment Agency flood maps and the Council's SFRA. It is also unlikely to be affected by surface water flooding according to available information. As such, the development is very unlikely to be affected by flood risk and is very unlikely to adversely affect flood risk to other areas.

Therefore I have no objections to the application.

### **5.3. Resources and Housing (Strategy):**

I have reviewed the application information and I would offer the following comments in relation to Housing Standards related issues:

#### **Means of Escape**

It would be recommended that the kitchens are located remote from the exit door of each flat so that it is not necessary to pass through the kitchen or any other high risk room to escape from the flat in the event of fire.

The space kitchen and bathroom amenity guidance can be found at

<https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/amenities-and-space-guidance-for-hmos-2018.pdf>

This guidance can be applied for the multiple occupied area of the building. Please note the space guidance for rooms with kitchen facilities within the room. However, it would be expected that a self-contained studio flat would be at least 21m<sup>2</sup>.

Please also note the kitchen amenity guidance for shared kitchens. It would be advisable for the location of the kitchen to be remote from the doorway in the shared kitchens. All bedrooms and the final exit door should have a new suitable lock/latch which is capable of being operated from the inside without the use of a key.

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### Early Warning from Fire

Provide and install a fire alarm and detection system which complies with the latest Building Regulation requirements for this size and type of dwelling.

I have no further comments to make on this application at this time.

### **5.4. Derbyshire County Archaeologist:**

Thank you for consulting us on this application. The scheme does not have any archaeological implications and we would not wish to comment further.

### **5.5. Derbyshire Wildlife Trust:**

#### Revised comments (25/10/18):

Further to our response on 19th October 2018, I am now in receipt of the Bat Survey Report produced by Whitcher Wildlife dated 20th May 2018. This provides details of a dusk emergence bat survey undertaken on 17th May 2018 by three surveyors. We can advise the Council that the survey has been undertaken at an appropriate time of year by an appropriate number of surveyors to adequately cover the building. No bats were recorded emerging from the building and no bat activity was recorded.

It is considered that the application as submitted is accompanied now by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. We can advise that the Council is able to discharge its duties in respect of the Habitats Regulations.

Paragraph 175d of the NPPF states that “opportunities to incorporate biodiversity improvements in an around developments should be encouraged...”. If the Council are minded to grant planning consent for this development it is recommended that a condition is attached to the consent that seeks biodiversity gain as part of the development. For this particular site it would be of benefit to incorporate new swift nesting opportunities. This condition could state:

*“Prior to the commencement of development a biodiversity enhancement strategy that includes the provision of integral swift boxes within the building should be submitted to and approved in writing by the Council. Such approved measures should be implemented in full”.*

#### Original comments (19/10/18):

It is understood that there are proposals to change the use of the existing building from residential flat to student accommodation which will include refurbishment works and a single-storey rooftop extension. The planning application is supported by a Preliminary Bat Roost Assessment Report dated February 2018 produced by Weddle Landscape Design.

A daytime internal and external bat survey was undertaken on 15th February 2018. The field survey work was supported by a desk study. The preliminary bat roost assessment did not identify any evidence of roosting bats; however the building was assessed as having low bat roosting potential due to the presence of gaps in the brick work and associated with the undercroft. The report recommends that a single bat survey is undertaken between May and August in order to determine more

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conclusively the presence or absence of bats. It does not appear that this further survey has been completed.

Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

Prior to determination of this planning application it is recommended that the further bat survey work is undertaken by suitably licensed, experienced and qualified ecologists (link provided for professional ecological consultant directory):

- A bat dusk emergence or dawn re-entry bat survey should be completed in line with guidance within the Bat Survey Good Practice Guidelines (2016) using an appropriate number of surveyors to adequately cover the building. This survey should be undertaken between May and August. A daytime inspection should also be undertaken during this period when evidence of bats would be visible.
- Following completion of all the necessary survey work a report should be produced providing details of the surveys and putting forward appropriate mitigation, compensation and enhancement measures for bats and birds as well as details of any necessary bat licensing requirements.

### **5.6. Police Liaison Officer:**

#### **Revised comments (26/10/18):**

Additional security documents posted online since my last comments are noted as a Security Management Plan and two appendices for Secured by Design Plans and a Travel Plan.

I've also had the opportunity to discuss alternative access arrangements with the applicant's agent. Regrettably architects advise that there is no practical alternative to the shared student/shopper main access core proposed.

This places a greater emphasis on security hardware and management, which in their present form don't form a full picture of what will be required. As there is no end service provider identified as yet this is understandable.

Part 6.3 of the Security Management Plan makes reference to a concierge and security staff both on and off site. As there is no accommodation within the proposed development for security staff it will be necessary to locate them within the wider centre, to have an overview and control of security systems. I hope that this is feasible either as a bespoke provision for Carsington House, or as a shared provision

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with Park Farm Centre Security, as I understand that the applicants own the centre as a whole.

Accordingly if you are minded to approve the application I would again ask that it is conditional upon the following to accord with saved local policies E24 and E25.

1. Details of the location and schedule of a door entry system for the various pedestrian access points to Carsington House.
2. Details of closed circuit television provision and monitoring by an identified service provider at key entry and circulation points.
3. Details of a security management service provider and their operating procedures for the development, to remain operational and on site in perpetuity whilst the building is occupied by students.

### Original comments (19/10/18):

Regrettably, the reduced scheme which looks to address the reasons for refusal of the previous version submitted with application 03/18/00474, loses grip of the community safety and crime prevention issues which were discussed and subject to amendment during the determination of this application.

The reduced scheme is now not capable of separating shopper and student access because of the constraints of the existing building.

As I mentioned previously, the current arrangement of shared access between residents and shoppers leaving open access through stairwells and corridors at ground and parking levels is in my view a poor design, and has led to problems with nuisance, damage and intimidation of residents in the past.

This situation would be compounded by introducing a much larger and potentially (statistically) more problematic tenure into the site.

The applicants tabled a student management plan at a later stage in the previous application, which tackled my comments, and went some way, if not completely, towards bringing the proposition to an acceptable community safety standard.

I think that you alluded to this in your committee report, adding that missing detail could be secured by condition.

With the absence of a practical way to secure the student accommodation, and the absence of any such management plan to support this application my advice would be to refuse the scheme in its present form, as it presents unavoidable additional crime and disorder risks, therefore does not accord with local policies E24 and E25.

## **6. Relevant Policies:**

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

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### 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
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP12	Centres
CP19	Biodiversity
CP22	Higher and Further Education
CP23	Delivering a Sustainable Transport Network
MH1	Making it Happen

### Saved CDLPR Policies

H13	Residential development – general criteria
GD5	Amenity
E24	Community Safety
T10	Access for Disabled People
E25	Building Security Measures

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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

- 7.1. Residential Policy Context**
- 7.2. Highways and Parking**
- 7.3. Design and Amenity**
- 7.4. Other Impacts**

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### **7.1. Residential Policy Context**

This revised proposal seeks full permission to create 14 student apartments, providing 70 bed spaces in an existing residential building (Carsington House) within the Park Farm District Centre. This would replace the 22 one bedroom flats which are currently in the building. It is a reduced scale of development from the previous refused scheme which is primarily a conversion and refurbishment of the existing building, with a roof top extension as well as alterations to the building façades.

The building is not allocated for any specific purpose within the adopted Derby City Local Plan – Part 1 (Core Strategy) (DCLP) but it is located within the designated retail centre and as such Policy CP12 (Centres) is relevant.

This policy sets out a desire to enhance the vitality and viability of defined centres and prioritise them as the most accessible and sustainable way of meeting everyday shopping needs and services. Park Farm is a District Centre which should be the focus for residents to access shopping, commercial and leisure facilities. The supporting text to the policy explains that residential uses at first floor and above are considered beneficial to the potential vitality of a centre.

In this particular case, there would be no adverse impact on the shopping function of the Centre, which would not be directly affected by the proposed development. Carsington House is set above the shops on the periphery of the centre and is already an established residential block. Therefore the principle of residential development in this location would accord with the provisions of Policy CP12 and is considered acceptable in policy terms.

The location is generally a very sustainable one for the residential use proposed. The Park Farm Centre offers a sustainable location with very close access to a wider range of local services and facilities. It is also very well located within easy walking distance to the main university campus and is accessible to a frequent bus service into the city centre.

As set out above the principle of residential use is acceptable in this location and could benefit the vitality and viability of the shopping centre. However the proposal is not for normal residential (C3 use) development since it is specifically for student accommodation which is classed as Sui Generis. Therefore the benefits of the contribution of the development to residential land supply are not as great as they would be for a C3 proposal. In fact the development would result in the loss of existing dwellings (22 flats) which would be converted to student accommodation.

Policy CP7 seeks to meet needs for affordable and specialist housing and this can also include housing which is built for the specialist needs of students. There is no specific target set in the DCLP to meet needs for student housing. However the development of new student dwellings can provide bespoke accommodation which will could lead to the release of dwellings in the private rented sector and therefore make them available to meet general market needs.

To assess the net gain in the number of homes which can be delivered by the development, the government has introduced the Housing Delivery Test, which calculates residential completions. For student accommodation, units are counted at a ratio of 1:1.25 (as set out in the NPPG) and this measures the number of homes which would be released to the housing supply by students moving into student

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accommodation. The development would result in a residential loss (22 existing flats) and gain 70 student bed spaces. The equivalent number of dwellings gained is calculated at 28, so the net increase in market dwellings resulting from the proposal would be 6 units.

It is relevant to consider that the development can contribute towards meeting the city's housing needs and it is a previously developed site. It would also contribute towards the Council's 5 year housing supply. These are all important benefits of the proposed residential development. The principles of the proposals are therefore generally supported and consistent with the adopted DCLP- Part 1 and the saved policies of the saved City of Derby Local Plan Review (CDLPR).

Policy CP22 commits the Council to supporting the continued growth and development of higher and further education establishments. The policy generally supports development associated with the University and in particular criterion d) supports and encourages the development of new student accommodation, particularly where this could lead to the release of existing accommodation for family/market housing. This proposal is in close proximity to the main university campus on Kedleston Road, which can be accessed via a footpath off Carsington Crescent a short walking distance from the site. It therefore is accessible to the university and fulfils the intentions of the policy.

The main issues are concerned with the detailed design of the proposal and how it relates to the requirements of the specific design policies.

In saved Policy H13 (General Residential Criteria), the height, scale and design of the proposal are particularly relevant in the context of this policy, because the criteria require a satisfactory form of development to be created including relationship to nearby properties. The criteria of Policy H13 also require a high quality living environment to be created and an interesting townscape and urban form.

In line with saved Policy GD5 amenity should be carefully considered to ensure that the development does not have any significant impacts on amenity.

DCLP Policies CP3 (Place making Principles) and CP4 (Character and Context) set out guiding principles for development to ensure that it reflects good design principles and fits in with the character of the surrounding area. DCLP Policy CP2 (Climate Change) sets out a wide range of aspirations and requirements for consideration including the sustainable location of development, energy and water efficiency, sustainable design and construction, the use of renewable energy and drainage and flood mitigation. Park Farm Centre is a very sustainable location for residential development, including student housing and affords easy access to a wide range of facilities without reliance on the private car. The close proximity of the site to the main university campus for walking and cycling also reinforces the sustainable nature of the location, for this type of residential use.

### **7.2. Highways and Parking**

In contrast to the previous proposal which was intended to function as a "car free" development, with no provision for resident's car parking, the current application includes some parking spaces at the car park level, for the use of the student occupants. There are currently 22 existing parking spaces on the parking level, which

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are permitted for the use of the residents of Carsington House. As part of the development, 16 parking spaces below the building would be allocated for the use of student occupants and 6 spaces would be removed to form the bin and cycle storage area for the accommodation. There would be 28 secure and covered cycle parking spaces for the occupants. The remaining car parking spaces on the parking level are to be retained for the use of shoppers (87 spaces).

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. Paragraph 109 of the National Planning Framework Policy states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Transport Policy CP23 seeks to ensure that people living, working and travelling within Derby have viable travel choices along with an effective, efficient and sustainable transport network.

The proposed student accommodation would have a small amount of allocated car parking for the residents, although it is not likely to generate significant traffic movements. However, the applicant has submitted an updated Transport Assessment and Framework Travel Plan to support the current application. The applicants have taken account of the refusal reason for the previous scheme and there is now parking provision for the accommodation at the parking level, which gives opportunity for some students to park their cars on the site. It is expected that most students will not bring a car and the submitted Security and Management Plan sets out that this will be discouraged within the tenancy agreement for new residents.

The content of the transport assessment and travel plan have been duly considered and the comments provided by Highways Officers. I note that the officers are of the opinion that the development would result in a net reduction in traffic when compared with the existing flats. They also consider that any impacts on the local highway network are likely to be low and the only spike in traffic generation is likely to be at the beginning and end of term times, when students are arriving or leaving.

This scenario is addressed in the Travel Plan and the Security and Management Plan submitted in support of the application. A management strategy for student drop off and pick up is set out in these documents and the Highways Officer is satisfied with the recommendations, subject to it being secured by planning condition. The intention is to employ a booking system, with a 20 minute time slot for moving in or out of the accommodation and the assistance of marshals for movement of belongings. This process would minimise impacts on existing shoppers and residents parking elsewhere in the centre. The proposed management of traffic at these peak periods should ensure that there is no significant impact on local highway network.

Providing a student accommodation development in this location, is considered to be acceptable in principle, because it is within the District Centre and situated in close proximity to the Kedleston Road University campus. The centre is within a short walking distance of the campus and served by frequent bus routes into the city centre. Park Farm Centre has an array of facilities and services, as well as an established retail offer and therefore amenities are within easy access of the site. The

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provision of a large amount of secure cycle parking on the site is welcomed and gives sustainable transport options, for the students, as an alternative to the private car.

I note that representations from local residents have, like the previous application raised concerns about the limited or absence of car parking provision for the development and possible traffic impacts of occupants parking around the site. This is a reasonable fear in this instance, where Park Farm Centre currently has issues with parking congestion for both residents and shoppers. There are already parking restrictions on the roads around the Centre, including Carsington Crescent and Park Farm Drive, so the opportunities for on-street parking close to the centre are limited.

The likelihood of students bringing their cars to the site, without having an allocated parking space is considered to be low. Similarly, the possibility of students parking in and around Park Farm Centre should also not be significant due to the restrictions on parking which are currently in place.

There are examples of large scale car free student flats elsewhere in the city, which operate successfully without causing traffic congestion issues in the locality of the building. With suitable management processes in place, the occupants are discouraged from having a car on site and in an accessible location such as this the need for car transport is much reduced.

The Security and Management Plan submitted in support of the application reinforces the travel management processes which are proposed to be employed to minimise the number of students bringing vehicles to site. These include measures to issue travel information packs to new occupants with information on transport options from the site; mechanisms adopted through the occupant's tenancy agreement, to discourage bringing a car use to the site; operate and monitor a parking permit scheme for the allocated spaces and a travel plan co-ordinator to implement and monitor the travel plan. The implementation of a Travel Plan and measures to discourage private car use can be secured through suitable planning conditions which are attached to any permission.

The proposal, in my opinion, will have a negligible impact on the day to day highway network and is therefore considered to be broadly compliant with this policy. Overall I consider that the proposed development is acceptable in highway terms and broadly complies with the relevant policies of both the National Planning Policy Framework and the Derby City Local Plan – Part 1 (DCLP) and saved policies of the adopted City of Derby Local Plan Review (CDLPR).

### **7.3. Design and Amenity**

In considering the design of the proposal it is necessary to give appropriate weight to the provisions of Policy CP3 (Placemaking Principles) and CP4 (Character and Context) in the adopted DCLP – Part 1 and saved Policy H13 (Residential Development – General Criteria) in the adopted CDLPR.

The proposed extension and alterations to Carsington House, seek to form student accommodation, comprising 14 flats, with 70 bed spaces. A four storey side extension which was part of the previous refused scheme is no longer a feature of this proposal. A roof extension to form an additional floor on the building is still proposed. The existing building is also to be refurbished and external alterations

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made to the façade. The proposed elevational treatment has been revised considerably from the previous scheme and reduced in scale, such that the main changes would be in the form of new window openings and a wrap round façade over the roof and end elevations. The entrance to the building would utilise the existing lift core and staircase from the ground floor of the shopping centre. The entrance area fronting onto Carsington Crescent would be used to access the development, with new external doors.

The overall scale and design of the development has been substantially reduced following the refusal of the previous application, to address Members concerns about its impacts on the character of the local area and on the amenities of nearby residents. A revised amended Design and Access Statement has been submitted to explain the changes to the building's design and appearance. The omission of any side extensions to the building has substantially reduced the scale of the development and it would not now extend any closer to residential properties around the District Centre. The roof extension would give rise to a modest increase in overall height by one floor to create a four storey block above the centre. This would result in a greater prominence of the building, but would not in my view be excessive or overly dominant in scale, when viewed from the wider area.

The external refurbishment of the building would give it a more contemporary appearance and enhanced visual presence in the street scene, when seen against the rest of the Park Farm Centre. The existing Carsington House is a rectangular block, which is of limited architectural merit or character. The proposed alterations to the building's façade would in my opinion have a positive impact on its overall appearance and give distinctiveness and visual interest to the townscape in Allestree.

Due consideration has been given to the revisions to the design and form of the development and how the building would sit in the street context from the area around the District Centre. New 3D views of the development have been provided and will be displayed at the meeting, which show how the building sits in the local street scene. Accordingly the proposal is considered to reflect the design principles set out in Policies CP3 and CP4 of the adopted DCLP – Part 1 and with saved Policy H13 of the CDLPR.

In terms of impacts on residential amenity, the existing Carsington House is a substantial block in an elevated position and contains 22 flats, which is positioned a reasonable distance from the dwellings on Carsington Crescent, which includes a number of bungalows. The minimum distance to the nearest dwelling is some 28 to 30 metres, separated by the roof top car park and the public highway. There is a four storey block of flats/ maisonettes fronting Park Farm Drive to the east of Carsington House, which has a principal elevation fronting the highway and the centre. The end elevation which faces the roof top car park has no principal windows and the flats are not currently overlooked. Opposite those flats, there is two storey retirement housing (Norbury Court) which lies to the south side of Park Farm Drive.

The proposed roof top extension to the building would add a new floor, increasing its height but there are no extensions proposed to the rest of the building. The window arrangement in the existing building would not be significantly altered and there are no habitable room windows to be formed in either of the end elevations. Principal

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window openings to the student flats would therefore only be to the south west and north east facing elevations of the building. The additional residential units to the roof extension would increase the number of units in the building and may give a perception of being more overlooked than from the current flats. The residents of nearby houses on Carsington Crescent and Melbourne Close may therefore feel there would be a greater loss of privacy to their properties. However, the relationships with nearby housing would not be materially greater than the existing flats given the distances are more than the normal guidance for protecting privacy. I am also mindful that Carsington House is set in from the edge of the public highway, within an elevated car park. The potential for overlooking of the nearby dwellings would not in my opinion be excessive, given the limited nature of the extensions to the building and its setting within the Park Farm Centre.

In relation to the increased massing and scale of the building arising from the roof extension, I am satisfied that this would not result in an unreasonable overshadowing or harm to the nearby residential properties or other premises in the centre, given the distance from those properties and the relatively modest increase in height which would result from the extension.

The proposal would result in the loss of 22 one bedroom flats, which are understood to be rented units. I note that there are objections from current residents to the loss of their homes. Whilst this is regrettable for those residents affected, I am not aware that the current housing fulfils any specialist needs, such as accommodation for disabled people or extra care housing. Accordingly, there are no grounds in my view to resist the proposed development because of the displacement of the existing residents from their flats.

Overall, I am satisfied that the proposal would not have any significant adverse effects on the living environment of existing residents around Park Farm Centre. The proposal would therefore reasonably comply with the amenity requirements of saved Policies H13 and GD5 of the CDLPR.

These policies and the overarching NPPF also require a satisfactory living environment to be provided for occupants of the development. This proposal is to form student accommodation through one bed studio flats or cluster flats, where 6 or 10 bedrooms share communal kitchen and social space. The Housing Standards Team has considered the proposed flats in line with their amenity guidance and minimum standards. I note that the floor layouts of the units are generally compliant with the required standards, with specific reservations about locations of kitchens within each unit. These matters do not affect the general layout or the number of units within the development and will be covered under the Housing Standards licensing and Building Regulations and are outside the remit of planning system.

The provision of ancillary facilities on each floor in the form of study/common rooms and other areas for students to spend time away from their own private rooms is welcomed. Whilst this is not strictly a policy requirement in itself it is relevant in considering whether an acceptable form of development and living conditions are being provided as part of the student accommodation use.

Due to the location of the proposed student flats being sited over an existing shopping centre and public car park, there is potential for conflict between future

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occupants and members of the public visiting Park Farm Centre. It is unfortunate that the lift and stairwell access to Carsington House and the roof car park is not now proposed to be separated. However, due to the reduced scale of the building, the applicant argues that this is no longer feasible. The existing lift and stairwell core would therefore provide access to both the accommodation and car park, as they do currently, although one of the lifts would be solely for use of residents to Carsington House. The Police Liaison Officer has raised concerns about the access arrangements and highlighted that a management strategy should be in place for the accommodation, to ensure provision of a secure and safe environment for both residents and shoppers.

The submitted Security and Management Plan sets out the proposed strategy for managing the accommodation and secure entry for residents. It refers to the use of CCTV cameras and an on-site management team, including student wardens to provide a secure environment for the residents. The Plan also sets out an intention to form relationships with the local community, with a procedure for responding to complaints. I note the Police Officer is broadly satisfied subject to a planning condition to control details of the door entry system, CCTV provision and monitoring and the security management provider and procedures. The details provided by the applicant in relation to the proposed management of the accommodation give sufficient comfort that a secure living environment would be formed for the residents and minimise disturbance for existing residents and visitors to Park Farm Centre. The implementation of the management plan and security measures can be secured for the life of the development by means of a suitable planning condition which would be in accordance with saved CDLPR Policies E24 and E25.

### **7.4. Other Impacts**

#### **Protected Species**

The existing building was subject to a Preliminary Ecological Appraisal in February 2018, which assessed it as having a low potential for roosting bats, which means that there is a small possibility that bats may be present. Following this appraisal a dusk emergence Bat Survey was carried out on the site in May 2018, which found no evidence of bat activity in the building. As a result, Derbyshire Wildlife Trust is satisfied that no adverse impacts on roosting bats are likely arising from the development. On the basis of their advice, I conclude that there would be no ecological impacts resulting from the proposal, which is in accordance with biodiversity Policy CP19 of the DCLP – Part 1. A scheme of enhancement measures to be incorporated into the development, in the form of swift bricks is recommended and this can be secured via a suitable condition.

#### **Construction method statement**

In response to concerns raised by some third parties during the previous application, the applicant has included supporting information, which sets out the method of construction for the roof top extension on Carsington House. This indicates that the extension is to be a pre-fabricated modular construction which would be transported to site and lifted into position by crane. The elevational works to the façade would then be carried out. Whilst this is not a material planning consideration, it does provide a potential programme for how the works could be carried out, without significant disruption to the operation of the District Centre.

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### Conclusion

The principle of a more intensive residential use, for student accommodation in this location is considered acceptable and supported. Park Farm Centre is a sustainable and accessible location, which is in walking distance of the Kedleston Road University campus and has good public transport and cycling links with the city centre. The provision of a large amount of cycle parking on site would also promote the use of alternatives to private car travel. The development would also provide a limited amount of on-site resident's car parking to minimise potential on-street parking in the wider area. The increase in residential activity in Park Farm Centre could also increase the vitality and viability of the retail centre and bring benefits to the shops and local facilities in the centre.

The development of student apartments in this location also provides benefits in terms of reuse and refurbishment of a currently underused building and would deliver new housing which contributes towards the city's housing need and 5 year supply. Overall, the proposed development is considered to fulfil the requirements of all the relevant Local Plan policies in the adopted DCLP – Part 1 and the saved CDLPR and the overarching guidance contained within the NPPF.

Subject to the completion of a Section 106 Agreement, to secure the required contributions to mitigate the impacts of the scheme, then the proposal is considered to be an acceptable form of development in this location which is recommended for approval, subject to the conditions set out below –which are in an abbreviated format for the purposes of this report.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

### **8.2. Summary of reasons:**

It is considered that the proposal, as amended, would be an acceptable form and density of residential development in this location, situated within a District Centre. It would contribute towards the vitality and viability of the centre and could provide benefits for local facilities. The scale and design of the development would respond to and integrate with the local street scene and would not result in unreasonable impacts on the nearby residential properties and other uses in and around the centre. The development of student accommodation is considered appropriate in this accessible and sustainable location, which is served by various modes of transport and sufficient on-site cycle parking is to be provided. Subject to compliance with attached conditions, the proposal would not have an adverse impact on the highway network or on biodiversity.

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### **8.3. Conditions:**

1. Standard condition 03 (Three year time limit)
2. Standard condition 100 (Approval of specified plans)
3. Standard condition 27 (Details of external materials, to include details of windows, Juliet balconies and rainscreen facade to be agreed and implemented)
4. The parking areas to be provided in accordance with approved plans and only used for the purpose of parking vehicles.
5. The cycle parking areas are to be provided in accordance with approved plans and only used for the purpose of parking cycles.
6. A detailed Travel Plan to be prepared to promote sustainable modes of travel, include arrangements for monitoring and a strategy for arrivals to the site in line with timetable set out in the plan, to be agreed and implemented before occupation of the development.
7. A scheme of biodiversity enhancement measures to be incorporated into the development, to be agreed and implemented before occupation of the development.
8. A scheme of security management measures and management plan for the accommodation, to include door entry system and CCTV provision, submitted in support of the application to implemented before occupation and retained for the life of the development.
9. A management scheme for discouraging car use and parking in the area around the site to be agreed and implemented before occupation and retained for life of the development.

### **8.4. Reasons:**

1. In accordance with Town and Country legislation.
2. For avoidance of doubt.
3. To ensure a satisfactory external appearance to the development.
4. To ensure provision and availability of car parking for users of the development.
5. To ensure provision and availability of cycle parking for users of the development.
6. To promote sustainable modes of travel for occupants of the development
7. To provide habitat for wildlife in the interests of maintaining and enhancing biodiversity.
8. To ensure a safe and pleasant environment is provided for the residents, in the interest of local amenity.
9. To minimise traffic impacts and parking congestion in the interest of highway safety.

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### **8.5. Informative Notes:**

- N1. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)
- N2. The consent granted will result in the construction of and alterations to a building which needs naming and renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact [traffic.management@derby.gov.uk](mailto: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 access.

### **8.6. S106 requirements where appropriate:**

The applicant has agreed to provide contributions towards:

- Amenity Green Space and Major Open Space for improvements to Markeaton Park
- Public transport, cycling or highway improvements
- Sports facilities for swimming pool provision

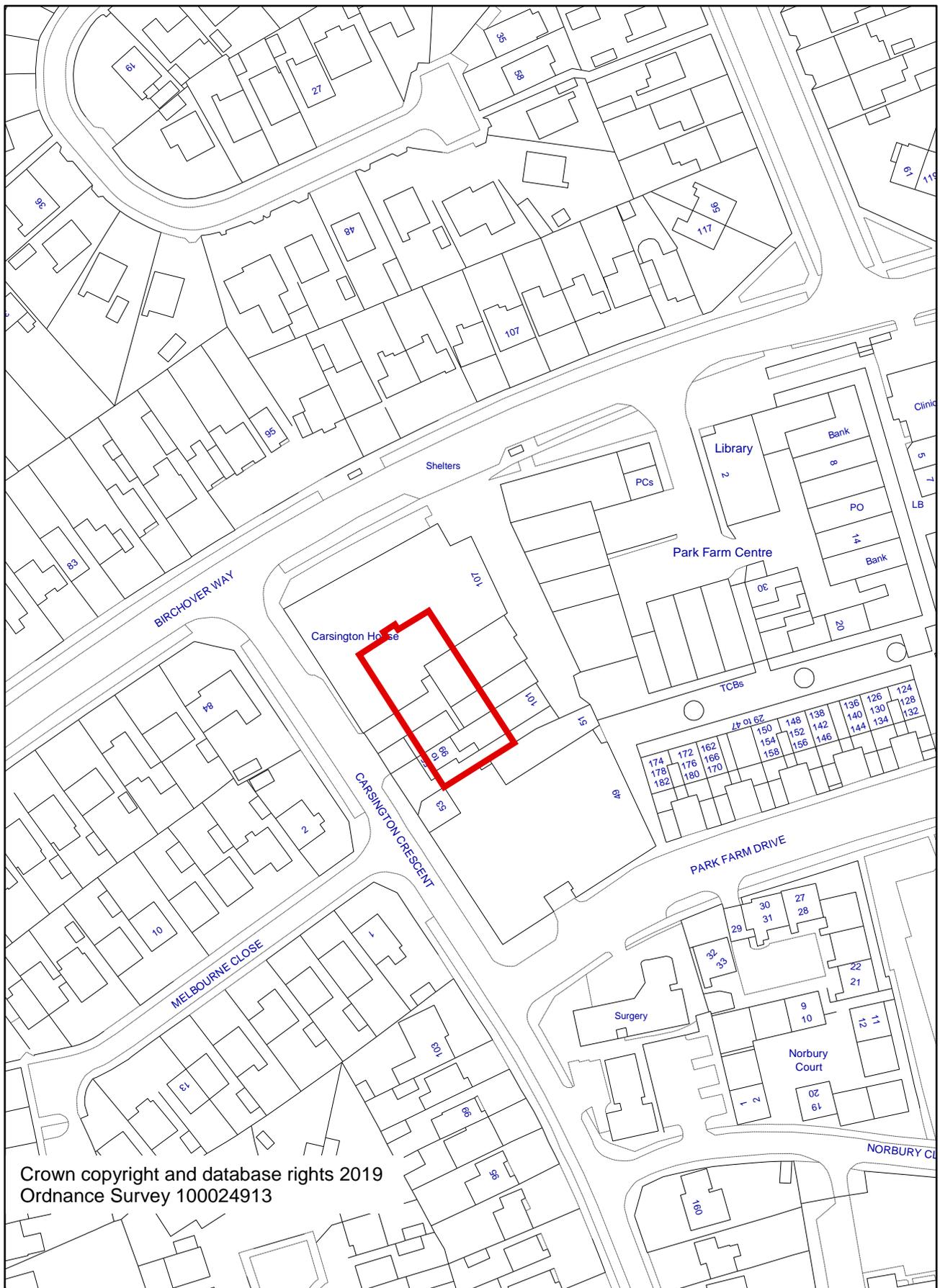
### **8.7. Application timescale:**

The target date for determination of the application is 3 January 2019. An extension of time will be sought to extend that date until after the committee meeting.

**Committee Report Item No: 2**

**Application No: DER/10/18/01504**

**Type: Full Planning Application**



## **Committee Report Item No: 3**

**Application No: 18/01695/FUL**

**Type: Full Planning Application**

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### **1. Application Details**

**1.1. Address:** 24 Uttoxeter Road, Mickleover

**1.2. Ward:** Mickleover

**1.3. Proposal:**

Change of use from a bank (use class A2) to a micro pub (use class A4) and education centre (use class D1) together with a first floor rear extension and installation of new windows and doors to the front elevation.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/18/01695/FUL>

**Site and Surroundings**

The application site comprises the former Natwest Bank, on the corner of the main Uttoxeter Road/Station Road roundabout, in the centre of Mickleover. The building is currently vacant. It is 2-storey with a flat roof extension on the north side, facing Station Road. The premises are located within the District Centre and are surrounded by other commercial uses, including a mix of retail, services and residential uses.

**Brief description**

This application seeks permission to change the use of the premises to be a micro-pub (Derby Brewing Company) on the ground floor facing Station Road; and an educational centre (Kip McGrath) in the remainder of the premises, with a tutorial/reception room on the ground floor and 2 teaching rooms on the first floor. There would be a small staff room and store room at first floor level.

The external works comprise a small first floor, flat-roofed, extension (to provide the store room) and ground floor elevational changes to the windows and doors. These works include the provision of a large window on the diagonal corner, to serve the education centre; 2 side facing windows to the micro-pub, and 2 new doors on the side elevation.

**Supporting Information**

The Kip McGrath Education Centre has submitted the following statement, in response to concerns raised about parking:

1. The Education Centre Franchise license covers Derby West only. Enquiries indicate a demand for tutoring for those living within 1.5 miles of the proposed Centre and easily accessible by public transport. Students living further afield will go to centres located in Derby Central, North and South.
2. Kip McGrath provides personalised tuition in English and maths to small groups of 2-5 students. Tuition is mainly after school and lasts 1hr 20 minutes. Students will not be at the Centre for prolonged periods. Daytime use will be for administration, 1-1 and small group tutoring for adults who live in the community.
3. It is intended to appoint staff who live locally. Two full time staff will attend during the day; at full capacity up to a further two part time teachers at any one

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time will be present only between 4.00pm and 8.00pm. If required, private car parking schemes operating locally such as Parklet and Justpark will be used.

4. Research indicates that Kip McGrath students attend local schools. Most local schools are less than 1.3 miles away; the closest (Mickleover and Brookfield) less than half a mile away and within easy walking distance. In other Kip McGrath Centres many students walk to the Centre after school or take public transport. Excellent and frequent Mickleover and Villager bus services both have stops within a few metres of the Centre.
5. The erection of bollards on the pavement outside is welcomed, providing added safety for users of the Centre.
6. Evidence at other Centres indicates that parents who drive their children park their car first, take the child to the Centre and then during the lesson will shop or carry out business locally thus adding vitality to the community.
7. Arrangements have been made for the small number of customers who wish to park, to do so at the Nags Head, nearby. The manager, Mr Ben Shaw will welcome the new business to the community and is supportive in that the car park has enough capacity at peak times to facilitate parking, recognising the potential commercial benefit to both businesses.
8. Discussions have also been held with management at Tesco highlighting that whilst their car park is privately owned, it is available for time limited public use and not just for Tesco Customers, nonetheless recognising the benefits of the Education Centre to the area and the additional custom likely to benefit the store. They were also enthusiastic to work with the Centre on supporting community projects.
9. The statement in the application submissions regarding deliveries is applicable to the Microbrewery and does not apply to the Education Centre.

### **2. Relevant Planning History:**

No previous relevant applications regarding the use of the premises. The only previous applications related to signage and to an ATM.

### **3. Publicity:**

- 2 Neighbour Notification Letters sent 15/11/2018
- Site Notice displayed 16/11/2018.

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

### **4. Representations:**

Cllr Mathew Holmes has responded, *"I'd like this application to be brought before the committee please. I have concerns in regard to the parking provision mentioned within the application. A submission from Mickleover ward councillors to follow"*.

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**Type: Full Planning Application**

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The 3 Mickleover Ward Councillors have submitted the following further comments: Whilst we have no objection in principal to the application for a Micro Pub in the currently vacant former Nat West building, we do have significant concerns in regard to the proposed Education Centre and overall staff / customer parking impact.

The applicant is unable to provide any parking spaces for visitors or staff as part of the application and cites a small parking lay-by outside Finewood Studio which is capable of facilitating a maximum of five cars at any time. This lay-by is heavily used already due to the current level of vehicles accessing the village centre from other areas and Mickleover itself.

The applicant also cites parking areas that could serve the businesses as the 'public parking area in the shopping parade on Uttoxeter Road. Parking is also available in the nearby streets. Tesco, BP Petrol Station, Nags Head have their own dedicated parking areas.'

It is important to note that:

- The shopping parade car park is a heavily used private car park for the customers of the parade shops only. Parking outside Domino's to the side of the main parade car park is now also exclusively for staff use.
- Tesco's is a time limited and private car park for the customers of that supermarket.
- The Petrol Station, Nags Head are also both private car parks for use by respective customers of those businesses. The applicant accepts this principal by using the word "dedicated" but seems to be presenting it as mitigation regarding the parking impact / requirements of the proposal.
- Of very significant concern is the statement 'parking is also available in the nearby streets' as this is already extremely challenging for residents themselves.

The applicant also states that, '*The customers will walk from the local area or come by public transport from elsewhere.*' and, '*The development will not have an adverse effect on the parking facilities in the surrounding area.*'

With the recent permission for eight new retail units on the derelict garage site in the village and the significant issues in regard to parking in and around Mickleover parade at the present time, the above statement is not correct and is significantly downplays of the amount of vehicles journeys created by this application and the impact.

In fact, the planning agreement for the new retail units also places a condition for parking restrictions on Limes Avenue that further displaces and reduces available parking in the village area that would be needed for visitors to the education centre.

Whilst it is accepted that many local Mickleover customers visiting the Micro Pub may choose to walk and use public transport, this is not the case for the customers using the Education Centre who will travel from a far wider area of Derby (and further afield?) using cars.

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Without the provision of any staff car parking and the confirmation of three full time and five part time employees along with up to sixteen customers spending prolonged periods at the education centre, it is therefore unclear where they will be able to park without an adverse impact.

The applicant also states that, *“Deliveries to the site will be handled in a similar manner to that used by the bank for cash drops and collections. Delivery vehicles will use the roadside parking area and the wider footpath to minimise inconvenience to other users. Late or early deliveries will be organised to coincide with the less busy periods for the area in order to avoid congestion or obstruction and minimise the impact on others.”*

As ward councillors, we have successfully pursued the installation of bollards (implementation pending) to the pavement area outside of this building due to repeated and inconsiderate pavement parking that causes obstruction for pedestrians, the disabled and creates a road safety hazard. Parking therefore cannot, nor should not be allowed or assumed to be acceptable on ‘the wider footpath’ or any nearby footpath.

As representatives of our local community we welcome new businesses that will add to the vitality of Mickleover and provide local jobs; however we feel we have a duty to highlight our specific concerns and represent residents who continue to raise issues in regard to parking issues in this area of Mickleover.

Had this application been purely to open a Micro Pub, we would have no objection and would look forward to welcoming a well-run establishment that enhances the local area and, by its very nature, would have a modest impact in regard to parking.

However, the impact of an Education Centre as part of the application without any parking provision being provided is of very significant concern to us.

- One representation was made by a local resident, which states, *“I note that the objection Cllr Matthew Holmes to this application on the grounds of parking provision mentioned within the application. It has always been my understanding that the government strives to discourage drinking and driving and any establishment that does not provide dedicated parking for its customers does just that. Customers to this establishment will in the main visit by foot or by the excellent and frequent Mickleover and Villager bus services, both with stops within a few metres of the proposal. I can think of a number of Micro Pubs within the Derby LPA area none of which have dedicated parking and as such this application should receive 100% support from Derby LPA and be approved without delay. There is absolutely no reason for it to be brought before the planning committee”.*

**5. Consultations:**

**5.1. DCC - Highways Development Control:**

This application proposes to change the use of the building from a bank into a micro-pub and education centre. There are no proposed changes to the highway as a result of this application.

The building does not have any designated customer parking facility.

All windows and doors must open inwards ensuring that pedestrian safety is not compromised on the highway.

The previous use of the building as a bank would have likely generated numerous vehicular trips throughout the day by customers using the facility. The proposed use as a micro-pub is likely to be used by local people on foot or using public transport. The education centre is likely to be used outside of main hours for parking. The location falls within the district centre that is sustainable, due to good public transport links.

Recommendation: No significant highway implications, so in view of this no objections subject to the above comment.

**5.2. DCC - Environmental Protection**

**Demolition/Building Works**

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.

There should also be no bonfires on site at any time.

I would suggest an advisory note on any planning consent regarding these matters.

I have no other comments to make on the application.

**6. Relevant Policies:**

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

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

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP12 Centres
- CP15 Food, Drink and the Evening Economy
- CP21 Community Facilities

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CP23 Delivering a Sustainable Transport Network

### Saved CDLPR Policies

GD5 Amenity

T10 Access for Disabled People

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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.pdf)

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

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. The Principle of the Change of Use**

#### **7.2. Visual Impact of the External Works**

#### **7.3. Impact on Surrounding Amenities**

#### **7.4. Highways/Parking**

### **7.1. The Principle of the Change of Use**

The site of the proposal is within a District Centre where Core Strategy Policy CP12 supports proposals that:

1. Meet local shopping and service needs while supporting the vitality and viability of the centre. Uses which would undermine this objective, either as a result of loss of retail function or through the impact on the character or environment of the centre, will be resisted
2. Help to combat long term and persistent vacancy. The Council may require applicants to submit appropriate evidence which demonstrates that the unit has been marketed for retail uses for a reasonable period of time and/or is no longer suitable for shopping uses
3. Encourage competition and consumer choice

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4. Help to maintain vibrant and coherent shop frontages
5. Respect, and are compatible with, the scale, role, character and function of the centre and would not have an unacceptable impact on the vitality and viability of other centres in the hierarchy
6. Help secure physical improvements to the centre, particularly where they will help to create high quality spaces that are accessible by all modes of transport

In relation to A4 uses, such as the proposed micro-pub, Core Strategy Policy CP15 requires that regard be had to:

1. The characteristics of the area and its relationship to a defined centre or other appropriate commercial activity. Proposals outside defined centres should demonstrate why they cannot be located within, or on the edge of a centre and that they are in accessible locations
2. The existing number and impact of similar establishments in the immediate area, their proximity to each other and whether there are existing issues with disturbance and/or anti-social behaviour
3. The prevalence of vacant nearby shop units, the condition and occupancy of the unit and its suitability for alternative uses
4. The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community
5. The character of the centre and its frontage, and the nature of the use proposed
6. The potential impacts of the proposal on sites identified for alternative uses and/or on the wider community, and
7. Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

In relation to community facilities, which includes both the public house and education centre, Core Strategy Policy CP21 requires that they:

1. be located where there is a choice of travel options, ideally such facilities should be located within existing centres and exploit opportunities for the co-location of facilities where opportunities arise
2. be designed to be in keeping with the general scale, character and levels of activity in the surrounding area and to provide satisfactory levels of amenity for users and those in surrounding areas
3. be delivered in a timely manner to meet the needs of new development, make a positive contribution towards safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation.

At the time of the most recent planning policy survey, albeit in 2017, the centre appeared to be in a relatively healthy state with a range of uses and only 2 units (4%) vacant. The currently vacant unit was in A2 use (former Natwest Bank) and so its change of use to A4 and D1 would not have any effect on the retail offer of the centre. The change of use would not, in itself, have an adverse effect on the vitality and viability of the centre; indeed, it could assist in protecting it by returning a vacant

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unit to a viable use. The proposed A4 use is, generally, in line with the intentions of Core Strategy Policies CP12 and CP15. Similarly, the education element of the proposal would be in line with the requirements of Policy CP21. In conclusion, there are no policy objections to the principle of the proposed change of use.

### **7.2. Visual Impact of the External Works**

The proposed external works are relatively minor. They comprise a small first floor, flat-roofed, extension (to provide the store room) and ground floor elevational changes to the windows and doors.

The proposed first floor extension would be located in an area between the existing north end gable and the adjoining premises (Nationwide Building Society), such that it would be largely hidden from direct views from Station Road by the existing building. The extension would replace an existing dual-pitched roof which was above a small area of the main ground floor office. The proposed flat roof is the most effective and rational design for such limited space. It would be constructed of matching brickwork and it is not considered that the extension would create any visual harm to the surrounding area.

The ground floor works include the provision of a large window on the diagonal corner, to serve the education centre. This would improve the visual appearance of the premises, by adding a more active frontage to the corner. Additionally, on the Station Road side elevation there would be 2 proposed side facing windows to the micro-pub, and 2 new doors. These are minor changes, which are considered to be visually acceptable.

### **7.3. Impact on Surrounding Amenities**

Micropubs are generally small freehouses which attract a dedicated clientele, promoting conversation and shunning electronic entertainment. The proposed bar entrance would be on the Station Road frontage. This is an area of existing cars and pedestrians activity, within the busy District Centre. The Vine PH is located at no. 20. The nearby Tesco supermarket is open until midnight and the BP filling station is open 24 hours, so a significant amount of late evening activity is already prevalent. In this respect, it is considered that it would be inappropriate to impose unduly onerous conditions relating to hours of operation and noise nuisance from music. There is unlikely to be any additional harmful impact on residential amenities.

The proposed first floor extension would have 2 side facing windows. These would look out directly at the blank first floor side elevation of the adjoining premises. There would be no overlooking.

The nearest residential units are to the north and east, with good separation. Other than seeking to control the construction works, Environmental Protection have raised no objections, regarding likely impact.

### **7.4. Highways/Parking**

The site has no parking but is located within a District Centre, with good public transport links and a large population within walking distance. Ward Members are concerned at the lack of overall parking facilities within Mickleover centre, and their

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views are set out above. It is understood that the parking situation within the District Centre is being reviewed, as a whole. However, this application must be considered on its own merits. Particularly, related concerns, such as regarding indiscriminate parking, cannot be controlled through the planning process.

The previous Class A2 Bank use would have generated numerous customer/staff trips throughout the day. The proposed micro-pub is likely to be used by local people on foot or using public transport. It is accepted that this element of the proposed change of use is unlikely to contribute to the parking problems.

The proposed Education centre would raise greater concerns, as there is no provision for staff parking. Additionally, children would need to be dropped-off and picked-up from the locality. The Education organisation has clearly considered this aspect of the proposed use and their supporting statement (set out above) clarifies the proposal and parking requirements. The Highways Officer concludes that the proposal will result in no significant highway implications, and recommends no objections to the proposed change of use.

### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

To grant planning permission with conditions.

#### **8.2. Summary of reasons:**

The proposed change of use would bring a vacant unit back into productive use. It would not give rise to any adverse effect on the vitality and viability of the District Centre and would be acceptable in principle. Any activity would be concentrated away from the adjoining houses, such that there should be no harmful impact on residential amenities. No Highways objections have been received. The proposed external works are minor changes, which would create a more active frontage and are considered to be visually acceptable. Consequently, it is considered that the proposed change of use would be in accordance with key Core Strategy Policies CP12, CP15, CP21 and CP23.

#### **8.3. Conditions:**

1. Standard time limit condition
2. Standard approved plans condition
3. Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987 (as amended) and any succeeding legislation, the permission grants consent only for the use of the premises as a drinking establishment, falling within Use Class A4, and for an educational centre, as shown on the approved plans, and no other purpose, including other uses within Class D1 of the Order, without the prior approval by the local planning authority.
4. The premises shall only be open to customers between the following times:
  - Micro-pub: 11.00-23.00, on any day.
  - Education Centre: 10.30-20.30, on Monday-Friday; 9.00-14.00 on Saturdays, Sundays and Public holidays.

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5. The development hereby approved shall not include the use of any external areas (including the forecourt of the premises) by any customers, at any time, in connection with the approved micro-pub.
6. The emission of noise from any live or amplified music shall not take place in any external areas at the premises. Any internally emitted noise from any live or amplified music source in the premises shall be so controlled by limiting the output thereof, and by sound insulation if necessary, so that the level of noise within any neighbouring dwelling shall be inaudible.
7. Except for emergency purposes, all proposed ground floor doors and windows on the Station Road frontage shall open inwards and not onto the adjoining highway.

### **8.4. Reasons:**

1. Standard time limit condition
2. Standard approved plans condition
3. To define the permission, and to enable the local planning authority to control the future use of the premises, in order to safeguard the amenities of the surrounding area.
- 4-6. To safeguard the amenities of the surrounding area and of nearby residents.
7. To ensure the safety of pedestrians.

### **8.5 Informative Notes:**

As the proposal will involve some demolition and building works, and given the proximity of residential properties, to prevent nuisance to neighbours, contractors are advised to 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. There should also be no bonfires on site at any time.

### **8.6 Application timescale:**

The determination deadline expires on 10/1/2019. An extension of time has been requested.





**Delegated decisions made between  
Between 01/11/2018 and 30/11/2018**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
07/18/01152	Full Application	Site Of 166 Normanton Road Derby	Demolition of petrol station. Erection of two retail units (use class A1)	Approval	01/11/2018
07/18/01154	Works to a tree with a TPO	Derby Independent Grammar School Rykneld Road Littleover Derby (Tree At The Rear Of 15 Lakeside Drive)	Crown reduction by 2-3 metres of a Sycamore tree protected by Tree Preservation Order No.78	Approval	07/11/2018
10/18/01527	Full Application	28 Dulwich Road Derby	Two storey and single storey rear extensions to dwelling house (utility, bedroom and enlargement of kitchen/diner)	Application Withdrawn	07/11/2018
06/18/00929	Variation of Condition	North Lees Centre 63A Duffield Road Derby	Demolition of existing building on site and erection of building to create six apartments (use class C3) - variation of condition 2 of previously approved permission Code No. DER/01/18/00116 to include additional parking spaces, re-locate the bin store and amend the landscaping	Approval	09/11/2018
07/18/01072	Full Application	339 Duffield Road Derby (Shell Alleestree)	Demolition of the existing sales building and erection of a replacement single storey sales building	Approval	09/11/2018
08/18/01326	Full Application	78 Green Lane Derby	Change of use of basement from residential to retail (use class A1) including a single storey front extension and installation of a shop front	Approval	09/11/2018
08/18/01324	Full Application	20 Whitaker Street Derby	Two storey and single storey rear extensions to dwelling house (kitchen/dining area, lobby, wet room and bedroom)	Approval	09/11/2018
09/18/01340	Full Application	45 Foremark Avenue Derby	Two storey and single storey rear extensions to dwelling house (kitchen, dining room, w.c.,	Approval	09/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			family room and bedroom) and erection of an outbuilding (playhouse)		
09/18/01356	Full Application	50 Daventry Close Mickleover Derby	Single storey rear extension to dwelling (w.c. and living space)	Approval	09/11/2018
06/17/00798	Full Application	Land At The Rear Of Tesco Express Stenson Road Derby (Accessed From Bosworth Avenue)	Erection of 14 dwelling houses (use class C3)	Approval	12/11/2018
09/18/01355	Full Application	4 Hawthorne Avenue Alvaston Derby	Single storey rear extension to dwelling house (bedroom and bathroom)	Approval	13/11/2018
08/18/01314	Full Application	113 Blenheim Drive Allestree Derby	Two storey side extension to dwelling house (w.c., storage, utility and two bedrooms)	Approval	13/11/2018
09/18/01361	Full Application	148 Blenheim Drive Allestree Derby	Two storey rear and single storey side extensions to dwelling house (utility, w.c. and enlargement of kitchen, lounge, bathroom and bedroom) and installation of a pitched roof canopy to the front elevation	Approval	13/11/2018
08/18/01266	Lawful Development Certificate -Existing	131 Bower Street Derby	Installation of a new window to the front elevation	Approval	13/11/2018
09/18/01378	Full Application	33 Hollies Road Allestree Derby	Single storey rear extension to dwelling house (kitchen) and extension of raised decking area.	Approval	13/11/2018
08/18/01215	Full Application	The Croft Foxlands Avenue Darley Abbey Derby	Erection of detached garage and store	Approval	13/11/2018
09/18/01347	Full Application	12 Leslie Close Littleover Derby	Single storey front extension to dwelling house (kitchen and enlargement of lounge)	Approval	13/11/2018
09/18/01372	Full Application	46 Station Road Chellaston	Single storey rear extension to dwelling house (kitchen) and installation of decking to the	Approval	13/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
09/18/01387	Variation of Condition	Derby 10 Eaton Avenue Allestree Derby	rear garden  Single storey front and two storey side extensions to dwelling house (porch, bedroom and enlargement of dining room) and alterations to roof - variation of condition 2 of previously approved planning permission DER/03/16/00349 to amend the roof design	Approval	13/11/2018
09/18/01406	Full Application	226 Blagreaves Lane Littleover Derby	Two storey side and single storey front and rear extensions to dwelling house (porch, three bedrooms, two en-suites, utility, w.c. and enlargement of kitchen/dining area)	Approval	13/11/2018
07/18/01080	Full Application	145 Manor Road Derby	Change of use from office to one dwelling house (use class C3) together with two storey front and rear extensions, erection of a detached outbuilding (garage and ancillary living accommodation) and enlargement of vehicular access	Approval	14/11/2018
08/18/01306	Listed Building Consent - Alterations	The First Church Of Christ Scientist Friary Street Derby	Alterations in association with the change of use from place of worship (Use Class D2) to restaurant (Use Class A3) including an extension and alterations to the south west and south east elevations of the building - amendments to previously approved Listed Building Consent application 09/16/01104	Approval	14/11/2018
09/18/01364	Full Application	8 Bannels Avenue Littleover Derby	First floor side and single storey front extensions to dwelling house (bedroom and enlargement of hall and living room)	Approval	14/11/2018
09/18/01426	Full Application	32 Canon's Walk Darley Abbey Derby	Two storey front and single storey front and rear extensions to dwelling house (porch, w.c and enlargement of lounge and two bedrooms)	Approval	14/11/2018
09/18/01428	Full Application	22 Nesfield Close Alvaston Derby	Two storey side and single storey rear extensions to dwelling house (garage, utility, kitchen/dining area, two bedrooms and en-suite)	Approval	14/11/2018
09/18/01430	Full Application	176 Stenson Road	Change of use from dwelling house (use class	Approval	14/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby	C3) to a residential care home (use class C2) including bricking up of the existing garage door and installation of a window to the front elevation		
08/18/01222	Full Application	517 Burton Road Littleover Derby	Change of use from financial and professional services (use class A2) to hot food takeaway (use class A5)	Refuse	14/11/2018
10/18/01543	Prior Approval - Householder	96 Moorside Crescent Sinfin Derby DE24 9PT	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 2.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	14/11/2018
06/18/00908	Full Application	4 Haslams Lane Derby	Single storey front and rear and two storey side extensions to dwelling house (study, utility, shower room, en-suite and enlargement of lounge, hall, bedroom and kitchen/dining area) and formation of rooms within the roof space (bedroom and en-suite). Extension of rear raised patio area.	Approval	15/11/2018
07/18/01077	Full Application	141 & 143 Ashbourne Road Derby	Single storey rear extensions to dwelling houses with rooms in the roofspaces (kitchen, family room, bedroom, and formation of bedroom in roof space with rear dormer).	Approval	15/11/2018
09/18/01354	Full Application	43 Home Farm Drive Allestree Derby	Single storey side extension to dwelling (study and kitchen/dining area), erection of a 1.8m high boundary fence and landscaping works	Approval	15/11/2018
09/18/01336	Lawful Development Certificate -Proposed	2 Highfield Road Littleover Derby	Single storey rear extensions to dwelling (enlargement of lounge and kitchen)	Approval	15/11/2018
09/18/01373	Advertisement Consent	Agard Court Agard Street Derby	Display of one non-illuminated fascia sign and one non-illuminated projecting sign	Approval	15/11/2018
09/18/01374	Full Application	Highway Verge Adjacent To 142- 240 Osmaston Park Road Derby	Formation of seven car parking areas with vehicular accesses	Approval	15/11/2018
09/18/01404	Lawful Development	24 Hatfield Road	Single storey side extension to dwelling (two	Approval	15/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Certificate -Proposed	Alvaston Derby	bedrooms and wetroom)		
09/18/01433	Lawful Development Certificate -Proposed	19 Lawnside Spondon Derby	Single storey rear extension to dwelling house (kitchen)	Approval	15/11/2018
09/18/01440	Advertisement Consent	5 Exchange Street Derby DE1 2DU	Retention of the display of an internally illuminated ATM surround	Approval	15/11/2018
09/18/01385	Full Application	85 Markeaton Street Derby	Two storey and single storey rear extensions to dwelling house (kitchen/lounge, bedroom and bathroom) and roof alterations to include a hip to gable conversion and installation of a rear dormer and rooflights to the front elevation to form rooms in the roof space (bedroom and study)	Approval	15/11/2018
09/18/01469	Local Council Own Development Reg 3	56 Cedar Street Derby	Formation of a Multi Use Games Area together with increased height of fence/wall to 3m	Approval	15/11/2018
09/18/01465	Full Application	24 Causeway Darley Abbey Derby	Single storey rear extension to dwelling (sitting room)	Approval	15/11/2018
09/18/01480	Listed Building Consent - Alterations	5 Exchange Street Derby	Retention of the installation of an ATM	Approval	15/11/2018
09/18/01488	Prior Approval - Householder	47 Grange Avenue Derby DE23 8DH	Single storey rear extension (projecting beyond the rear wall of the original house by 5.8m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	15/11/2018
18/01620/NONM	Non-Material Amendment	21 Peel Street Derby DE22 3GG	Two storey and single storey side and rear extensions to dwelling house (garden room and enlargement of kitchen and bedroom) - non-material amendedment to previously approved application code no. DER/05/18/00784 to omit the first floor extension	Approval	15/11/2018
07/18/01147	Works to a tree with a TPO	Derby Independent Grammar School	Felling of a Sycamore tree protected by Tree Preservation Order No.78	Approval	16/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Rykneld Road Littleover Derby (Tree At The Rear Of 5 Frampton Gardens)			
07/18/01155	Works to a tree with a TPO	Derby Independent Grammar School Rykneld Road Littleover Derby (Trees At The Rear Of 9 Lakeside Drive)	Felling of a Sycamore tree and 3m crown reduction of a Sycamore tree protected by Tree Preservation Order No. 78	Approval	16/11/2018
09/18/01359	Outline Application	Land At The Rear Of 141 And 143 Baker Street Alvaston Derby (Access Off Thorndike Avenue)	Residential development (two dwellings)	Approval	16/11/2018
08/18/01348	Full Application	6 Whittlebury Drive Littleover Derby	Single storey side and rear extensions to dwelling house (bedroom, utility and enlargement of kitchen)	Approval	16/11/2018
09/18/01389	Full Application	111 London Road Derby	Single storey side/rear extension (enlargement of office)	Approval	16/11/2018
05/18/00775	Lawful Development Certificate -Proposed	45 Bracknell Drive Alvaston Derby	Single storey side extension to dwelling (two bedrooms and a wet room)	Approval	16/11/2018
09/18/01431	Full Application	Telecommunications Mast At Stoney Cross Industrial Park Stoney Gate Road Spondon Derby	Erection of a replacement 35 metre high monopole with 12 antennas, 2 dishes, 10 equipment cabinets and ancillary development	Approval	16/11/2018
09/18/01436	Advertisement Consent	Oak And Acorn PH Danebridge Crescent Derby DE21 2HT	Display of various signage	Approval	16/11/2018
09/18/01439	Full Application	5 Exchange Street Derby	Retention of the installation of an ATM	Approval	16/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
09/18/01441	Full Application	Abbey Lodge Student Village Lonsdale Place Derby	Change of use from student accommodation (Sui Generis use) to short term let accommodation for up to 21 local workers (Sui Generis use ) for a temporary period until 31 August 2019.	Approval	16/11/2018
09/18/01420	Full Application	37-38 Queen Street Derby	Change of use from shop (use class A1) to a micropub (use class A4) including the installation of chiller units and a new roof to the rear elevation	Approval	16/11/2018
09/18/01388	Full Application	The Kings Highway Kingsway Derby	Installation of one electric vehicle charging point with ancillary works	Approval	16/11/2018
10/18/01511	Full Application - disabled People	47 Stonehill Road Derby	Single storey rear extension to dwelling (bedroom)	Approval	16/11/2018
07/18/01153	Works to a tree with a TPO	Derby Independent Grammar School Rykneld Road Littleover Derby (Trees At The Rear Of 3 Cox Green Court)	Felling of a Sycamore tree and coppicing of an Elder protected by Tree Preservation Order No. 78	Approval	19/11/2018
08/18/01278	Works to a tree with a TPO	4 Limegate Mews Littleover Derby	Felling of a Yew tree, crown raise to 3m, crown clean, branch reduction by 0.5m over the boundary and lawn and crown reduction by 1m in height of two Yew trees and a Pine tree protected by Tree Preservation Order no. 336	Approval	19/11/2018
10/18/01516	Full Application	167 Rykneld Road Littleover Derby	Single storey side extension to dwelling house (enlargement of kitchen)	Approval	19/11/2018
10/18/01517	Full Application	4 Broadbank Derby	Single storey side and rear extensions to dwelling house (utility room, w.c., lobby, cloakroom, office and garden room) and alterations to the existing dormers	Approval	19/11/2018
18/01555/PNRH	Prior Approval - Householder	30 Lawn Heads Avenue Derby DE23 6DQ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m)	Prior Approval Not Required	19/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			to dwelling house		
02/18/00239	Full Application	Cattle Market Site Chequers Road Derby	Erection of a car showroom, providing sales, servicing, repair, MOT facilities, wash and valet, vehicle preparation and external car display areas	Approval	20/11/2018
09/18/01392	Full Application	54A Woods Lane Derby	Erection of a single storey building (use class B1)	Approval	20/11/2018
09/18/01446	Variation of Condition	Unit 4 Meteor Centre Mansfield Road Derby	Sub-division and alterations to include the installation of new shop fronts to create two retail units (use class A1) with mezzanine levels and other ancillary works - Variation of condition 4 of previously approved permission Code No. DER/01/18/00136 to amend the range of goods for sale	Approval	20/11/2018
09/18/01447	Full Application	9B St Peters Way Derby DE1 2NR	Change of use from retail (use class A1) to Sui Generis	Approval	20/11/2018
10/18/01520	Full Application	81 Porter Road Derby	Roof alterations including installation of a rear dormer and new window to the side elevation to form rooms in the roof space (bedrooms and en-suite)	Approval	20/11/2018
10/18/01530	Full Application	141 Rykneld Road Littleover Derby	Retention of the installation of boundary gates	Approval	20/11/2018
08/18/01235	Variation of Condition	Land West Of Kingsway Hospital And North Of Northmead Drive Derby	Enlargement of staff car park to provide up to 600 spaces - variation of conditions 1, 3,4,5,6,7,8,9,10 and 11 of previously approved planning permission Code No. DER/06/16/00707 to amend the car park layout	Approval	21/11/2018
08/18/01325	Variation of Condition	Land At The Front Of 163 Pastures Hill Littleover Derby	Erection of a dormer bungalow (use class C3) and front boundary wall - variation of condition no 2 of previously approved permission DER/11/16/01437 to amend the approved plans	Application Withdrawn	21/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
09/18/01470	Full Application	128 Randolph Road Derby	Two storey and single storey front, side and rear extensions to dwelling house (canopy, family room, kitchen/dining area, w.c., two bedrooms, office and en-suite)	Refuse	21/11/2018
09/18/01473	Full Application	2 Hutton Street Allenton Derby	Two storey side extension to dwelling house (sitting room and two bedrooms)	Approval	21/11/2018
06/18/00837	Works to a tree with a TPO	Pine Court 60 Shardlow Road Alvaston Derby	Crown reduction by 2m in height and 1m in width of a False Acacia tree protected by Tree Preservation Order no. 282	Approval	22/11/2018
07/18/01056	Works to a tree with a TPO	16 West Bank Avenue Derby	Crown lift to 7m and cutting back of branches from the neighbouring property to give 2m clearance of two Birch trees protected by Tree Preservation Order no. 253	Approval	22/11/2018
07/18/01067	Works to a tree with a TPO	189 Station Road Mickleover Derby	Felling of a Cedar tree and branch tip reduction by 1m and removal of a branch of a Cedar tree protected by Tree Preservation Order no. 8	Approval	22/11/2018
08/18/01180	Local Council Own Development Reg 3	Lawn Junior & Infant School Norbury Close Allestree Derby	Erection of a multi use games area	Approval	22/11/2018
05/18/00706	Full Application	122 Carsington Crescent Allestree Derby	Two storey front extension to dwelling house (bedroom, en-suite and enlargement of hallway)	Approval	23/11/2018
07/18/01102	Works to a tree with a TPO	39 Uttoxeter Road Mickleover Derby	Felling of a Sycamore tree protected by Tree Preservation Order no. 573	Approval	23/11/2018
06/18/00914	Full Application	Darleys Old Lane Darley Abbey Derby	Retention of the installation of an outdoor seating area and extraction ducting	Approval	23/11/2018
06/18/00915	Listed Building Consent - Alterations	Darleys Old Lane	Retention of the installation of an outdoor seating area and extraction ducting	Approval	23/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
07/18/01063	Variation of Condition	Darley Abbey Derby  Disused Land Adjacent 1 - 5 Railway Cottages Sinfin Lane Sinfin Derby	Variation of conditions 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 19,20, 25, 26 and 27 of previously approved permission DER/09/17/01189 to amend the wording of previously discharged or partially discharged conditions and include alterations to the elevations	Approval	23/11/2018
09/18/01353	Full Application	Reckitt Benckiser UK Ltd Sinfin Lane Sinfin Derby	Erection of a water storage tank and pump house	Approval	23/11/2018
09/18/01383	Full Application	77 Brackensdale Avenue Derby	Two storey and first floor rear extensions to dwelling house (bedroom and enlargement of kitchen/living space and bedroom)	Approval	23/11/2018
05/18/00698	Full Application	10 Thyme Close Littleover Derby	Single storey and first floor front and two storey rear extensions to dwelling house (porch, studio, en-suite, living room/dining area, bedroom and dressing room)	Approval	23/11/2018
09/18/01409	Full Application	10 Northwood Avenue Chaddesden Derby	Roof alterations including raising of the roof height and the installation of rooflights to form rooms in the roof space (two bedrooms, bathroom and storage) together with a rear extension and the installation of two bay windows to the front elevation	Approval	23/11/2018
09/18/01427	Full Application	111 Reginald Road South Derby	Single storey side extension to dwelling house (w.c.)	Approval	23/11/2018
09/18/01443	Full Application	18 Ypres Road Allestree Derby	Erection of detached front extension to dwelling house (garage)	Approval	23/11/2018
09/18/01444	Variation of Condition	Units 2 And 2A Meteor Centre Mansfield Road	Sub-division and extensions to retail unit, installation of new shop fronts and alterations to the car parking layout - variation of	Approval	23/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby	condition 7 of previously approved permission Code No. DER/07/17/00913 to amend the range of goods for sale		
09/18/01450	Lawful Development Certificate -Proposed	3 Windley Crescent Darley Abbey Derby	Single-storey rear extension to dwelling house (enlargement of kitchen and living/dining area)	Refuse	23/11/2018
09/18/01471	Lawful Development Certificate -Proposed	50 Buxton Road Chaddesden Derby	Single storey rear extension to dwelling house (kitchen)	Approval	23/11/2018
10/18/01538	Full Application	15 Etwall Road Mickleover Derby	First floor side and single storey front and rear extensions to dwelling house (porch, utility, shower room, kitchen, garden room en-suite and enlargement of store and bedroom) and erection of two outbuildings (garage and garden room)	Approval	23/11/2018
09/18/01371	Full Application	16 Lambley Drive Allestree Derby	First floor extensions to dwelling house (bedroom, dressing area and en-suite)	Approval	23/11/2018
09/18/01486	Full Application	35A Kingsley Road Allestree Derby	Installation of a dormer to the front elevation to form rooms in the roof space (two bedrooms and en-suite) and rendering of the dwelling	Approval	23/11/2018
09/18/01489	Full Application	64 Laburnum Crescent Allestree Derby	Single storey rear extension to dwelling house (bedroom, lobby and shower room)	Approval	23/11/2018
18/01579/PNRH	Prior Approval - Householder	37 Arlington Drive Derby DE24 0AW	Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 3.6m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	23/11/2018
18/01584/FUL	Full Application	44 Elms Avenue Derby DE23 6FG	Two storey side and single storey rear extensions to dwelling house (garage/store, w.c., utility, kitchen/living space and two bedrooms)	Approval	25/11/2018
18/01616/FUL	Full Application	8 Fordwells Close Derby	Single storey rear extension to dwelling house (garden room) and creation of raised access	Approval	25/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE23 3SU	steps to rear.		
07/18/01026	Works to a tree with a TPO	2 Sorchestun Lane Chellaston Derby	Crown lift to give 2.3m ground clearance and crown reduction in height by 3.5m and lateral spread by 1.5m of an Oak tree protected by Tree Preservation Order no. 427	Approval	26/11/2018
07/18/01119	Works to a tree with a TPO	63 Catterick Drive Mickleover Derby	Felling or crown reduction of an Oak Tree protected by Tree Preservation Order No. 552	Approval	26/11/2018
07/18/01103	Works to a tree with a TPO	57 Smalley Drive Oakwood Derby	Crown clean and cutting back of secondary branches to give 1m clearance of the building of an Oak tree protected by Tree Preservation Order no. 268	Approval	26/11/2018
08/18/01194	Works to a tree with a TPO	28 Melbourne Close Mickleover Derby	Cutting back of the lower branches overhanging the boundary with 30 Melbourne Close of an Oak tree protected by Tree Preservation Order no. 491	Approval	26/11/2018
08/18/01195	Works to a tree with a TPO	222 Warwick Avenue Derby	Re-pollarding of two Poplar trees protected by Tree Preservation Order no. 119	Approval	26/11/2018
09/18/01390	Works to a tree with a TPO	394 Sinfin Avenue Shelton Lock Derby	Cutting back of branches to give 2m clearance of the the telephone wires and lamp post, crown lift by 3m over the pavement and 6m over the road and deadwooding of an Ash tree protected by Tree Preservation Order no. 463	Approval	26/11/2018
04/18/00541	Full Application	38 Courtland Drive Alvaston Derby	Erection of an outbuilding (garage/store)	Approval	27/11/2018
08/18/01228	Full Application	East And Middle Mills Darley Abbey Mills Darley Abbey Derby	Change of use of ground floor units from light industrial use (Use Class B1c) to offices (Use Class B1a) including the installation of a new window and replacement window and entrance door	Approval	27/11/2018
08/18/01229	Listed Building Consent - Alterations	East And Middle Mills Darley Abbey Mills Darley Abbey Derby	Alterations in association with the change of use of the ground floor units to offices (Use Class B1a), to include the addition of toilets,	Approval	27/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			kitchens, glazed screens,new finishes, a new window and replacement windows and entrance door		
09/18/01349	Advertisement Consent	Banks Mill 71 Bridge Street Derby	Display of one non-illuminated noticeboard	Approval	27/11/2018
04/18/00510	Full Application	47 Arlington Road Derby	Front and rear extensions to dwelling (garage, kitchen, utility, study, bedroom and en-suite) and installation of front and rear dormers to form rooms in the roof space (five bedrooms, bathroom and en-suites) and first floor side windows	Approval	29/11/2018
08/18/01258	Full Application	Land Between 20 And 24 Quarndon Heights Allestree Derby	Erection of a dwelling house (use class C3)	Approval	29/11/2018
10/18/01521	Full Application	7 Castlecraig Court Sinfin Derby	Two storey side extension to dwelling house (living room and bedroom)	Refuse	29/11/2018
10/18/01508	Full Application	Unit D3 Amberley Drive Sinfin Derby	Change of use from MOT testing centre (Sui Generis) to business (use class B1)	Approval	29/11/2018
18/01594/FUL	Full Application	Precision Casting Facility Rolls Royce PLC Wilmore Road Derby DE24 9HZ	External alterations including the installation of new cladding, roof handrails, air conditioning unit, CCTV cameras and other ancillary works together with the erection of a 2.4m high fence, 8 no. 6m high CCTV towers, two pairs of 1m high beam towers and 4 no. 8m external lighting columns	Approval	29/11/2018
18/01603/FUL	Full Application	85 West Bank Road Derby DE22 2FY	Single storey side extension to dwelling (enlargement of bedroom)	Approval	29/11/2018
18/01619/FUL	Full Application	35 Muswell Road Derby	Single storey front and rear extensions to dwelling house (porch, sitting room,	Approval	29/11/2018

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 4HN	enlargement of kitchen/diner, utility, w.c, cloaks and study)		
03/18/00381	Outline Application	Derby Montessori School 296 Uttoxeter New Road Derby	Extensions and alterations to school (learning spaces, ancillary rooms, admin/ staff facilities including 1 residential unit for staff use)	Approval	30/11/2018
18/01595/ADV	Advertisement Consent	Precision Casting Facility Rolls Royce PLC Wilmore Road Derby DE24 9HZ	Display of one non-illuminated fascia sign	Approval	30/11/2018
18/01575/DEM	Demolition - Prior Notification	Former Arboretum Bowls Club Rose Hill Street Derby DE23 8FZ	Demolition of timber framed bowls pavilion together with adjacent lean-to stores and two storey club-house	Approval	30/11/2018
18/01576/DEM	Demolition - Prior Notification	Disused Train Shed Markeaton Park Markeaton Lane Derby	Demolition of steel framed former Train Shed	Approval	30/11/2018
18/01580/DEM	Demolition - Prior Notification	Cut Lane Footpath Racecourse Playing Fields St Marks Road Derby	Demolition of concrete store	Approval	30/11/2018