



Derby City Council

PLANNING CONTROL COMMITTEE
25 April 2024

ITEM 5

Report sponsor: Chief Planning Officer
Report author: Development Control Manager

Applications to be Considered

Purpose

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

Recommendation(s)

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

Reason(s)

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

Supporting information

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

Public/stakeholder engagement

5.1 None.

Other options

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

Financial and value for money issues

7.1 None.

Legal implications

8.1 None.

Climate implications

9.1 None.

Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	16/04/2024
Other(s)	Ian Woodhead	16/04/2024

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

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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
5.1	1 - 15	23/01521/FUL	Rycote Centre Parker Street Derby	Demolition of existing storage building and canopy, external alterations associated with the refurbishment of the main building, installation of photovoltaic panels to roof, erection of an external multi-use games area, car and cycle parking and hard and soft landscaping and boundary fencing and other ancillary works.	To grant planning permission with conditions.
5.2	16 - 86	23/01102/FUL	Land And Former Bonded Warehouse And Engine House Former Friar Gate Goods Yard Friar Gate, Stafford Street And Great Northern Road Derby	Restoration and Change of Use of the Bonded Warehouse (Use Class E) , Restoration and Change of use of the Engine House (Use Class E) and the erection of up to 280 dwellings (Use Class C3), landscaping, access and cycle provision, sustainable drainage, public and private open space, earthworks, and the partial demolition of existing railway arches	A. To authorise the Director of Vibrancy & Growth to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Corporate Governance, Property and Procurement and Monitoring Officer to enter into such an agreement. B. To authorise the Director of Vibrancy & Growth to grant permission upon conclusion of the above Section 106 Agreement.
		23/01109/LBA	Former Bonded Warehouse, Engine Shed And Friar Gate Bridge Abutments Friar Gate Goods Yard Friar Gate/Stafford Street Derby	Restoration, alteration and conversion of the Bonded Warehouse and Engine House (Use Class E) and demolition of existing arches structures adjacent Friar Gate bridge with part retention of facade	
5.3	87 - 121	23/01657/FUL	Land Off Kingsway Boulevard Kingsway Derby	Change of use of land for use as a temporary car park and associated works	To grant planning permission with conditions.

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Application No: 23/01521/FUL

Type: Full Application

1. Application Details

1.1. Address: Rycote Centre, Parker Street, Derby.

1.2. Ward: Darley

1.3. Proposal:

Demolition of existing storage building and canopy, external alterations associated with the refurbishment of the main building, installation of photovoltaic panels to roof, erection of an external multi-use games area, car and cycle parking and hard and soft landscaping and boundary fencing and other ancillary works.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01521/FUL>

Brief description

This application relates to a site located on the north east side of Parker Street and south west side of Kedleston Road. The site is currently vacant, but was formerly used as an adult learning centre operated by the City Council. The building is 2/3 storey in scale with minor alterations from its original inception. There are approximately 25 spaces associated with the building and two points of access off Parker Street (main entrance) and Kedleston Road (secondary access). Land levels rise in a west to east direction.

Proposal

Full planning permission is sought for the demolition of the existing storage building and canopy, external alterations associated with the refurbishment of the main building, installation of photovoltaic panels to the roof, erection of an external multi-use games area, car and cycle parking, hard and soft landscaping and boundary fencing and other ancillary works.

The proposal aims to provide a specialist educational need educational school facility for children aged between 3-19 – approximately 70 pupils and staff numbers of 43 people, in accordance with the submitted supporting statement. 13 classrooms would result from internal adjustments to the building. Operating hours would be 7:30am – 7:30pm. A perimeter fence, 2.4m in height would be installed around the boundary of the site. The proposed elevational changes would constitute of rendered off white panels and replacement cedar weatherboard panels. The proposed multi-use games area would be sited in the south east corner of the site, measuring 15m by 10m.

2. Relevant Planning History:

Application No:	12/07/02286	Type:	Full Application
Decision:	Granted Conditionally	Date:	09/01/2008
Description:	Installation of doors and windows		

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Application No:	11/12/01402	Type:	Full Application
Decision:	Granted Conditionally	Date:	23/11/2012
Description:	Installation Of Plant And Erection Of Guard Rail, Fence, Steps And Installation Of Additional External Door		
Application No:	24/00302/CAT	Type:	Works to Tree in CA
Decision:	Pending	Date:	-
Description:	Various works to trees		

3. Publicity:

- Neighbour Notification Letters sent to nearby residents
- Site Notice displayed on nearby street furniture

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

4. Representations:

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

A total of 22 objections received and one letter of support. The main points raised include:

- The SEN Rycote facility will improve the environment of Parker Street and West Avenue.
- If all the trees are retained, as stated in the Arboricultural Survey, this is a good thing in relation to the potential impact of noise, light and air pollution and to environmental conservation.
- The proposal would create an unacceptable impact on highway safety.
- The cumulative impact of the existing Emanuel School 43 Kedleston Road and proposed school 24/00142/FUL Polish Club and Catholic Centre does not appear to have been assessed.
- The proposal doesn't provide appropriate levels of parking for cars in accordance with the standards set out in Appendix C of policy CP23.
- The proposed staff parking within the site is inadequate for the proposal.
- The application also lacks suitable access consideration with respect of student drop-off and pick-up.

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- This would have an unacceptable impact on the highway safety on the existing road network surrounding the site.
 - If the photovoltaic panels are angled towards Hawthorn Court the sun will reflect off the panels directly into nearby principal windows
 - I am requesting that the Kedleston Road access is not used by pupils on foot or being dropped off or collected by car/other vehicle to the school. This is because there is not a safe pavement access to the school via the access road off Kedleston Road, there are constant vehicles coming and going from the Kedleston Road access road, both from Hawthorn Court and the architects practice which uses the access road.
 - The retirement development is a peaceful place of residence for elderly people and they are collected from the main entrance which adjoins the Kedleston Road access way and they walk out from the entrance to the parking spaces adjoining the main entrance and around the side of the building. So we do not want pupils on foot and/or their vehicles accessing the school via the Kedleston Road access way, as this would cause health and safety issues, inconvenience and additional noise.
 - The ideal solution is for all pupils to access the new school via the Parker Street access and not use the Kedleston Road access under any circumstances and signage needs to be put at the entrance to clearly state there is no access to the school via Kedleston Road.
 - I am writing to voice the concerns of the residents of Hawthorn Court regarding the development of the Rycote Centre. Hawthorn Court is a retirement development for the over 60s consisting of 45 apartments. A large percentage of our residents are 90 plus in age and considerably frail. Many use walking frames and have impaired site and hearing.
 - We are concerned about the increased traffic that will occur when the Rycote centre becomes a school.
 - To have two school entrances/exits turning off the Kedleston Road can only lead to congestion and traffic problems at key times during the day. I would like to ask what measures will be put in place to alleviate the problems that will inevitably occur. My fears are particularly regarding the safety of the residents of Hawthorn Court.

5. Consultations:

5.1. Highways Development Control:

Further observations (06/03/2024):

In response to Highways Development Control (HDC) observations of 13/12/2023; applicants highways agent has submitted a Technical Note (dated Jan 24). After considering the points made, the response remains substantively unchanged in that there are concerns with relation to potential under-provision of parking within the site, and the potential for impact upon the surrounding network. Notwithstanding the

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above and previous comments made; as the application is not for a change of use; there are, in effect, no highway grounds to request refusal.

The Technical Note (TN) does appear to use planning policy as justification for what HDC considers may be a lack of provision. However, it is not a requirement that a technical consultee considers policy; this being more a consideration for the case officer to determine. I do note that the applicant's agent suggests that in order to reduce the impact of the development on Parker Street, that more vehicles could use the Kedleston Road access point. HDC would not be supportive of this, as there would possibly be an interaction with the proposed SEN site at the former Polish Club opposite (24/00142/FUL) this has not been assessed as part of either proposals. It should be noted that the lack of support could also not be used as a reason for refusal due to the fact that there is no change of use associated with the current proposals.

Highways Development Control cannot support the application; having concerns with respect to a lack of parking provision within the development; and lack of suitable access consideration with respect of student drop-off and pick-up. Highways Development Control raises concerns accordingly that at certain times of the day, that the development will lead to parking pressure on adjacent roads (in particular on Parker Street).

But in both cases is unable to substantiate reasons for refusal which would be defensible at any subsequent appeal because - In essence the proposals are for a change of use from adult education to a school for children with Special Educational Needs, however the change of occupier of the site is not the subject of the application. The proposals are notably not for a change in land use – the development (both existing and proposed) falls under Planning Land Use Category F1(a); the application appears therefore to relate to physical changes to the building and immediate curtilage. The change of use to an SEN school is a permitted change of use, and the application therefore appears to be for exterior changes, none of which in themselves would have a discernible impact upon the highway.

Original observations (13/12/2023):

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=202547646>

5.2. Transport Planning:

The following observations are based on the submitted Transport Statement (Oct 23) and the Technical Note (Jan 24) for an application for the change of use from an Adult Education Centre (Class F1) to a specialist SEN facility (Class F1) for pupils aged 3-18 that have Autism Spectrum Disorder (ASD) and needs relating to social, emotional, and mental health (SEMH) at the Rycote Centre, off Parker Street.

Whilst Transport Planning didn't have any objections initially, due to a change of circumstances with another SEN school subsequently being proposed in the vicinity of the site, the application must demonstrate how both schools can operate at the same time simultaneously without adversely affecting the existing highway network.

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This site has a dual access, off Parker Street and Kedleston Road (Hawthorn Court). The applicant has stated in their Technical Note (Page 2, Paragraph 4) that “the northern side of the site has the capacity to accommodate some of this demand if DCC’s preference were to reduce demand from Parker Street”.

DCC are unable to support the intensification of the Kedleston Road access without a suitable assessment demonstrating that the intensification would have nil detriment on the operation, and safety of the current shared access arrangements on Hawthorn Court or with the junction at Kedleston Road. Hawthorn Court already has a sub-standard width to allow two vehicles to pass simultaneously within the vicinity of the Kedleston Road junction so this increases the likelihood of vehicle reversing onto Kedleston Road, and or being unable to enter from Kedleston Road.

Furthermore, any intensification of the Kedleston Road access must take into account the other SEN school being proposed (24/00142/FUL) which will use the same part of Kedleston Road for their access. The applicant must be able to provide sufficient evidence that both schools can operate simultaneously without affecting the existing highway network on Kedleston Road.

The applicant should address the aforementioned concerns prior to this application being determined.

5.3. Environmental Services (Health – Pollution):

Noise

I refer to the information submitted (noise survey with ref: AS13099.230927.NIA 2.1 dated 9 October 2023 and light assessment dated 9 September 2023) in support of the above planning application/consent. I can comment as follows:

The outcome of the light assessment specify that the proposed development is in accordance with Society of Light and Lighting (SLL) handbook and the Institute of lighting professionals (ILP) guidance note 1 on obtrusive light (GN01). Thus, it is not expected that the development will cause light spill nuisance or glare to the neighbouring occupants.

Furthermore, the noise assessment has established that the location is suitably quiet such that appropriate internal ambient noise requirements can be achieved with a natural ventilation strategy. Also, an assessment has been done for one plant and the indication is that the noise level at the nearest noise sensitive receptor is lower than the background noise level. If further plants are required, details will need to be submitted to the Council for approval.

Noise generated by sports facilities can often have an adverse impact on surrounding residential properties if not mitigated appropriately.

The most significant noise source from typical Artificial Grass Pitch (AGP) sports sessions are voices and balls impact. According to Sports England a typical free-field noise level from an AGP (at 10 m from the side line halfway marking) = 58 dB LAeq(1 hour). I am not sure the distance of the nearest noise sensitive receptor. It is still important to ensure close by residential occupiers are protector from noise. Barriers and bunds provide sound reduction by breaking the line of sight between the noise source and the receiver location.

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For the reasons given above, I would have concerns of detriment that will be caused to residential occupiers close by due to noise.

If planning consent is granted, I would recommend that the conditions below are attached.

- Noise reduction provided by a 3 m high barrier should be install. The acoustic barriers should be built outside the perimeter fence, so they are protected from being hit by balls and generating impact sounds.
- The proposed PlayZones should not be used between 7pm – 7am Mon – Sun.

Further to this latest re-consult, I can see there is a brief note highlighting the plan which indicates the location of the barrier and a reference to the hours of use of the MUGA. These matters have already been discussed in our latest comments (dated 8th Feb 2024). The only point of note is that we have suggested slightly more conservative hours than the hours that the agent has agreed to (no use between 7pm and 7am versus 9pm to 7am offered by the applicant). We still think that the hours we recommended previously should be applied in this built-up residential area, so our comments remain unchanged.

Contamination

I have reviewed the application information and I would offer the following comments in relation to Contaminated Land risks on site.

Whilst the site is not highlighted as potentially contaminated as a result of its historical use, I do note that some demolition is due to take place on site which could present a risk of asbestos contamination within soils post-demolition.

Consequently, I would recommend the completion of a post-demolition soil investigation in relation to any soils intended to be left in-situ or re-used on site within soft-landscaped areas.

Should planning permission be granted, suitably-worded conditions would be recommended in this regard. The following wording is suggested:

- i.) A post-demolition contaminated land survey is required in relation to any soils intended to be kept in-situ or re-used on site within soft-landscaped areas. The assessment will need to be submitted to the Local Planning Authority for written agreement prior to the commencement of construction works on site.
- ii.) Where the agreed assessment has identified significant contamination risks to human health, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks within soft landscaped areas. The Remediation Strategy shall be completed in accordance with LCRM Guidance and submitted for written approval by the Local Planning Authority prior to commencement of the development.
- iii.) Finally, the risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been implemented in full, that all significant risks to human health have been removed and that the remediation targets have all been met. The Validation

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Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

5.4. Derbyshire County Council Archaeologist:

The proposed development area overlies the extrapolated route of a Roman Road, Rykneld Street, (MDR10207, MDR4600). It lies 260m to the north of the University of Derby Nunnery Court Area of Archaeological Interest (DDR8707), 190m to the north of the site of the 12th century Benedictine priory of St Mary De Pratis (MDR4462). The site is also 150m to the south of the 'Little Chester, Derby Area of Archaeological Interest (DDR8708) and is within the Strutts Park conservation area (DDR7272). Please consult your own buildings and conservation officer regarding the level of impact of the proposals on the conservation area.

I note the inclusion of a Heritage Statement with the application, this is not really fit for purpose as it does not consider archaeological potential at all, even to discount it and we have no record of the HER being consulted as part of the application. This is an error of omission. However, the Rycote Centre appears to have been terraced into an underlying slope to the east/rear of the site and though I have no sense of the effects or extents of the footprint of the terracing from the submission, nor the impacts from soft landscaping nor the impacts from the demolition of the storage building. My own map regression leads me to believe that the site itself has previously been disturbed (tanks are referenced on the 1st Edn 1:2500 OS) and that the terracing in of the Rycote Centre building itself will also have removed any pre-existing archaeology. I advise therefore that on balance there are unlikely to be any below ground archaeological impacts. On this basis, rather than on the basis of the submission, I have no objection.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1 (a)	Presumption in Favour of Sustainable Development
CP4	Character and Context
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network
CP21	Community Facilities

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Saved CDLPR Policies

GD5	Amenity
E18	Conservation Areas
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:

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

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

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

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

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

6.2. Non-housing applications:

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

7. Officer Opinion:

Key Issues:

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

7.1. Context

7.2. Design Implications

7.3. Highway Matters

7.4. Residential Amenity

7.5. Trees

7.6. Conclusion

7.1. Context

The application site currently has an established land use for education use, falling within Use Class F1 'Learning and non-residential institution', (a) for the provision of education. The intended end user for the site also falls within the same education use class and therefore no material change of use would take place. As the proposed development consists mostly of refurbishment, contextually the extent of development is minimal. Indeed, the upgrade of the existing building - which is a purpose built facility for learning with a classroom internal layout - is a logical re-purposing of the building asset, for educational purposes.

It should be noted that this planning application for the Rycote Centre is for the external alterations of the building and other minor works to the site and not for a change of land use or access. In planning terms, the building could operate as a Special Educational Needs School without the need for planning permission. As such, the Council has no control over the use of the existing Kedleston Road access and Parker Street access through this planning application.

The site is bounded on all sides by residential development of differing types. To the north of the site is a private shared access road, off Kedleston Road, a converted historic coach house building (used as offices) and Hawthorn Court, a large residential extra care facility comprised of 45 apartments over 3 levels. To the east and south the application site abuts the rear curtilages of West Avenue and Parker Street properties. To the south and west are the 3 storey blocks forming Elm Park Court residential apartments.

7.2. Design Implications

The principle of good design is reinforced by adopted Policies CP3 (Placemaking Principles) and CP4 (Character and Context) of the DCLP – Part 1 which both seek to ensure high quality well designed places and these include considering optimising density, providing good standards of privacy and security, providing well connected spaces and delivering well integrated vehicle and cycle parking. The development should fit into the wider environment and not cause unacceptable adverse impacts. Saved Policy E18 (Conservation Areas) of the CDLPR states that permission will be

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granted for schemes which preserve or enhance the special character of the Conservation Area.

The proposed elevational changes would constitute rendered off white panels and replacement cedar weatherboard panels. At roof level, the installation of 60 photovoltaic panels (at a 15 degree tilt), would not be visually discernible from Parker Street or Kedleston Road and would offer renewable generation for the site. Given the functional and simple elevational treatment of the building, such modifications would only enhance the external appearance of the building. Furthermore, as this is a 1970's era building mostly hidden from the surrounding streetscene and conservation area and shares little of the architectural expression that gives the area its character, the building makes a limited contribution to the character of the conservation area and there are no heritage related implications arising from the proposals.

The proposed perimeter weld mesh security fence, 2.4m in height would be installed along the site boundaries, which would be visually permeable and generally tolerable in design terms. With regards to the multi-use games area, this would be sited in the south east corner of the site, measuring 15m by 10m and 4m height surrounding fencing. In design terms, this element would also be acceptable.

7.3. Highway Matters

The application has been considered by colleagues in Highways Development Control and Transport Planning and their comments are included within this report. Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Paragraph 108(b) of the National Planning Policy Framework encourages local planning authorities to ensure that safe and suitable access can be achieved for all users.

Fundamentally, it should be noted that this planning application is for the external alteration of the building and its grounds and other minor changes only. In planning terms, there is no change of use proposed and the existing building can operate as a Special Educational Needs School without the need for planning permission. As such, the council has no control over the existing access arrangement to and from the site from both Kedleston Road and Parker Street through this application.

The application proposes that the existing car park to the south of the building is to be retained and reused, to provide minibus, staff and visitor drop-off spaces for the school. The Design and Access Statement explains that primary access to the site will be off Parker Street, with refuse being collected off Kedleston Road. The Car Park Management Plan explains that "the school will be operational between 07:30 and 19:30, from Monday to Friday, with classes starting at 09:05 and 09:20 and finishing at 14:30 and 14:45. Upon reaching full capacity, this facility will provide full-time day education for 70 pupils and employment for 43 full-time equivalent (FTE) staff. There are expected to be approximately two visitors attending the site per day from specialist support staff, carers, or nurses " and that "the school will commit to the staggering start/finish times and associated drop-off/collection times such that there are two separate waves of short stay arrivals and departures, where classes starting at 09:05 and 09:20 and finishing at 14:30 and 14:45."

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The Design and Access Statement also details that the proposed parking provision will comprise 14 staff parking spaces, including one disabled parking space, two minibus spaces and drop-off area that can accommodate up to 14 cars at any time. Highways colleagues and third party representations raise concern that there is a general under provision of off-street parking and it would lead to parking demand on nearby residential streets around the site. An access strategy has been submitted as part of the planning application. This identifies that the majority of the SEN School pupils will be dropped off and picked up from the Parker Street car park and access. The strategy identifies some use of the Kedleston Road access. However, this is only for a limited number of minibuses dropping off and picking up pupils, along with servicing vehicles. Highways colleagues have advised the applicant that the Kedleston Road access should be kept to a limited use by the school because of the narrow width of the road.

The neighbouring residential home also shares the use of the private access together with a small office occupier such there will be other vehicular movements unrelated to the SEN school. Such is the case with shared access road layouts. Some objectors raise the matter of potential dangers to elderly residents. Whilst elderly residents may use the access road to walk to and from Kedleston Road, a narrow footpath does exist either side of the private access road. Whether the footpath can be suitably widened without compromising the road width is a matter the care home may pursue but is not part of this planning application.

I note Transport Planning has requested a full transport assessment that takes account of the proposed SEN school immediately opposite the Kedleston Road access (24/00142/FUL), to demonstrate how both schools can operate at the same time simultaneously without adversely affecting the existing highway network. As the proposed development for the Rycote Centre does not constitute a material change of use, there is no requirement for a full transport assessment to support the proposals. Furthermore, the applicant is not willing to undertake a transport assessment beyond that already submitted.

As detailed above, the Highways Officer consulted is of the opinion that there would be implications for the highway network as a result of the development, but given the nature of the application and the existing permitted use of the site for education use, I conclude that the proposal would meet the requirements of adopted policy CP23 of the City of Derby Local Plan Part 1 and paragraph 108(b) of the National Planning Policy Framework.

7.4. Residential Amenity

Saved policy GD5 (Amenity) of the CDLPR states that “Planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. In considering harm, the Council will consider the following: a. Loss of privacy; b. Overbearing (massing) effect; c. Loss of sunlight and daylight; d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit; e. Air, water, noise and light pollution; f. Hazardous substances and industrial processes; g. Traffic generation, access and car parking”.

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The main residential amenity impact of the development would be upon the immediate neighbouring residential properties at Hawthorn Court, Parker Street and West Avenue properties.

The application is accompanied by a lighting impact assessment report, which has been reviewed by Environmental Health and is deemed to be reasonable in amenity terms. The general lighting design to the site is made up of the following: main building wall mounted external LED lights and post mounted lights serving the multi-use games area (MUGA). With much of the MUGA screened by boundary vegetation and trees together with lights controlled by beam direction / switch off mechanisms, the development is unlikely to cause light spill nuisance or glare to the neighbouring occupants.

The associated use and potential noise generated by the proposed MUGA could have an adverse impact on surrounding residential properties if not mitigated appropriately. The most significant noise source from typical Artificial Grass Pitch (AGP) sports sessions are voices and balls impact. I note the applicant has amended the site plan to show a 3m height close board timber fence behind the 4m height metal mesh fence around the MUGA, for acoustic screening purposes. Subject to a condition restricting the use of the MUGA (no use between 7pm and 8am) to be applied given this is a built-up residential area.

With regards to general activity associated with the development, at present the site is vacant, so it's re-purposing and new end user will result in activity and noise associated with an education setting. Typically, this is vehicle movements, external play and classroom noise. However, given the proposed development consists of external alterations associated with the refurbishment of the main building, installation of photovoltaic panels to the roof, erection of an external multi-use games area, car and cycle parking, hard and soft landscaping and boundary fencing and other ancillary works, the development is unlikely to generate significant harmful noise impacts upon nearby residents.

It is considered that the impacts of the proposed development would not be significantly harmful to the residential amenities of occupants of nearby dwellings and a satisfactory living environment would be maintained for those neighbouring residents in line with the requirements of Policy GD5 of the CDLPR.

7.5. Trees

The existing trees on the site are around the perimeter to the south and western boundaries. Arboricultural Assessment and Method Statement accompanies the submission. The proposed development would not require the removal of any existing trees, but the canopies of G01, G02, G04, T07 and T09 will require pruning in advance of the erection of tree protection fencing to facilitate the adjacent remediation and construction works. The potential impacts to retained trees associated with the demolition of the existing buildings can be mitigated by the erection of tree protection fencing and ensuring that the existing foundations are not also removed. Excavations to remove the existing car park should not at any point extend deeper than the sub-base when located within the root protection areas of trees to be retained.

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Type: Full Application

The most prominent tree is T03 - a mature horse chestnut tree situated on the southern entrance and highly prominent from various vantage points. Works to install the new gate at the front of the site, as well as the excavations required to install the new ducting have the most potential to cause damage to T03. For these reasons, all excavations within the RPA of T03 will require on site arboricultural site supervision to ensure no significant root damage. This could be the subject of a planning condition.

The new MUGA is positioned entirely in the footprint of the existing tarmac car park and can be constructed at existing site levels, meaning that excavations do not have to extend deeper than the existing sub-base where there may be larger structural roots. Constructed in this manner, the potential for impacts to T03 is low. From the above information provided in the 'Arboricultural Impact Assessment and Arboricultural Method Statement'. Subject to adherence to tree protection measures on site, particularly in relation to the mature Horse Chestnut tree fronting the Parker Street entrance, the development would not compromise on site trees and in this regard would be acceptable against policy CP19 of the City of Derby Local Plan Part 1.

7.6 Conclusion

As stated above, the proposed development consists mostly of refurbishment and minor external works. Importantly, the upgrade of the existing building - which is a purpose built facility for learning - is a logical re-purposing of the building asset, for educational purposes. The scope of this application is limited to those elements discussed in section 7 of the report and in all respects the development would be acceptable against relevant policies. There may be some implications for the highway network as a result of the development, but given the nature of the application and the existing permitted use of the site for education use, it is concluded that the proposal would be reasonable in planning terms. With the occupier/school adhering to a management plan and other conditions listed below, any potential material impacts would be sufficiently mitigated. For the reasons given in section 7 of the report a recommendation is given to grant planning permission, with conditions.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The development would be acceptable in design, amenity, highway, environmental and terms and there would be no adverse impacts on trees.

8.3. Conditions:

1. Standard condition time limit

Reason: Time limit reason

2. Standard condition approved plans

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Reason: For the avoidance of doubt

3. Standard condition use of MUGA limited to 8am - 7pm

Reason: To minimise residential amenity impacts

4. Standard condition – tree protection measures

Reason: To minimise impact on trees.

5. Use of Kedleston Road access as a secondary access only

Reason: To mitigate highway impacts

6. Standard condition: Submission of a school traffic and transport management plan

Reason: To mitigate highway impacts

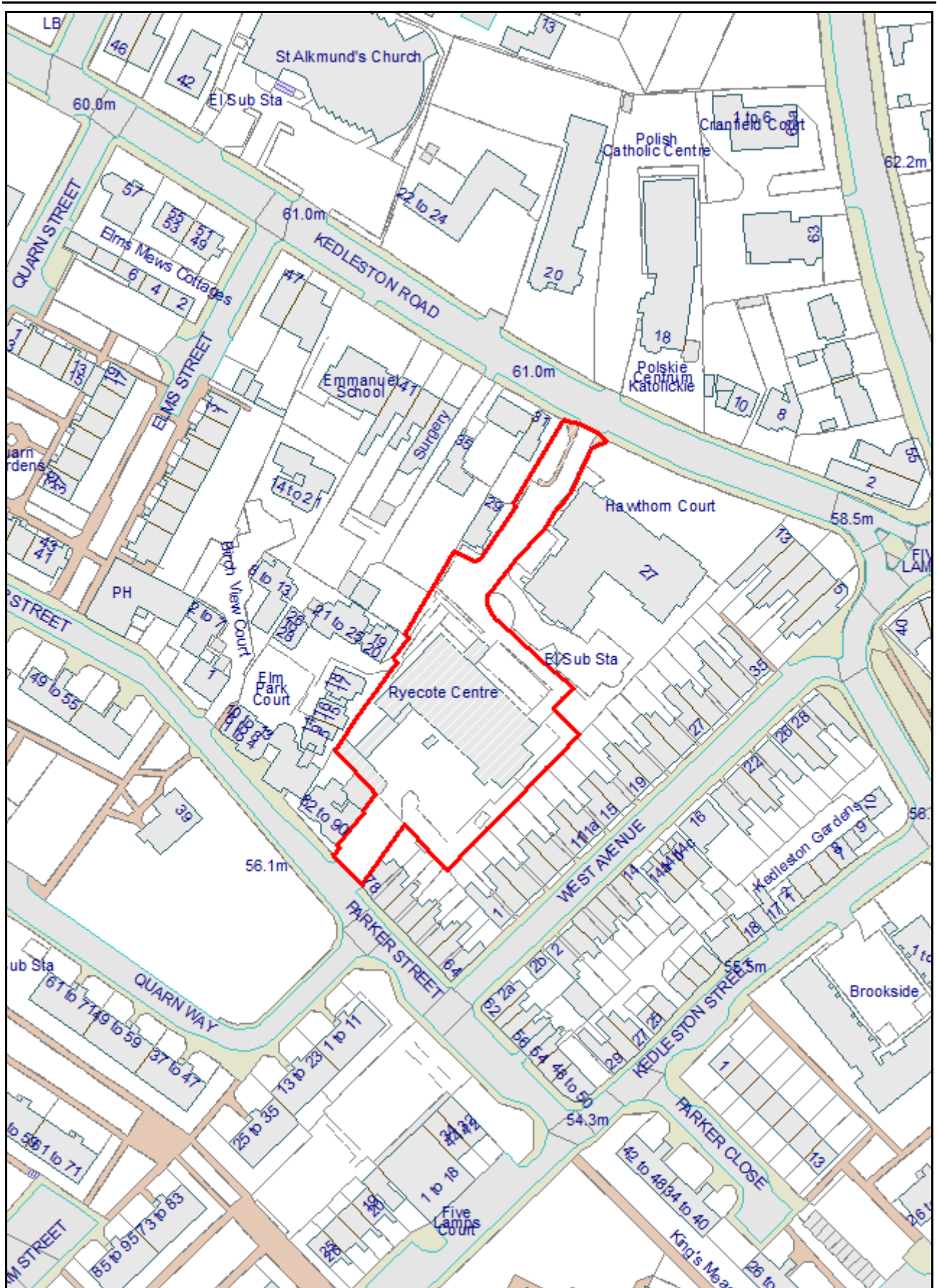
9. Application timescale:

The 8 week target date was 3 January 2024 and the applicant has agreed a revised determination date.

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Application No: 23/01521/FUL

Type: Full Application



Committee Report Item No: 5.2

Application No: 23/01102/FUL and 23/01109/LBA

Type: Full and Listed
Building Consent

1. Application Details

1.1. Address: Land and Former Bonded Warehouse and Engine House, Former Friar Gate Goods Yard Friar Gate, Stafford Street and Great Northern Road, Derby

1.2. Ward: Abbey

1.3. Proposal:

Restoration and Change of Use of the Bonded Warehouse (Use Class E) , Restoration and Change of use of the Engine House (Use Class E) and the erection of up to 280 dwellings (Use Class C3), landscaping, access and cycle provision, sustainable drainage, public and private open space, earthworks, and the partial demolition of existing railway arches

Restoration, alteration and conversion of the Bonded Warehouse and Engine House (Use Class E) and demolition of existing arches structures adjacent Friar Gate bridge with part retention of facade

1.4. Further Details:

Web-links to applications:

Full Application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01102/FUL>

Listed Building Consent:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01109/LBA>

The Application Site

The application relates to the remaining parcel of land at the site of the former Derby Station and Goods Yard site. The site covers an area of just under 5 hectares and comprises an irregular shaped piece of land located to the south of Friar Gate and the west of Stafford Street. It lies to the west of the City Centre within an established and built-up area. Much of the site has been empty and derelict for several decades. In the past, the site was filled to enable the railway that it accommodated to be elevated above neighbouring roads, as a result it sits some 5-7m above adjacent land.

Derby Station was part of the Great Northern Railway whose route through Derby was completed in 1878. The former station buildings occupied the northern part of the site elevated upon arched structures which were attached to Friar Gate Bridge. A Bonded Warehouse (also known as the former goods depot), Engine House and associated buildings along with extensive areas of track extended to the south west. The station closed in the 1960's and the majority of the railway infrastructure was removed from the site including the track beds, signal box, station buildings and ancillary structures. However, the bridge, brick vaulted arches that carried the upper level station buildings, Bonded Warehouse and Engine House remain and parts of the platforms are evident.

The Bonded Warehouse is on the statutory list of buildings of special architectural or historic interest and is a Grade II Listed Building. The building sits towards the

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southern corner of the site at a raised land level in relation to the surrounding roads. It is an impressive and imposing building built of red brick with an irregular plan which accommodates a rounded corner on the north-east side. The building was used as Friar Gate Goods Depot. Rail access to the building was historically from the west via a series of broad openings in the building and similar openings in the east elevation provided road transport access. Internally, there are two areas of differing character within the warehouse which reflects its former use and original layout. These are the three-storey office area to the east, within the curved bay of the Bonded Warehouse, which has cellular rooms and the two storey large floor plans and spaces of the warehouse which housed platforms elevated over the basement. Sadly, much of the historic fabric in the interior of the building has been lost due to continued deterioration and a fire which occurred in 2020. However, features such as the iron support columns, girders, roller doors and parts of the platforms still remain within the building, together with some cast-iron window frames. The fire destroyed much of the building's roof, which had comprised a large, pitched roof down the centre of the building, with two smaller pitched roofs flanking. The vaulted basement continues to be accessed via a brick built vaulted road tunnel which links to Great Northern Road. The Bonded Warehouse has been placed on the 'Buildings at Risk' register due to its state of disrepair.

The Engine House is also a Grade II listed building. It was built in 1877-1878 in an Italianate style with decorative brick tower and arched windows. The building provided hydraulic power to the various hoists and cranes within and around the goods depot. It is constructed of red brick with a timber roof structure, much of which has been lost due to a fire in 2013. The tower which is attached to the western end accommodated a pyramidal roof and has tall arched openings at the upper level. Some of the cast metal windows in the building remain. The Engine House comprises three spaces these being the former Boiler Room, Engine Hall; and Accumulator Tower. The internal structure comprised of a ground floor along with a mezzanine floor which was removed in May 2022 along with some steel beams supporting the floor. The Attic floor below the roof has also now been removed along with the staircase connecting the different floors. The tower still retains the riveted cylinder and the wooden beam supported on the stone corbel, but these were heavily damaged in the fire of 2013. The Engine House has also been placed on the 'Buildings at Risk' register.

The brick arches on the northern part of the application site are attached to, and form part of, the Grade II Listed Friar Gate Bridge. They comprise a series of linked brick arched vaults which historically raised the railway tracks to the level of Friar Gate Bridge. The blue brickwork is punctuated by a series of openings, some of which still provided access into the arch interiors. Several of the arches have now collapsed leaving an open void. All but one of the arches, the one closest to Friar Gate bridge, are vacant. The parapet level of the arches accommodates a series of panels and flat pilasters above which project a number of truncated chimney stacks. To the east and west of the bridge are cobbled/stone setts access drives.

The cobbled road which led to the main entrance to the station remains on the western side of the arches, along with a timber gable fronted canopy which formerly housed the ticket office and booking hall. It also accommodated an entrance to the subway arch which provided access to the upper level platforms including an island

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platform. This entrance is now blocked but access to the subway is still possible from a secondary entrance on the eastern side of the arches. The stair from the subway has been sealed. None of the station buildings on the upper level remain. The first two arches that are attached to the Friar Gate Bridge are owned by the City Council, although they do fall within the limits of the application site.

The majority of the wider site is disused and overgrown, and consequently the site has developed wildlife interest in its flora and fauna. The site incorporates the Friargate Station Local Wildlife Site (DE006) which covers the north-western part of the site and contains a wide variety of plant species (including the rare plant common Broomrape) and provides an important habitat for butterflies. Habitats across the site include areas of open mosaic habitats on previously developed land, broad-leaved woodland, semi-improved neutral grassland, tall herb and ephemeral vegetation, as well as scrub. The group of trees along the north-western edge of the site, and the group of trees to the east of the main site access are covered by Preservation Orders (TPO No's 490 and 569). There is also an existing public right of way which runs across the site connecting South Street and Great Northern Road. The wider site also includes a number of listed curtilage structures, such as walls, crane bases. The red line site location plan incorporates a slither of land within the cathedral school site, which the applicant is considering purchase of and will allow for future flexibility in deliverability of the site. However, for the time being this area will remain as playing fields.

To the north and east the site abuts properties fronting onto Stafford Street and Friar Gate, including a number of statutory listed buildings. At its northern limits the site drops down to the level of Friar Gate. The Friar Gate Conservation Area extends across the frontage of the former Station site and incorporates the bridge abutments attached to the Grade II Listed Friar Gate Bridge, which fall within the site's red line boundary. However, the Conservation Area boundary does not extend into the wider application site. There is an existing vehicle access into the site to the eastern side of Friar Gate Bridge.

To the east the site encompasses two car parking areas which are accessed from Stafford Street, including the former Wilkinson's Yard. To the southwest the site is bounded by the recently developed Derby Cathedral School site. The development extending up to the site's western boundary is predominantly residential and includes traditional Victorian terrace housing and later infill developments. The southern boundary of the site extends up to Great Northern Road and the inner ring road junction, where Stafford Street meets Uttoxeter Old Road sits at its southeast corner. The roundabout here provides the main vehicle access into the application site.

The Proposal

The proposals seek full permission and listed building for residential development (C3) on the site of the former Friar Gate Goods Yard and the restoration of the former Bonded Warehouse and Engine House for commercial uses. The residential development is shown as a mix of townhouses (227) with an apartment block on the Stafford Street frontage (former Wilkinson's Yard) providing an additional 49 dwellings. Whilst the layout as shown allows for the development of 276 dwellings, permission is sought for up to 280 to allow for future flexibility. For clarity if

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permission is granted for this scheme it would be the layout of 276 dwellings that we would expect to see built unless a further application for changes were approved.

The full planning application (ref: 23/01102/FUL) is accompanied by a separate Listed Building Consent application (ref: 23/01109/LBA) in respect of alterations to the Grade II Bonded Warehouse, the Engine House and the Friar Gate Bridge arches.

In more detail, the development proposals for the site include the following:

- 227 new homes - the housing consists of a mixture of 2- 3 storey, 2 and 3 bed modern, terraced townhouses and laid out in a series of boulevards which reference the route of the historic train lines which ran through the site.
- 49 Apartments – 1 and 2 bedroomed apartments situated within a 4 storey apartment building fronting onto Stafford Street.
- Restoration and change of use of the Bonded Warehouse and Engine House for commercial uses, creating a total of circa 7,256sqm of commercial 'E' Class uses (Commercial, Business and Service), which could include uses such as retail, cafes, restaurants, financial and professional services, indoor sport and recreation, creches, day nurseries, or day centres, offices, research and development, and light industrial.
- Works to the Bonded Warehouse to include the installation of mezzanine floors, replacement windows and doors, repair and re-roofing of the building, the installation of a roof lantern, reinstatement of the projecting hoist and the installation of glazed entrance doors.
- Works to the Engine House, to include new floors, the repair and reinstatement of the roof and former roof vent, the installation of rooflights, the formation of new stair within the accumulator tower, and repair and reinstatement of windows.
- Demolition of the railway arches on the site back to the stone abutments on Friar Gate Bridge, with the partial retention the railway arch facades. The timber canopy structure to the west of bridge would also be demolished.
- Formation of new areas of public open space, including the creation of a new informal area of public open space to be sited adjacent to Friar Gate Bridge with a stepped and ramped approach allowing future access up to the deck level of Friar Gate Bridge.
- Formation of green spaces throughout the development, to including new play spaces and pocket parks
- Formation of new vehicular, pedestrian and cycle accesses – one primary vehicle access route from Uttoxeter New Road roundabout and an emergency access from Friar Gate.
- An extension to the Mick Mack pedestrian/cycling route through the site.

The red line of the planning application includes all arches and the former cob shop located adjacent to Friar Gate Bridge, however, the bridge is not included within the

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red line of the application and no works are proposed to the main structure of the bridge or its deck level under the present proposals.

The application is accompanied by a suite of various plans and documents which include:

- A Design and Access Statement
- A Planning Statement
- A Heritage Statement
- A Townscape and Visual Assessment
- A Statement of Community Involvement
- A Landscape Strategy
- A Transport Assessment and Travel Plan
- An Arboricultural Impact Assessment and Method Statement
- A Phase 1 and 2 Report (Contaminated Land)
- A Statement of Community Involvement
- A Suds Statement
- An Ecological Impact Assessment
- An Energy Statement
- Structural Surveys
- A Flood Risk Assessment
- An Air Quality Assessment
- A Noise Impact Assessment
- A viability Assessment, including an arches scheme.

Environmental Impact Assessment Screening.

A screening and scoping request was submitted by the applicants prior to the planning application being lodged with the Local Planning Authority which sought a formal determination as to whether the proposed development should be supported by an Environmental Impact Assessment (EIA). The screening opinion determined that, whilst the proposed development is considered to be 'Schedule 2 Development' requiring screening under the Regulations, it is unlikely to have any significant effects on the environment, above the local level, or that cannot be adequately controlled or mitigated for. Accordingly, it was determined that the 'Proposed Development' described was not an EIA development within the meaning of the Regulations and therefore an Environmental Impact Assessment was not considered to be necessary.

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2. Relevant Planning History:

Application No:	21/01158/LBA	Type:	Listed Building Consent
Decision:	Granted Conditionally	Date:	06.04.2022
Description:	Structural works to ensure the lateral stability of the external walls and loose items of building fabric. Erection of scaffold for footpath protection and to allow access to window and roof level and provide restraint to the building. Roof works to include capping beams or reinstatement roofing and remodelling of the external ground levels		
Application No:	21/01157/LBA	Type:	Listed Building Consent
Decision:	Granted Conditionally	Date:	22.04.2022
Description:	Structural stabilisation works to dismantle damaged and unstable construction elements and to make safe the existing external walls. Temporary protection works to the remaining structure to prevent further collapse of residual roof elements and prevent ongoing water ingress.		
Application No:	03/11/00248	Type:	Listed Building Consent
Decision:	Granted Conditionally	Date:	21.06.2016
Description:	Alterations And Conversion of Former Station Viaduct to Form Retail /Office Uses		
Application No:	03/11/00247	Type:	Listed Building Consent
Decision:	Granted Conditionally	Date:	21.06.2016
Description:	Alterations And Conversion of Bonded Warehouse for Retail Use		
Application No:	03/11/00246	Type:	Outline Application
Decision:	Granted Conditionally	Date:	07.11.2013
Description:	Conversion of and extensions to bonded warehouse to form Supermarket (Use Class A1) and Mall (Use Classes A1, A2 and A3). Conversion of Former Engine House to Restaurant / Café / Drinking Establishment (Use Classes A3/A4). Conversion and extension of Former Station Viaduct to provide Financial and Professional Services / Restaurant / Café / Drinking Establishment / Hot Food Take-Away (Use Classes A2, A3, A4 And A5) and Heritage Centre (Use Class D1). Residential Development (Up To 150 Dwellings), Petrol Filling Station (Sui Generis Use) Together with formation of vehicular accesses, internal roads, and car parking and associated earthworks and landscaping		

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3. Publicity:

- Neighbour Notification Letter – 59 letters
- Site Notice - yes
- Statutory Press Advert - yes

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

4. Representations:

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

In total 2 objections, 2 representations of support and 1 comment have been received in response to the consultations carried out for planning application reference **23/01102/FUL**. The issues raised are summarised below -

- Careful consideration should be given to access from the site from South Street for both bicycles and pedestrians and disabled. The current steps are unsatisfactory for even pedestrians and are entirely unusable for disabled or for bicycles.
- Concerns about the impact on Friar Gate Bridge - the Council should not provide consent until confident that the plans are compatible with a full restoration, repurposing and sustainable future for Friar Gate Bridge, including providing suitable access. It would be even better if the Council could bring forward its own application for the Bridge, so that the Bridge could be restored at the same time as development of the Goods Yard.
- The Goods Yard proposals include a public open space accessible at street level from Friar Gate, with steps leading up to the Bridge deck level, and a new stone wall across the end of the Bridge. The documents assume that the Bridge will be made into public space under a separate application. It's not clear when such an application might be made, or whether public open space is the best use of the Bridge when it is eventually restored.
- An Options Study has been commissioned by the Friends of Friar Gate Bridge which identifies various inventions, including a high intervention scheme which would require additional space spreading onto the arches. The scheme would rule out this option.
- The development would remove the possibility of vehicular access, or any access on the level, to the Bridge. Without a potential income generation for use of the Bridge there is a risk that it would fall into disrepair.

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- The restoration of the Bridge could itself be difficult to achieve if the only access was via steps.
- Can the Council re-use of the inside of the Cob Shop and arch?

The representations include a letter of support from Marketing Derby as summarised below:

- supports the application, as it regenerates a site of significant local interest, occupying an important gateway into Derby City Centre.
- The entire site has been without use for 30+ years and has therefore declined in condition. It has attracted antisocial behaviour including drug use, criminal damage and most recently, a target for arson.
- The objectives set out in their Design and Access Statement are ambitious yet achievable and offer an exciting outcome to a blighted area of the city.
- The mixed development of the site diversifies the local economy and actively encourages the site's use throughout the day and into the evening, making it a safe place to visit and pass through.
- The regeneration of Friar Gate Goods yard complements the ambition by Derby City Council and will act as a catalyst for further investment across the city.

Comments have also been received from The Friends of Friar Gate Bridge, as summarised below:

- What is proposed will produce an attractive and interesting environment both for residents and visitors
- Insufficient consideration has been given to the impact on Friar Gate Bridge, including access.
- The development rules out options for providing vehicular access to the Bridge, making viable economic activity virtually impossible. Some of the funding for restoration of the Bridge requires ongoing economically viable activity and, even if restoration were achieved without such a guarantee, the City Council would need to fund ongoing maintenance costs from other revenue.
- The City Council needs to put forward a firm proposal for the ongoing use of the Bridge before granting planning.
- Concerns about the removal of the abutments to the Bridge.
- Welcome the development of Friar Gate Goods Yard in the style suggested but issues relating to the area surrounding the Bridge and to the Bridge itself, in particular vehicular access, need to be addressed before planning is granted.

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In total 3 objections and 1 representation of support have been received in response to the consultations carried out for listed building consent application reference **23/01109/LBA**. The issues raised are summarised below -

- Concerns about the relationship with Friar Gate Bridge and the fact the proposals do not make the bridge and useful part of the development. The plans should be amended to make full regard to allowing the bridge to be used and not a 'folly'.
- The Council should not provide consent until it is confident that the plans are compatible with a full restoration, repurposing and sustainable future for Friar Gate Bridge.
- An Options Study has been commissioned by the Friends of Friar Gate Bridge which identifies various inventions, including a high intervention scheme which would require additional space spreading onto the arches. The scheme would rule out this option.
- The development would remove the possibility of vehicular access, or any access on the level, to the Bridge. Without a potential income generation for use of the Bridge there is a risk that it would fall into disrepair.
- The restoration of the Bridge could itself be difficult to achieve if the only access was via steps.
- The Friar Gate Bridge next to the edge of the site could provide a pedestrian link from the development to the University's city campus and the Markeaton Brook.
- Horrified that the demolition of the historical important station and arches are based on purely a financial shortfall when they should be a City tourist attraction with such a huge heritage value beyond measure.

5. Consultations:

5.1. Highways Development Control:

Confirm No Objection to the proposals, subject to conditions.

Latest comments dated 29/02/2024

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203330940>

Comments dated 27/10/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=202133648>

5.2. Highways (Transportation)

Concludes in an extensive response that this development is located within the City Centre as defined by Derby's Core Strategy Part 1. As such, the development is perhaps in the most sustainable location that can be defined in planning terms. Residents will have access to a wide range of food and non-food retail, leisure, restaurants, health and service facilities. Further, the 7,501 sqm GFA commercial

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element of the development, which includes a mixture of office, food and non-food retail, will also provide some ancillary uses to the housing.

The development provides an opportunity to open this area to walking and cycling, allowing connections that do not currently exist or are undesirable. As such, development will make provision for 3 metre shared cycle and pedestrian routes through the site. It will open up the footway from South Street and provide a ramped pedestrian access from Friar Gate and a further access from Uttoxeter New Road to the Bonded Warehouse.

It is disappointing that more cycle parking has not been better integrated into the development, as identified by Active Travel England. However, the developer has contested that it would require a fundamental change of design, particularly in providing a rear access to some of the perimeter housing. Where possible, the developer has been pushed to provide additional cycle parking. However, this is City Centre living and it would be difficult to contest that the site is not sustainable by walking or public transport.

The development will be accessed from the spur that was constructed as part of the Connecting Derby Scheme and the Uttoxeter New Road/Stafford Street signalised roundabout. An emergency access will be constructed onto Friar Gate with provision for cyclists and pedestrians. The 46 block of apartments will be served from a separate access on Stafford Street, which is currently. Currently the existing access to the car park site will be reinstated as footway and a new access formed approximately 20 metres to the south. The access will be designed as a dropped crossover, providing a continuous footway for pedestrians.

Planners need to be aware that this development may add to traffic pressures around the Uttoxeter New Road/Stafford Street roundabout signals, particularly during the PM Peak. As such, there are no solutions to improve the efficiency of the junction without looking at major improvements on Uttoxeter New Road. However, the junction modelling predicts that the development will only have moderate impacts on the junction, which should be manageable. Further, the reduced level of parking provision for the commercial development, and the site's sustainable location, should constrain the level of development traffic to and from the site and encourage trips by more sustainable modes. On balance, there are no highway objections to the development subject to the conditions.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203635471>

5.3. Highways (Structures Team)

We note the developer has addressed some of our original comments and has now carried out a condition survey of the station arches to better understand their role in supporting Friar Gate Bridge.

The developer has stated that careful further consultation with DCC Engineering will be required, and we welcome the opportunity to engage with them further on the proposals to ensure the structural security of the bridge and retaining a route of access and inspection to the structure during the temporary (construction) and permanent case.

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As stated previously, we would need the developer to engage formally with DCC Engineering acting in our role as Technical Approval Authority through the processes set out in the written standard 'CG 300 - Technical Approval of Highway Structures'. The technical approval (TA) process would potentially apply to the other structures listed in my previous email that are within or adjacent to the site boundaries. At this stage we would expect the work at Friar Gate Bridge to be within Category II or Category III, other structures that may require TA that are affected will need to have their classification and submission requirements determined as further information is provided and designs are developed.

Latest comments dated 12/02/2024

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203153772>

Comments dated 14/08/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201139794>

5.4. Active Travel England

Raises Objection to the application as currently submitted. The severity of the shortfall in cycle parking and the lack of consideration to accessibility of all users result in ATE having significant concerns as set out below.

Latest comments dated 09/02/2024

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203129406>

Comments dated 31/08/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201274540>

5.5. Conservation and Heritage Advisory Committee:

Latest comments from meeting of the 29/02/2024

No Objection - Subject to slight amendments suggested and outcome of assessment on viability (as part of justification for alteration to listed arches). Welcome scheme as a whole and supportive of investment going into the site to rescue and repurpose the historic buildings on the site. Asked again that rooflights to the engine shed be reduced in number (acknowledged that roadside elevation more sensitive) and perhaps, if justified, in twos to line up better with windows below. Supportive of what is proposed generally to BW. To the arches still an undesirable element of the proposal, reuse of arches should be explored, and outcome of the viability report needed (as part of justification for the extent of demolition).

Comments from the meeting of the 31/08/2023

Resolved: No Objection subject to conditions, comments, and suggestions in the summary statements below for each element of the site and the broad overarching statement being taken into consideration by applicants.

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The officer provided headline information in relation to the application which involved 3 listed buildings. A Bonded Warehouse, Engine House, and Friar Gate Bridge abutments. The committee heard that the site sat to the west of Friar Gate Conservation area and there were key views into the site from Friar Gate, and a key view to the Cathedral Tower from the site. A Heritage Statement of significance was in place. Committee congratulated the Architect and developer on the level of detail submitted. The proposal was for a residential development and a conversion of the two listed buildings to office space and hospitality venues. The application also included demolition of the majority of the existing abutment arched structure next to the Friar Gate Bridge, which forms part of the listing. In the Bonded Warehouse building elements of the platform remained. Several repairs were proposed for the building. On the Great Northern Road end there would be glazing, and signage installed. Two timber hoists would be re-instated as well as metal doors. Another elevation would have 4 new openings for fire escapes. There was currently not much detail on window proposals. Divisions within the former offices were being removed. It was proposed to install a full height light well in the building. Externally steps would be installed leading up to two front doors of the Warehouse. The consultation response from Historic England was noted.

Bonded Warehouse - The chair highlighted that this was a big scheme for the conversion and adaptive reuse of the Warehouse. The Bonded Warehouse has been in a state of deterioration for the last half century. The committee heard that not much remained of the platforms inside the building and suggested that as so little remained that it could be removed. Proposals including existing walls in the former office building being removed and different new aluminium windows were proposed for replacements. CHAC suggested that partition walls were retained and the timber windows in the offices and metal windows on the rest of the building be repaired if possible and if not replaced like for like. The roof was non-existent, and a flat one would be installed with solar panels.

CHAC welcomed the building coming back into use. It was suggested that landscaping and interior design finishes could include elements to re-erect the platforms and railway lines and there could be displays on the buildings and site's history.

Engine House - The officer explained that it was proposed to repair or replace the existing windows, and a fan light would be restored, the roof would be re-instated in parts of the building were lost. CHAC suggested that elements of the existing roof structure be examined to ensure the retention and reuse where possible. Parts of the building would be sub-divided, and a staircase would be incorporated into the Accumulation Tower.

CHAC felt the interpretation of visitor spaces, and use of the Accumulation Tower plus the experience of double height spaces were well done. However, they stated there were too many roof lights on the roof of the building and suggested reduction, questioned whether they could be in pairs with a gap in between, or lined up with existing windows and importantly relate to the room spaces below. Along-glazed strip of rooflights was also suggested as an option but it was suggested this might have too much visual impact.

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Friar Gate Bridge and Abutments (Railway Arches) - The Engineers report had identified that some arches had survived and there was collapse and damage to others. There were possible issues in waterproofing of the structure effectively. Historic England's views about the demolition of the arches and the need for justification including a viability assessment were noted.

CHAC advised there would be a considerable loss for the sake of the scheme if the railway arches were demolished. A CHAC member highlighted a similar project in another area where railway arches had been maintained and used by small businesses. They also suggested a need for a viability statement with economic justification for the demolition proposals.

CHAC were concerned about the loss of historic granite setts and historic surfaces with road surfacing work on the road to the south and north of the bridge and commenting that historic hard surfacing was an important element that should be retained in their original location if possible.

The impact on the Friar Gate Conservation area in respect of views was discussed by CHAC. It was felt that the Conservation Area would be substantially affected. CHAC discussed the house with the gable end, to the north of the Bridge, and its scale and closeness to Friar Gate.

CHAC suggested that as this would be a prominent element the house should be set further back into the site to make the view of it from Friar Gate less dominant and sit more happily being more in keeping with nearby Georgian brick and stone facades. CHAC had objections to the elevation of the house with a gable end and its closeness to Friar Gate.

Apartment Block Stafford Street - The building proposed was 4 storey brickwork and copper with a mansard roof. It was noted that Historic England had raised no issues with the building (as it was away from the listed buildings so out of their scope). CHAC confirmed that it had no issues with the height, scale and massing, layout, materials, or relationship with context.

Wider Site - CHAC noted the design philosophy of blending in with the Bonded Warehouse. It was an industrial setting and a solution that worked well. Terraces were broken up by different styles of houses at varying heights, there was an urban village appeal to the site. The change in level across the site had been created by changing levels in each dwelling, there was a rhythm of traditional terraced housing. Car parking spaces had been provided. However, the site plan showed a poor relationship between the Bonded Warehouse and the Engine House as it showed a car park in between which was intrusive and committee thought that there needed to be more thought on the levels, amount carparking reduced and the amount of landscaping improved in this area. There was also a small triangular area in the middle of the site which gave a keyhole effect and there was scope, which would improve it, to make this space larger. It would be good to have a sequence of views from the Bonded Warehouse to the Engine House and then through the site into the central space as mentioned above.

CHAC had no objections to the proposals but were concerned about and commented on the lack of relationship between the Bonded Warehouse and the Engine Shed.

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Overarching Statement for the proposals - CHAC supported the proposals put forward but had reservations about the demolition of railway arches and the design of the gable face of the house on Friar Gate. They were concerned about the lack of relationship and lack of a link between the Bonded Warehouse and the Engine Shed, other details as outlined above under each element and the loss of granite setts particularly adjacent to the bridge and entrance road.

5.6. Built Environment:

Recommendation: Information reviewed. Await viability assessment report regarding extent of demolition of the bridge abutments/arches and review of information by DCC Structures regarding impact on the cast iron part of the bridge and whether the proposal to allow a crane location for future maintenance is sufficient to maintain it and enable future change of use upon it. Further amendments to proposals also suggested. Where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

Latest comments 01/03/2024

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203343646>

5.7. Historic England

Summary: We have previously commented on this scheme for the redevelopment of the Goods Yard site, including the conversion of the disused Bonded Warehouse and Engine House. Advice previously provided do still stand regarding certain points, which have been reiterated here (please see below), and additional advice following from the amendments. Overall, the proposed development of the site and conversion of the buildings is very positive, will ensure they have a viable future use and be removed from the at-risk list.

Amendments: The proposed amendments for the site are generally acceptable. The proposed redesign of the apartment building on Stafford Street is a positive amendment, though it remains quite dominant in mass; potential recessive features would help to break this up. The proposed loss of the extant boundary wall in this location could be rebuilt to provide the required separation between the apartment and the residential development.

Reuse of materials on the wider site, as amended, is acceptable and there are positive changes where cobbles are to be retained in their existing location more than previously proposed. An additional positive would be reusing more of the cobbles currently extant around the Bonded Warehouse in their current location and to reduce the amount of tarmac proposed for the roads.

Whilst the proposed car parking is clearly justifiable, both from historic evidence and the need due to the proposed use of the listed structures, we would request consideration of alternative landscaping treatments that can increase a sense of connectivity between the buildings.

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On a final note, the change in the roof pitches which are not as positive as the previous design; the gable end pitches increased the industrial character of the development which reflected the significance of the site.

Bonded Warehouse: There are some positive changes proposed to the conversion of this building, including retention of nibs for the office partitions and the installation of the sash windows to the original office area. We accept the justification for the proposed roof structure to this building as well. It is, however, unfortunate the historic windows are to be replaced and the platforms removed; the reasons behind are understandable and we would advise investigating ways they could be incorporated into the scheme in other ways, such as marking out the locations of the platforms in a different floor material.

Previous Advice Still Applicable:

Bridge Abutments: The Friar Gate Bridge is not in the ownership of the site developers and is therefore not part of the proposed development; the abutments attached to each side of the bridge are, however, included. The intention to provide a connection with the bridge for any potential future use is positive. Yet, the proposals show the link between the abutments and top of the bridge are blocked with no confirmation it will be open for access, this would be harmful to the bridge and its future use as well as the significance of the abutments. We note that positive engagement has been held with the Friends of Friar Gate Bridge which is a great step forward.

It is proposed that a large proportion of the abutments are to be demolished to increase the viability of the site and conservation of the listed buildings. Within the proposed scheme, three of the arches will be retained, two on one side and one on the other, and incorporated into the landscaping of the bridge area. The loss of the abutments is harmful and needs additional justification as previously advised. A proportion of them are to be retained and repaired which is acceptable in principle based upon the required justification. The development is positive in principle but works should not be proposed which would affect the sustainability and viability of the Friar Gate Bridge. As it stands and as far as we are aware, the District Valuer report as not been concluded and provided.

Engine House: The consolidation of the building and repairs to fabric are supported and positive, including the reinstatement of the louvres to the roof, the reinstatement of the oriel window detailing and the detailed features to the tower. Also, the inclusion of the tower in the circulation is a positive means of utilising a space which is hard to incorporate into the wider scheme; this is subject to further information on understanding the capabilities of the fabric and the potential loss incurred by installation. Whilst this is requested to be conditioned, the impact on the extant fabric has not been clarified, especially considering the structural capacity of the tower and impact on the surviving machinery.

The proposed installation of 16 rooflights is excessive and would have a harmful impact on the architectural and historic significance of the listed building, despite its industrial use and the justification provided in the heritage impact assessment. We note that the rooflights have been reduced and they have a greater industrial

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character, we would request a further reduction due to the size of the proposed rooflights.

Comments dated 30/08/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201264323>

5.8. Historic Buildings and Places

Comments: Thank you for consulting Historic Buildings & Places on this application. The site has been out of use since the late 1960s and many of the former structures were demolished, including the Derby Friargate Station superstructure, or have fallen into disrepair. While HB&P are pleased to see the redevelopment of this long vacant site brought forward, the overall approach to the site's important railway heritage is disappointing.

Regarding the two listed building, HB&P welcome the restoration and refurbishment of the Grade II listed Engine House and Bonded Warehouse. The majority of the works proposed are acceptable as part of their conversion to viable Class E uses. However, little justification has been provided for the loss of the existing internal walls to the original office area within the curved end of the Bonded Warehouse. This was an important and more formal element of the overall warehouse operations, separate to the largescale and more utilitarian design of the warehouse itself. Given a future commercial use is proposed within this space, the historic planform should be retained and would provide for a more varied range of office/ meeting spaces within the overall development.

The treatment of the grade II listed Handyside/ Friar Gate Railway Bridge is poor and this is reflected in the general layout of the whole site and the lack of 'interpretation' to reflect and understand the historic layout of the structures and former track. The potential use and setting of the bridge was much harmed with the construction of the Agard Court building that results in an abrupt end to the track bed to the north end of the bridge. This application would also see the loss of the track bed to the southern end of the bridge, completely disconnecting it from the surrounds. It would be blocked access at both ends, preventing its reuse, while the drastic change in height from the end of the bridge leaves the structure standing completely out of context, harming its setting, integrity and architectural and historic significance.

The former station arches and bridge abutments are curtilage listed by virtue of their direct and historic connection to the bridge. The station arches and the approach road to the west side of the bridge are absolutely vital to understanding the location, purpose and design of the listed bridge. Their loss, through wholesale demolition, would further harm the setting and context of the bridge. The access road and more of the archway structures should be retained, reused and incorporated into the new build elements of the development to give the bridge context.

Further, the general street layout and landscaping for the new build elements would disconnect the various remaining structures and should be improved. HB&P also have concern about the relocation of cobbles from their historic locations around the warehouse, at the entry points, etc. These features should be retained in situ and integrated with the proposed landscape design. We also recommend some form of

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interpretation is incorporated via the use of landscape materials, such as highlighting the location of the former lines around the warehouse and former station.

The Bishopsgate Station and goods yard in Shoreditch, London has a similar history to Friar Gate site, being a former railway and station that lost its superstructure to fire in the 1960s and remained unused until recently. The various abutments, viaducts, and former station walls survived and, in a recently approved scheme, have been incorporated into the new buildings proposed on the site to celebrate its long rail history. A more creative approach to the design and reuse of the historic curtilage structures at the Friar Gate site needs to be considered. Relevant NPPF (2021) policy considerations include:

- Paragraph 195: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".
- Paragraph 199: "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".

Recommendation: HB&P recommends that additional details and/ or amended plans that address the above issues are submitted

5.9. The Victorian Society

Firstly, we want to emphasize our support for the provision of extensive housing within Derby, as well as the adaptive reuse and subsequent removal from the 'Heritage at Risk' register of two buildings.

The Friar Gate Railway bridge, built in 1878 by Andrew Handyside and Co., forms a powerful and impressive span across Friar Gate Street, directing the eye along the former railway line. The railway arches and stone abutments that connect with this bridge strongly contribute to the overall setting and impressive scale of the railway line cutting through Derby.

The proposed demolition of the majority of these brick arches would abruptly diminish the impressive visual impact on the immediate streetscape, curtailing this imposing railway structure and removing nearly all traces of the former, and unusually historically incomplete, Friars Gate station. The bridge would sit oddly within the streetscape, unbalanced and reduced to a curiosity or ornament, thereby watering down the historic legibility of this bridge as part of a vast railway system.

Moreover, the bridge and arches are immortalized in the song "Underneath the Arches," a popular song from 1932 by Bud Flanagan and Reg Connelly. This popular music hall song was later famously performed by the artist duo Gilbert & George as "singing and living sculptures" in 1969 and is still performed to the present day. The loss of the majority of these arches dilutes the historic streetscape of Friar's Gate and the evocative world conjured up by this song.

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The loss of these arches would culminate in a mid-level of less than substantial harm to this listed building and the lower end of less than substantial harm to views from the Friar Gate Conservation area.

Although we appreciate the financial viability of this development, we feel that a greater section of the facades of these railway arches could be retained and adapted without reducing overall housing. Striking a balance between maintaining the setting of this listed building and enabling the redevelopment of this brownfield site.

5.10. The Council for British Archaeology

The CBA warmly welcome this application that will take two significant listed buildings off the 'Heritage at Risk' register via a heritage led regeneration scheme that will deliver extensive housing close to the centre of Derby. The CBA appreciate the ways in which the site layout references its historic railway function in association with conserving the architectural, historic, and social significance of the Bonded Warehouse and Engine House. Landscaping is an important way in which the railway heritage of the site can, and should, be conserved through both layout and surface treatments. A Reclamation Strategy for the site proposes relocating materials around the site. Whilst this may be acceptable in a few incidences, retaining historic fabric in its historic location is an important part of its evidential value that greatly contributes to heritage significance. We therefore advise that cobbles around the bonded warehouse and at the eastern entrance to the site should be retained in situ. Taking the lead from historic finishes to inform the new materials palette would be a positive way to continue revealing the site's heritage significance.

We note the pre application engagement of Historic England and their comments on the initial and current schemes. Therefore the CBA do not wish to comment in detail but do agree with and support the recommendations provided by Historic England regarding ways in which harmful impacts should be minimised and justified.

The principal reason for the CBA commenting on these proposals is to recommend that the archaeological evaluation that will be required as part of the redevelopment of this site has the potential to deliver considerable public benefits if public participation is factored into archaeological conditions. Appended to the Heritage Statement, maps showing records from the Historic Environment Record (HER) identify Medieval and Post-Medieval archaeology towards the Stafford Street side of the site, adjacent to the historic location of a Medieval Friary. The archaeological Written Scheme of Investigation (WSI) also references the archaeological potential of the site and the LPA's planning archaeologist stating:

In the downslope parts of the site and in particular adjacent to Stafford St there is general potential for archaeological remains associated with medieval and later occupation, and specific potential for palaeo-environmental/waterlogged remains associated with a stream watercourse and preserved land surfaces with potential for post-medieval and medieval archaeology on the former Wilkinson's Yard site. Investigation of this under NPPF para 205 would involve open area excavation of areas of impact associated with the development, intersected with archaeological potential as indicated by the 2019 evaluation. The frontage further south along Stafford St would also need assessment (trial

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trenching and appropriate mitigation), though this is rather further from known medieval activity.

The CBA believe the redevelopment of this site presents an opportunity to meaningfully engage local people through place shaping activities with the archaeology on site. The WSI proposes a series of trenches as a means to strip, map and record the archaeology on site. Whilst this approach can tick the box required by NPPF paragraph 205, there is scope for achieving enhanced public benefit through public participation with the archaeological evaluation. The CBA champion that proportionate public benefits from the substantial harm that inevitably results from archaeological excavation should go beyond recording finds with the HER and deliver genuine public participation. ALGAO Scotland's guidance [Delivery of Public Benefit and Social Value Guidance for Archaeology in the Planning Process](#) sets out a staged approach for best practice in involving the public with archaeological works that develops place-shaping strategies and reinforces local identity. Despite being Scottish planning guidance, the CBA recommend that its recommendations are easily applied within the English planning system as well. Professional archaeological units are extremely capable of delivering archaeological mitigation strategies involving public participation when it is specified in the archaeological planning conditions. We advise that this approach would further enhance the delivery of the aims around communities and the safeguarding of the historic environment expressed throughout this application.

5.11. Environmental Services (Air Quality):

Latest comments dated 21/02/2024

1. Further to our comments of 2nd October 2023, I note the submission of a letter which addresses a number of matters, but also provides a specific response to our air quality comments (Pegasus Group, Ref: P22-3250, Dated: 16th January 2024). I can comment on the section entitled 'Environmental Health – Air Quality' as follows. Environmental Health – Air Quality
2. This section is contained on page 9 of the letter and provides the applicant's position on certain aspects of our earlier recommendations. In summary, the main points are as follows:
 - i. the suggested condition requiring a construction management plan (CMP) would be preferred as a compliance condition rather than a precommencement condition;
 - ii. air source heat pumps are still proposed across the site, however as gas is proposed to be supplied to the bonded warehouse it is deemed unreasonable for this to be prohibited on site.
- i. Construction Management Plan condition
3. We note the comments in the letter on this and whilst we have no in principle objection to using a compliance condition for a CMP, the issue that arises here is that this would fix the mitigation measures to those that have been suggested at this very early stage of the project. Subsequently, this wouldn't provide the

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flexibility to amend/update the measures such that they align more specifically with the project works as they develop over time.

4. We therefore maintain that the 'pre-commencement' stage would be a more appropriate point in time to write the CMP, such that the ensuing construction works programme will be more clear and the mitigation strategy can be written in more direct accordance with the programme of construction works.

- ii. Condition restricting carbon-based fuels
5. We would note that the intention of this proposed condition was to secure the installation of ASHPs to provide heating to the development due to the air quality benefits this will provide over carbon-based fuel alternatives. You will note that our recommendation referred specifically to carbon-based fuel "combustion boilers". There is no intention to restrict the use of gas for cooking purposes.
6. To further assist with the background to this recommendation, there is currently a significant focus by central government to reduce emissions arising from domestic wood burning, following the publication of the Air Quality Strategy for England (April 2023).
7. Whilst it is accepted that this strategy is not currently specifically reflected in national planning policy, a move away from wood burning stoves under new residential developments would inevitably have air quality benefits. We therefore maintain our recommendation to discourage the installation of wood burning stoves on site. One way to do this would be to ensure that chimneys/fireplaces are not constructed within the new dwellings proposed on site.
8. If a condition is not deemed to meet the relevant planning condition tests, we would recommend the attachment of an advisory note to any consent granted in this regard.

Comments dated 02/10/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201663071>

5.12. Environmental Services (Contaminated Land):

Latest comments dated 22/02/2024

1. Further to our comments of 19th September 2023, I note the submission of a letter which addresses a number of matters, but also provides a specific response to our contaminated land comments (Pegasus Group, Ref: P22-3250, Dated: 16th January 2024). I can comment on the section entitled 'Environmental Health – Environmental Protection' as follows.
2. Whilst it does not address the specific points in our consultation response, the letter simply accepts our comments and confirms that "a full phase 2 ground investigation will be commissioned".

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3. Our earlier recommendation for a suitable planning condition to be attached to the consent, is also agreed by the applicant.
4. Consequently, we have no comments to add on contaminated land matters, over and above our original consultation response of 19th September, which I note still applies.

Comments dated 19/09/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201447032>

5.13. Environmental Services (Noise):

Latest comments 27/02/2024

Having considered the points raised by the consultant, I am happy with the proposed glazing, ventilators and acoustic fencing proposal. The properties close to A52 will require mechanical ventilation, ideally MVHR with a summer bypass system. Details of the proposed ventilation system should be submitted to LPA for approval. The only other concern is regarding potential fixed plants because they are unknown at the moment, when full details are known and designed, a supplementary noise assessment (BS 4142: 2014) should be carried out and submitted to LPA for approval. I have no other comments regarding this application.

Comments dated 11/09/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201358769>

5.14. Natural Environment (Tree Officer):

Observations: The submission of the AIA, AMS and TPP is welcomed. However the language of the AMS is rather vague in places. We need to know what they 'will' be doing and not what 'should' be done. A final AMS must state what they will do. This must include details of non-dig elements.

With regards to the TPP I am of the opinion that the CEZ alignment in places does not allow sufficient space for construction. A final TPP must make provision to allow adequate space for construction whilst protection RPAs.

Screenshot of TPP showing fencing (orange line) to form CEZ in close proximity to proposed buildings) I supplied comprehensive comments during the pre-application stage. I believe my comments were relayed to the applicant agent.

It is acknowledged that there were always going to be significant tree losses in order to enable the development of the site. Many of the trees shown for removal are located within the area type TPO No. 490. As part of pre application comments I had asked for an assessment of canopy loss and potential canopy gain post development. Whilst tree loss evaluation is given in 6.5 of the AIA it does not provide a m2 measurement. Nor does it calculate potential canopy cover post planting. The AIA recommends a 1:1. This is not acceptable especially taking into account tree planting species have not been supplied.

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The proposed layout shows significant tree planting with a many trees planted within the hard landscape. Despite my pre-application comments regarding planting trees in the hard landscape no details have been provided. Details must be provided upfront so as to ensure that the design and cost of the provision of engineered tree pits is known and not dismissed as undeliverable at discharge of conditions.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=202711406>

5.15. Resources and Housing (Strategy):

The Strategic Housing and Regeneration and Economic Growth teams both support the application in principal, with reservations, for the provision of new homes and the regeneration it will bring to the area but the homes and environment should meet the needs of the city's residents to provide a sustainable community with well designed homes. It would have been beneficial if discussions had been held with us prior to the development of a full planning application

After looking at the property plans and schedule we have concerns over the design standards that appear to have been used. The properties appear to be designed to the minimum requirements for accessibility under the Building Regulations (M4(1) 'Visitable dwellings) yet Government have said they intend to mandate the current M4(2) category (Accessible and adaptable dwellings) as a minimum standard for all new homes in the future. Although there is no timescale for this mandate it would have been hoped that at least a proportion of the properties would meet the M4(2) standard as the need for accessible housing is more apparent with many people wanting to live independent lives in their own homes and that can only happen with an appropriate level of adaptability and accessibility in new homes.

For the number of bedspaces shown on the plans all of the properties are undersized when compared to the National Design Space Standards (NDSS). One bedroom, shown with a double bed, only exceeds the recommended minimum for a single bedroom by 1/2m².

There are apartments listed as 1 bed 1 person but showing a double bed, so technically 2 bed spaces. This makes all of them undersize for 2 people but a number of them are also undersize for 1 person. The same is applicable on the 2 bed apartments, all listed as 3 person but showing 4 bedspaces and 3 storey 3 bed homes showing 6 bedspaces.

A number of the apartments have a hob adjacent to the sink which, although not contravening the regulations, is considered poor practice. This is due to the restricted kitchen area which has a very limited amount of storage, and worktop space, once appliances and plumbing are taken into account.

Within all of the properties the built in cupboard space shown is required for the hot water cylinder so there is limited practical storage for larger or less frequently used items such as ironing boards or decorations.

It should be noted that none of the properties would meet the standards that we would find acceptable for affordable homes.

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The City's Housing Strategy states that Best practice and guidance should be considered with regard to sustainable design and construction and our Local Plan includes various policies which contribute to sustainable design and construction, support energy efficiency and contribute to ensuring a satisfactory living environment, well-designed, well-managed, decent homes.

Good quality, well managed housing is essential to health and wellbeing; it enhances the quality of life of adults and the life-chances of children. It enables people to access the services they need and maintain independence, contributing to stability and a sense of identity. These elements all support secure, thriving communities.

It is understandable that the developers have proposed a relatively dense scheme given the anticipated high abnormal costs; it would have been good to see options the developers considered at an earlier stage which may have allowed for more larger family accommodation, as opposed to the small sized townhouses. The treatment of the site also doesn't necessarily respond well to the heritage assets given the housing density.

A concern is also around this development meeting Section 106 obligations, given its challenges; however, there are funding opportunities becoming available to support sites such as this, therefore further discussions with the developer would be welcomed.

It is understood that the arches are in poor condition and the developer is seeking demolition of them; however, a number of other projects have made good use of railway arches, plus there is the impact on Friar Gate Bridge to consider. A decision on the future of the arches should be resisted until an opportunity has been had to discuss with the developer potential options for the arches and whether there might be any funding options to explore. Note that the structural survey itself states that the arches are fairly structurally robust.

5.16. Police Liaison Officer:

Latest comments dated 07/02/2024

Taking stock of the agents covering letter of the 16th of January, there's nothing explicit which relates to our prior comments, although some of the content and amended plans are connected, so some clarification is needed.

Cycle storage is explored, and within this mention made of an external provision for housing block 5, which I have to admit I hadn't picked up upon previously.

This is located on the site edge close to the Mic/Mac footpath connection, which elevates associated crime risk, and being out of view of a significant number of block 5 apartments will elevate the apprehension of this risk, potentially leading to an under use unless the provision is intrinsically secure.

This being the case can I suggest to the applicants that this provision is not open storage, and that enclosures which are either Loss Prevention Certification Board or Sold Secure rated are utilised.

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Whilst on the topic of cycle storage, there is yet to be confirmation of construction and security details for the refuse/heat exchanger/cycle storage unit previously requested.

The boundary treatment site plan is noted.

Some of our prior comments related to enclosure for the row of houses adjacent to woodland on the sites north western edge.

The securing of the open communal routes for this block has been included, but the enlarged gardens and higher individual boundary treatment recommended has not.

This would leave a less than satisfactory definition of space between private gardens and the woodland beyond, unless the woodland were to be enclosed and seen as semi-private for residents of the adjacent house blocks.

The outer boundary I believe is formed by a brick wall, the condition of which should be checked and reported upon to confirm secure enclosure for the gardens.

There are no construction plan details for any of the boundaries proposed.

Could this be confirmed or set as a condition please, particularly for the unspecified feature fence and unspecified railing with rear access gates, including locking schedule for individual and communal gates.

A preliminary road adoption layout has been submitted, which as thought would not extend associated street lighting to the apartment block car park, car park to the south of the Bonded Warehouse and shared central areas of enclosed semi-private/open public space.

Consequently, a private supply lighting scheme needs to be designed for these open spaces, or set as a condition of approval.

Comments dated 16/08/2023

Land between the 53 houses on the sites north-western edge and retained trees has been secured at either end of the overall block, and gated at two intermediate access alleys, but it's not clear what the position is with the other two central access routes. They appear to be blocked off when plans are enlarged. Is that correct.

There is no overall enclosures plan. There is some indicative detail on elevational illustrations, such as the form of railing enclosing private gardens, and the gating for the alleys mentioned above.

Can I ask that this is set out on a specific plan for clarity, or alternatively set as a condition of approval.

Similarly, some external lighting for shared parking at the Bonded Warehouse is shown on illustrative drawings, but no plans are included. I'd ask that lighting plans are submitted or conditioned for all communal parking areas, including the apartment courtyard (on the assumption that these will not form part of any adopted scheme)

A security schedule for the shared refuse/heat exchange unit/cycle storage enclosure should also be provided or conditioned.

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5.17. Derbyshire County Council Archaeologist:

Latest comments dated 30/01/2024

The applicant has provided additional information in relation to viability and the proposals for the former station and arches. Please be guided by your conservation officer and Historic England in determining the application and judging the balance of harm versus public benefit.

As per previous comments, should your authority be minded to approve the proposals then a programme of historic building recording and archaeological work should be secured by planning conditions in line with NPPF para 211, to ensure the recording of archaeological and built heritage assets before they are lost/harmed. This will include a full pre-demolition record of the former Friar Gate station and arches, targeted in-demolition observations during works to the Bonded Warehouse and Engine House, and a phased scheme of archaeological work (trial trenches followed by area excavation where appropriate) in those parts of the site not impacted by deep made ground deposits and where medieval potential as previously been noted.

In this case I advise that the condition wording is applied as per my previous comments.

Comments dated 30/08/2023

The site of just under 5ha comprises two Grade II Listed Buildings ' the former bonded warehouse of 1877-8 built for the Great Northern Railway, and the associated engine house of the same date, built to provide power for the hydraulic cranes and hoists in the adjoining warehouse. The engine house had a chimney ' no longer extant ' and presumably has below-ground power-transmission to the warehouse, perhaps associated with the subway from Great Northern Road. The Grade II Listed Friar Gate Railway Bridge stands immediately outside the site, linked to the railway arches and remains of the former Friar Gate Station.

The Friar Gate Goods Yard (Derbyshire HER MDR10483) covered much of the site, with the ground built up significantly to the west of Stafford Street towards the bonded warehouse. Archaeological evaluation of the proposed supermarket site at Wilkinson's Yard on the eastern edge of the current site in 2019 identified clay embankment material to at least 3.5m bgl in the vicinity of the bonded warehouse. At the upper part of the site it is possible that remains of Goods Yard infrastructure survive at footings level ' sidings, engine sheds and other elements of railway heritage may be present archaeologically, though it is likely that foundation level remains of this type would be of little or no significance. Between engine house and warehouse there is potential however for remains of the former chimney and of power transmission arrangements, and this would be of greater importance because of the direct association with the designated structures. In the northern part of the site are the remains of the former Friar Gate Railway Station (HER MDR10236) where the former platforms and railway arches survive, linked to the Grade II Listed bridge.

In the downslope parts of the site towards the eastern and southern edges there is greater archaeological potential for remains pre-dating the Goods Yard. The site is approx 130m west of the City Centre Archaeological Alert Area (Local Plan), which

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corresponds to the area of the medieval town as shown on Speed's map of 1610. However, excavations on the line of Friar Gate/Ford Street in 2009 (Connecting Derby road scheme/Birmingham Archaeology) identified the remains of medieval houses and occupation layers within about 60m of the proposal boundary, suggesting that medieval archaeology is present beyond the Alert Area, at least on the line of Friar Gate. Also of relevance, a Priory of Dominican Friars is thought to have stood roughly on the site of the Friary Hotel (c50m from the proposal boundary)- and this would have had a surrounding precinct with ancillary buildings.

The Wilkinson's Yard evaluation in 2019 found well-preserved remains of 19th century buildings at the eastern edge of the proposal site, along with palaeo-environmental/waterlogged remains associated with a stream watercourse and preserved land surfaces with potential for post-medieval and medieval archaeology.

****Built heritage and designations****

Please be advised by your Conservation Officer and by Historic England in terms of the in-principle acceptability of the scheme with regard to the significance and settings of the Grade II Listed Buildings within the site.

In relation to the former Friar Gate Railway Station I note that the bulk of this is proposed for demolition, with facades of the first two arches retained. The railway arches are linked to the Grade II Listed railway bridge, and there is a case for arguing that they are curtilage listed. In any case they clearly provide an important contribution to significance through setting in relation to the Friar Gate bridge 'enhancing the legibility of the grouping of designated railway assets and providing a direct, contemporary and authentic physical connector between the station/goods yard site and the railway bridge.

The argument for the substantial demolition proposed is based upon the physical condition of the arches and a viability argument in terms of the scheme as a whole. Delivering a high quality and sustainable future for the bonded warehouse and engine house is indeed a substantial public benefit, but at present I feel the supporting argument for the proposed demolitions does not deliver the 'clear and convincing justification' required by NPPF para 200 in relation to the structures linked to the Friar Gate railway bridge, whether they be considered curtilage listed, important setting contributor, or both, when the 'great weight' to be placed on the conservation of significance (para 199) is factored in.

Although the local planning authority should principally be advised by its built heritage consultees in this matter (Conservation Officer/Historic England) I suggest that the authority might wish the applicant to explore proposals where the railway arches and station are retained and re-purposed in whole or in part, and if this is not possible to demonstrate in rather more detail the options appraisal process and viability calculations undertaken, with some independent verification of these.

Should the scheme reach a point where the local planning authority is minded to grant consent, then conditions should be attached to secure historic building recording of the relevant elements of fabric both pre-conversion and in-conversion, secured by planning conditions in line with NPPF para 205. I note that drone survey of the bonded warehouse was undertaken following recent fire damage, and this

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would constitute the pre-conversion record for this structure, but further survey would be needed for the engine house and station/arches, along with in-works observations for all structures.

****Below-ground archaeology****

There is potential within the site for elements of railway heritage associated with the designated assets, in particular remains of the engine house chimney and flues, and hydraulic power transmission between the engine house and warehouse. Some investigation and recording of these features and structures would be appropriate under NPPF para 205, and might involve below-ground archaeological interventions (targeted trenches to establish preservation and significance and to record structural evidence where present) plus some in-conversion built heritage monitoring to establish how and where the relevant process linked into the buildings themselves.

In the downslope parts of the site and in particular adjacent to Stafford St there is general potential for archaeological remains associated with medieval and later occupation, and specific potential for palaeo-environmental/waterlogged remains associated with a stream watercourse and preserved land surfaces with potential for post-medieval and medieval archaeology on the former Wilkinson's Yard site. Investigation of this under NPPF para 205 would involve open area excavation of areas of impact associated with the development, intersected with archaeological potential as indicated by the 2019 evaluation. The frontage further south along Stafford St would also need assessment (trial trenching and appropriate mitigation), though this is rather further from known medieval activity.

****Conclusions and recommendations****

I have concerns over the proposals to demolish most of the railway arches and the former Friar Gate station remains (MDR10236). As above, the local planning authority may wish to request further information from the applicant regarding alternatives and viability calculations.

At the point where the local planning authority is minded to grant approval then the following conditions should be attached to secure both historic building recording and archaeological interventions as indicated by NPPF para 205 and outlined above:

- "a) No development shall take place until a Written Scheme of Investigation for archaeological work and historic building recording has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

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5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- "b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
- "c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

5.18. Environment Agency

Land contamination Comments

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203187632>

Flood risk Comments

Whilst the Environment Agency has no objection to the proposals, we recommend that Derby City Council in its role as Lead Local Flood Authority are consulted on flood risk matters associated with the Bramble Brook.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201203796>

5.19. Lead Local Flood Authority (Land Drainage)

Latest comments dated 27/02/2024

I have had a look at this and agree that a compliance condition would be appropriate here. They have done their best to provide acceptable SuDS and the latest layout looks okay.

Comments dated 14/02/2024

The application is at a preliminary design stage so although there is the intention to discharge runoff from the site at the greenfield rate and to employ SuDS as far as practicable, it will be necessary to include conditions on any approval given.

The proposals must include calculations, details of flow restrictions, sizes and design of storage, exceedance flow routes, etc.

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Comments dated 31/08/2023

There is very little flooding on this site. Although the EA's fluvial flood map shows the entire site to be in Flood Zone 3, in practice the site has been raised several metres and is well above the flood levels of the Derwent or the Bramble Brook. There will therefore be no need to use flood resilient measures for the site.

There will, however, be a requirement to treat and reduce the run-off from the site. The general principle behind SuDS is to have open swales and ponds as the preferred options but this has not been done in this instance. There should be scope for replacing at least some of the over-sized pipes with open areas of storage using some of the green space available.

THE USE OF ABOVE GROUND SuDS SHOULD BE A CONDITION OF ANY APPROVAL GIVEN

5.20. Derbyshire Swift Conservation Project

As enhancement for breeding birds the Ecological Impact Assessment (RammSanderson, ref RSE_5191_R3_V2_EcIA, July 2023) states "Bat and bird boxes could either be placed on retained trees within the Site boundaries or on new buildings" despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade.

Integrated nest bricks are preferable to external nest boxes as they become a permanent feature of the building, require zero maintenance, are aesthetically integrated with the design of the building, are less vulnerable to vandalism and have better thermal regulation with future climate change in mind. Additionally, such bricks are considered a universal nest brick for urban bird species, including red-listed species such as Common Swift, House Sparrow, House Martin, and Starling.
<https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>

<https://cieem.net/wp-content/uploads/2019/06/9.pdf>

Best-practice guidance has recently been made available with the publication of British Standard BS 42021:2022 "Integral Nest Boxes – selection & installation for new developments": <https://knowledge.bsigroup.com/products/integral-nest-boxes-selection-and-installation-for-newdevelopments-specification-1/standard>

One key element of this guidance is that all integral nest boxes should be Swift bricks, as these can be safely used by all small bird species including Swifts. Also, it sets out the numbers required as follows: - "To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1. " - "External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio."

British Standard BS 42021:2021 is available only by subscription but the key elements are summarized on the NHBS blog <https://www.nhbs.com/blog/universal-nest-bricks>.

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The integration of universal nest bricks is also supported by the National House Building Council Foundation, the standard-setting body for new homes: Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick': https://www.nhbcfoundation.org/wp-content/uploads/2021/05/S067-NF89-Biodiversity-in-newhousing-developments_FINAL.pdf

Additionally, section 174(b) of the revised National Planning Policy Framework (NPPF, 2019), states: "To promote and enhance biodiversity and geodiversity, plans should: ...identify and pursue opportunities for securing measurable net gains for biodiversity..." and is explained further by the accompanying guidance notes (NPPF, Natural Environment Guidance, paragraph 023): "...relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments..."

It is appropriate, therefore, that this development is built incorporating a reasonable number of Swift bricks (otherwise known as "universal bricks") so providing nest sites suitable for all these rapidly declining urban bird species. The density we propose is supported by the recently published British Standard (see above).

We request that a condition is imposed to ensure this development is built with up to 280 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

Suggested planning condition:

An integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the development, should be submitted to, and approved in writing by, the local planning authority.

The integral swift nest box plan should be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and should identify, as a minimum:

- a) the type and number of integral nest boxes to be installed;
- b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings;
- c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations. A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the boxes have been selected and installed in accordance with BS 42021.

The integral nest box plan should be implemented in accordance with the approved details and all boxes retained in that manner thereafter.

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5.21. Derbyshire Wildlife Trust

Comments dated 09/04/2024 (recommended conditions)

The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

Comments I am writing to provide recommendations for suitable conditions to secure biodiversity related mitigation and / or compensation in relation to the above site should planning permission be granted.

Recommended conditions

- Construction Environmental Management Plan (CEMP: Biodiversity)
- Landscape and Biodiversity Enhancement and Management Plan (LBEMP)
- Species Enhancement Plan.
- Broomrape Translocation Management and Monitoring Plan.
- Lighting

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203680886>

Comments dated 22/03/2024

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203598665>

Comments dated 28/09/2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201550834>

5.22. DCC Rights of Way

No comments received

5.23. Climate Change unit

No comments received

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6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP9	Delivering a Sustainable Economy
CP11	Office Development
CP12	Centres
CP14	Tourism, Culture and Leisure
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
R2	Friar Gate Station and Environs
CC17	City Centre Servicing
H13	Residential Development (General Criteria)
E12	Pollution
E13	Contaminated Land

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E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E24	Community Safety
T2	City Council Schemes
T10	Access for Disabled People
T15	Protection of Footpaths, Cycleways and Routes for Horseriders

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

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

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

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

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

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

6.2. Non-housing applications:

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

6.3. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town

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and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

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

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

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

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

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

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

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

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

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

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7. Officer Opinion:

Key Issues:

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

7.1. The Principle of Development/Overarching Policy Context

7.2. Heritage/Design Issues

7.3. Quality of Living Space/Residential Amenity Issues

7.4. Access/Highway Issues

7.5. Ecology Impacts - Local Wildlife Site, Biodiversity and Open Space

7.6. Arboricultural Issues

7.7. Other Issues

7.8. Conclusion

7.1. The Principle of Development/Overarching Policy Context

The Friar Gate Goods Yard site (FGGY) is covered by various policy designations in the Derby City Local Plan Part 1 (DCLP1) and also saved policies of the City of Derby Local Plan Review 2006 (CDLPR). It has been a designated regeneration area for a significant period of time as identified through saved policy R2 of the CDLPR. It is also recognised as a key regeneration opportunity within the adopted DCLP1 through policy AC2.

Saved policy R2 of the CDLPR identifies the full extent of the former Friar Gate Goods Yard site (including the area now occupied by the Cathedral School) and requires the construction of a minimum of 500 dwellings (including affordable housing) as well as the retention, restoration and future maintenance of the listed buildings and their settings. R2 goes on to identify other requirements including the provision of cycle / walking routes, survey and mitigation strategies for features of natural history importance and contamination. In terms of additional uses (over and above residential), R2 allows for a range including office, leisure, food and drink, hotels and convenience retail on the ground floor of the bonded warehouse where it would relate to the scale and nature of the locality and secure the preservation of the listed buildings.

Through the length of the FGGY site an allocated express bus way, known as the Mickleover/ Mackworth (Mick / Mack) Protected route is safeguarded through the saved policy T2 of the CDLPR. This safeguarded route extends from the west of the city into the city centre along the former railway line, with FGGY forming a key linkage to Friar Gate. In addition, saved policy T15(4) protects the same route as a walking, cycling and horse-riding route. Although the envisaged scheme to provide an express bus route may not be delivered, it is the intention of the Council to continue to protect the route through the Part 2 Local Plan by providing a new cycleway connecting the city Centre to the western suburbs of the city.

In terms of the DCLP1, the site is located within broad policy areas including the Central Business District – CBD (AC2) and the Friar Gate Goods Yard 'character

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area' (AC2), whilst a significant portion of the northern part of the site is identified as a wildlife site, reflecting the provisions relating to natural history in R2. The boundaries of the CBD are generally acknowledged as the full extent of the city centre in its broadest sense.

AC1 is clear 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. AC1 goes on to recognise that the Council will encourage investment which strengthens and integrates the City Centre's retail, employment, leisure, cultural and residential functions and meets overall sustainability objectives, whilst promoting the 'Core Area' as the preferred location for new retail development and supporting proposals which serve to protect and enhance its overall vitality and viability. AC1 specifically supports the delivery of a *minimum* of 2,200 new homes across the city centre within the Plan period and identifies several residential led regeneration opportunities, importantly including the former Friar Gate Goods Yard site.

AC2 identifies the CBD as the main focus for economic and leisure activity, whilst also specifically identifying the Friar Gate Goods Yard 'character area' which covers much of the proposal site, although omitting the former Wilkinson's Yard site on Stafford Street. AC2 recognises the former Friar Gate Goods Yard character area as having the opportunity to deliver a vibrant mix of residential, retail, leisure and business uses and requires proposals to respond positively to the presently neglected railway heritage assets on site. It highlights the need to explore improved connections with The Cathedral Quarter to strengthen the overall offer in the western part of the City Centre, including potential utilisation of Friar Gate Bridge. More specifically, AC2 goes on to state that the Council will encourage schemes that:

- Conserve and enhance the heritage assets by securing their appropriate and viable reuse, including retail but only where justified through an impact assessment on the vitality and viability of defined centres
- Deliver a vibrant mix of other uses including residential, leisure and offices
- Ensure development is in accordance with a comprehensive, long-term strategy and masterplan for the site

As already noted, a significant portion of the northern part of the site is identified as a wildlife site and is therefore covered by the provisions of policies CP16 and CP19 of the DCLP1, both of which seek to minimise and mitigate impacts on biodiversity. The supporting text to R2 highlights that the site contains a great diversity of plant species and provides a habitat for butterflies.

Policy CP16 recognises that the Council will minimise and mitigate impacts and overall decline of biodiversity and, where possible, provide net gains. It also states that the Council will seek to avoid the fragmentation of habitats and, where unavoidable, provide appropriate compensation on a like-for-like basis.

Policy CP19 recognises the importance biodiversity plays in delivering an urban renaissance and plays an important part in creating safe and sustainable

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communities. It goes on to state that biodiversity assets will be protected, enhanced, managed, restored, strengthened and created in a manner appropriate to their significance. In providing this protection, CP19 states that proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Wildlife Site, will only be exceptionally permitted in specific circumstances.

Whilst part of the allocated area has been developed as the Cathedral School, the remaining land at Friar Gate Goods Yard is highly sustainable and accessible, located on the western edge of the city centre. Clearly, the principle of regeneration and more specifically residential development is in keeping with the overarching policy objectives set out within R2, AC1 and AC2 and in the context of the Council's housing supply position (as set out in Section 6.2 above). The regeneration benefits including the potential delivery of 276 new homes should be given very significant weight in decision-making. It is also worth noting that the site is specifically identified as a 'residential led development opportunity' in the Council's 'Ambition' document, titled 'Towards a New Vision for Derby City Centre'. The Ambition document sets the foundations for the development of a new Vision. Whilst the Vision will be a non-statutory plan (and therefore carry limited weight in decision making), the Ambition document was approved by Council Cabinet and provides an indication of the direction of travel for all matters associated with the city centre and was generally well received by stakeholders and the public alike.

The former Friar Gate Goods Yard site is a longstanding regeneration opportunity. Whilst part of the site has been developed for the Cathedral School, the application area, which is highly prominent, has been derelict for decades attracting anti-social behaviour and negatively impacting on the image of the city centre. Various previous schemes to bring this important area back into beneficial use have failed to materialise, so the viable and importantly deliverable scheme presented in the application proposals is to be warmly welcomed.

The proposal would result in the regeneration of this currently derelict brownfield site in the form of a comprehensive mixed-use development. It would make a significant contribution towards the City's housing supply, an important factor given the current undersupply of housing, providing 227 dwellings and 49 apartments with associated social and sustainability benefits. The restoration of the Bonded Warehouse and Engine House and change of use to Class E uses, potentially in the form of a restaurant, office space and retail, would secure a viable use for the buildings which have been empty for a considerable length of time, ensuring their on-going maintenance and upkeep, and future longevity. The development also includes wider benefits through the creation of new areas of private and public open spaces, new transport links, including the provision for the Mick/Mack pedestrian and cycle route through the site; together with enabling works to provide access to the deck level of Friar Gate Bridge. Where possible the application seeks to retain and enhance areas of on-site habitat. Overall, it is considered that the development proposals are consistent with the regeneration aims of policies R2 and AC2 and are acceptable in principle, subject to further consideration of other material considerations, and more detailed matters, as discussed within the following sections of the report.

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7.2. Heritage/Design Issues

Policy Overview

In the determination of the applications, decision makers must engage Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires 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 and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy CP20 (Historic Environment) of the DCLP1 seeks the protection and enhancement of the city's historic environment, including listed buildings and Conservation Areas. CP20 states that "Development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted." CP20(c) requires development proposals which impact on 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. CP20 also supports the sensitive re-use of under-utilised assets, consistent with their conservation, whilst also recognising that managed change may sometimes be necessary if heritage assets are to be maintained in the long term. Saved policies E18 and E19 of the CDLPR require the preservation and enhancement of Conservation Areas and historic buildings which are statutory listed.

The NPPF (2023) at paragraph 196 provides that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

In terms of considering the impact of a proposed development on the significance of a designated heritage asset paragraph 205 and 206 of the NPPF advises that:

- great weight should be given to the asset's conservation;
- the more important the asset the greater weight should be given;
- the significance of an asset can be harmed through alteration, destruction or development within its setting;
- harm or loss requires clear and convincing justification.

Where the harm to a designated heritage asset is considered to be less than substantial, paragraph 208 of the NPPF provides that the "harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Paragraph 210 of the NPPF states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Adopted policy CP3 (Placemaking Principles) of the DCLP1 requires development proposals to "incorporate high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character". Adopted policy CP4 (Character and Context) states that "all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and

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identity of our neighbourhoods". Policy H13 (Residential Development – General Criteria) seeks to ensure that a high quality living environment is provided and a layout of buildings and open spaces that creates an interesting townscape and urban form. In relation to urban design objectives for the site, Policy AC2 of the CDLP1 requires proposals to respond positively to the presently neglected railway heritage assets on site.

Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and history including the surrounding built environment and establish or maintain a strong sense of place.

The National Design Guide sets out the characteristics of well-designed places and what good design means in practice. It provides practical planning advice around the 10 characteristics informing well-designed places: context; identity; built form; movement; nature; public spaces; uses; homes and buildings; resources; and lifespan.

The Bonded Warehouse

The works to the Bonded Warehouse include the installation of new floors to provide approximately 6,856m² of new Class E floorspace over three floors. The existing iron columns in the building would be retained, with a number of individual 'pods' provided to create separate commercial spaces. A full height atrium is proposed at the entrance into the southern side of building with the use of glass partition walls to appreciate the scale of the building. Works include the removal of walls in the former office areas, the installation of a replacement roof with a glazed roof lantern, replacement windows, new doors and new openings for fire escape. Two timber hoists would be re-instated as well as metal doors. Externally steps would be installed leading up to two fronts doors of the Warehouse with a ramped approach provided from west. A 'plaza' area would be created outside the Warehouse, with linear features to represent train tracks, seating and planting beds. The use of reclaimed materials (subject to the agreement of a reclamation strategy) would be used to provide the character and a unique sense of place, including metalwork features and cobbles. Overall, Historic England considered that the proposed scheme to conserve and repair the Bonded Warehouse has a positive impact. As a result of condition and lack of use, many of the features and elements in the building have been lost. The proposed works are not proposing reinstatement of fabric beyond several elements of the scheme, including lucums and loading doors, which are modern interpretations and not harmful. The proposed modern internal partitions are also not considered to be harmful. In general, the Conservation Officer welcomes the principle of repair and adaptive reuse of the building for commercial and flexible space and there are no overall heritage objections to the uses proposed within the building.

Replacement roof - Rather than fully reinstating the original triple pitched roof on the Bonded Warehouse a new flat roof is proposed with a central roof lantern. The new roof design would allow for the provision of photovoltaic panels on the roof strategically hidden behind the building's existing parapet, providing a future proofed,

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sustainable building with an increased EPC rating. The rooflight would also provide a functional part of the building fire strategy avoiding the need for additional proprietary smoke shafts above the roof level. Historic England accept the justification for the proposed roof structure and the Conservation Officer feels the flat roof may be accepted as a compromise position based on the sustainable building practice proposed. Overall, there is considered to be acceptable justification to deviate from the building's original roof form. It is recommended that further design details, methods of attachment, roof construction details and further details of the precise location and design of photovoltaics and/or roof plant are controlled through condition, to ensure that they will not be seen from ground level and are appropriately located and screened from sensitive vantage points.

Other Works – Consultee comments also raised concerns about the proposed removal of brick partitions within the former office area in the building and the design of replacement windows. To address this, revised plans now show the partial retention of brick stubs, to allow for an open plan area to be created whilst being able to appreciate the historic layout of the buildings. It has also been clarified that the windows within the building's former office area are to be replaced as like-for-like timber sash windows, which is considered to be acceptable. In terms of the existing windows on the wider building, the remaining cast-iron windows are in a poor condition, and the current proposals seek to replace them with double glazed Critall style aluminium windows of a similar style to the existing. This is regrettable and would cause some harm to the significance of the building. However, the replacement windows would strike an acceptable balance which would see the thermal efficiency of the building improved and allow for the viable re-use of the building. Further precise details of the replacement window can be controlled through a suitably worded condition, together with the retention of one original window, as suggested by the Conservation Officer.

Other concerns raised by Heritage Consultees relate to the removal of the platforms within the Bonded Warehouse which need to be removed to provide level, accessible threshold into the building. The advice from Historic England accepts the justification for their removal but suggested that the platforms could be incorporated into the scheme in other ways, such as marking out the locations of the platforms in a different floor material. These comments are echoed by the Conservation Officer who feels there are opportunities, both inside and outside the bonded warehouse, for physical interpretation of the platforms, railway line layout and other curtilage structures (such as the crane base etc). It is recommended that re-use and interpretation of the features such as the platforms are controlled through suitably worded conditions. The applicant has confirmed that the timber cobbles within the building are to be reinstated internally as part of the finished building fit out. The reinstatement of the timber cobbles, together with the recording and re-use of other historic feature which could have potentially survived underneath debris and vegetation within the building, can again be controlled through conditions.

Whilst there is harm caused to the significance of the building, through the subdivision of the space, the loss of some original fabric in the building, and impact on its setting, in all cases the harm identified is considered to be 'less than substantial' and would be outweighed by the significant public and heritage benefits of bringing this empty Grade II Listed 'at risk' building back into a viable use, together

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with the wider benefits of the regeneration of the site. With conditions in place to control full details of schedule of work, method statements for any repairs, and control over details such as the replacement roof and windows, together with recording and re-use of historic fabric, it is considered that the harm would be minimised and proposed works to the Bonded Warehouse would be acceptable, securing the long term future of the building by bringing it back into an active and viable use.

The Engine House

Proposed works to the Engine House include the installation of a mezzanine floor, to provide approximately 400m² of new Class E floorspace over two floors, together with ancillary spaces such as kitchen and toilet areas. The former accumulator tower would accommodate a feature metal spiral staircase. The roof of the building would be repaired and reinstated, the former roof vent restored, new roof lights and louvered openings are proposed, and windows and doors would be repaired and replaced. The proposals also include other general repair and refurbishment works to the building, including the repair and repointing of brickwork.

Historic England advise that the consolidation of the building and repairs to fabric are supported and positive, including the reinstatement of the louvres to the roof, the reinstatement of the oriel window detailing and the detailed features to the tower. The inclusion of the tower in the circulation is also considered to be positive means of utilising a space, subject to further information on understanding the capabilities of the fabric and the potential loss incurred by installation. Full structural information regarding the proposed staircase within the accumulator tower and its impact on the fabric of the building can be provided through condition once detailed design has been completed. The fixing details are not known at this stage, but again these details can be controlled through condition.

In general, the Conservation Officer welcomes the appropriate repair and adaptive reuse of the Engine House building, and the proposal to repair and reinstate the roof, which are considered to be an overall benefit. However, the success of the detailed design will be subject to the retention of historic fabric, design details, materials and method statements regarding the detail of the proposals etc. To achieve this, various conditions are recommended to control precise details of the works, to including a schedule of works and method statement for the reinstatement of the roof, and further details of door and window designs. The Conservation Officer highlights that details of the timescale/programme of the agreed works, need to be controlled to ensure the repair and conversion works to the Engine Shed (and Bonded Warehouse) are secured first, or early, within the programme for redevelopment. This can be achieved through a suitably worded phasing condition.

General concerns have been raised about the number and location of the proposed rooflights on the building. During the life of the application there has been an overall reduction in the number of rooflights proposed and they have been clustered together, however, it is considered that further changes to this element of the proposed works could be dealt with through a suitably worded condition to address the outstanding issues in this regard.

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In terms of the setting of the building, the overall level of car parking proposed between the Engine House and the Bonded Warehouse, and the connectivity between the two buildings has been raised as a concern by Heritage consultees. In response to this, the applicant advises that this is the most logical place for car parking, being adjacent to the main access into the site and in a position which would reduce car movements through residential areas, protecting residential amenity. It has been highlighted that historic photos show that vehicles would often be parked between the two buildings when operational and this area consisted largely of hard standing previously with vehicles parked sporadically between the two buildings. It is acknowledged that a reasonable level of on-site car parking is required given the commercial uses proposed within both the Bonded Warehouse and Engine House, the overall level of parking isn't excessive, and the location of the car parking is considered to be the most suitable. The visual impact of the car parking area can be minimised through the use of appropriate surfacing materials, which would include the use of reclaimed granite setts, and suitable landscaping will help soften the visual impact of the proposed car parking area. Precise details can be controlled through suitably worded conditions.

Overall, the proposed works to refurbish and restore the Grade II listed Engine House are positive and would bring this currently empty, at risk, building back into a viable use. In all cases the harm identified is considered to be 'less than substantial' and would be outweighed by the significant public and heritage benefits of bringing the empty Grade II Listed at risk buildings back into a viable use, together with the wider regeneration on the site. Where there is such harm to the significance of the building, through loss of historic fabric, this harm it can be minimised through suitable conditions controlling further precise details of the works, methods, materials and finishes.

Friar Gate Bridge and demolition of the abutment arches

The proposals include demolition the majority of the brick abutments serving Friar Gate Bridge, with the retention of some of the brick arch façades. Friar Gate Bridge is Grade II listed and, whilst not specifically mentioned within the listing description, the attached brick abutments arches are considered to form part of the listed structure. On the eastern side of the bridge two of the brick arches would be retained. The first arch would be infilled with reclaimed engineering bricks with the stepped/ramped access up the deck level of the bridge sitting behind it. The second arch would be retained and form a gateway into a large area of public open space, which would be surfaced and landscaped to capture the historical aspects of the site. On the Western side the existing blue brick platform walls closest to the bridge would be retained and a second entrance into the bridge public realm area created, together with new access ramp. No works to the cast iron part of the bridge or the exterior of the stone abutments are proposed.

In terms of the justification for the demolition, the submission states that the scheme necessitates the demolition of the arches abutting Friar Gate Bridge, to provide an increased developable area for the provision of additional residential development and make the wider scheme viable, taking into account the high costs of the Bonded Warehouse and Engine House restoration works. The arches would require considerable financial investment to make them structurally sound and fit for purpose

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which is not considered to be economically viable. In addition to the viability assessment submitted for Section 106 purposes, the applicant has submitted three further assessments to explore whether it would be financially viable to retain 1 no. or more of the brick abutment arches on the site (in addition to the other listed assets). This information has been assessed by the District Valuer to determine the viability of three hypothetical alternative development scenarios, which would see the retention of a differing number of arches (up to 3 arches) and their re-use for commercial purposes. The District Valuer has confirmed that the alternative schemes have all been assessed as being unviable and are in fact significantly less viable than the application scheme before you. This supports the applicant's view that it is not possible to retain the abutments and achieve a deliverable development in line with the submitted proposals, which would result in the regeneration of the overall site and the restoration and re-use of the primary heritage assets on the site (the Bonded Warehouse and Engine House). It should be noted that the principle of demolishing some of the arches (back to the former subway and stairs to the platforms) had been accepted under the previously approved supermarket scheme on the site.

Concerns about the demolition of the brick abutments have been raised within the comments provided by a number of heritage consultees and clearly there will be a level of harm caused through the demolition proposed. Within their comment Historic England acknowledge the difficulty of developing the site with the abutments in place, but advise that their loss constitutes harm requiring justification through the submission of a robust viability assessment. However, the principle of loss is accepted and understood in principle based upon the proposed development, the restoration of the heritage assets, their long-term viable use and a robust justification provided. Overall, Historic England consider the development to be positive in principle but advise that works should not be proposed which would affect the sustainability and viability of the Friar Gate Bridge. The Conservation Officer highlights that the abutments provide an important part and context to the cast iron part of the bridge, which had trains running on railway lines upon it and shows how the structure was used. The comments raise concerns about the demolition and the harm caused to the significance and setting of the listed building. Again, the need for a clear and convincing justification for demolition is emphasised, which has now been undertaken through the viability process and findings within the District Valuer's report. Concerns around the potential re-use of the bridge have also been raised in terms of whether the scheme would leave the cast iron part of the bridge unusable and inaccessible, restricting vehicular access to the bridge and potentially impacting on future uses. CHAC raise no overall objections to the scheme, welcoming it as a whole and the repurposes of the historic buildings on the site, but advise that the arches is still an undesirable element of the proposal.

In terms of the potential impact of the demolition on the remaining structure of the bridge, a further Technical Approval process would need to be completed by the applicant to verify their proposals are structurally sound and there would be no adverse impact on Friar Gate Bridge, which is itself a highway structure. No objections have been raised by the Highway's Structure's Team and the process would involve the highest level of technical approval (CAT III) which requires an independent organisation to verify that the developer's proposals are satisfactory. Submission of a demolition method statement is also recommended to control further

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details through condition. To provide access the public open space proposed adjacent to the bridge would be engineered to accommodate a crane for future repairs and maintenance to be undertaken within the site. Without this proposed strategy, the public highway below at Friar Gate (road) would likely need to be closed for a substantial period of time in order to undertake any structural works above. This is a significant benefit as currently there is little to no access to the bridge with the disrepair of the arches preventing physical access. Again, no objections have been raised by the Highway's Structures Team with regards future access or maintenance of the bridge structure and further safeguard through any land transfer (the applicants are proposing to acquire arch 1 which is owned by the City Council) would ensure this is provided. Although, the application does not include a use for the deck level of Friar Gate Bridge, it proposes enabling works through the provision of an area public open space adjacent to the bridge, and an accessible ramp and a series of steps up to the bridge to allow for a third party to come forward to propose a scheme for the use of the upper level. A temporary wall is proposed between the top of the ramp and the deck level of the bridge; however, this would be designed to be removable and not 'toothed in' to the existing wall for example to prevent future damage. The developer has confirmed they are committed to the future of the site and will actively be involved and assist in third parties bringing forward proposals on the bridge, with the potential for the re-development of the Friar Gate Goods Yard site, and the bridge access solutions proposed, to act as a catalyst for its future re-use and restoration.

Overall, whilst there would clearly be harm caused to the significance of heritage assets (Friar Gate Bridge and the Friar Gate Conservation Area) as result of the demolition proposed, the proposals would not result in total demolition, or total loss of significance, and level of harm has been reduced through the retention of the brick facades closest to the bridge, which would assist in contributing to the context and understanding of the bridge's historic use. Therefore, it has been concluded to be 'less than substantial' (albeit at the upper end of the scale) and must be balanced against the wider significant public benefits of the scheme as required by para. 208 of the NPPF. In this regard, the demolition of the arches would allow for a viable, delivery of a comprehensive master-planned development on the remaining part of the Goods Yard Site, achieving the restoration and refurbishment of primary heritage assets on the site (Bonded Warehouse and Engine House), and securing their on-going and sustainable re-use and removal from the at-risk register. The scheme as a whole would result in the regeneration of this key strategic, brownfield site, providing much needed housing in for the City in a highly sustainable location, with associated economic and social benefits, together with the provision of areas of open space and improved connections to the wider area. The arch facades will be retained as part of the creation of a large area of informal public open space to be sited adjacent to Friar Gate Bridge, providing for an improved stepped and ramped access up to the deck level of the bridge.

Urban Design Issues and Impact on Wider Heritage Assets/Setting

The application is supported by a Design and Access Statement, which sets of the design rationale and the key principles for the design of the development and references the treatment and reuse of the heritage assets within the site. A Townscape Visual Impact Assessment has also been undertaken which identifies the

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key constraints and opportunities within the site and the surrounding townscape, and the nature of likely impacts arising from the development. The design and layout of the scheme has evolved through pre-application discussions, which included consultations with Historic England and The Design Review Panel, and during the course of the application process.

Proposed Housing

The development proposes the erect of 227 new homes and the housing consists of a mixture of 2- 3 storey, 2 and 3 bed modern, terraced townhouses and laid out in a series of boulevards which reference the route of the historic train lines which ran through the site. The housing would be orientated towards neighbourhood greens, providing resident amenity space and additional benefits of improved biodiversity and sustainable drainage opportunities. The scheme proposes five house typologies, which are a mixture of two and three storey housing and include dual and single aspect properties. In general, the houses are a modern take on the traditional Georgian and Victorian housing found within the vicinity of the site with the use of red brickwork, vertically proportioned windows, and brick and stone effect details used to reflect the traditional detailing on buildings in the neighbouring Conservation Area. All gable ends would have windows to maximise surveillance and provide light and activity, and primary focal points include projecting feature window seats which reference the grain hoist on the Bonded Warehouse. The mirroring of properties has allowed the proposed bin storage on the street frontages to be shared between a pair of properties, reducing clutter within the street scene, and cycle storage and air source heat pumps have been relocated to the rear of properties. In terms of the overall scale of the dwellings, their limited height would ensure the new buildings remain subservient to the principle and most important structures on the site (the Bonded Warehouse and Engine House), thus maintaining the hierarchy of the site, and retaining the prominence of these key listed buildings.

The layout has sought to retain key vistas and important views within, across and into the site. This includes the view from the Friar Gate entrance to the curved corner of the Bonded Warehouse, which would be maintained and framed by a tree lined boulevard, and views of the Grade I listed Cathedral across the site and from Great Northern Road. During the life of the application, to address concerns about the overall length of the terraces, sections houses have been set back 400mm and 800mm. The northern run of housing has been split into five blocks with a step of 400mm and 800mm back from the road, the units have also been stepped with a maximum of 150mm in pairs to help break the long run and address the level changes across the site. In addition to this, the dwellings include variations in the form and materials proposed, with the use of differing gabled roofs, fenestration and brick details proposed to provide an additional layer of visual interest and break up the long terraces further. On the street adjacent to the Bonded Warehouse, the terraces have also been refined and the houses have been arranged as a curve, which helps to break up the continuity of a traditional street and assists in maintaining views of curved corner feature on the Bonded Warehouse. Significant level changes throughout the site also go some way in helping to achieve some variation within the roofscape. Changes to the gabled roofs on the terrace facing the proposed area of public open space have been sought to address concerns raised by the Conservation

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Officer. No objections were raised to the proposed houses within CHAC's comments which noted the design philosophy of blending in with the Bonded Warehouse and felt it was an industrial setting and a solution that worked well. Terraces were broken up by different styles of houses at varying heights, there was an urban village appeal to the site. The change in level across the site had been created by changing levels in each dwelling, there was a rhythm of traditional terraced housing.

In terms of the impact on wider views the submitted Townscape Visual Impact Assessment, highlight that the existing built form and the surrounding townscape is such that the proposed development will only be visible from a limited and specific area of the local town context. A total of 14 viewpoints have been assessed, many views are considered to have only neutral or negligible visual effects, on the basis of the limited extent of the proposed development which might be visible or the degraded nature of the baseline view subject to the immediate townscape context. Two locations (Vernon Street and Ambrose Terrace) determined to result in a negligible adverse effect. For these limited viewpoint locations, tree losses would be apparent in the view, as would the introduction of built form, hence the consideration of potentially adverse effects. The proposals would also impact on views from within the adjacent Friar Gate Conservation Area, the most direct impact being to the western side of Friar Gate Bridge, where the side gable of the townhouses would be visible within the streetscene along Friar Gate. CHAC noted the impact on this view and felt that the Conservation Area would be substantially affected, due to its scale and closeness to Friar Gate. The Conservation Officer also recommends the houses in this location are pushed back into the site, so it relates better to Friar Gate and allows for the retention of more of the historic cobbled sets on this side of the bridge. Changes have been made to the materials proposed (a change from blue brick to red brick) but the scale and siting of the buildings remain the same. Again, there would be some harm caused to the setting and significance of the Friar Gate Conservation area and other nearby heritage assets (including the Grade II listed Friar Gate Bridge), but this harm has been identified as less than substantial harm. Following discussions with the Highway Authority, the cobbles on the eastern side of Friar Gate Bridge are now to be retained, details to be controlled through condition. Elsewhere, the recording and retention or re-use of listed curtilage structures and historic surfacing, can be controlled through suitably worded conditions, including the agreement of a reclamation strategy for the overall site.

Understandably the applicant is keen to maximise the development potential of the site to assist viability, given the constrained nature of the site and the abnormal costs associated with bringing heritage assets back into beneficial use, and this has resulted in a fairly high density development (in order to provide the quantum of housing required to make the site viable). However, the overall, layout, density and built form proposed aren't considered to be inappropriate, given the site's location and general character of existing built development in this area, being generally comprised of fairly high density development including areas of similar terraced housing. In general urban design terms the proposals are considered to be acceptable, and the development is considered to be largely sensitive to the historic features on and around the site, of an appropriate scale, and arranged in a manner which maintains key views into and through the site. The comprehensive approach to the re-development of the site is welcomed, providing a vibrant mixed-use

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development, which would enhance the quality of the area. The proposals would result in significant overall visual benefits through the regeneration of what is currently an empty and derelict site, and restoration and re-use of the two highly prominent landmark buildings on the site (the Bonded Warehouse and Engine House). The visual enhancements would be most apparent on the approach to the site from the south-east, given the construction of the inner ring road has opened up significant views of the derelict and deteriorating listed structures. On balance it is considered that the development would result in an enhancement of the overall townscape quality of the area. The place making principles and urban design tools required in Policies CP3 and CP4 have been largely adopted in the design process for this strategic site and this demonstrates that the development should contribute to the distinctiveness and character of this area of city.

Proposed Apartment Building

The apartment block proposed on Stafford Street has been amended during the life of the application. The original building proposed was a four-storey brickwork and bronze effect cladding, with a mansard roof. Following concerns raised by the Conservation Officer the design of the building has simplified, with the bronze effect cladding removed, although the height of the building remains unchanged. The changes are considered to be a positive amendment by Historic England, it is noted that the building remains quite dominant in mass; but potential recessive features would help to break this up. CHAC confirmed that it had no issues with the height, scale and massing, layout, materials, or relationship with context. This element of the proposals would have a limited impact on views from the nearby Friar Gate Conservation Area and there are no overriding concerns from an urban design perspective.

Heritage Conclusions: Harm v Benefits

A planning balancing exercise must be carried out in respect of the acknowledged harm to the heritage assets. As set out in para.196 of the NPPF, the less than substantial harm arising from the impacts on the historic fabric, including the demolition of the arches, and on the setting of the heritage assets on and near the site, must be weighed against the public benefits of the development. In this case there are considered to be substantive public benefits to the proposals, which include:

- Bringing back the vacant and deteriorating 'at risk' heritage assets (Bonded Warehouse and Engine House) back into a viable use, securing their long term future.
- Restoration and refurbishment of original features and historic fabric within the listed buildings (Bonded Warehouse and Engine House), and overall enhancements to their setting.
- Regeneration of this currently derelict brownfield site in the form of a comprehensive mixed-use development.
- The delivery of a significant amount of new housing, comprising a mix of 227 houses and 49 apartments, together with complementary E Class uses, a highly

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sustainable location in the city, optimising brownfield land meeting housing needs and reducing the pressure on greenfield development.

- The provision of new areas of public open space, including a shared flexible space adjacent to Friar Gate Bridge, with enabling works in the form of a stepped and ramped access up to the deck level of the Bridge to allow for future use of this area.
- Enhanced connections to the surrounding areas through the provision of new pedestrian and cycle links.
- Construction and operational benefits (as estimated by the applicant) to result in the following:
 - £55 million estimated construction investment over three-year build programme.
 - 278 direct construction roles, and indirect/induced jobs supported per annum during three-year build phase.
 - £51.1million Economic output contribution from jobs supported by activities at the site over three-years (current prices).
 - 353 Gross full-time equivalent jobs supported on-site by the commercial floorspace.
 - £7.5million Annual household expenditure.

The former Friar Gate Goods Yard site is a longstanding regeneration opportunity and a highly prominent site, which has been derelict for decades attracting anti-social behaviour and negatively impacting on the image of the city centre. The proposals would result in the overall enhancement of the site and achieve key conservation objectives through the restoration and re-use of the Bonded Warehouse and the Engine House. Whilst the important advice, comments and objections from the specialist heritage consultees have been fully considered, in terms of the planning balance to be considered under the requirements of the NPPF para 196, it is concluded that the proposed development does give rise to significant benefits which would outweigh the less than substantial harm to the designated heritage assets and their setting.

7.3. Quality of Living Space/Residential Amenity Issues

Saved policy GD5 (Amenity) of the CDLPR states that planning will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. Saved policy H13 (Residential Development – General Criteria) requires development to create a satisfactory form of development and relationship to nearby properties [and] a high quality living environment". These policies are reinforced by the paragraph 132 of the NPPF (2023), which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users".

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As noted previously the development proposes a mixture of 2-3 storey, 2 and 3 bed terraced townhouse. There are a number of differing house types proposed across the site which include both dual and single aspect properties. Each property will have access to outdoor amenity areas in the form of a private patio and/or terrace. Houses along the eastern site boundary will have private garden areas and those in the centre of the site will have access to two large, linear communal garden areas. In addition, residents will have access to the proposed area of public space adjacent to Friar Gate Bridge.

In terms of the overall unit sizes, the proposed townhouses vary between 59 and 75sqm in overall floor space, whilst the apartments would vary between 38 and 63sqm. It is noted that some units would not meet National Design Space Standards but, at present, these standards have not been adopted and are not a Local Plan requirement. Whilst the development would introduce fairly high-density residential accommodation onto the site, in order to achieve the quantum of development required for a viable scheme, properties are still considered to provide an acceptable living environment for future occupiers in terms of the spaces provided. Internal layouts are satisfactory and main room habitable rooms would be provided with reasonable levels of light and outlook.

Separation distances with neighbouring dwellings are satisfactory, given the surrounding context which is generally comprised of fairly high density Victorian terrace housing. Retained trees and vegetation along the western site boundary would assist in screening neighbouring dwellings from the development. Separation distances with dwellings to the west are sufficient to avoid any direct overlooking. Precise details of boundary treatment can be controlled through condition to ensure appropriate levels of privacy are provided between existing and proposed garden areas.

Overall, it is considered that the development would provide a reasonable living environment for future residents without causing any significant harm to the amenities of neighbouring properties. As a result, there would be no direct conflict with policies CP3, CP4 of the and saved DCLP1, or saved policies GD5 and H13 of the CDLPR.

7.4. Access/Highway Issues

The application site is situated in a highly sustainable location on the edge of the city centre. It lies within walking distance of numerous shops and other services, with good access to public transport links and cycle routes. There are bus stops located on Friar Gate, Uttoxeter New Road and Abbey Street within 400m of the site. The development is 16 minutes walk from Derby Bus Station.

A full Transport Assessment has been submitted with this planning application. For the purposes of the Transport Assessment, it is assumed that Class E uses proposed within the Bonded Warehouse and Engine House will comprise 2,500m² of retail, 2,500m² of restaurant use and 2,500m² of office space, which is considered to provide the worst-case scenario when considering the potential mix of uses.

In transport terms Policy AC4 of the DCLP1 sets out the transport and access strategy for the City Centre. It specifically states that Derby City Council will seek to maximise the efficiency of the transport network and provide equality of opportunity

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through sustainable access choices, providing for and promoting the use of cycling, walking and public transport. The Council will support proposals that:

- (a) encourage developers to make the most of, and strengthen, the opportunities provided by existing walking and cycling networks;
- (b) encourage developers to work with public transport providers to ensure that all users are able to access development by sustainable means, especially taking account of times when developments are likely to be busiest;
- (c) support proposals for the improvement of the public realm, particularly where it would improve access and legibility across the City Centre;
- (d) support proposals that improve safety, improve air quality and reduce carbon emissions;
- (e) ensure development provides a level of car parking which reflects the realistic requirements of the users and the highly accessible nature of the city centre. Parking should not take precedence over facilities provided for more sustainable modes of access. Regard will be given to the standards set out in the Appendix C;
- (f) seek to ensure a sufficient level of good quality and accessible public parking, subject to meeting sustainability objectives.

The policy is clear in its intent to maintain access to the City Centre by strengthening public transport capacity and quality, together with improving conditions for cycling and walking. The objective is to encourage a switch to more sustainable modes of transport.

Policy CP23 of the DCLP1 states that the Council will ensure that people living, working and travelling within Derby will 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 by supporting:

- Greater travel choice and equality of opportunity for all through the delivery and promotion of high quality and accessible walking, cycling and public transport,
- Incentives to manage traffic impacts, promote sustainable transport and the development of accessible sites,
- Contribute to better safety, security and health for all,
- Development that connects residents to jobs, shopping, leisure, open space, health and educational opportunities • Development which implements, and/or contributes to appropriate onsite and offsite measures to mitigate the impact of development,
- Development which contributes to improving public cycle and pedestrian infrastructure.

Saved CDLPR policies R2 and T2 and DCLP1 policy AC2 identify the need for the site to provide enhanced connectivity including:

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- Safeguarding a route for the proposed Mickleover/Mackworth Express Busway;
 - A cycleway/walkway between Granville Street and the City Centre (east/west);
 - A cycleway/walkway between Uttoxeter New Road and St. Alkmund's Way (north/south)
 - Links to the Cathedral Quarter to strengthen the overall offer in the western part of the City Centre, including potential to utilise Friar Gate Bridge.

Access Issues

The primary access point for the development will be from the Uttoxeter New Road/Stafford Street signalised roundabout, via the existing spur constructed as part of the Connecting Derby Scheme. The signalised roundabout was planned to accommodate the redevelopment of the Friar Gate Goods Yard site, and the junction was designed to accommodate the optimum capacity in terms of traffic, whilst providing for the objectives of providing cycle and pedestrian links around the junction within the space available.

During the life of the application the secondary access onto Friar Gate (an existing access to the eastern side of Friar Gate Bridge) has been amended from a full vehicular access/egress to an emergency only access controlled by retractable bollards, with provision for cyclists and pedestrians. The changes were made to address concerns raised by the Highway Authority relating to through trips and turning movements.

The proposed apartment block will be served by a separate access on Stafford Street situated approximately 20m to the south of the existing vehicle access in this location. The new access will be design as a dropped crossover providing a continuous footway for pedestrians. The two existing accesses in this location will be reinstated as footway.

Following amendments to the scheme, no objections have been raised to the proposed access/egress points and the Highways Authority are now satisfied that a "safe and suitable access" can be achieved, and that the development will operate efficiently and safely and offers appropriate provision for all users.

Impact on the Local Highway Network

The Highway Authority have highlighted that the development may add to traffic pressures around the Uttoxeter New Road/Stafford Street roundabout signals, particularly during the PM Peak. There are no solutions to improve the efficiency of the junction without looking at major improvements on Uttoxeter New Road, however, the junction modelling predicts that the development will only have moderate impacts on the junction, which should be manageable. Further, the reduced level of parking provision for the commercial development, and the site's sustainable location, should constrain the level of development traffic to and from the site and encourage trips by more sustainable modes.

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Connectivity

The development will make provision for 3 metre shared cycle and pedestrian routes through the site allowing for the provision of the Mick/Mack route. The first route is a link from Uttoxeter New Road into the site, through the commercial/retail area, connecting into the adjacent Cathedral School site which has safeguarded land to continue the Mick/Mack route further west. Provision will be made for a slip-off from the Uttoxeter New Road bus and cycle lane onto the shared cycle/pedestrian footway into the site. There is also a shared cycle link that runs along the eastern boundary of the site providing a connection from Uttoxeter New Road to Friar Gate and the National Cycle Route 66. Cyclists will also be able to use the residential road running along the northern boundary, which will be designed as a 7.5 metre wide shared quiet street with traffic calming features.

The proposal will also provide a new ramped pedestrian access from Friar Gate, on the western side of Friar Gate Bridge, a pedestrian and cycle route on the eastern side of Friar Gate Bridge, and further access from Uttoxeter New Road to the Bonded Warehouse. There is an existing public right of way across the site connecting South Street and Great Northern Road, which would be diverted as a result of the development. The current route zig zags across the site. The new route will take a more direct line along one of the newly created streets. It will be lit and a minimum of 2m wide. The diversion of the footpath will have to be formally undertaken under section 247 of the Planning Act, which sits outside of the planning application process.

Active England has advised that the shared cycle/pedestrian footways through the site should be redesigned and segregated space provided for cyclists. However, the Highways Authority is satisfied that a shared cycle route is acceptable, given the scale of the development, and anticipated low levels of flows and speeds, given the development will effectively be a cul-del-sac. The Highway Authority is also satisfied with the arrangements for pedestrians and cyclist at the Uttoxeter Road/Stafford Street roundabout, subject to conditions.

Disabled Access

As stated previously the development will open up the existing footway access from South Street, however, there is a significant level difference between South Street and the application site (approx. 4m) and the site is accessed via a set of steep steps on the western side. The inadequacy of this existing access for disabled users and cyclists has been highlighted within the objection letters received.

Although consideration has been given to the provision of a new ramped access in this location there isn't the physical space to provide a ramp of a suitable width, with retaining walls and turning head on the returns (in order to provide a 1:20 (5%) ramp suitable for wheelchair users an 80 metre long ramp would be required). The creation of a ramp would also result in the removal of a large bank of TPO'd trees, together with retained areas of mosaic habitat in this area of the site. Overall, given the limited space, level issues and the constraints in this area of the site the ramped approach hasn't been feasible. This existing access will however be improved by having passive surveillance through the applications site – its route would be much more pedestrian friendly than the current situation.

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There are also a number of improvements proposed in terms of accessibility across the site as whole. A ramped pedestrian access will be provided on the north-western corner of the site providing a link between the site and Friar Gate. The ramp climbs approximately 2.0 metres over a 40 metre length. It will not form part of the adopted highway and on plan has a gradient of 1:20, which conforms to current building regulations. The scheme, as amended, also now includes an accessible ramp up to the deck level of Friar Gate Bridge, within the area proposed as public open space. This route will provide disabled access to this area in the event that a scheme for the re-use of the Bridge comes forward.

The development includes the provision of 6 disabled car parking spaces to serve the proposed commercial uses with a level access from the car parking area into the Bonded Warehouse to the west and a ramped access to the plinth level around the building. The roads throughout the scheme are proposed for adoption, which means they must be DDA compliant and account for disabled users. Whilst the proposals will involve the retention and re-use of historic cobbles across the site, care will be given to ensure their location does not impede disabled access. Precise details of a reclamation strategy for the site will be controlled through condition. The central shared garden areas will be fully accessible for disabled residents and visitors and the developer has confirmed that the development will be fully compliant with Building Regulations Part M4(1). Overall, given there will be overall improvement to disabled access across the site as a whole and to the accessibility of individual buildings as a result of the proposed development; the proposals are considered to be acceptable in this regard and would comply with saved policy T10 of the CDLPR.

Parking Provision

Car parking -The parking standards are set out in Appendix C of the DCLP1. The standards are 1 space per 20 sqm for non-food retail, 1 space per 5 sqm for Restaurants, and 1 space per 40 sqm for office. There are no set standards for residential dwellings, which are negotiated site by site on the basis of the size of the proposed dwellings, availability of public transport and non-motorised user connections. The development proposes a single car parking space for each dwelling and 21 parking spaces for the 49 apartments. 100 parking spaces are to be provided for the Bonded Warehouse and Engine House (including 6 disabled spaces and 13 electric vehicle charging spaces, with ducting for another 13).

The Highway Authority are satisfied with the overall level of residential car parking proposed, taking into account the type of housing and the location. Although the commercial car parking numbers are lower than DCC parking standards allow, it is noted that much of this car parking allowance is linked to the proposed restaurant floor space, and the Transport Assessment (T.A.) is based on a worst-case scenario of 2,500sqm for restaurant uses. The Highways Officer notes that such uses will generally operate in the evening, and there will therefore be some sharing of uses between any office/retail and restaurant uses.

The overall level of parking proposed is considered to be acceptable given the highly sustainable location of the site, with good access to service and public transport links. The development strikes a reasonable balance between providing enough car parking to avoid the displacement of vehicles onto surrounding roads and to

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encourage the use of more sustainable modes of transport. A condition is recommended to control the maximum floorspaces in line with the assumptions made within the TA to ensure parking levels on site are acceptable. The size of car parking spaces and the overall layout of parking areas are also considered to be acceptable. The development as a whole would be part of a Residents Parking Scheme, which should help to control unauthorised parking within the development and is acceptable from the Highway's Authority's perspective.

Cycle parking - Each apartment is to be provided with a cycle storage space within an internal storage area on the ground floor of the building. For the townhouses cycle parking will be provided through a combination of dedicated cycle parking storage and more informal cycle parking within the private terrace areas to the rear of the properties. Cycle storage for the block of house type 5 (the accommodation block to the west of the site) will be located in two areas; a cycle store adjacent to the western boundary housing 23 cycles, with the remainder of the cycle spaces provided within the Bonded Warehouse.

Cycle parking for the Bonded Warehouse is to be provided through a combination of a dedicated indoor cycle store within the Warehouse, providing long stay storage for around 24 bikes, and external short stay storage in the form of cycle hoops, or similar. A dedicated cycle store has now been provided for the Engine House, adjacent to the building. Cycle parking conditions are recommended to control precise details of the parking provision and ensure cycle parking is provided in accordance with the approved details.

The Highway Authority notes that it is disappointing that more cycle parking has not been better integrated into the development, as identified by Active Travel England's comments. However, the developer has contested that it would require a fundamental change of design, particularly in providing a rear access to some of the perimeter housing. Where possible, the developer has been pushed to provide additional cycle parking. Ultimately, this is City Centre living and it would be difficult to dispute that the site is not sustainable by walking or public transport. Overall, the level of cycle parking proposed is considered to be reasonable and, where required, further details can be controlled through appropriately worded conditions.

Highways Conclusion

This development is located within the City Centre as defined by the DCLP1. As such, the development is perhaps in the most sustainable location that can be defined in planning terms. Residents will have access to a wide range of food and non-food retail, leisure, restaurants, health and service facilities within the City Centre, with access to the additional on site facilities proposed within the commercial floorspace. The overall transport implications of the scheme are considered to be consistent with the objectives of Policy CP23, which seeks to promote sustainable transport and greater travel choices, for occupiers of a development, and a safe and suitable access would be provided. The transport impacts of the development are considered to be acceptable in this city centre location and the development provides for improved connections to the nearby areas of the city, in line with the requirements of policy AC2 and saved policies T2 and T15. On balance, there are no highway objections to the development, subject to conditions.

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7.5. Ecology Impacts - Local Wildlife Site, Biodiversity and Open Space

As already noted, a significant portion of the northern part of the site is identified as a Local Wildlife Site (Wildlife Sites Register Number DE006) and is therefore covered by the provisions of CP16 and CP19, both of which seek to minimise and mitigate impacts on biodiversity. The Wildlife Sites Register states that the site, since its abandonment in 1986, has developed into interesting ephemeral grassland and scrub woodland. The ephemeral grassland, predominantly in the western part of the site, with its skeletal soils, has a population of kidney vetch, common knapweed and birds foot-trefoil. The site is one of only two sites in the County where common broomrape can be found. The site is also noted for its butterfly interest with 21 species having been recorded. The eastern end of the site, around the old sidings has matured into scrub and woodland.

Paragraph 186 of the NPPF (2023) states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy CP16 of the DCLP1 recognises that the Council will minimise and mitigate impacts and overall decline of biodiversity and, where possible, provide net gains. It also states that the Council will seek to avoid the fragmentation of habitats and, where unavoidable, provide appropriate compensation on a like-for-like basis.

Policy CP19 recognises the importance biodiversity plays in delivering an urban renaissance and plays an important part in creating safe and sustainable communities. It goes on to state that biodiversity assets will be protected, enhanced, managed, restored, strengthened and created in a manner appropriate to their significance. In providing this protection, CP19 states that proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Wildlife Site, will only be exceptionally permitted in specific circumstances. CP19 is clear that proposals that would have an adverse impact on a Local Wildlife Site (LWS) will only exceptionally be permitted where:

1. they cannot be located on alternative sites that would cause less or no harm;
2. the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
3. adequate mitigation or, as a last resort, compensation measures are provided.

The application was submitted and validated before the formal requirement to provide Biodiversity Net Gain on major sites became mandatory. So, whilst Policy CP19 seeks to minimise and mitigate impacts and overall decline of biodiversity and, where possible, provide net gains, there is no specific requirement for the scheme to incorporate BNG, or for Defra Biodiversity Metric to be provided in support of the application.

The application is supported by an Ecological Impact Assessment (EIA) which provides an up-to-date assessment of the key ecological features present on the site including habitats and species and contains details of survey work and desktop

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assessment for protected species. No significant impacts upon protected species have been identified in the ecological assessment. Derbyshire Wildlife Trust advise that the EIA provides a thorough review and assessment of potential impacts on species, which can be addressed through implementation of mitigation measures set out in a Construction and Environmental Management Plan for the duration of the construction of the development together with on and off-site enhancements for species. The EIA also addresses the issue of the rare plant common broomrape (a key feature of the Local Wildlife Site) and provides details of the recent off-site translocation of this species to receptor sites in Derby. Monitoring in 2023 indicate that this has been successful. With the removal and translocation of the broomrape plants from Friargate Station the site no longer meets this LWS selection guideline. Although Derbyshire Wildlife Trust does not consider that the LWS designation can be removed from the site without re-assessing the site against other relevant criteria.

The proposed development would clearly impact on a large proportion of the designated wildlife site and on overall levels of biodiversity across the site. Whilst not fully quantified, the EIA states that the *'The current proposals demonstrate a biodiversity net loss across the site, due to the layout of the scheme and subsequent limited availability for on-site habitat retention, or mitigation'*. As a result, concerns have been raised by Derbyshire Wildlife Trust. However, it is acknowledged that this is a challenging site and as demonstrated through the submitted viability assessment in order to achieve the desired requirements of policy AC2, all of the existing habitats cannot be retained and impact on the loss of some ecological features such as Mosaic Habitat are unavoidable. The development scheme seeks to preserve and enhance habitats, where possible, across the site and has sought to limit harm by providing mitigation and enhancement. Measures include the retention of areas of open mosaic habitat present on site, where possible. Ecological areas have been identified around the site's peripheries including to the north-west and to the south, which would allow for the translocation of some of the existing open mosaic habitat currently found across the site and would generally be inaccessible to the public. In addition to this, wider areas of landscaping and planting are proposed, including within the communal garden areas. The existing translocation of common broomrape which has already occurred would also help off-set the impact of the redevelopment in terms of biodiversity, and a monitoring/management condition is recommended. However, it should be acknowledged that the development would result in an overall loss of biodiversity across the site as a whole.

Ultimately, the impact on the ecological features of the site and the wider network of natural habitats needs to be weighed up against the overall benefits of the scheme, which would provide a viable development, unlocking a key, and highly visible priority regeneration site in the City, with significant benefits in terms of the deliver of Class E floorspace, public and private areas of open space, improvement to connectivity, and the restoration and refurbishment of two at risk heritage assets. In terms of housing delivery, the development would make a significant contribution towards the City's housing supply, the provision of which is given greater weight, taking into the account the tilted balance. In this regard paragraph 11d(ii) of the NPPF is triggered meaning that the proposal should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. In this case the significant benefits of the

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scheme are considered to outweigh the impact on the wildlife site and overall impact on biodiversity.

Open Space

The provision of open space for this development is an important consideration to address the requirements of CP17 of the DCLP1. The Council's own Open Space Assessment, undertaken in 2018, considers the quality, quantity, and accessibility of all types of open space over 0.2 hectares; considering the value to the community, maintenance, design and links with the wider green infrastructure network. It also compared the provision of open space against the Local Plan's quantity standard of 3.8 hectares per 1000 people. The site is situated within the Central Analysis Area which, when compared with the standards in the Local Plan, has a deficit of -2.39 hectares per 1000 people. However, the site does include the provision of an area of on-site public open space adjacent to Friar Gate Bridge and the application site is located within 800 metres of three Neighbourhood Parks (Markeaton Recreation Ground, Rowditch Park and Stockbrook Recreation Ground). In view of this residents would have access to reasonable levels of open space provision both on site and in the vicinity.

7.6. Arboricultural Issues

There are a large number of trees across the site, including a wide bank of trees along the northern site boundary. Two groups of the trees on the site are covered by preservation orders. The application is accompanied by various tree reports, including a Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and an Arboricultural Impact Assessment (AIA).

The development will result in the removal of 60 category C – low quality trees and 21 category B trees, the complete removal of 11 category C groups and, 3 small sections of category C groups and 1 section of a category B group. The majority of removals at the site are considered low quality, however given the extent of the removals the losses to the site in arboricultural value terms, canopy cover and amenity value are considered to be high. This is due to the concentration of category B losses concentrated to the north of the site within the area covered by TPO-490. The losses are to be compensated through effective landscaping design across the site as a whole.

The Tree Officer acknowledges that there were always going to be significant tree losses in order to enable the development of the site. However, concern is raised about the detail provided within the submitted landscaping scheme, together with some of the detailed tree protection information provided. To address these issues, it is recommended that the provision/implementation of a more comprehensive landscaping scheme (to include precise details of species and further details of tree pits, where required) is controlled through condition. Conditions controlling further details of a final AMS, to include details of the non-dig elements, together with a final TPP, are also recommended.

Whilst there will clearly be some impact on the existing trees on site, it is noted that many of the trees to be removed are self-set seedlings, and there will be no loss of Category A trees. Subject to conditions controlling precise details of protection

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measures during the course of construction, together with precise details of a mitigatory landscaping scheme, it is considered that the development would comply with Policy CP16 of the DCLP1, which seeks to maintain, enhance and manage the City's green infrastructure.

7.7. Other Issues

Archaeology/Building Recording

The application is accompanied by a Written Scheme of Investigation. The document has been reviewed by the County Archaeologist who has provided comments in respect of the potential impact on below ground archaeology. Conditions have been recommended to ensure the protection and/or recording of any below ground archaeology. It is considered that such a condition would ensure the development complies with saved policy E21 of the CDLPR. Some building recording has already been completed on site, however, it is recommended that further targeted investigations are undertaken, together with full the recording of the arches prior to their demolition, again to be secured by condition.

Sustainable Design Features

The application is accompanied by an Energy Statement which outlines the various sustainable design features proposed across the development. They include the use of Air Source Heat Pumps for heating of the residential dwellings, an Air Source Heat Pump Hot Water Cylinder for the apartment building, together with the use of efficient, water saving sanitaryware. The provision of one electric vehicle charging point per dwelling is proposed, together 13 electric vehicle charging spaces for the Bonded Warehouse and Engine House (with ducting for a further 13 spaces). The use of Photovoltaics are proposed on the roof of the Bonded Warehouse and it is envisaged that the commercial properties will be improved to an EPC rating of 'E' once the upgrades have been completed.

Where possible, the development will look to source building materials from local suppliers. Through this approach, delivery materials will be transported lesser distance, reducing the associated CO2 emissions and fuel use of delivery loads. Similarly, where feasible contractors and site personnel required will be selected who are local to the site to aid the construction efforts. This again will reduce the associated CO2 emissions of travel, in addition to supporting the local economy.

In general, the site is a highly sustainable location with access to shops, services and public transport links in walking distance. The proposals include acceptable levels of secure cycle parking provision to promote the use of more sustainable modes of transport, and the reinstatement of the public right of way and the provision of the cycle route through the site will also promote active travel.

Precise details of sustainable design features across the site can be controlled through a suitably worded condition, to ensure compliance with policy CP2 of the DCLP1.

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Drainage/Flood Risk Issues

The site is located in the Environment Agency's Flood Zone 3 which is defined as being land at a high probability (within the 1 in 100 year flood plain) but is significantly elevated against the surrounding area which limits the risk of fluvial flooding. The Environment Agency have confirmed in correspondence with the applicant that the site would be located in Flood Zone 1, if remodelling of the area had been carried out. The Markeaton Brook is located circa 200m to the north of the development site and the culverted Bramble Brook is located under the southern corner of the site, flowing in an easterly direction towards the Markeaton Brook and River Derwent.

The Environment Agency have reviewed the detailed modelling for the nearest statutory main rivers, the Markeaton Brook and the River Derwent and conclude that the application site is located well outside the flood extents during the design flood event. No objections are raised on flood risk grounds.

The application has been accompanied by a drainage strategy which incorporates SuDs in the form of swales and rain gardens within the central area of private amenity space, to reduce surface water run off and improve water quality before discharge. The Lead Local Flood Authority (Land Drainage) have raised no objections to the proposal with regards to flood risk and are satisfied that the drainage strategy is acceptable.

Overall, there are considered to be no significant flood risk issues associated with the development, the development itself would not be at risk of flooding. The use of sustainable drainage features have been incorporated into the scheme, where possible. Subject to conditions, the development is considered to comply with Policy CP2 of the DCLP1.

Land Contamination

The Phase 1 Risk Assessment report identifies potential sources of contamination on the site including those associated with its former use and tipped material used to raise the land.

No objections have been raised by the Environment Agency in terms of the risk to controlled waters, subject to conditions. Environmental Protection colleagues have also recommended conditions relating to the provision a Phase II Site Investigation, to determine the levels of contaminants on site that could pose a risk to the development.

Subject to conditions, the development is considered to comply with saved Policy E13 of the CDLPR.

Air Quality

The Site is partially located within the Derby nitrogen dioxide (NO₂) Air Quality Management Area (AQMA) No.1: Ring Roads, which was declared by DCC for the exceedance of the current annual mean NO₂ air quality objectives. The application is accompanied by an Air Quality Assessment, which considers both 'construction dust' and 'operational' impacts associated with the development.

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With respect to nitrogen dioxide (NO₂) associated with the additional traffic generated by the development, there is some concern over the increases in concentrations along Stafford Street given the significance of this location to National AQ Limits and a Ministerial Order which continues to apply to this part of the city. However, it is noted however, that the overall concentrations are still predicted to be well within the Limit Values in the year of the development opening and therefore unlikely to contravene planning policy. As a result, no overriding objections are raised by the Environmental Protection Officer.

With respect to fine particulate matter there are some concerns over emissions associated with the demolition/construction phases of the development. In this regard, a suitable mitigation strategy has been supplied in the submitted Air Quality Assessment. Subject to a condition controlling the implementation of the recommended mitigation measures throughout the demolition and construction phases, no objections are raised by the Environmental Protection Officer.

The proposal to install Air Source Heat Pumps for heating of the residential dwellings, would be a significant way to help mitigate fine particulate matter emissions associated with the development, and is something which is supported and encouraged. However, a condition completely restricting the use of carbon-based fuel combustion boilers on the development is considered to be unreasonable.

Overall, with suitable conditions in place, it is considered that the development would not have a detrimental impact on air quality and would reasonably comply with saved Policies GD5 and E12 of the CDLPR in this regard.

Noise

The application is accompanied by a Noise Impact Assessment, which considers the noise from road traffic in the area and the potential impact on the amenity of future occupants.

Following the receipt of further information/clarification the Environmental Protection Officer has confirmed that he is happy with the proposed glazing, ventilators and acoustic fencing proposals. However, it is recommended that those properties closest to the A52 are provided with additional mechanical ventilation, to ensure internal temperatures are acceptable when windows are closed. Conditions have been recommended to control such details, together with the implementation of upgraded glazing, and acoustic screens/fencing, where required.

In addition to road traffic noise the potential for noise from commercial uses within the proposed development has also been highlighted. It is anticipated that there may be fixed plant and equipment associated with the proposed development that may have the potential to generate noise. However, at this stage details of the proposed type, number, and precise location of any such plant or the nature of its operation are not available. To address this the Environmental Protection Officer has recommended that further details of the location of any plant/extraction units are controlled through condition, together with the provision of supplementary noise assessment.

Working hours for construction can be controlled through a Construction Management Plan condition, to minimise noise and disturbance to neighbouring properties during the course of construction works.

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Overall, it is considered that the noise issues associated with the proposed development can be satisfactorily dealt with through appropriately worded conditions to ensure an acceptable living environment is provided for future occupiers and protect the amenity of neighbouring residents. As such, the development would comply with saved Policy GD5 of the CDLPR.

Community safety Issues

The Police Designing Out Crime Officer has provided comments on the development. Revisions have been made to the scheme to address some of the initial concerns raised by the Police Designing Out Crime Officer. Conditions have been recommended to address outstanding concerns relating to security issues associated with the proposed cycle storage and access to areas retained for ecological enhancement purposes.

Subject to conditions relating to precise details of cycle parking, boundary treatment, external lighting and CCTV, and management, it is considered that the development would reasonably comply with saved Policy E24 of the CDLPR.

Range of Commercial Uses

The applicant is seeking an open-ended E use class permission to cover the former Bonded Warehouse and the Engine House. The total floorspace that could potentially be created within the Bonded Warehouse is 6,856sqm, whilst the Engine House could provide a further 400sqm.

The 'E' use class covers a range of potential uses including amongst other things, café's, offices, restaurants, gyms, nurseries, doctors, financial and professional services. As the site of the proposal is within the defined Central Business District (CBD), all of these uses would be supported in principle, but with support for food and drink uses caveated by consistency with CP15, which seeks to avoid concentrations of food and drink uses that could impact on community safety and / or the character, role and function of the centre. Consistency with CP15 could be ensured by limiting the scale of potential food and drink uses. This would also help to limit potential impacts on the St Peter's and Cathedral Quarters, in terms of diverting trade away from these core locations. A condition controlling the overall amount floorspace used for food and drink uses is recommended to address this concern.

The E use class also incorporates retailing. Whilst outside of the sequentially preferable 'Core Area', the policy framework acknowledges that retail may be appropriate on this site, subject to impact assessment. However, no retail impact assessment has been submitted alongside the application and given the scale of floorspace involved there should be significant concerns in allowing retail uses within all the floorspace identified for the E use class. Major retail development in the location (particularly comparison retailing) has the potential to undermine the vitality and viability of the nearby city centre, notably the defined Core Area which is protected by policy. In view of this, although there are no in principle objections to the introduction of some retail uses on the site, a condition is recommended to limit the amount of retail floorspace to 1,000sqm (gross), which is consistent with the threshold in CP13 for the submission of a detailed retail impact assessment. In the absence of justification for the retail uses and accounting for the level of vacancy

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within the Core Area and overall poor health of the city centre, it is also considered that the retail floorspace should also be limited to the sale of convenience goods only, to support the residential and office elements of the wider proposal – in line with the provisions of CP13. Again, a condition to restrict the nature of goods that can be sold from this location is recommended.

7.8. Conclusions:

The proposals would result in the regeneration of this strategic, and currently derelict brownfield site in the form of a comprehensive mixed-use development and would make a significant contribution towards the City's housing supply, an important factor given the current undersupply of housing, providing 227 dwellings and 49 apartments with associated social and sustainability benefits. The restoration of the Listed Bonded Warehouse and Engine House and change of use would secure a viable use for the buildings which have been empty for a considerable length of time, ensuring their on-going maintenance and upkeep, and future longevity. The development also includes wider benefits through the creation of new areas of private and public open spaces, new and improved transport links, including the provision for the Mick/Mack pedestrian and cycle route through the site; together with enabling works to provide access to the deck level of Friar Gate Bridge. Whilst it is acknowledged that there would be some harm caused through the overall loss in biodiversity across the site, and less than substantial harm to designated heritage assets. In this case, it has been concluded that the overall public benefits would outweigh this harm, having regard to the advice provided by objectors and heritage consultees. There are no highway objections to the proposal, which is considered to provide a safe and suitable access and would have an acceptable impact on the local highway network, and no other wider technical reasons to resist the grant of planning permission and listed building consent.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. To authorise** the Director of Vibrancy & Growth to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Corporate Governance, Property and Procurement and Monitoring Officer to enter into such an agreement.
- B. To authorise** the Director of Vibrancy & Growth to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

The proposals have been considered against the saved policies of the adopted City of Derby Local Plan, adopted policies within the Derby City Local Plan Part 1 – Core Strategy, the guidance contained within the National Planning Policy Framework (2023) and all other material considerations. Regard has been given to the statutory duties contained within The Planning (Listed Building and Conservation Areas) Act 1990. The proposals would result in the regeneration of this strategic, and currently

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derelict brownfield site in the form of a comprehensive mixed-use development and would make a significant contribution towards the City's housing supply, an important factor given the current undersupply of housing, providing 227 dwellings and 49 apartments with associated social and sustainability benefits. The restoration of the Listed Bonded Warehouse and Engine House and change of use would secure a viable use for the buildings which have been empty for a considerable length of time, ensuring their on-going maintenance and upkeep, and future longevity. The development also includes wider benefits through the creation of new areas of private and public open spaces, new and improved transport links, including the provision for the Mick/Mack pedestrian and cycle route through the site; together with enabling works to provide access to the deck level of Friar Gate Bridge. Whilst it is acknowledged that there would be some harm caused through the overall loss in biodiversity across the site, and the impact on designated heritage assets (classed as less than substantial harm). In this case, it has been concluded that the overall public benefits would outweigh this harm, having regard to the advice provided by objectors and heritage consultees. There are no highway objections to the proposal, which is considered to provide a safe and suitable access and would have an acceptable impact on the local highway network, and no other wider technical reasons to resist the grant of planning permission and listed building consent.

8.3. Conditions:

Full application ref: 23/01102/FUL

1. Standard time limit condition
2. Condition specifying approved plans
3. Phasing Plan Condition
4. Archaeological WSI Condition
5. Construction Management Plan Condition – Highways and Amenity
6. Construction Environmental Management Plan Condition (CEMP: Biodiversity)
7. Landscape and Biodiversity Enhancement and Management Plan (LBEMP)
8. Broomrape Translocation Management and Monitoring Plan
9. Species Enhancement Plan Condition
10. Tree protection condition to include the submission of an updated Tree Protection Plan and Arboricultural Method Statement
11. Land Contamination Condition – Phase II Site Investigation and Remediation Strategy
12. Land Contamination Condition (Groundwater and Contaminated Land)
13. Condition controlling site levels, finished floor levels and retaining structures

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14. Land Contamination Condition (Groundwater and Contaminated Land) – Verification Report
 15. Land Contamination Condition (Groundwater and Contaminated Land) – contamination not previously identified
 16. Condition controlling details of an external Lighting Scheme for the development
 17. Condition controlling boundary treatment details
 18. Condition controlling external materials (new build dwellings) – to include samples and a materials palette
 19. Condition controlling window and door details (new build dwellings) to include window reveals
 20. Condition controlling further details of the new builds, to include eaves details, rainwater goods, entrance canopies, decorative finishes, bin storage structures, metre housing, ASHP locations etc.
 21. Condition controlling materials and finishes for the proposed apartment building
 22. Condition controlling details of a hard and soft landscaping scheme for the site, to include the proposed car parking area
 23. Standard landscaping timeframe condition for planting
 24. Condition controlling precise details of the layout of public open space and public realm, to include, layout, surfacing materials, boundary treatment, details of any play equipment or public art.
 25. Condition control submission of a landscape and maintenance plan
 26. Condition controlling provision of the 3m cycle/pedestrian footway widening on the access spur and cycle off slip from Uttoxeter New Road
 27. Condition controlling details of internal roads
 28. Condition controlling details of drive surfacing
 29. Condition controlling details of drive drainage details
 30. Condition controlling the provision of approved parking and turning areas
 31. Condition requiring the closure of redundant accesses.
 32. Condition requiring the provision of dropped vehicle footway crossings
 33. Condition requiring the provision of traffic calming measures
 34. Condition requiring provision of the Mick Mack cycle link

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35. Cycle parking condition
36. Traffic Regulation Order Condition
37. Travel Plan Condition
38. Condition controlling crime prevention measures to include details of secure cycle storage and secure boundary treatment
39. Surface water drainage condition – implementation in accordance with the approved details and management and maintenance plan
40. Condition controlling details of sustainable design features, to include solar panels etc.
41. Condition controlling details of external plant and noise levels
42. Condition controlling the implementation of noise mitigation measures
43. Condition controlling precise details and the implementation of acoustic screens and fences
44. Condition controlling mechanical ventilation for properties close to the A52
45. Condition restricting the overall amount of retail floorspace and sale of convenience goods only
46. Condition controlling maximum levels of food and drink uses and office space.
47. Condition removing permitted development rights for new dwellings
48. Playing field condition

Listed Building Consent ref: 23/01109/LBA

1. Standard time limit condition
2. Condition specifying approved plans
3. Historic Building recording condition
4. Timescale/programme of works for repair and redevelopment ?
5. Condition controlling an overall reclamation strategy for the site
6. Condition controlling details of the layout, hard and soft landscaping, lighting and reuse of any historic structures, materials, surfacing

The Bonded Warehouse

7. Condition controlling materials and finishes, to include samples

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8. Condition controlling the size/height of the retained walls within the former office area (Bonded Warehouse), together with details of formation (lintels etc) and materials
9. Internal decoration condition to include details to reflect the platform layout (floor and walls)
10. Reclamation strategy Condition – to include reuse of timber blocks
11. Condition controlling design, number and location of solar panels, fixing methods
12. Condition controlling M and E plant
13. Condition controlling fire strategy
14. Condition relating to removed chimney
15. Condition controlling joinery details (windows and doors) and precise details and strategy for replacement of cast iron windows, details of lintels, linings, materials and finishes
16. Condition controlling details of the reinstated projecting hoists
17. Condition controlling repair method statements, extent of repairs and materials and finishes
18. Condition controlling details roof details.

The Engine House

19. Condition controlling materials and finishes, to include samples
20. Condition controlling method statement for the roof and wall repairs, timeframe for reinstatement and potential temporary coverings for the roof
21. Roof and roof vents - condition relating to extent of historic fabric retained, reused and any structural works
22. Historic England's conditions
23. Condition controlling M and E plant
24. Condition controlling fire strategy
25. Condition controlling details of the new staircase – to include precise design, materials, method statement to limit impact on existing fabric, method of fixing, and structural details to determine the capabilities of the historic fabric
26. Condition controlling further revisions to the rooflight number, size and layout.
27. Condition controlling joinery details (windows and doors)

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28. Method statement for repair of fan light
29. Condition to control approach to infilling opening in elevation D
30. Condition controlling repair method statements, extent of repairs and materials and finishes

The Arches

31. Technical Approval Condition
32. Condition controlled details of steps ramp/materials, layout of , surfacing, landscaping, public art etc for public space
33. Condition controlling details of the temporary wall, method of fixing, materials, finishes and timeframes for removal

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

8.4. Informative Notes:

Environment Agency:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203187632>

Environmental Health Officer:

The use of Air Source Heat Pumps for heating of the residential dwellings, would be a significant way to help mitigate PM2.5 emissions associated with the development. There is currently a significant focus by central government to reduce emissions arising from domestic wood burning, following the publication of the Air Quality Strategy for England (April 2023) and therefore the installation of wood burning stoves on the site is discouraged.

Technical approval required – structures comments

Friar Gate Bridge - The developer will need to engage formally with DCC Engineering acting in our role as Technical Approval Authority through the processes set out in the written standard 'CG 300 - Technical Approval of Highway Structures'. The technical approval (TA) process would potentially apply to the other structures on the site (see email from DCC structure date 14/08/23). At this stage we would expect the work at Friar Gate Bridge to be within Category II or Category III, other structures that may require TA that are affected will need to have their classification and submission requirements determined as further information is provided and designs are developed.

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<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=203131003>

Highways:

- N1. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to be provided in accordance with the requirements of Derby City Council acting as Highway Authority.
- N2. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- Correspondence with Highway Authority should be addressed to:-
HighwaysDevelopmentControl@derby.gov.uk
- N3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk
- N4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- N5. Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980. The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. Contact StreetPride; maintenance.highways@derby.gov.uk tel 0333 2006981.
- N6. The proposed development requires the Diversion of the Public Right of Way through the site. No part of the development hereby permitted or any temporary works shall obstruct the Public Right of Way until an Order/Diversion has been secured. Applications should be made to the Rights of Way Officer at Derby City Council. Ray.brown@derby.gov.uk

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N7. Traffic Regulation Orders – The proposal relies on the introduction of new traffic regulation orders (TROs) i.e. the introduction of No Waiting and Residents Parking orders. It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. If you proceed with the development prior to ensuring that the various TRO/s you rely on have been formally confirmed you will be doing so at your own risk. You are required to fund all costs associated with the new and amended TROs that are implemented.

In the first instance the applicant/developer is advised to contact traffic.management@derby.gov.uk for further advice and to commence the process.

N8. External Lighting to private developments.

Any artificial external lighting to the development shall be in accordance with industry guidance and best practice, having due care and consideration to either remove the introduction or to minimise the impact of artificial light on the environment, climate, and ecology.

The applicant/developer should focus on the lighting aspects of the development, including purpose, design, assessment, and all future maintenance considerations. "The right light, in the right place, at the right time, with the right controls". Consideration of energy management must be at the forefront of any design and installation, including a clear asset management plan which focuses on how the installation is to be tested and maintained once installed.

The following suite of documents are published within the industry as a means of guidance for designers.

- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light
- Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's
- Institution of Lighting Professionals Guidance Note 9/19: 2019 Domestic exterior lighting: getting it right!

N9. The consent granted will result in the construction of new streets which will require official naming and numbering. It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary means of access on each plot.

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N10 Friar Gate and Stafford Street are is a “Permit Streets” under the New Roads and Streetworks Act. This means that construction and maintenance works along Friar Gate and Stafford Street are subject to separate authorisation by the Councils Streetworks Manager. In practice, this means that such works are likely to be subject to controls in respect of working hours and appropriate traffic management; contact roadworks@derby.gov.uk for additional information.

Cadent Gas:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=201136188>

8.5. S106 requirements where appropriate:

The viability of this development has been independently assessed by the Valuation Office (District Valuer) following submission of a Viability Assessment from the applicant, stating that the scheme cannot support any affordable housing or Section 106 contributions. There are significant abnormal costs involved in this development - restoring the listed bonded warehouse and engine house and following a detailed appraisal, the District Valuer has agreed with the applicant’s conclusion.

Members will be familiar with the approach usually taken on sites with viability problems being an agreement with the applicant to review viability at the end of the development with contributions sought if the viability has improved enough. Due to the nature of the site and the condition of the listed assets to be restored, the development is particularly risky and therefore discussions with the applicant to determine the most appropriate approach for this site are ongoing. An update will be provided to Committee on this particular matter.

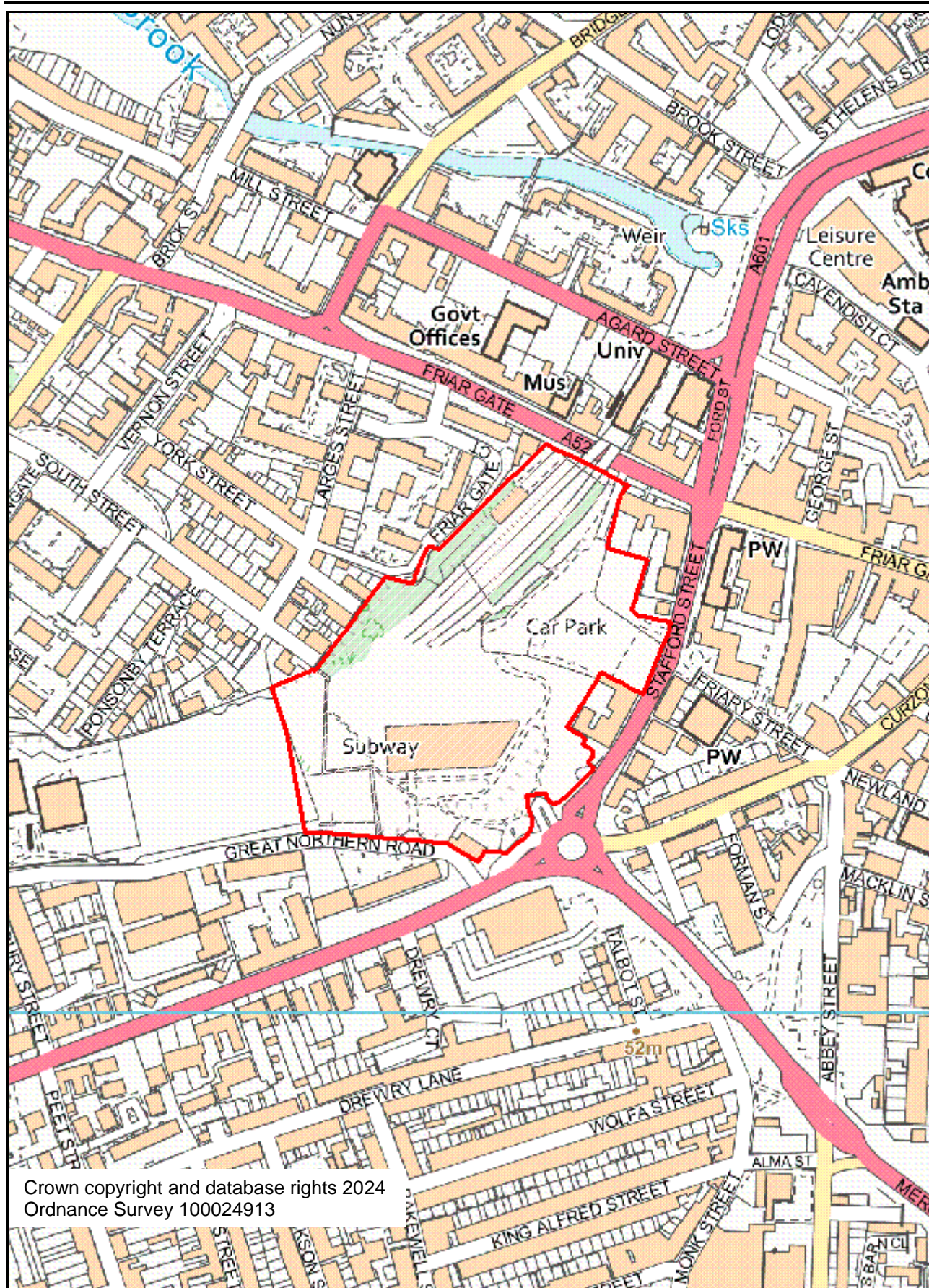
9. Application timescale:

A suitable extension of time is being discussed with the applicant to allow the consideration of the report by Planning Control Committee, full drafting of conditions and issuing of decision notices.

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Committee Report Item No: 5.3

Application No: 23/01657/FUL

Type: Full Planning Application

1. Application Details

1.1. Address: Land off Kingsway Boulevard, Kingsway, Derby

1.2. Ward: Abbey Ward

1.3. Proposal:

Change of use of land for use as a temporary car park and associated works

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/01657/FUL>

Brief description

This full planning application seeks permission for the formation of a temporary car park on land off Kingsway Boulevard, Kingsway. The application has been amended during its life to take into consideration initial comments from consultees, this report is based upon the amended documents.

The application site forms an area of land previously approved for commercial development as part of the wider Manor Kingsway development, approved under code no 07/08/01081.

The proposed car park would be accessed directly off Kingsway Boulevard and serve 368 car parking spaces for a temporary period of up to 2 years. The car park would be used by visitors and patients visiting the Royal Derby Hospital. The temporary car park is required to allow the construction of the previously approved multi-storey car park which would, during construction, see the closure of Car Park 6 – the largest car park on the hospital site. Car Park 6 is located on the eastern side of the hospital site adjacent to the Maternity Entrance.

The proposed temporary car park would be located on land off Kingsway Boulevard via a new vehicular and pedestrian access. The new access would provide pedestrian priority. The proposed development would retain the access to Derby Driveability, noting that we have not received any representations from Derby Driveability at the time of drafting this report.

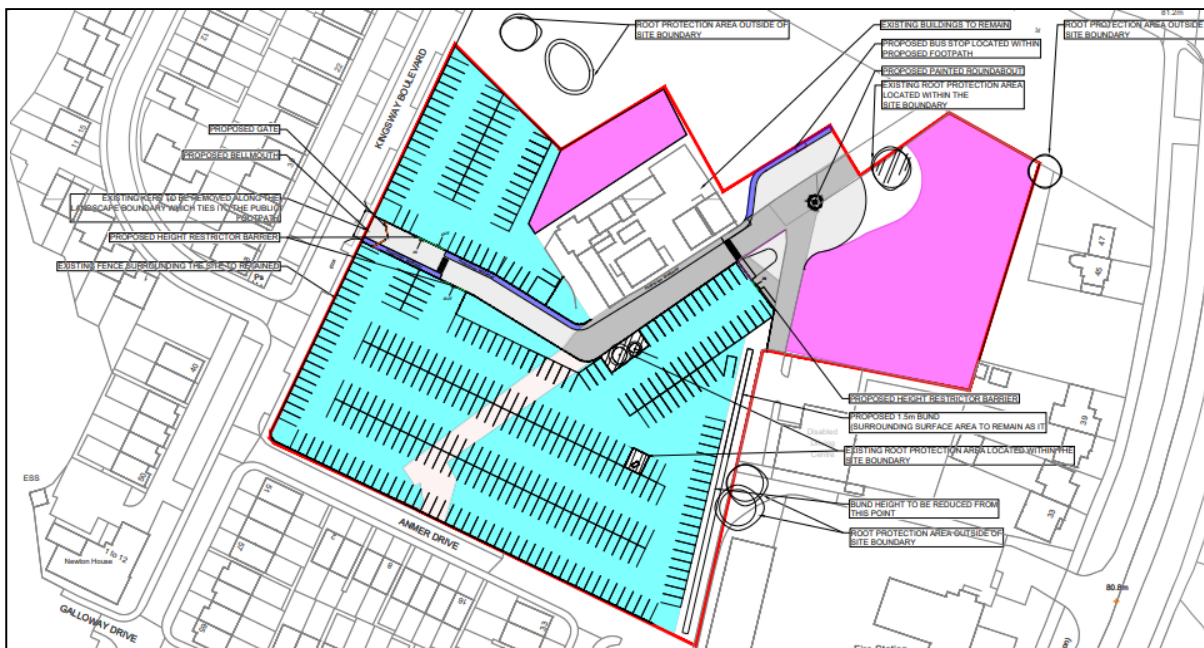
As shown in the site layout plan below, the proposal comprises delineated parking with a bus stop and suitable manoeuvrability for the bus service. The bus service will transport visitors and patients from this off-site car park to the hospital site, the bus will drop off at a number of points around the hospital. The bus service would run every 20 minutes from the car park to the hospital, thus picking up 3 times an hour. There is also a walking route from the car park to the hospital which would take around 20 minutes. One pedestrian route would utilise the subway and the other route would use the crossing points at road level.

The car park would be open between 08:00 and 18:00, 7 days a week and controlled by an access gate and monitored by on-site staff.

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Type: Full Planning Application



The proposed new access would require the removal of two trees which have been secured as part of the landscaping scheme for the residential scheme. This matter will be considered later in this report.

2. Relevant Planning History:

Application No:	23/01472/VAR	Type:	Variation of Condition
Decision:	Pending	Date:	
Description:	Erection of a Multi-Storey Car Park - variation of conditions 2-8 to allow for changes to the approved design of previously approved permission Code No. 21/00204/FUL		
Application No:	21/00204/FUL	Type:	Full Planning Application
Decision:	Granted	Date:	09.09.2022
Description:	Erection of a Multi-Storey Car Park		

3. Publicity:

- Neighbour Notification Letters sent to 6 properties
- Site Notice erected 6th December and 20th December 2023

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

4. Representations:

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

The application has attracted 13 letter of representation, which raise concern and objections to the proposal. These are summarised as follows:

- Would prefer the car park to be accessed off Kingsway Boulevard
- The car park would have an impact on the amenity of residential properties,
- CCTV should be installed to protect residents and vehicles,
- Will the proposal have an impact on Derby Driveability. Access needs to be maintained and safe at all times.
- The proposal would have an impact on noise pollution throughout the day,
- The proposal will devalue properties and create a less than desirable place to live,
- Increased traffic and congestion, and impact on the A38 corridor, approximately 368 vehicles an hour
- Increased footfall and litter
- Concern about publicity and seeing this on the news.
- Concerns about light pollution from floodlights and vehicle lights
- Albany Lodge Care Home not shown properly on the plans. Plans should be amended to show all developments.
- Concerns about the storage of soil and the height of the bund.
- Recommend other alternatives are considered. Has a Park and Ride been considered? Could another access point be provided rather than through the Manor Kingsway roundabout.
- Proposal contravenes the article 8 of the Human rights Act.
- Increased litter and a need for more regular litter collections
- Patients should be encouraged to use public transport.
- Concerns about the loss of green space and impact on trees.
- Concerns about the finish of roads and footpaths and safety for users of the car park and those wishing to walk to the hospital.

5. Consultations:

5.1. National Highways:

Offer no objection:

Annex A National Highway's assessment of the proposed development

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

Previous Comments

The application is for the construction of a 368 space temporary car park at, Kingsway Boulevard, Kingsway, Derby. The car park site is distant from and does not share a boundary with the SRN and as such only the potential impact from traffic generation need be considered by National Highways.

The car park is required to provide for the loss of spaces during the construction of a new multi storey car park (MSCP) for use by the Royal Derby Hospital. Although the immediate local road network may experience an increase in traffic movements as a result of the car park, there will be no new trips on the wider surrounding network, including the SRN neither of which will be adversely impacted by the proposal.

Re-consultation

This latest consultation includes a Transport Note demonstrating how the traffic on the SRN and the local road network in the vicinity of the proposed car park, is expected to redistribute during the MSCP construction period. The only junction on the SRN which may be impacted by the proposals is the A38 Manor Kingsway junction.

The TN demonstrates that the additional flows at the Manor Kingsway Junction, when compared to the AADT's, will be less than 0.5% in both peak periods which is likely to be less than the daily variations in flows at the junction. In addition, it is noted that the situation is only temporary whilst the RDH multi storey car park is being built.

It is considered that the redistributed traffic movements as a result of the proposed temporary car park will not adversely impact the safe operation of the SRN.

Recommend No Objections

Standing Advice to the Local Planning Authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport National Highways Planning Response (NHPR 21-09) September 2021 modes, while

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paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

5.2. Highways Development Control:

Further Observations:

In response to the request for further information made in the observation of 06/02/2024; the applicant/developer has provided additional information in respect of Vehicle tracking (drawing 1500 Rev P03)

Access Construction (drawing 1410 Rev P06)

Construction Management Plan Rev 02. (CMP).

Together with the plans and information previously listed.

Status of connecting roads.

For clarity, at the present time, the relevant section of Kingsway Boulevard is currently unadopted (our ref PD218b ~ RM02).

It is understood that the developer of the 'existing' road is actively carrying out works to bring this forward for adoption, although at the present time this cannot be guaranteed.

These observations are made on the basis that by the time that the current proposals are brought forward for construction/use; that RM02 will be adopted highway, maintained at the public expense.

Submission

The Planning Design and Access Statement suggests that the proposals will be for a temporary 18 month period; however to some extent, this is dependent upon the delivery of other projects such as the multi-storey car park which is to be constructed and therefore requires the temporary parking provision proposed.

This response does not approve any proposals for lighting of the car park; the Local Planning Authority should consult with the Councils Lighting Officer in this respect. engineering@derby.gov.uk

The site will utilise a new access onto Kingsway Boulevard, which is currently a private road under agreement between the Kier Homes (now Tillier Homes) and the Council ~ our Ref PD218b ~ Manor Kingsway RM02).

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Pedestrian access to/from the site to the hospital will be taken to the south, along the unadopted (and unfinished) section of Kingsway Boulevard (ref PD218c ~ Manor Kingsway RM03).

I understand that it is the intent not to commence the use of the site until the road has been adopted (although I cannot see that confirmed in writing as part of the submission); I further understand that the road/estate developer is carrying out remedial works with a view to bringing the road forward for adoption, however at the present time there is no timescale or certainty of adoption as it also relies upon a third party adoption (Severn Trent Water ~ sewers) and the satisfaction of the Highway Authority in respect of the completed works.

This will only relate to the section of the Boulevard to the north of the access (and the access itself), with the pedestrian link to the south (along Prince George Drive) remaining unadopted.

The site is lower than the adjacent highway and it is proposed to generally surfaced in a granular material (as mentioned elsewhere); this means that surface water egress onto the highway is unlikely; and the application drawing 1402 Rev P04 shows bituminous hardstanding extending into the site which will be used by vehicles; meaning that loose material is less likely to be pulled out onto the highway by emerging vehicles.

The TS also explains that there will be a shuttle bus operating from the site to the hospital site; and the applicant confirms that this will be a 20 minute service.

Satisfactory Vehicle tracking for the shuttle bus has been provided, which demonstrates that there is sufficient space for both a bus and a car to pass within the access arrangement proposed.

Traffic Regulation Orders (TRO's)

I also note that the tracking for the bus is dependent upon the use of the majority of the road on Kingsway Boulevard; there are currently no restrictions on vehicle parking within the tracked radii. The practical use of the site is reliant upon that particular section of Kingsway Boulevard being kept clear of parked vehicles; the only way this could be controlled would be by virtue of a suitable "no waiting" restriction which the applicant/developer would need to fund.

I am advised that historically Traffic Regulation Orders were made for the housing/roads developer; but they were never implemented; and the appropriate orders (No Waiting and Permit Parking) have now expired; the current applicant should therefore not take it as a "given" that TRO's will be implemented.

I understand that the current owner/developer related to the roads and footways is recommencing the TRO process, which will lead to implementation of "double yellows" along the appropriate section of the street.

The applicant also needs to consider the location of suitable pedestrian and vehicular signage, some of which will need to be placed on private land over which neither the applicant nor the council have any control; it is assumed that this would be the subject of a future application if appropriate.

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Access Construction

Drawing 1410/P06 shows a suitable access detail, with pedestrian priority over the access, and an improved radius to the right on egress to permit swept paths for entering vehicles (such a radius is not required to the left on egress).

I do note that the drawing also states that two trees will be removed and subsequently replaced when the access is reinstated.

This will not be the case as it is intended to leave the access in place once the use of the site has ceased. However this drawing error can be dealt with at Technical Approval stage for the Highway Works Agreement.

The Applicant/Developer and Local Planning Authority should be aware that the granting of Planning Approval does not give implied or tacit technical approval for any of the highway layout drawing; such approval and subsequent agreements (under the Highways Act) fall outside of the Planning Approvals process.

Assuming that Kingsway Boulevard is adopted prior to the works being carried out, this can be adequately covered at Technical Approval for the works – which would be carried out under the appropriate section of the Highways Act 1980 (and which would subsequently fall outside the Planning Process). A condition will be included that the access works must be completed to the satisfaction of the highway authority before the car park becomes operational.

Should the road be unadopted at the time of construction, it will be necessary for the third-party owner to vary the Section 38 Agreement, this would impact upon the timescale for the adoption of the road as a whole.

I do note the proximity of (what will be) highway trees to the proposed access; the applicant will be liable for the costs of the asset value of their removal.

Construction Management Plan. (CMP)

The applicant has provided a CMP as part of the proposals.

The CMP states that:

“1. Dilapidation survey of surrounding affected highways to be undertaken prior to works commencing, in coordination with local highways authority...”

“... Noting that the newly formed access, subject to a Section 278 agreement, will remain as constructed.”

Section 3 (page 4)

“Daily on site and off site visual inspections as a minimum, will be undertaken of the surrounding neighborhood / amenity particularly within Anmer Drive and Kingsway Boulevard by the Site manager to monitor dust levels and soiling checks of the road surfacing, street furniture, motor vehicles, windows etc. If excessive soiling is evident then cleaning will be undertaken as necessary.”

(page 5)

“...parking for workers this will be contained within the site boundary.”

“Material deliveries- “Just in Time” and controlled by road deliveries are to be in place to prevent impact on local road network and local residents. An early start restriction

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of deliveries will be enforced with no major deliveries before 8.30am. The contractor will also enforce a ‘no waiting’ protocol on the local estate roads.”

(page 6)

“All plant and materials will be unloaded within the confines of the site, bulk material deliveries will be managed on established hard standings to reduce the risk of mud deposits and vehicles inspected and cleaned where required before exiting the site.”

Issue	Applicable	Planned Action / Proposals / Comments
Mud on Road	Y	The works will be sequenced using the stoned up platform to minimise the transfer of mud from the site onto the local roads. However, we understand there could be a risk of some mud transfer onto the roads, though the above methodology will be key to minimise this, road sweeping as required will be used to maintain cleanliness and conditions of the existing network. To ensure that any transfer onto public roads is minimised the construction will operate a wash down system of cleaning delivery vehicles prior to exit from the site.

(Page 8).

“Bulk deliveries after 8:30am and a ‘no waiting’ on estate roads policy is to be implemented.

All the above serve to remove the concerns of highways Development Control, in that the applicant/developer has adequately considered suitable measures to minimise the impact of the development upon the adjacent highway network and will put measures into place for suitable mitigation.

Recommendation.

Highways Development Control has No Objection to the proposals; subject to conditions:

5.3. Transport Planning:

1.0 Introduction and Background

The proposal for a temporary car park on the Manor Kingsway site, is to provide 368 visitor spaces to meet the temporary demand brought about by the construction of a new Multi Storey Car Park (MSCP) on the Royal Derby Hospital site. The 850 space MSCP will be constructed on the existing Car Park 6, which currently includes 368 visitor spaces, and as a consequence these spaces will be unavailable until its completion.

This application is in response to Condition 9 of the MSCP planning permission (21/00204/FUL), which is for an alternative parking displacement strategy for Car Park 6. The build programme for the MSCP is projected to be around 18 months.

The main issue with this application relates to the impact of the displaced parking to the Manor Kingsway Site, and the impact around the A5111 Kingsway roundabout junction. The Royal Derby Hospital (RDH) has considered a number of other options to provide temporary parking including using the Pride Park park and ride, land at

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Foresters Way Retail Park, and the staff car park on Manor Park Way. For different reasons each of these options were discounted but the overarching benefit of the Manor Kingsway proposal was the amount of parking that could be provided in one location and the proximity of the site to the RDH. In order for a visitor car park to be attractive to users it has to be located as close to the RDH as possible, otherwise visitors will start to look for their own alternative parking in less appropriate locations.

Figure 1 shows the location of the car park, with the proposed access from the Kingsway Boulevard.

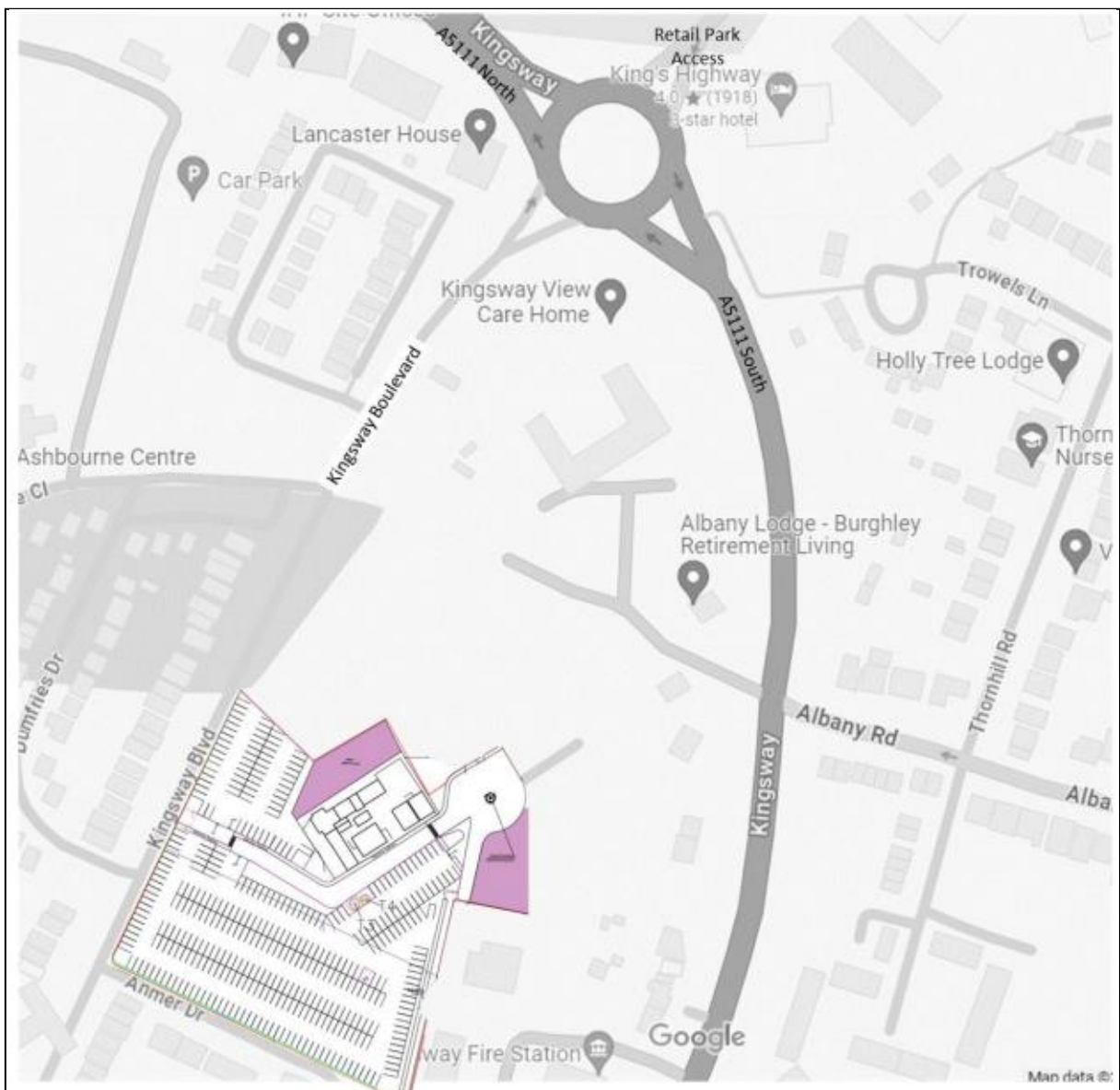


Figure 1: Location Plan

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2.0 National Planning Policy Framework (NPPF)

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

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

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

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

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

Considering the above criteria, Highways Development Control has the following comments:

2.1 Safe and suitable access to the site can be achieved for all people

The temporary car park will effectively operate as a park and ride with a 20 minute frequency bus service picking up visitors 3 times per hour. The car park is located on land currently in the control of Homes England, which is allocated for a mixture of retail and employment under the planning permission associated with the Manor Kingsway masterplan (07/08/01081).

A new car park access will be taken from the Kingsway Boulevard, which varies in width from 7 metres, South of Cherry Tree Close, to 5.5 metres at the location of the proposed access. Further, there are sheltered parking bays along the east side of the carriageway, separated by tree planters and grass verge. A 2.5 metre wide footway runs along the western side of the carriageway and a 2.0 metre footway on the eastern side.

An indicative access is shown in Figure 2 and will be subject to technical approval. The junction and access road will need to be designed to safely accommodate the swept path of the shuttle bus and wide enough to allow two vehicles to safely pass each other. A strengthened dropped footway crossing would be required as part of the design, to give priority to pedestrians over motorised vehicles.

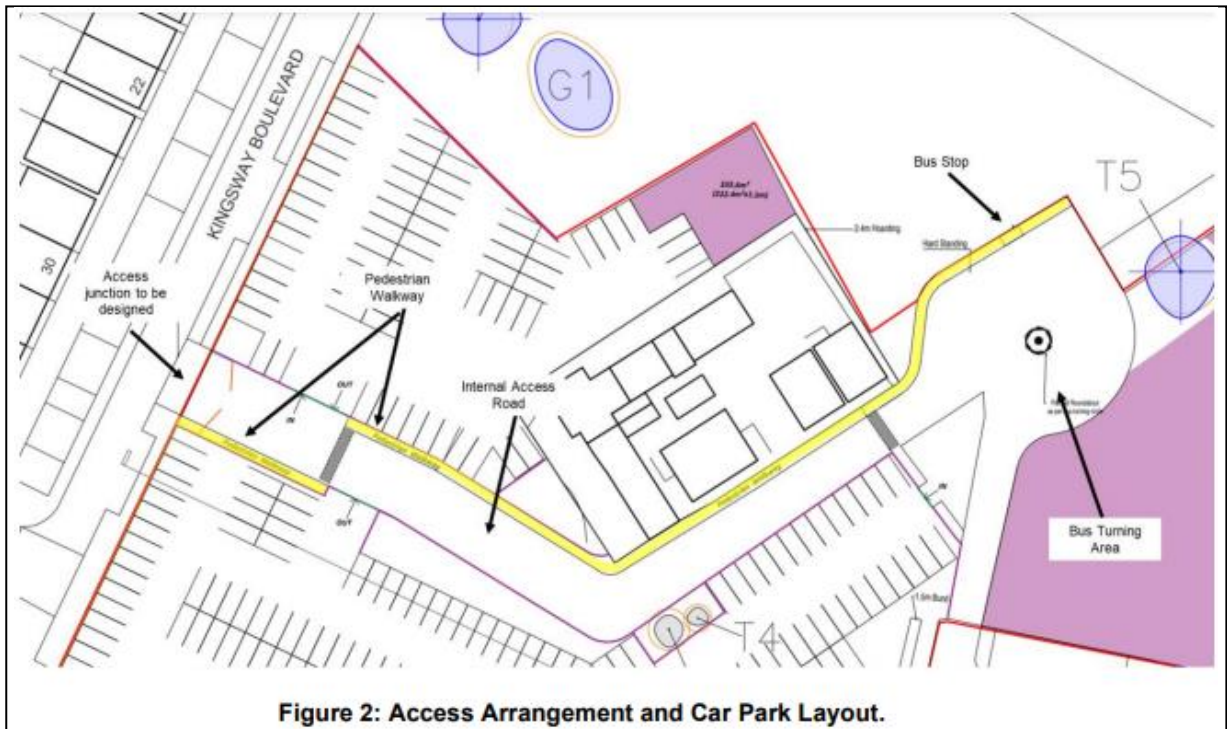
Historically, Traffic Regulation Orders (TROs) were made along the Kingsway Boulevard, but they were never implemented. The appropriate orders, No Waiting

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and Permit Parking, have now expired. In order for the car park access to operate safely the section of Kingsway Boulevard, within the swept path of the 9.8 metre long single decker shuttle bus, will need to be kept clear. As such, and to protect resident parking from overflow hospital visitor parking, the TROs will need to be redesigned to take into account the car park access and implemented before the car park becomes operational. This will be conditioned.



A pedestrian walkway will be provided internally within the car park connecting Kingsway Boulevard to the bus stop for the shuttle bus. Within the site, there will be a 'zebra crossings' to provide safe points to cross over the access road between the parking areas. The car park will be constructed of unbound granular material and the access road will be bound with a bituminous surface for the first 12 metres to reduce the flow of material onto the highway. A condition will be proposed to control the maintenance of material on the highway and the compaction of material within the car park.

There is an option for pedestrians to walk from the car park to the RDH, following a route to the south via the Kingsway Boulevard. This is shown in Figure 3, which is taken from the Transport Addendum. This walk time to the RDH front door is approximately 15 minutes. The route is open to pedestrians through the Manor Kingsway development, although it hasn't been adopted yet.

Given the distance from the car park to the main hospital site, the car park does not include for any disabled parking bays. The RDH Trust will relocate the 8 disabled parking bays within Car Park 6 to other car parks on site.

The applicant should note that HDC will require a suitable condition that upon cessation of use as a car park, that the access be subsequently closed, with the full-height kerbing reinstated. This is in the event that the landowner will not require the access.

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Further any damage to the carriageway surfacing in the proximity of the site will also be required to be “made good” by the developer.

Conclusion

The Kingsway Boulevard was not designed as a bus route, which normally would be 6 metres wide. However, the Boulevard does not function as a main distributor road and so traffic levels and the number of other buses and HGVs using the Boulevard will be low. Further, it is proposed that the bus shuttle will operate on a 20 minute frequency. As such, and providing the Boulevard is controlled by TROs to ensure that the shuttle bus can achieve a safe swept path into and out of the temporary car park, then safe and suitable access can be achieved to the development by all people.

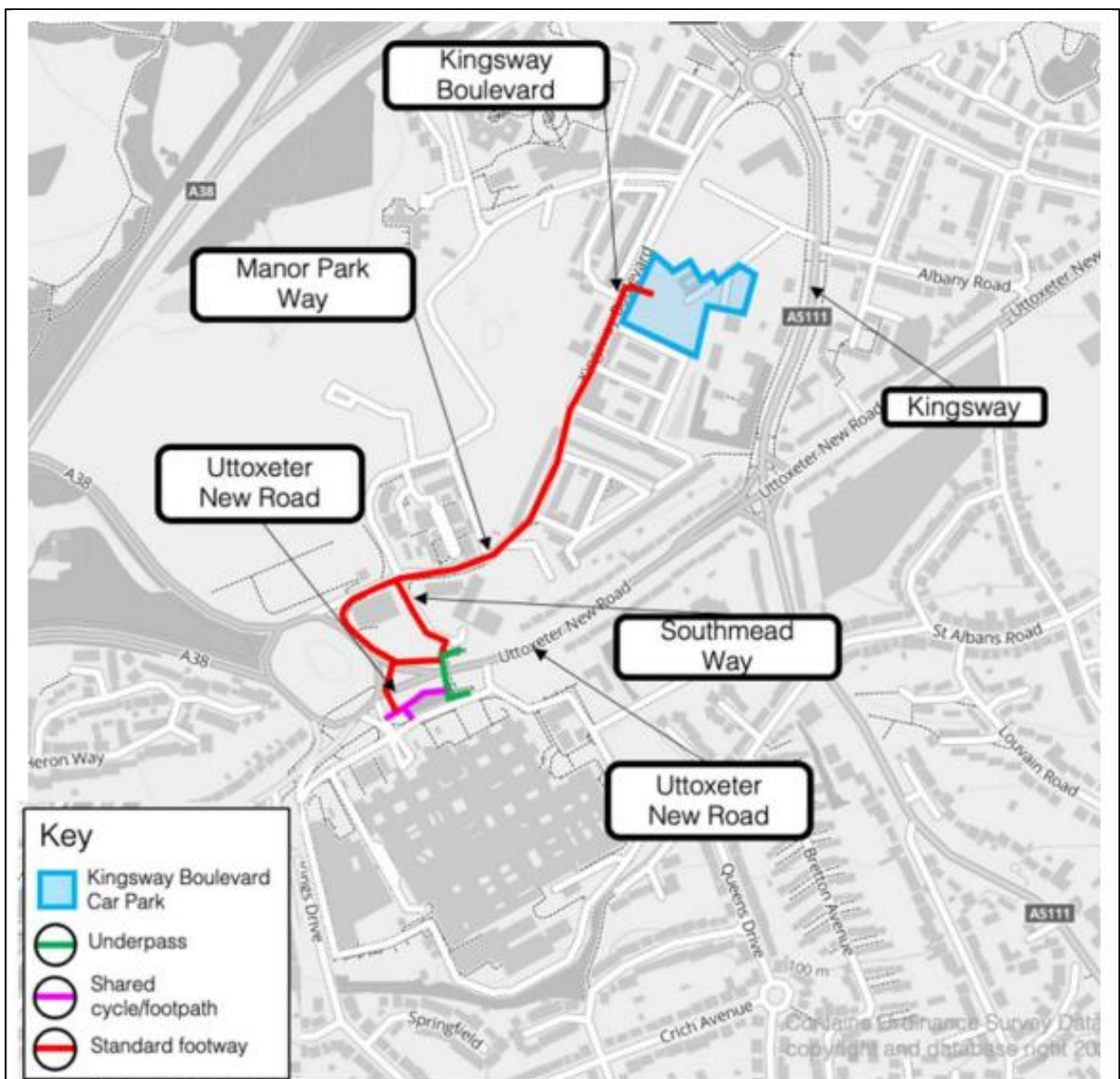


Figure 3: Pedestrian Route from Kingsway Boulevard Car Park to the RDH.

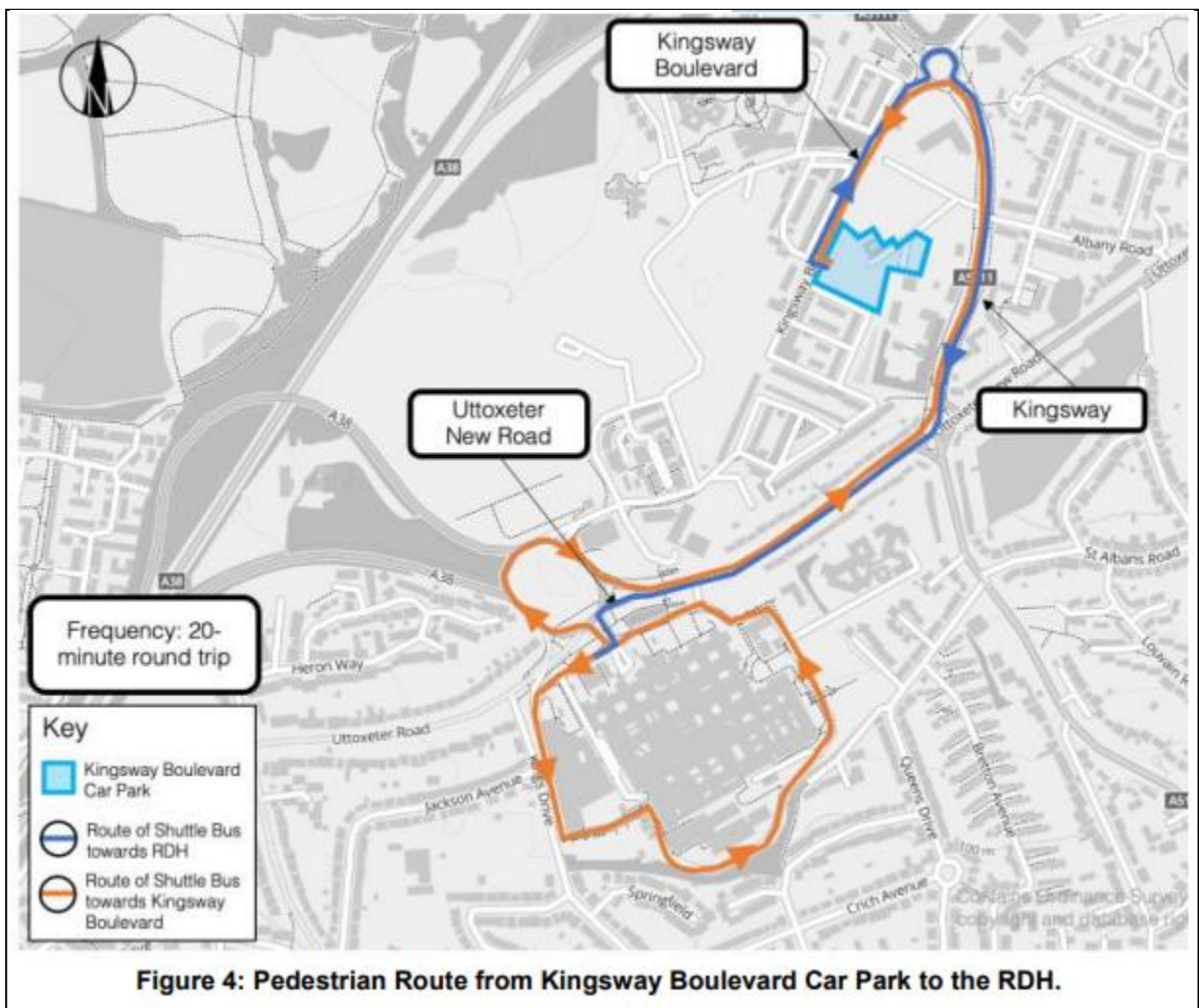
2.3 Transport Impacts of the development

NPPF suggests the impact of the residual trips (i.e. the remaining car trips after travel by other modes has been taken into account), should be mitigated as long as it is affordable in the context of the value of the development. The Government does not define 'severe impact'. DCC takes the view that in this context 'severe' can relate to congestion, but definitely relates to safety.

Development Proposals and Trip Generation

As has been described, the proposal is for a 368 space temporary at surface car park, to operate for a period of 18 months whilst the Multi-Storey Car Park (MSCP) at the Royal Derby Hospital (RDH) is under construction.

The temporary car park will effectively operate as a park and ride with a single shuttle bus providing a 20 minute service to the car park and the RDH. Figure 4 shows the route of the bus service, which will be a single decker bus.



The temporary car park will be barrier free. However, the car park has been designed with a gate, which is located at the main entrance, and will only be used to shut the car park outside its hours of operation (before 08:00 and after 18:00). During the hours when the car park is open, onsite staff will manage vehicles parking within the

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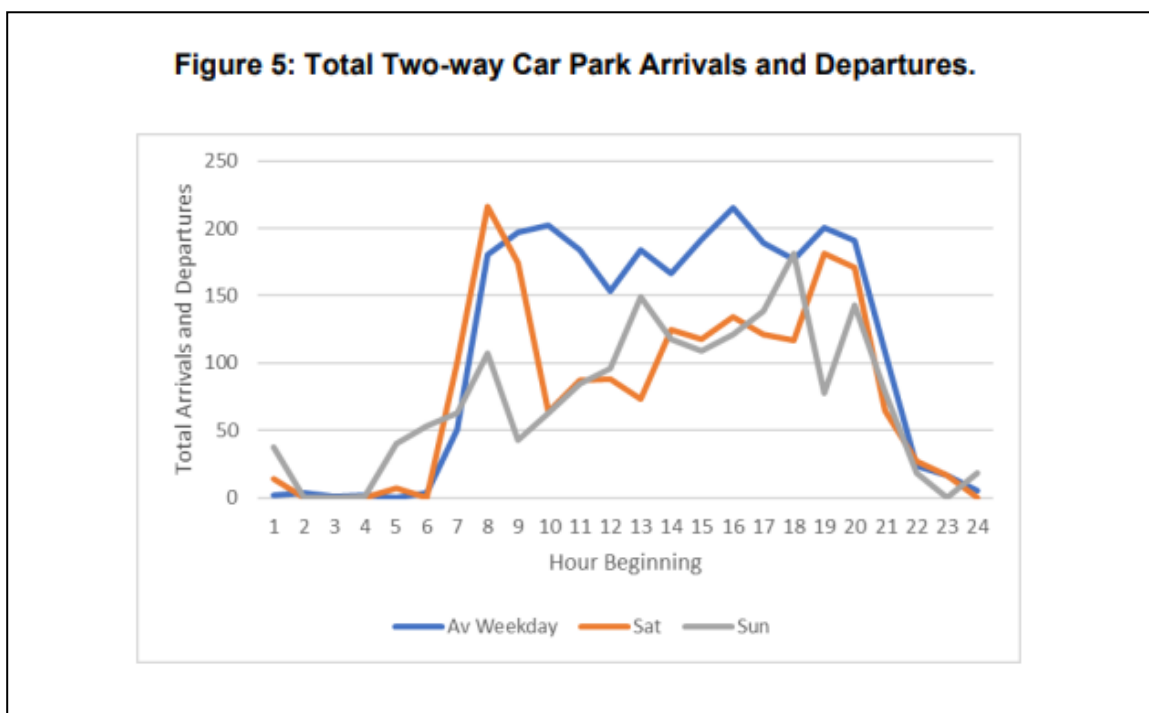
site to ensure that it is reserved for visitors and patients to the RDH. In order for visitors and patients to be directed to the Kingsway Boulevard car park during the construction of the MSCP, outpatients will be provided with directions to the car park as part of their appointment letter, which will also include the timetable for the shuttle bus services.

Transport Assessment

The issues around the Kingsway Junction are well known. Particularly, during the weekend retail peaks at the Kingsway Retail Park. There are also issues during the weekday AM (0800-0900) and PM Peak (1700-1800) traffic peaks, when traffic from the A38(T) Grand Canyon Junction queues back on the A5111 through the Kingsway/Kingsway Boulevard Junction, effectively blocking egress from the Kingsway Boulevard. In relation to the operation of the temporary car park and Kingsway Boulevard, this is likely to be less of a problem during the AM Peak as most visitors will be arriving. It is more likely to be an issue in the PM Peak as visitors leave. Further, over the weekend Peak the car park is unlikely to attract as many visitors, as the RDH does not operate many day clinics over the weekend. Further, the issues at the Kingsway Junction are related to traffic entering and leaving the retail park and queuing on the A5111 North arm towards the Kingsway Junction, rather than the Manor Kingsway estate.

As such, a full Transport Assessment has been submitted with this planning application. The applicant undertook manual turning counts and queue length traffic surveys at the Kingsway Junction in February 2024. Further, they also undertook an assessment of how long vehicles waited at the Kingsway Boulevard give-way line. This information was used to calibrate the junction modelling.

The trip generation for the temporary car park was calculated using the arrival and departure profile from Car Park 6 and shown in Figure 5.



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The Temporary Car Park is predicted to generate around 200 two-way movements across the weekday period. Over the weekend these movements are likely to be less with a predicted 120 movements per hour. The peak hour predicted car park arrivals and departures are summarised in Table 1.

AM (0800-0900)			PM (1700-1800)			Weekend Peak		
In	Out	Two-way	In	Out	Two-way	In	Out	Two-way
168	30	198	71	106	177	85	59	144

Table 1: Predicted Peak Hour Temporary Car Park Arrivals and Departures

The Kingsway Junction has been modelled using junction software for a priority controlled roundabout. The model was calibrated against the observed queue length surveys, using parameters in the model to reduce the traffic throughput on the arms to emulate the queuing. The model was then used to assess the operation of the junction based on existing traffic flows and the impact of the temporary car park flows.

The results are presented in Table 2 below, which show that the junction in the 2024 observed scenario is operating at or near capacity in the AM Peak and over capacity in the PM Peak. For example, in the PM Peak the A5111 southern arm from Manor Road toward the A38(T) is predicted to have a Ratio to Flow Capacity of 1.02 or 102%, with queues of 20 vehicles in length.

Junction Arm	AM Peak Hour		PM Peak Hour	
	RFC	QUEUE (Vehs)	RFC	QUEUE (Vehs)
2024 Base Case (Calibrated Model using Observed Queue Lengths)				
A5111 Kingsway North	0.93	10	0.93	10
Kingsway Retail Park	0.15	1	0.93	9
A5111 Kingsway South	0.39	1	1.02	20
Kingsway Boulevard	0.07	1	0.34	1
2024 Base Case + Plus Temporary Car Park				
A5111 Kingsway North	0.99	23	0.99	18
Kingsway Retail Park	0.15	1	1.01	17
A5111 Kingsway South	0.44	1	1.09	39
Kingsway Boulevard	0.10	1	0.76	3
Difference between Base Case Plus Temporary Car Park				
A5111 Kingsway North	0.06	13	0.06	8
Kingsway Retail Park	0.00	0	0.08	8
A5111 Kingsway South	0.05	0	0.07	19
Kingsway Boulevard	0.10	0	0.42	2

Table 2: Summary of Junction Modelling at the A5111 Kingsways/Kingsway Boulevard Junction, with and without the Proposed Temporary Car Park

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With the Temporary Car Park the AM Peak sees an increase in queues as a result of the additional traffic on the A5111 South arm of the junction. This is because traffic has diverted away from the RDH site and now travels through the Kingsway junction as new trips. Around 72% of the car park traffic is predicted to travel from this direction. There is less impact on the A5111 North arm. This is because traffic from the A38(T) north, would already be passing through this part of the network in order to travel to Car Park 6. Although, around 21% from the A38(T) south is now predicted to travel through the Grand Canyon Junction as new trips, which would have slipped off at the Hospital Gyratory. However, it is not predicted to have a significant impact on the A5111 North arm.

The impacts are much more significant in the PM Peak, mainly because the junction is more congested. Indeed, queuing increases on the A5111 Kingsway North arm and the Retail Park arm by 8 vehicles. The largest increase is on the A5111 South arm with an increase of 19 vehicles. Surprisingly, queues on the Kingsway Boulevard remain relatively small. However, this is because 70% of the car park traffic will turn right out of Kingsway Boulevard, rather than left into the traffic queuing towards the A38(T). Whilst the impacts are more significant during the PM Peak the level of Temporary Car Park traffic is less. It is predicted that the departures are around 106 cars, which is less than 2 per minute.

A38(T) Tilia Homes Signalisation Mitigation Scheme

It should be noted that Tilia Homes as part of a planning condition attached to their consent for the development of the Manor Kingsway Site, has to provide a scheme to signalise the remaining arms of the A38(T) Grand Canyon junction. This scheme was initially required on the occupation of the 200th dwelling. However, the scheme has not delivered and under a Section 73 application, Tilia Homes in agreement with the National Highways, revised the condition and trigger point. Basically, in the event that the A38(T) Derby Junctions scheme starts construction then Tilia Homes would give National Highways a financial contribution. With the delays to the A38(T) Derby Junctions scheme, as a result of a High Court challenge to the Development Consent Order (DCO), National Highways has now asked for the Tilia scheme to be delivered. As such, the scheme has been through technical approval and is due to start construction shortly, although no fixed time scales have been given.

The scheme will significantly improve the operation of the A38(T) Grand Canyon Junction and in particular queues on the A5111 approach from the A5111 Kingsway Junction. Modelling, undertaken for the technical approval of the signal design in 2019, predicts that current queues, which reach over 300 metres in length through the A5111 Kingsway Junction, will be reduced to around 60 metres.

As such, the junction modelling for A5111 Kingsway Junction was run without the capacity constraints on the Kingsway Boulevard and A5111 South arms. This is to simulate a situation where the A38(T) queuing traffic does not queue through the junction in the PM Peak and the junction operates without the exit constraints.

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Junction Arm	AM Peak Hour	
	RFC	QUEUE (Vehicles)
2024 Base Case + Plus Temporary Car Park + A38(T) Improvement		
A5111 Kingsway North	1.01	21
Kingsway Retail Park	0.51	1
A5111 Kingsway South	0.39	1
Kingsway Boulevard	0.13	1

Table 3: Summary of Junction Modelling at the A5111 Kingsways/Kingsway Boulevard Junction, with the Proposed Temporary Car Park and Full Signalisation of the A38(T) Grand Canyon Junction

Compared to the results in Table 2, the junction modelling predicts that the Temporary Car Park will have an impact on the A5111 North Arm of the A5111 Kingsway Junction. However, with the full signalisation of the A38 (T) Grand Canyon Junction there is a significant improvement in the operation of the other arms. This is because the problem of the exit queuing has been removed.

Sensitivity Test

It is difficult to predict the operation of the Temporary Car Park. The observed data from Car Park 6, which the Temporary Car Park will replace, is open 24hrs and the low parking charges after 17:00 hrs and before 9:00 hrs will attract some staff to use it. As such, a sensitivity test was requested based on condensing the Car Park 6 trip profile to the operational hours of the Temporary Car Park until it reached full occupancy. This was approximately a 70% increase or 335 two-way arrivals and departures during the AM Peak and 300 during the PM Peak.

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Junction Arm	PM Peak Hour	
	RFC	QUEUE (Vehs)
2024 Base Case (Calibrated Model using Observed Queue Lengths)		
A5111 Kingsway North	0.93	10
Kingsway Retail Park	0.93	9
A5111 Kingsway North	1.02	20
Kingsway Boulevard	0.34	1
2024 Base Case + Plus Temporary Car Park		
A5111 Kingsway North	1.04	28
Kingsway Retail Park	1.09	29
A5111 Kingsway North	1.13	29
Kingsway Boulevard	0.99	11
2024 Base Case + Plus Temporary Car Park + A38 Improvement		
A5111 Kingsway North	0.11	35
Kingsway Retail Park	0.16	2
A5111 Kingsway North	0.11	1
Kingsway Boulevard	0.10	1

Table 4: Sensitivity Test of A5111 Kingsways/Kingsway Boulevard Junction, with the Proposed Temporary Car Park and with and without the Full Signalisation of the A38(T) Grand Canyon Junction

The junction model was re-run again in the PM Peak only with and without the Tilia Homes A38(T) signal improvement to the Grand Canyon Junction. With the more intense arrivals and departures, the levels of queuing increases on the A5111 Kingsway Arms and the Retail Arm. Queuing on the Kingsway Boulevard increases to around 11 vehicles, however, it doesn't operationally fall over.

The sensitivity test isn't a given in terms of the predicted impacts. Indeed, the profile doesn't take account of the likely longer time that visitors are likely to stay at the Temporary Car Park. This is because of the additional travel time that visitors will have to make from the car park to the RDH and back again. As such, this will reduce the capacity of the Temporary Car Park and the arrival and departures. However, the increase in arrival and departures does show a significant impact on the A5111 Kingsway Junction and congestion.

3.0 Conclusion and Conditions

3.1 Conclusion

The proposal for a temporary car park on the Manor Kingsway site, is to provide 368 visitor spaces to meet the temporary demand brought about by the construction of a new Multi Storey Car Park (MSCP) on the Royal Derby Hospital (RDH) site. The 850 space MSCP will be constructed on the existing Car Park 6, which currently includes 368 visitor spaces, and as a consequence these spaces will be unavailable until its completion. The build programme for the MSCP is projected to be around 18 months.

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The main issue with this application relates to the impact of the temporarily displaced parking to the Kingsway Site, and the impact around the A111 Kingsway roundabout junction. The RDH has considered a number of other options to provide temporary parking including using the Pride Park park and ride, land at Foresters Way Retail Park, and the staff car park on Manor Park Way. For different reasons each of these options were discounted. The overarching benefit of the Manor Kingsway proposal is the amount of parking that can be provided in one location and the proximity of the site to the RDH. In order for a visitor car park to be attractive to users, it has to be located as close to the RDH as possible, otherwise visitors will start to look for their own alternative parking in less appropriate locations.

In summary, the RDH has limited options and there is no easy solution to providing a suitable temporary car park site. However, the RDH, landowner and Local Planning Authority should be made aware that the Manor Kingsway site comes with issues and that the junction modelling predicts that the car park will significantly add to the congestion problems in the area, particularly during the weekday PM Peak (1700-1800). Junction modelling also predicts that the A38(T) full signalisation scheme, to be delivered by Tilia Homes, will improve the operation of the A5111 Kingsway Junction and significantly help manage existing problems and the impact of the Temporary Car Park. The A38(T) scheme has technical approval, however, there is no fixed date set for its construction. As such, and with the historical problems around the removal of the signals at the A5111 Kingsway Junction, if the car park causes any significant problems then the Highway Authority will not be in a position to resolve them.

Should the Local Planning Authority be minded to grant permission for the Temporary Car Park then the following suggested conditions should be included in the consent.

3.2 Suggested Conditions and Notes

It is assumed that the consent will include a general condition that will limit the operating hours of the car park.

Condition 1: The construction works shall be carried out in accordance with the details submitted in the approved Construction Management Plan, unless otherwise approved in writing by the Local Planning Authority.

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

Condition 2: The development hereby permitted shall not be operational, unless and until a scheme has been implemented to control on-street and resident parking around the area of the Temporary Car Park through a Traffic Regulation Order.

Reason: To ensure that inappropriate parking does not occur from visitors to the Temporary Car Park, and for highway safety purposes to ensure the access remains clear from obstruction.

Condition 3: No part of the development hereby permitted shall be brought into use until the access road within the Temporary Car Park is surfaced in a hard-bound material (not loose gravel) for a minimum of 12 metres behind the public highway.

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The access road shall then be maintained in such hard bound material for the life of the development. Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Condition 4: The development hereby permitted shall not be brought into use unless and until the vehicular and pedestrian entrance to the site has been provided to the specification and satisfaction of the Highway Authority, generally in accordance with the information shown for indicative purposes on drawing 1410/P06.

Reason: To ensure that the access to the Temporary Car Park is constructed to a satisfactory standard, in the interests of general Highway Safety.

Condition 5: Once operational, the operator of the Temporary Car Park must ensure that the unbound surface material is maintained and compacted, and that any loose material on the Kingsway Boulevard is removed at the request of the Highway Authority.

Reason: In the interests of general Highway Safety.

Condition 6: In the event that the landowner will not require the access, after the operational closure of the Temporary Car Park, the access will be subsequently removed and the full-height kerbed footway reinstated. This should be carried out within 1 year of the car park closure and to the satisfaction of the Highway Authority. Further, any damage to the carriageway surfacing in the proximity of the access will also be required to be "made good" by the developer.

Reason: In the interests of general Highway Safety.

NOTES TO APPLICANT

N1. In the event of non-adoption of Kingsway Boulevard prior to commencement of the works, will be necessary to vary the existing S38 Agreement with the adjacent landowner. This could not then subsequently be adopted until the end of a revised maintenance period.

N2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk

N3. The applicant/developer should be aware that the removal of the two highways trees shown on the drawing will be subject to a charge relating to the 'asset value' of the trees. In the first instance the applicant/developer should contact the Arboricultural Team trees@derby.gov.uk

N4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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N5. Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980. The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. highwaysdevelopmentcontrol@derby.gov.uk

N6. Traffic Regulation Orders – The proposal relies on the introduction of new traffic regulation orders (TROs) i.e. the introduction of No Waiting and Residents Parking orders. It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. If you proceed with the development prior to ensuring that the various TRO/s you rely on have been formally confirmed you will be doing so at your own risk. You are required to fund all costs associated with the new and amended TROs that are implemented.

In the first instance the applicant / developer is advised to contact – traffic.management@derby.gov.uk for further advice and to commence the process.

5.4. Environmental Services (Health – Pollution Noise):

The application site is located within Kingsway and is surrounded by some residential properties which is typical of the location.

My concerns are regarding impact noise from door slamming, cars revving and noise from stereos which can possibly result to noise nuisance for short period of time especially during summertime when residents spend more time in the garden.

However, the proposed development is temporary, and the proposed use is during the day which means the noise generated will not cause significant impact especially earlier hours of the morning and night-time.

I note, applicant/developer has proposed acoustic fencing of 2.4m and has indicated it will only be applied on a section of the development. I previously recommended that 3 meters high acoustic close boarded fencing should be implemented along the entire boundary of the residential areas. This should be all areas apart from the front section of the development.

Additionally, the use shall not be carried on outside the operating hours of 07:30 - 18:30 daily (In the interests of the amenities of nearby occupiers).

Finally, happy with the CMP, provided procedures/recommendations are implemented as stated.

5.5. Environmental Services (Health – Pollution Air Quality):

1. This application is for a temporary permission while the existing hospital car park is replaced with a multi-storey car park. Whilst we have no objections to the location, I do have some significant concerns that the proposed location will be stripped of the existing topsoil and replaced with MOT type 1 material. The proposed location is very close to recently constructed properties and additional building work is ongoing within close proximity of the site.

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2. The application documents do not include any consideration of dust which could be significant, particularly during dry or windy conditions. The data provided indicates that this is likely to be a busy car park with frequent trips throughout the day as it is specifically to accommodate visitors and users of the hospital. I note that a regular shuttle bus service is proposed throughout the day and movements of vehicles are shown to be fairly constant. I further note that a pedestrian route to the hospital is also promoted within the documents so exposure of these users should also be considered. We are aware from current research that ill health can result from exposures to fine particulates, even at levels below the current national air quality objectives, so local authorities are tasked with reducing levels of fine particulates in line with The Air Quality Strategy for England (Defra 2023).
3. The close proximity of adjacent construction areas and unmade roads could indicate that particulate levels (PM10 and PM2.5) locally are already elevated and this proposed development would introduce another source of particulate matter which could adversely impact local air quality levels. Whilst we recognise the temporary nature of the proposal and the need to have an alternative car park whilst the new car park at the hospital site is being constructed, we are disappointed that dust emissions were not considered as part of the design.
4. In addition, the proposed topsoil stockpiles will need to be suitably managed to ensure that residents are not adversely impacted by windblown dust throughout the storage and construction periods.
5. We would also highlight that the barrier system should ensure that vehicles are not queuing for prolonged periods of time close to residential properties which can also impact on short term air quality levels.
6. We would therefore strongly recommend that consideration of an alternative surface for the car park is considered to minimise the possibility of air borne dust. As a minimum, further details of how dust generation will be controlled and minimised should be submitted prior to the application being determined. However, if this is not possible, we would request that a suitable pre-commencement condition be attached to any planning permission granted, such as suggested below:
 - *Prior to the commencement of any soil stripping works, a dust management plan should be submitted that details how dust emissions from the site will be minimised and managed throughout all phases of the development, including during the operation of the temporary car park. This should include, but not be restricted to, stockpile creation and management, storage and delivery of materials capable of generating dust, monitoring and maintenance of the site when operational, particularly during dry or windy conditions as well as details of a complaints procedure for local residents. The dust management plan should be agreed in writing with the Local Planning Authority and complied with throughout the duration of the development, including any reinstatement of the site as agreed.*

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5.6. Environmental Services (Health – Pollution Contaminated Land):

Due to the temporary nature and limited receptor time at this site, we have no comments with respect to potential land contamination. However, we would comment that any material imported for use as the surface of the car park should be suitably verified prior to use to demonstrate that it is clean and suitable for the intended use.

5.7. Natural Environment (Tree Officer):

Observations 10/04/2024:

Following the submission of Proposed Block Plan - Rev K it is now apparent that two young trees located within engineered tree pits on Kingsway Boulevard need to be removed in order to facilitate the new access into the site. The two trees are located outside of the red line. Ideally the AIA should have been updated to reflect this. Due to the trees small size they will be classed as category C trees and as such should not pose an obstruction to development. I have no objection subject to replacement trees being planted within the engineered tree pit once the car park is no longer required. Replacement trees must be like for like (including tree pit design/finish). An appropriate maintenance schedule must also be conditioned (including the replacing of the trees should they fail).

I am not commenting on tree ownership and permissions that may be required to remove the trees.

Observation 19/12/2023: The submission of the AIA (including draft TPP) is welcomed.

No trees are shown to be removed or pruned in order to facilitate the proposed development.

In principal I have no objection to the proposed development.

Trees T1 to T5 either on site or immediately adjacent to the site are shown to be protected with BS5837 compliant fencing so as to form CEZs. Tree 7 and G1 are set further back and outside of the red line with no fencing to form a CEZ. There is the potential for construction related damage to the trees if the site boundary is not secured. I require confirmation whether the site boundary will be secured prior to any development (including preparatory groundworks). If the site boundary is not to be adequately secured prior to development I suggest that trees T1 and G1 are also protected in accordance with BS5837. The subsequent TPP (including 4.0 Mitigation text) could be conditioned to be complied with in full.

5.8. DCC Land Drainage:

There are still no calculations for the volume of the gravel trench. The report manages to talk about the principle of the gravel trench without any numbers being included. As the drawings I am looking at are on-screen it is not possible for me to assess the suitability of the proposal without some numbers being included to give a sense of scale.

Previous comments from Land Drainage can be viewed on the following link - <https://eplanning.derby.gov.uk/online->

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[applications/applicationDetails.do?activeTab=consulteeComments&keyVal=S4ZZF9FSHDW00](https://www.derby.gov.uk/applications/applicationDetails.do?activeTab=consulteeComments&keyVal=S4ZZF9FSHDW00)

5.9. County Archaeologist:

The proposed development overlies part of the grounds of the Borough Lunatic Asylum built between 1884 and 1914 (MDR11429). There will however be no archaeological impact from these proposals and we need not be consulted again on this application.

6. Relevant Policies:

6.1. Relevant Policies:

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

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

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC19	Manor Kingsway

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:

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

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

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

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

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

6.2. Non-housing applications:

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

7. Officer Opinion:

Key Issues:

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

7.1. Principle of Development

7.2. Highways Impacts

7.3. Residential Amenity

7.4. Environmental Matters

7.5. Summary

7.1. Principle of Development

The Local Plan consists of the policies of the DCLP1 and the saved policies of CDLPR.

The DCLP1, which sets out the growth strategy for the city, covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this

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application are still up to date and carry weight in the decision-making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore to be considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

The site of the proposal is allocated under AC19 for a minimum of 700 new high quality homes being complemented by the provision of local facilities, amenities and job opportunities.

The area of the proposal was, as part of the overall scheme, the area proposed for a business park. Whilst its use for car parking could prejudice the business park development, as it is for a temporary period of up to 2 years it is unlikely to have any adverse effect in the longer term, particularly if any permission that may be granted was conditioned for a limited time period.

The main concern would appear to be the effect that the proposal may have on the amenity of nearby residential properties which would be considered in Section 7.3 of this report.

The proposal, as parking for the hospital that is located as close as possible, would be in line with the intentions of CP21.

Subject to the decision maker being satisfied that the replacement parking, taking into account the temporary loss of parking spaces on the hospital site, would not exceed the standards set out in Appendix C, the proposal would be in line with CP23.

As such there are no pure policy objections to the principle of the proposal.

7.2. Highways Impacts

Members may recall the determination of the multi-storey car park application and the concern around the loss of Car Park 6 during the construction of the approved multi-storey car park; this application seeks to provide the temporary parking strategy for the construction phase of much needed multi-storey car park. Approving this application would allow the Council to discharge condition 8 of the multi-storey car park application and allow its construction to start.

That being said, the matter of highways impacts is very complex as summarised by the comprehensive comments made by both Highways Development Control and Transport Planning.

The application as amended would provide an access off Kingsway Boulevard, part of which is adopted and part of which is not adopted public highway. The boulevard was not designed as a bus route and therefore the carriageway isn't as wide as we would normally secure. However, as the boulevard is not a main distributor road and this is a temporary use the limited carriage width would be palatable in this instance subject to Traffic Regulation Orders reducing parking and ensuring un-restricted access for the shuttle bus.

The application is accompanied by a Transport Assessment that has been amended during the life of the application to assess the impact of the car park on nearby junctions. This area of highway network has existing issues which are widely reported

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and therefore understanding the impacts of the car park is essential. The submitted Transport Assessment (as amended) indicates that there is unlikely to be an impact in the AM peak as visitors will be arriving. However there are likely to be issues in the PM peak as visitors leave.

The car park would generate in the region of 200 two way movements an hour on a weekday. The movements are summarised in [table 1](#) set out on page 15 of this report. Overall, the temporary car park is unlikely to have a significant impact on the AM Peak but there would be an impact on the PM peak, increasing queue lengths.

A further complexity to understand is the Tilia Homes Signalisation Mitigation Scheme which was secured under application 07/08/01081 and seeks to signalise the Kingsway Arm of the A38 Grand Canyon roundabout. The scheme should have been implemented upon the occupation of the 200th dwelling on the site however given progress of the A38 Grade Separation scheme it was agreed with National Highways under a Section 73 application for Tilia to delay the implementation of the scheme. However, as the Grade Separation Scheme has been delayed following the High Court challenge National Highways have asked Tilia to implement this scheme. Some vegetation clearance has started on site and technical approval has been granted but the exact timeframe for the implementation of the works is unknown.

This signalisation scheme would significantly improve the operation of the A38 Grand Canyon Junction and has the potential to reduce queues on the Kingsway approach. Experienced queues can be some 300 metres, the signalisation scheme is predicted to reduce these to some 60 metres.

The submitted Transport Assessment has assessed the public highway with the signalisation in place indicating that the impacts of the temporary car park would not be significant. However, as we are currently unclear about the timescales for the implementation of the junction improvement sensitivity testing has been needed to assess the impacts without the signalisation being in place.

It should be noted that assessing car park such as this with potentially a high number of trips can be difficult; as you need to take into account circulation of the car park (looking for spaces and exiting the car park), along with varying lengths of stay. As such, a sensitivity test was requested based on condensing the Car Park 6 trip profile to the operational hours of the Temporary Car Park until it reached full occupancy. This was approximately a 70% increase or 335 two-way arrivals and departures during the AM Peak and 300 during the PM Peak.

The sensitivity modelling shows that there will be an increase in of queuing on the Kingsway Boulevard to around 11 vehicles although this is considered to be operationally acceptable. But there would still be a concerns about the impacts on the other arms of the Kingsway junction, which would be adversely affected by the increase in traffic.

As previous discussed, the proposed car park would be accessed off Kingsway Boulevard which is an unadoptable road. That being said, Tilia are actively seeking to obtain the Technical Approval and for the Council to adopt the road. This a complex matter as there are number of variable which the applicant of the temporary car park and Tilia need to be aware of. In summary these are:

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- (1) when Kingsway Boulevard becomes adopted the access of the car park would need a Section 278 agreement to complete the access. This process cannot start until the road is formally adopted.
- (2) Alternatively, Tilia could amend the current Technical Approval application but that would require changes to the current Technical Approval application and would result in delays to the approval process.

Whilst these are matters that are dealt with outside of planning, they do have implications for the application and its delivery which Members should be aware of, particularly when considering that the pedestrian links are across third party land which is not controlled or maintained by the Council, at present. Furthermore, Prince George Drive is also unadopted and will remain private.

The car park surface would be of a solid bound material along the bus route with the car parking spaces being on loose gravel. Whilst loose materials is unlikely to be pulled onto Kingsway Boulevard there are reservations about the longer term use of the loose material for the car park. However, the applicant has confirmed that the surface will be part of a management scheme to ensure that the site is compacted with sand – this will need to be agreed by way of a condition.

The amendments to the site and layout have addressed a number of the initial concerns raised by Highways colleagues along with the objections raised by neighbouring properties, through the removal of the access point from Anmer Drive to the Boulevard along with the creation of the pedestrian priority access.

The uncertainty around the adoption of the Kingsway Boulevard also has an impact on the removal of the two trees. Should the road become adopted, prior to the road being adopted, then we will need to secure the replacement of the two trees. However, if the road is adopted then this matter can be dealt with under the technical approval for the creation of the access.

The comprehensive consultation responses from highways colleagues seek to summarise the complex issues around the highway and transport impacts of the proposal. *“The main issue with this application relates to the impact of the temporarily displaced parking to the Kingsway Site, and the impact around the A111 Kingsway roundabout junction. The RDH has considered a number of other options to provide temporary parking including using the Pride Park park and ride, land at Foresters Way Retail Park, and the staff car park on Manor Park Way. For different reasons each of these options were discounted. The overarching benefit of the Manor Kingsway proposal is the amount of parking that can be provided in one location and the proximity of the site to the RDH. In order for a visitor car park to be attractive to users, it has to be located as close to the RDH as possible, otherwise visitors will start to look for their own alternative parking in less appropriate locations.”*

It is acknowledged that the RDH has limited options and no option, the proposal included is not an easy solution – and will create issues on the public highway network. In particular the junction modelling predicting that the car park will significantly add to the congestion problems in the area, particularly during the weekday PM Peak (1700- 1800). Junction modelling also predicts that the A38(T) full signalisation scheme, to be delivered by Tilia Homes, will improve the operation of the A5111 Kingsway Junction and significantly help manage existing problems and

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the impact of the Temporary Car Park. The Tilia scheme has Technical Approval from National Highways however we have no control over when the scheme will be implemented.

The historical problems on the highway network in this location are well known and reports and the decision maker should be aware that if the car park causes any significant problems then the Highway Authority will not be in a position to resolve them.

The applicant has also confirmed that they will continue to work with patients and visitors to encourage they arrive by alternative modes in particular public transport.

7.3. Residential Amenity

The application has attracted 13 letters of representation which have been summarised in Section 4 of this report. The representations consider both the application as originally submitted and as then amended, therefore some of the comments may not be relevant to the amended scheme.

That being said, a number of the comments made regarding the concerns of the access on Anmer Drive and its impact on residential have now been addressed.

In considering the impact of the proposal on residential amenity, it is important to note that the application site has the benefit of outline planning permission for the erection of commercial units which would comprise of car parking and buildings which would change the character of this area from its current open appearance to a small commercial park with on site parking. The impacts of such, from a residential amenity and transport perspective were considered as part of the outline planning application for Manor Kingsway. The site has also been used previously as a compound for highway works by DCC and by Tilia.

The introduction of the car park would have an impact on residential amenity however the introduction of the acoustic fence around the site's boundary at some 2.5 metres in height would, as recommended by Environmental Health, reduce the impacts of noise from vehicles and users of the car park and limit the impact on neighbouring residential properties. The installation of the fencing will also reduce light spillage from the site, from vehicles. Given the planning history of the site, the temporary nature of the proposal I would consider that whilst there may be an impact on residential amenity, despite the recommended mitigation, these impacts would not be such a degree as to warrant refusal of the application due to failure comply with policy GD5.

The matters raised in relation to the implementation of CCTV are noted however given the existing natural surveillance from surrounding properties, the temporary nature of the car park and the limited hours to 08.00 – 18.00 I feel it would be unreasonable, in this instance to recommend the installation of CCTV. Furthermore, the car park will be managed by on-site personal.

Matters relating to traffic, increased congestion, alternative sites etc. have been considered within Section 7.2 of this report.

There are a number of points raised within the letters of representation that are not considered to be material planning considerations and have been given very little

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consideration in the determination of this application; this includes devaluing of properties along with references to the Human Rights Act which is an act in its own right and not enforceable through planning.

I have duly considered the impact of the proposal and fully understand the concerns raised within the third-party representations however subject to compliance with the recommended conditions in Section 8 of this report I consider it would be unreasonable to refuse the application on amenity grounds.

7.4. Environmental Matters

Trees

The relocation of the proposed access would have an impact on two street trees which have been planted along Kingsway Boulevard as part of the landscaping scheme. The two trees are of a Categorized as Category C trees and therefore should not stop or restrict development. However their removal is disappointing but replacement trees will be secured by condition. It is noted that if the road is adopted then the replacement of the trees will be dealt with under the technical approval process.

There are also further recommendations in terms of the protection of trees in close proximity of the car park boundary. This will be secured by condition.

Environmental Protection

The application has been duly considered by Environmental Health whose comments on Noise, Air Quality and Contaminated Land are set out in Section 5 of this report. Overall, the application has not received any objections from Environmental Colleagues.

Due to the nature of the proposal no contaminated land conditions are recommended but an informative note will be included to recommended that any imported material is suitably verified.

There are some concerns with regards to Air Quality as a result of the introduction of the MOT type 1 material (Loose surface material) and the potential dust that it may create. The surfacing material is also a concern with regards to loose material therefore a management/maintenance plan of the surfacing material is recommended. This will be expanded to consider dust as well.

Colleagues have also considered noise which has been also raised by a number of third party representations. Environmental Health acknowledge that noise from cars, stereos etc can result in noise nuisances for short periods of time. However given the temporary nature of the proposal and the limited hours of use (08.00 – 18.00) it is considered that the recommended acoustic fence would reduce these impacts.

Colleagues had recommended an acoustic fence of 3 metres in height and the applicants have sought a 2.4 metre height fence. It has been agreed with Environmental Health that a 2.4 metre fences around all boundaries of the site, excluding the Kingsway Boulevard boundary would be sufficient to provide adequate mitigation. The acoustic fence will be secured by condition.

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7.5. Summary

The application seeks a temporary car park on the Manor Kingsway for 368 car parking spaces which will meet the demand brought about the construction of the multi storey car park, on the hospital site (Car Park 6). The proposed multi storey car park would provide 850 car parking spaces and is clearly needed by the hospital, as shown by the long queues for car parking within the hospital site on a daily basis. Car Park 6 currently provides 368 visitor spaces and therefore the loss of these spaces during the construction of the multi-storey car park is unpalatable. Construction of the multi storey car park cannot commence until a temporary car park has been provided.

The Council and the Hospital proactively sought to resolve the temporary car parking provision during the determination of the multi storey car park however as a result of limited land availability, concerns about the distances of possible sites and poor connectivity this matter has been very difficult to resolve.

Therefore, the current proposal whilst not without its own issues is possibly the only option to providing temporary car parking to allow the much-needed multi storey car park to be brought forward.

As detailed above the proposed temporary car park would have an impact on the Kingsway Junction, some of which would be resolved when the Tilia signalisation scheme is implemented noting the timescales for this are currently unknown. The impacts of the proposed temporary car park would be significant on the junction but would not be so severe to warrant refusal of this application. Notwithstanding that statement there is no solution for these impacts and the Highway Authority can not resolve them.

As such there will be an impact for the duration whilst the temporary car park is in use for which there is no mitigation within the applicants control.

The Hospital has continued to work proactively with the Council to assess the impacts of the proposal and providing amendments where possible including the re-location of the vehicular access. The Hospital will also be responsible to advising visitors of the changes to car parking arrangements and managing the temporary car park.

The application is recommended for approval but with the understand that the temporary car park is not without its issues for which there is no mitigation.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The application seeks a temporary car park on the Manor Kingsway for 368 car parking spaces which will meet the demand brought about the construction of the multi storey car park, on the hospital site (Car Park 6). The proposed multi storey car park would provide 850 car parking spaces and is clearly needed by the hospital, as shown by the long queues for car parking within the hospital site on a daily basis. Car

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Park 6 currently provides 368 visitor spaces and therefore the loss of these spaces during the construction of the multi-storey car park is unpalatable. Construction of the multi storey car park cannot commence until a temporary car park has been provided.

The current proposal whilst not without its own issues is possibly the only option to providing temporary car parking to allow the much-needed multi storey car park to be brought forward. There will be impacts on the public highway around the Kingsway Junction which cannot be mitigated for. However, it is felt that the temporary nature of the car park and allowing the commencement of the multi-storey car park would outweigh the temporary impacts of the proposal.

The loss of trees and environmental impacts can be adequately addressed by suitably worded conditions. There will be a degree of impact on the amenity of neighbouring residential properties however the temporary nature of the proposal coupled with the acoustic mitigation and management plans it is considered that this impact would be within reasonable limits.

8.3. Conditions:

General Conditions

1. Standard time limit condition
2. Standard condition restricting the use of the car park for 2 years
3. Standard approved plans condition

Pre-Commencement Conditions

4. Standard condition requiring the submission of the vehicular access and pedestrian access details (Highways)
5. Condition requiring tree replacement details (Trees)

Pre-Occupation Conditions

6. Standard condition ensuring on-street parking and residents parking are controlled (Highways)
7. Condition requiring the surface to be solid bound for a minimum of 12 metres (Highways)
8. Condition requiring the submission of a surface and dust management plan considering compaction of the materials, dust and debris on the highway (Highway and Environmental Health)
9. Condition requiring the implementation of 2.4 metre acoustic boundary around all boundaries excluding the Kingsway Boulevard

Management Conditions

10. Standard condition ensuring the Construction Management Plan is implemented (Highways)

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11. Condition removing the redundant access if not required by the landowner (Highways)
12. Condition restricting the use of the car park from 07:30 – 18:30
13. Condition securing tree protection is carried out in accordance with the submitted details (Trees)

8.4. Informative Notes:

1. In the event of non-adoption of Kingsway Boulevard prior to commencement of the works, will be necessary to vary the existing S38 Agreement with the adjacent landowner. This could not then subsequently be adopted until the end of a revised maintenance period.
2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk
3. The applicant/developer should be aware that the removal of the two highways trees shown on the drawing will be subject to a charge relating to the 'asset value' of the trees. In the first instance the applicant/developer should contact the Arboricultural Team trees@derby.gov.uk
4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980.

The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. highwaysdevelopmentcontrol@derby.gov.uk

6. Traffic Regulation Orders – The proposal relies on the introduction of new traffic regulation orders (TROs) i.e. the introduction of No Waiting and Residents Parking orders. It should be noted that the TRO process is not certain as it is subject to a formal consultation process, including public consultation, and the Council must give proper consideration to any valid objections that are raised. If you proceed with the development prior to ensuring that the various TRO/s you rely on have been formally confirmed you will be doing so at your own risk. You are required to fund all costs associated with the new and amended TROs that are implemented.

Committee Report Item No: 5.3

Application No: 23/01657/FUL

**Type: Full Planning
Application**

In the first instance the applicant/developer is advised to contact traffic.management@derby.gov.uk for further advice and to commence the process.

8.5. S106 requirements where appropriate:

The application does not require a Section 106 Agreement.

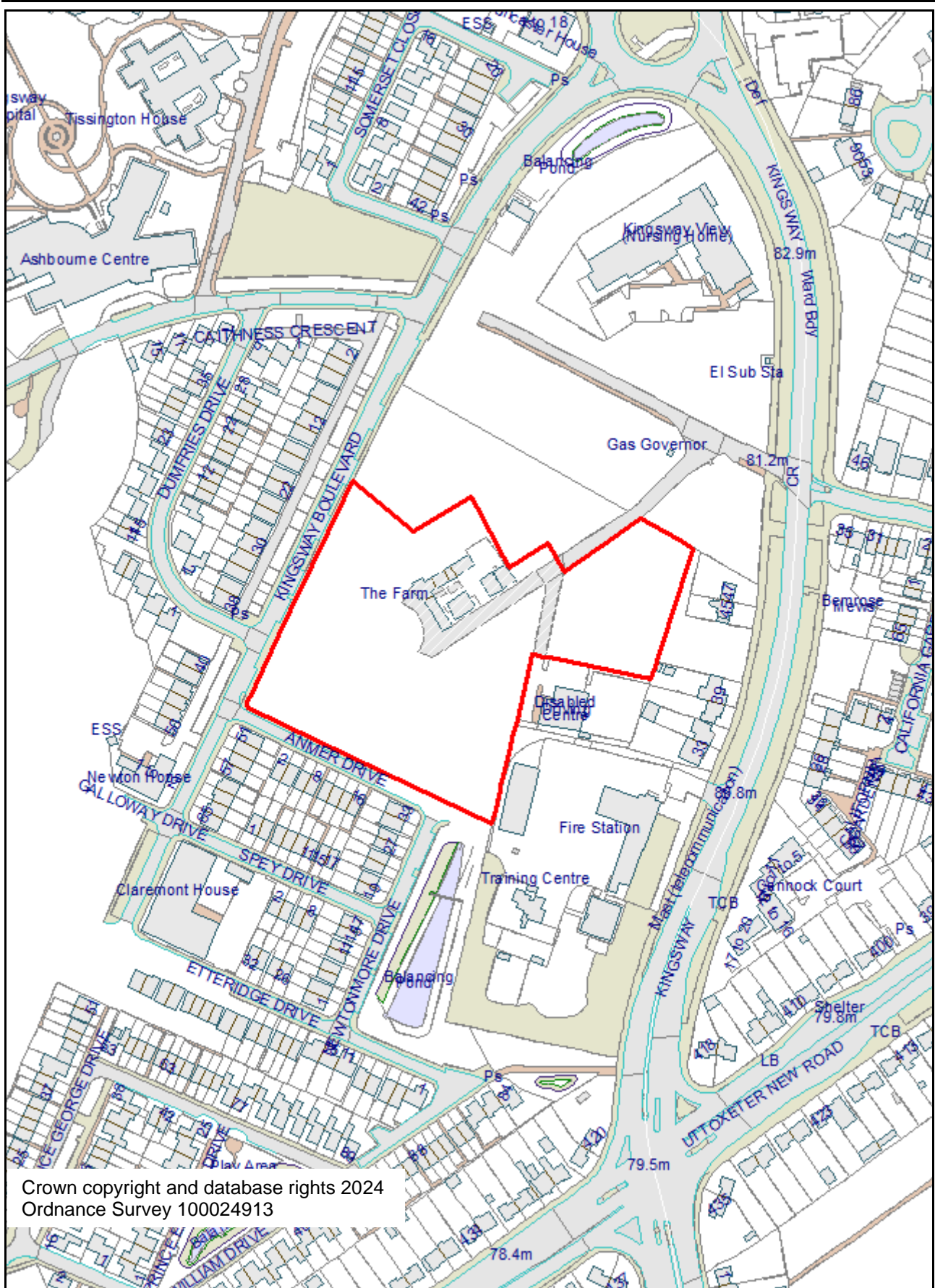
9. Application timescale:

An Extension of Time has been requested and agreed until 3rd May 2024.

Committee Report Item No: 5.3

Application No: 23/01657/FUL

Type: Full Planning Application





Delegated decisions made between 01/03/2024 and 31/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00899/CAD	Relevant Demolition in a Cons Area	Assembly Rooms Market Place Derby DE1 3AH	Demolition of the Assembly Rooms and adjacent multi-storey car park.	Approval	14/03/2024
21/00526/OUT	Outline Application	Warehouse To Rear 63 Melbourne Street Derby DE1 2GF	Demolition of existing garage building. Residential development - two dwellings (Use Class C3)	Approval	19/03/2024
22/01325/FUL	Full Application	25 Scarsdale Avenue Allestree Derby DE22 2LA	Two storey side extension to dwelling and installation of decking to the rear garden	Approval	26/03/2024
22/01378/LBA	Listed Building Consent- Alterations/Demo	3 St Marys Gate Derby DE1 3JA	Installation of secondary glazing to three sash windows to the rear elevation and to the first floor flat. Removal of a wall, blocking up of a door, installation of three replacement windows to the external courtyard, painting of courtyard walls, restoration of fire place and reduction in height of chimney stack	Application Withdrawn	07/03/2024
22/01395/FUL	Full Application	Centurion Way Business Park Alfreton Road Derby DE21 4AY	Erection of an enclosed canopy	Approval	04/03/2024
22/01798/FUL	Full Application	Workshop 2 North Street Derby DE1 3AZ	Demolition of workshop. Erection of a four bedroom (four occupant) house in multiple occupation (Use Class C4)	Approval	01/03/2024
23/00710/FUL	Full Application	79 Rykneld Road Derby DE23 4DJ	Change of use of first floor to allow additional uses - aesthetics/beauty/medical services (Use Classes E(e) and Sui Generis)	Approval	27/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/00726/FUL	Full Application	139 Walbrook Road Derby DE23 8SF	Installation of a ventilation flue to the rear elevation	Approval	06/03/2024
23/00752/FUL	Full Application	68 Pastures Hill Derby DE23 4BB	Single storey rear extension to dwelling house (sun lounge). Hipped roof extension to front outbuilding (garage) outbuilding to the rear garden (garden room) and single storey extension to rear outbuilding (enlargement of store).	Approval	05/03/2024
23/00756/FUL	Full Application	Land Adjacent 17 Olive Grove And Land At The Rear Of 30 Albert Road Derby	Erection of eight dwellings (Use Class C3)	Approval	15/03/2024
23/00857/FUL	Full Application	Echoes 44 Keats Avenue Derby DE23 4ED	Single storey and two storey front, side and rear extensions to dwelling house (drive through, bedrooms, en-suite, balcony and enlargement of kitchen/living space) and installation of a new roof	Approval	12/03/2024
23/00938/FUL	Full Application	3 Princes Drive Derby DE23 6DX	Two storey and single storey front, side and rear extensions to dwelling house (entrance hall, play room, prayer room, utility, kitchen/dining/lounge area, bedrooms and bathrooms) and roof alterations to include raising of the roof height and installation of rear dormers to form rooms in the roof space (lobby, bedroom and shower room)	Approval	06/03/2024
23/00977/FUL	Full Application	Offices 214 Burton Road Derby DE23 6AA	Change of use from office (Use Class E) to an eight bedroom house im multiple occupation (Sui Generis) including a two storey rear extension	Approval	22/03/2024
23/01030/LBA	Listed Building Consent- Alterations/Demo	1A Green Avenue Derby DE73 6TE	Installation of replacement rear elevation windows	Approval	27/03/2024
23/01161/CAT	Works to Trees in a	St Werburghs Church Of England	Various works to trees within the Spondon	Raise No Objection	15/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Conservation Area	Primary School Church Street Spondon Derby DE21 7LL	Conservation Area - Works to be maintained for a period of ten years		
23/01350/FUL	Local Council Own Development Reg 3	15 Basildon Close Derby DE24 0BW	Single storey rear extension to dwelling (lobby, bedroom and store)	Approval	26/03/2024
23/01374/ADV	Advertisement Consent	1 Midland Road Derby DE1 2SN	Display of various signage	Approval	14/03/2024
23/01375/LBA	Listed Building Consent- Alterations/Demo	1 Midland Road Derby DE1 2SN	Display of various signage.	Approval	14/03/2024
23/01407/FUL	Full Application	162 Derby Road Spondon Derby DE21 7LU	Two storey front/side extension to dwelling house (front room, utility, bedroom, en-suite and enlargement of kitchen and bedroom)	Refused	08/03/2024
23/01424/FUL	Full Application	85 Curzon Street Derby DE1 1LN	Change of use to an 11 bedroom (14 occupant) house in multiple occupation (Sui Generis)	Approval	12/03/2024
23/01430/FUL	Full Application	Chester Green Methodist Church Mansfield Street Derby DE1 3RJ	Change of use from Church (Use Class F1) to offices (Use Class E) including installation of new and replacement doors and erection of front boundary wall and gate	Approval	14/03/2024
23/01482/FUL	Full Application	55 Belper Road Derby DE1 3EP	Installation of replacement windows	Approval	13/03/2024
23/01505/FUL	Full Application	17 Nottingham Road Spondon Derby DE21 7NF	Two storey side extension to dwelling house (covered area, living space, pantry, bedroom, en-suite and shower room)	Approval	06/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01510/FUL	Full Application	6 Bramble Street Derby DE1 1HU	Demolition of outbuilding. Change of use from taxi office (Sui Generis) to a six bedroom (Maximum 6 occupants) house in multiple occupation (Use Class C4) including alterations to the front and rear elevations and erection of an annexe building plus new rear dormer and render to the front of the main dwelling - Retrospective application	Approval	12/03/2024
23/01533/FUL	Full Application	Land South Of 8 Blagreaves Lane Derby DE23 1BU	Erection of a dwelling house (Use Class C3)	Refused	21/03/2024
23/01557/FUL	Full Application	Mount Pleasant Lime Lane Derby DE21 4RF	Erection of detached garage	Approval	27/03/2024
23/01565/FUL	Full Application	61 Merchant Avenue Derby DE21 7NB	Single storey rear extension to dwelling house (utility, dining area, office, bedroom and en-suite) and erection of outbuilding (games room)	Approval	06/03/2024
23/01586/FUL	Full Application	Halliday House 2 Wilson Street Derby DE1 1PG	Change of use from offices (Use Class E(g)) to a nine bedroom (ten occupant) house in multiple occupation (Sui Generis)	Approval	01/03/2024
23/01611/TPO	Works to a tree with a TPO	Beechwood Court 70 Sidney Street Derby DE1 2TA	Felling of an Ash tree protected by Tree Preservation Order no. 271	Approval	11/03/2024
23/01617/FUL	Full Application	Hannah Fields Community Garden Normanton Lane Derby DE23 6GQ	Erection of single storey log cabin	Approval	20/03/2024
23/01624/FUL	Full Application	1 Boxmoor Close Derby DE23 3HN	Proposed demolition of conservatory, first floor side extension and single storey rear extension (Bedroom, bathroom and extended	Approval	04/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01634/FUL	Full Application	79 Sutton Avenue Derby DE73 6RJ	kitchen) First floor side extension to dwelling house (bedroom and enlargement of bedroom)	Approval	06/03/2024
23/01639/FUL	Full Application	227 Blagreaves Lane Derby DE23 1PT	Formation of a vehicular access	Approval	27/03/2024
23/01645/FUL	Full Application	35 Kedleston Road Derby DE22 1FL	Erection of outbuilding (garden room)	Approval	12/03/2024
23/01651/LBA	Listed Building Consent- Alterations/Demo	27 Iron Gate Derby DE1 3GL	Reconfiguration of the rear of the ground and first floors including removal of wall and installation of stud walls and refurbishment of the second floor	Approval	15/03/2024
23/01652/FUL	Full Application	36 Beeley Close Allestree Derby DE22 2PX	Single storey front and rear extensions to dwelling house (porch and garden room) and installation of render	Approval	15/03/2024
23/01661/LBA	Listed Building Consent- Alterations/Demo	1 St Peters Street Derby DE1 2AE	Internal and external alterations including replacement signage.	Approval	15/03/2024
23/01664/ADV	Advertisement Consent	1 St Peters Street Derby DE1 2AE	Display of various signage	Approval	15/03/2024
23/01694/LBA	Listed Building Consent- Alterations/Demo	Malt Shovel Potter Street Derby DE21 7LH	Installation of signage - retrospective application	Approval	26/03/2024
23/01698/VAR	Variation of Condition	Derby College The Roundhouse Roundhouse Road Derby DE24 8JE	Variation of condition 2 (approved plans) of previously approved planning permission Code No. 23/00889/FUL - Extension to the Stephenson Building	Approval	19/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01699/VAR	Variation of Condition	67 Church Lane Darley Abbey Derby DE22 1EX	Variation of condition 4 to amend the approved opening hours of previously approved planning permission 23/00597/FUL - Change of use from Framery (Use Class E) to café, deli and bar (Sui Generis use). Installation of a new shopfront, blocking up of a doorway and installation of new windows and replacement windows, installation of roof lanterns and an extraction flue.	Approval	08/03/2024
23/01708/FUL	Full Application	51 Church Lane Darley Abbey Derby DE22 1EX	Installation of dormers to the rear elevation to form rooms in the roof space (bedroom, shower room and storage). Demolition of detached garage and erection of new outbuilding (double garage, shower room, lobby and activity space)	Approval	19/03/2024
23/01720/FUL	Full Application	5 Handyside Street Derby DE1 3BY	Single storey rear extension to dwelling house (living room) - retrospective application	Approval	19/03/2024
23/01722/FUL	Full Application	39A Jackson Street Derby DE22 3SA	Change of use from Commercial, Business and Service (Use Class E(g)) to a nine bedroom (sixteen occupant) house in multiple occupation (Sui Generis) including installation of new windows and doors	Refused	05/03/2024
23/01723/TPO	Works to a tree with a TPO	Trees At The Rear Of 11 And 17 Lark Close Derby	Various works to two groups of Hawthorn trees protected by Tree Preservation Order no. 36	Approval	11/03/2024
23/01732/ADV	Advertisement Consent	Malt Shovel Potter Street Derby DE21 7LH	Display of various signage - retrospective application	Approval	26/03/2024
23/01737/TPO	Works to a tree with a TPO	Old Vicarage School 11 Church Lane Darley Abbey Derby DE22 1EW	Various works to trees protected by Tree Preservation Order no. 178	Approval	18/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
23/01742/FUL	Full Application	Mersey Court 3 Liverpool Street Derby DE21 6GE	First floor side extension to form an apartment (Use Class C3)	Refused	22/03/2024
23/01748/FUL	Full Application	39 Harriet Street Derby DE23 8EQ	Change of use of ground floor from residential (Use Class C3) to display or retail sale of goods (Class E(a)) including installation of a new shop front	Approval	14/03/2024
23/01749/FUL	Full Application	39 Harriet Street Derby DE23 8EQ	Rear first floor extension to dwelling house	Approval	12/03/2024
24/00001/PNRH	Prior Approval - Householder	20 Thornhill Road Derby DE22 3LX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.48m, height to eaves 2.58m) to dwelling house	Prior Approval Approved	04/03/2024
24/00007/FUL	Full Application	Land At The Rear Of 81 Allestree Lane Derby DE22 2HS (access Off Beaureper Avenue)	Erection of two bungalows (Use Class C3)	Refused	13/03/2024
24/00009/TPO	Works to a tree with a TPO	Queens Court Woodland Road Derby DE22 1GR	Removal of dead wood of an Oak tree protected by Tree Preservation Order no. 469	Approval	25/03/2024
24/00017/PNRHA	Prior Approval - Householder Class AA	16 Lark Close Derby DE23 2TE	Construction of an additional storey to the existing dwelling (maximum total height of 7.54 metres)	Prior Approval Approved	12/03/2024
24/00020/FUL	Full Application	23 St Marys Gate Derby DE1 3JR	Change of use from offices (Use Class E(g)) to four flats in multiple occupation (Sui Generis) (33 occupants) including a two storey rear extension, roof alterations, an additional floor and associated alterations	Refused	22/03/2024
24/00028/PNRH	Prior Approval -	24 Markeaton Street	Single storey rear extension (projecting	Prior Approval	04/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Householder	Derby DE1 1DW	beyond the rear wall of the original house by 5m, maximum height 3.7m, height to eaves 2.25m) to dwelling house	Approved	
24/00031/FUL	Full Application	10 Draycott Drive Derby DE3 0QE	Two storey side extension to dwelling house (W.C., pantry, enlargement of hall, kitchen/dining area, bedroom and bathroom)	Refused	13/03/2024
24/00033/ADV	Advertisement Consent	27 Iron Gate Derby DE1 3GL	Display of one halo illuminated fascia sign, one externally illuminated hanging sign and one non illuminated fascia sign	Approval	19/03/2024
24/00034/LBA	Listed Building Consent- Alterations/Demo	27 Iron Gate Derby DE1 3GL	Installation of three signs to the front elevation	Approval	19/03/2024
24/00035/FUL	Full Application	41 Windley Crescent Derby DE22 1BY	Two storey side and single storey rear extensions to dwelling house (store, lift space, dining area and en-suite), construction of new raised patio area, installation of render and cladding	Approval	19/03/2024
24/00037/FUL	Full Application	459 Uttoxeter New Road Derby DE22 3ND	Change of use from dwelling house (Use Class C3) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis) including a single storey rear extension	Refused	01/03/2024
24/00039/CLP	Lawful Development Certificate -Proposed	54 Percy Street Derby DE22 3WD	Change of use from dwelling house (Use Class C3) to a five bedroom house in multiple occupation(maximum six occupant) (Use Class C4) including a single storey rear extension, installation of a rear dormer and two rooflights to the front elevation	Approval	06/03/2024
24/00040/FUL	Full Application	1 Manor Road Chellaston Derby DE73 6RB	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	06/03/2024
24/00041/FUL	Full Application	24 Rannoch Close Allestree	Single storey side/rear extension to dwelling house (living and kitchen space)	Approval	12/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
24/00042/FUL	Full Application	Derby DE22 2SJ 9 Wadebridge Grove Derby DE24 0NF	Installation of an air source heat pump	Approval	11/03/2024
24/00046/FUL	Full Application	87 Radford Street Derby DE24 8NT	Single storey side extension to dwelling house (covered way) - retrospective application	Approval	12/03/2024
24/00050/CLP	Lawful Development Certificate -Proposed	McDonalds Restaurant Linville Close Derby DE21 7HX	Installation of two electrical upstand for recharging vehicles on temporary structures	Approval	06/03/2024
24/00052/FUL	Full Application	31 Lockwood Road Derby DE22 2JD	Single storey side and rear extensions to dwelling (bedroom, utility and lounge)	Approval	01/03/2024
24/00055/FUL	Full Application	14 Marchington Close Derby DE22 2XE	Change of use from dwelling (Use Class C3) to a residential care home for the care of one adult by professional support staff (Use Class C2)	Approval	11/03/2024
24/00057/PNRPV	Prior Approval - PV on Non-Domestic	Firstsource Riverside Road Derby DE24 8HY	Installation of 1400 roof mounted solar panels	Prior Approval Approved	08/03/2024
24/00061/FUL	Full Application	44A Mayfield Road Derby DE21 6FW	Change of use from dwelling (Use Class C3) to a residential care home for the care of two adults by professional support staff (Use Class C2)	Approval	11/03/2024
24/00062/CAT	Works to Trees in a Conservation Area	58 Arthur Street Derby DE1 3EH	Height reduction to 5-6m of a Mountain Ash tree within the Strutts Park Conservation Area - reduction to be maintained for a period of ten years	Raise No Objection	14/03/2024
24/00063/FUL	Full Application	British Car Auctions	Change of use from vehicle auction centre to	Approval	25/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Raynesway Derby DE21 7WA	Vehicle Sales Centre		
24/00064/PNRPV	Prior Approval - PV on Non-Domestic	Derbion Traffic Street Derby DE1 2PG	Installation of roof mounted solar panels	Approval	11/03/2024
24/00065/OUT	Outline Application	Garage Court Cobden Street Derby DE22 3GX	Demolition of garages. Residential development - eight flats in a two storey block (Use Class C3)	Application Withdrawn	20/03/2024
24/00066/FUL	Full Application	31 Parkside Road Derby DE21 6QR	Single storey front and rear extensions to dwelling house (canopy, W.C., living room, store and enlargement of hall) raising of the roof height of the existing single storey side extension and installation of render	Approval	19/03/2024
24/00068/CLP	Lawful Development Certificate -Proposed	4 Beeley Close Allestree Derby DE22 2PX	Single storey front and rear extensions to dwelling house and erection of outbuilding (garage/home office)	Approval	28/03/2024
24/00069/OUT	Outline Application	46 Winster Road Derby DE21 4JZ	Residential development - one dwelling (Use Class C3)	Refused	11/03/2024
24/00072/FUL	Full Application	Alstom Litchurch Lane Derby DE24 8AD	Erection of replacement 2.4m high galvanised steel palisade fencing and gates	Approval	01/03/2024
24/00081/VAR	Variation of Condition	13 Wilmington Avenue Derby DE24 0JD	Variation of condition 3 to amend the external materials of previously approved planning permission 22/01608/FUL - Single storey front extension to dwelling house (W.C. and enlargement of living space)	Approval	14/03/2024
24/00082/FUL	Full Application	120 Stanley Street	Single storey rear extension to dwelling house	Approval	18/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE22 3GW	(snug)		
24/00086/FUL	Full Application	38 Dulwich Road Derby DE22 4HG	Single storey front extension to dwelling house (porch and enlargement of lounge)	Approval	14/03/2024
24/00087/FUL	Full Application	39 Huntley Avenue Derby DE21 7DW	Two storey side/rear and single storey rear extensions to dwelling house (kitchen, bathroom and bedroom)	Approval	01/03/2024
24/00089/FUL	Full Application	52 Crayford Road Derby DE24 0HN	First floor side extension to dwelling house (bedroom)	Approval	28/03/2024
24/00090/PNRIA	Prior Approval - Commercial to Resi	Ground Floor Unit 5 Osmaston Road Business Park 279 Osmaston Road Derby DE23 8LD	Change of use from offices (Use Class E) to 16 apartments (Use Class C3)	Approval	14/03/2024
24/00095/FUL	Full Application	33 Ford Lane Derby DE22 2EY	Two storey side extension to dwelling house (kitchen/dining/living space, two bedrooms and bathroom)	Approval	14/03/2024
24/00096/FUL	Full Application	10 Quarndon Heights Derby DE22 2XN	Two storey and single storey rear extensions to dwelling house (living/dining space, utility and bedroom) and installation of a new window to the first floor side elevation	Approval	06/03/2024
24/00098/NONM	Non-Material Amendment	St Benedict Catholic Voluntary Academy Duffield Road Derby DE22 1JD	Non-material amendment to facilitate an updated drainage gully to previously approved planning permission 23/00826/FULPSI - Erection of a new teaching block, comprising specialist science classrooms, and replacement and extension of existing hard outdoor PE area	Approval	21/03/2024
24/00099/FUL	Full Application	37 Prestbury Close Derby DE21 2LT	Single storey side/rear extension to dwelling house (kitchen and utility) - retrospective application	Approval	19/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
24/00100/CAT	Works to Trees in a Conservation Area	71 Belper Road Derby DE1 3ER	Crown reduction by 1-2m, crown lift to give 4m clearance above ground level garden side and 5.5m clearance highway side and removal of deadwood and damaged limbs of a Canadian Oak tree within the Strutts Park Conservation Area	Raise No Objection	11/03/2024
24/00101/ADV	Advertisement Consent	Bus Shelter In Front Of 1222 London Road Derby DE24 8QL	Display of one internally illuminated single sided digital display screen	Approval	18/03/2024
24/00102/ADV	Advertisement Consent	Bus Shelter Adjacent To Former Rolls Royce Foundry Osmaston Road Derby DE24 8AE	Display of one internally illuminated single sided digital display screen	Approval	18/03/2024
24/00103/CAT	Works to Trees in a Conservation Area	121 Nuns Street Derby DE1 3LS	Removal of branches to give 1m clearance from the adjacent building of a Sycamore tree within the Friar Gate Conservation Area	Raise No Objection	08/03/2024
24/00104/FUL	Full Application	54 Byron Street Derby DE23 6TT	Single storey rear extension to dwelling house	Approval	06/03/2024
24/00112/NONM	Non-Material Amendment	Land North Of Snelsmoor Lane Derby DE73 6TQ	Non-material amendment to amend the Turner, Mason and Pargeter housetypes of previously approved planning permission 22/01894/RES - Residential development for up to 800 dwellings (Class C3) access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Class D1) with playing field, alongside open space including creation of country park (including footpath/cycleways, wildflower meadows, public orchard etc.) and Green Infrastructure network - approval of reserved matters of appearance, landscaping, layout and scale for 120 dwellings within Parcel C(Phase 4) under	Approval	21/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
			outline permission Code no. 04/13/00351		
24/00115/TPO	Works to a tree with a TPO	Faraway Tree Day Nursery Bedford Close Derby DE22 3HQ	Removal of epicormic growth up to 4m above ground level (to be carried annually for a period of 10 years), crown lift to provide 4m canopy clearance above ground level and pruning of canopy to provide 3m canopy clearance to the adjacent dwelling (to be carried out once every 2 years for a period of 10 years) of a Lime tree and crown lift to provide 4m canopy clearance above ground level (to be carried out once every 2 years for a period of 10 years), crown clean and crown reduction by 2m of an Acacia tree protected by Tree Preservation Order no. 533	Approval	25/03/2024
24/00116/FUL	Full Application	9 Sunningdale Avenue Derby DE21 7AE	Single storey rear extension to dwelling house (utility room and shower room)	Approval	06/03/2024
24/00119/FUL	Full Application	29 Hathersage Avenue Derby DE23 8DB	Erection of outbuilding (double garage)	Approval	20/03/2024
24/00122/FUL	Full Application	Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Erection of two modular buildings and covered walkway to provide reprovision of the cardiac catheter lab for a temporary period of 12 months	Approval	06/03/2024
24/00123/FUL	Full Application	Leniscar Lime Lane Derby DE21 4RF	Single storey front and rear extensions to dwelling (living room, bedroom and enlargement of bedroom and kitchen/dining area)	Approval	26/03/2024
24/00125/FUL	Full Application	2 Chellaston Road Derby DE24 9AE	installation of new windows, doors, roof lights and render	Approval	25/03/2024
24/00128/ADV	Advertisement Consent	2 Orient Way Derby DE24 8BY	Display of various signage	Approval	25/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
24/00135/FUL	Full Application	9 Gayton Avenue Derby DE23 1GA	Single storey rear extension to dwelling house (lounge), erection of outbuilding (garden room), boundary wall and gates	Approval	04/03/2024
24/00136/FUL	Full Application	85 Walbrook Road Derby DE23 8SA	Change of use from a six occupant house in multiple occupation (Use Class C4) to a six bedroom (nine occupant) house in multiple occupation (Sui Generis)	Approval	26/03/2024
24/00140/LBA	Listed Building Consent- Alterations/Demo	Nunnery Court Nuns Street Derby DE1 3LQ	Single storey extension to student accommodation building	Application Withdrawn	25/03/2024
24/00143/TPO	Works to a tree with a TPO	6 Deer Park View Derby DE21 7TL	Canopy reduction by up to 3m using reduction via thinning techniques of an Oak tree protected by Tree Preservation Order No 110	Approval	25/03/2024
24/00146/FUL	Full Application	39 Lincoln Avenue Derby DE24 8QY	Erection of an outbuilding	Approval	26/03/2024
24/00147/FUL	Full Application	8 Latrigg Close Derby DE3 9NR	First floor side extension to dwelling house over existing garage (bedroom & bathroom)	Approval	01/03/2024
24/00155/CAT	Works to Trees in a Conservation Area	26 Gascoigne Drive Derby DE21 7GL	Felling of two Pine trees within the Spondon Conservation Area	Raise Objection	08/03/2024
24/00162/CAT	Works to Trees in a Conservation Area	66 Belper Road Derby DE1 3EN	Crown reduction by 2m in height and 1.5m lateral spread of a Magnolia tree within the Strutts Park Conservation Area	Approval	25/03/2024
24/00165/PNRH	Prior Approval - Householder	13 Catherine Street Derby DE23 8HS	Single storey rear extension (projecting beyond the rear wall of the original house by 5.85m, maximum height 3.4m, height to eaves 2.25m) to dwelling house	Prior Approval Not Required	01/03/2024
24/00166/FUL	Full Application	34 Albany Road Derby	Demolition of existing garage and store. Two storey side and rear extensions to dwelling	Approval	01/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 3LW	house together with installation of new windows to the side elevations		
24/00168/FUL	Full Application	35 Kingsley Road Derby DE22 2JJ	Roof alterations to include installation of front dormer window and rear extensions to dwelling house	Approval	19/03/2024
24/00169/FUL	Full Application	65 Rykneld Road Derby DE23 4BH	Single storey front extension to dwelling house (enlargement of hall and lounge)	Approval	28/03/2024
24/00176/CLP	Lawful Development Certificate -Proposed	23 Meadow Lane Chaddesden Derby DE21 6PW	Hip to gable roof conversion and installation of a dormer to the rear elevation	Approval	21/03/2024
24/00178/PNRH	Prior Approval - Householder	86 May Street Derby DE22 3UP	Single storey rear extension (projecting beyond the rear wall of the original house by 5.1m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Approved	01/03/2024
24/00183/FUL	Full Application	14 Farncombe Lane Derby DE21 2AY	Single storey front extension to dwelling (porch)	Approval	28/03/2024
24/00188/PNRH	Prior Approval - Householder	66 King Alfred Street Derby DE22 3QJ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	04/03/2024
24/00194/CLP	Lawful Development Certificate -Proposed	8 Scarsdale Avenue Littleover Derby DE23 6ER	Installation of a new internal staircase, formation of rooms in the roof space and installation of two replacement rooflights	Approval	01/03/2024
24/00196/FUL	Full Application	3 Park Road Mickleover Derby DE3 0EL	Single storey rear extension to dwelling house (sitting room and enlargement of kitchen)	Approval	19/03/2024
24/00198/CAT	Works to Trees in a	St Christophers Court	Various works to trees within the Friar Gate	Raise No Objection	25/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Conservation Area	Ashbourne Road Derby DE22 3FY	Conservation Area		
24/00199/FUL	Full Application	Chilterns 52 Hollowood Avenue Derby DE23 6JD	Single storey front and rear extensions to dwelling (enlargement of garage, kitchen and living room)	Approval	21/03/2024
24/00211/FUL	Full Application	248 Stenson Road Derby DE23 1JL	Single storey side and rear extensions to dwelling house (study/games room and lounge)	Approval	26/03/2024
24/00221/FUL	Full Application	1 Eaton Close Derby DE22 2FD	Extensions and alterations to dwelling house including raising of the roof height, installation of a rear dormer and second floor side elevation windows	Approval	26/03/2024
24/00226/FUL	Full Application	7 Park Lane Allestree Derby DE22 2DT	Single storey side extension to dwelling house (family space)	Approval	14/03/2024
24/00236/PNRH	Prior Approval - Householder	118 Stenson Road Derby DE23 1JG	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	21/03/2024
24/00238/NONM	Non-Material Amendment	Kingsway Hospital Kingsway Derby DE22 3LZ	Non-material amendments to previously approved planning permission 22/01365/VAR - Demolition of existing warehouse and storage yard and construction of a new mental health facility and energy centre, associated landscaping, groundworks, parking, and access arrangements	Approval	27/03/2024
24/00243/FUL	Full Application	20 Elm Grove Chaddesden Derby DE21 6SF	Two storey and single storey extensions to dwelling house and installation of a dormer to the rear elevation	Approval	27/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
24/00246/FUL	Full Application	30 Fenton Road Derby DE3 0EP	Single storey side extension to dwelling (dining area, bathroom and enlargement of hall)	Approval	27/03/2024
24/00247/FUL	Full Application	40 Vicarage Road Mickleover Derby DE3 0EB	First floor extension to dwelling house	Approval	27/03/2024
24/00249/VAR	Variation of Condition	Thornhill Lodge Guest House 6 - 8 Thornhill Road Derby DE22 3LX	Variation of condition 2 to amend the approved floor plans to include an extra bedroom at ground floor level of planning permission 23/00405/FUL - Change of use of dwelling to guest house and alterations to entrance	Application Withdrawn	11/03/2024
24/00259/FUL	Full Application	20 Hillsway Littleover Derby DE23 3DS	Two storey and single storey rear extensions to dwelling house (bedroom and enlargement of living space and kitchen/dining area)	Approval	27/03/2024
24/00266/FUL	Full Application	51 Park Farm Centre Park Farm Drive Derby DE22 2QQ	Alterations to shop front and installation of eight air conditioning condenser units at roof level	Approval	21/03/2024
24/00267/ADV	Advertisement Consent	51 Park Farm Centre Park Farm Drive Derby DE22 2QQ	Display of two internally illuminated fascia signs	Approval	21/03/2024
24/00285/NONM	Non-Material Amendment	Sir Peter Hilton Court Agard Street Derby DE1 1RG	Non-material amendment to amend the approved plans of previously approved planning permission 22/00421/FULPSI - Erection of an academic building (part five and part seven storey), with associated ancillary uses, accessible parking, infrastructure and hard and soft landscaping	Approval	21/03/2024
24/00288/NONM	Non-Material Amendment	Derby Triangle Wyvern Way	Non-material amendment to amend the approved plans of previously approved	Approval	21/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 6YH	planning permission 22/01000/RES - Reserved matters application pursuant to outline planning permission ref. 19/00491/OUT providing details of scale, layout, appearance and landscaping in respect of Phase 3 - Erection of four commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure		
24/00290/NONM	Non-Material Amendment	28 Greenland Avenue Derby DE22 4AP	Non-material amendment to amend the internal layout and external doors and windows previously approved planning permission 23/01387/FUL - Single storey rear extension to dwelling house	Approval	21/03/2024
24/00307/PNRH	Prior Approval - Householder	145 Watson Street Derby DE1 3SJ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	25/03/2024
24/00310/PNRH	Prior Approval - Householder	57 Francis Street Derby DE21 6DD	Single storey rear extension (projecting beyond the rear wall of the original house by 4.15m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	25/03/2024
24/00311/PNRH	Prior Approval - Householder	52 Ravenscroft Drive Derby DE21 6NX	Single storey rear extension (projecting beyond the rear wall of the original house by 5.2m, maximum height 3.5m, height to eaves 2.3m) to dwelling house	Prior Approval Not Required	27/03/2024
24/00316/FUL	Full Application	18 Arundel Avenue Derby DE3 9BX	Single storey side/rear extension to dwelling house (utility and W.C.) and alterations to the existing single storey rear projection	Approval	27/03/2024
24/00329/PNRH	Prior Approval - Householder	70 Lewis Street Derby DE23 8BY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.6m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	27/03/2024
24/00331/NONM	Non-Material Amendment	2 Burghley Way	Non-material amendment to omit the railings	Approval	26/03/2024

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 4TD	for fence panels in respect of the boundary wall of previously approved planning permission 23/00168/FUL - Single storey extension to outbuilding (office) and erection of boundary wall and gates		