



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**1 June 2023**

# ITEM 10

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:

<b>Role</b>	<b>Name</b>	<b>Date of sign-off</b>
<b>Legal</b>		
<b>Finance</b>		
<b>Service Director(s)</b>		
<b>Report sponsor</b>	Paul Clarke	19/05/2023
<b>Other(s)</b>	Ian Woodhead	19/05/2023

<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Development Control Report

**Planning Control Committee 01/06/2023**  
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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
10.1	1 - 80	23/00087/OUT	Bradshaw Retail Park Bradshaw Way Derby	Demolition of existing buildings. Erection of a phased mixed-use development including residential, commercial and office floor space (Use Classes C3 and E); servicing; car and cycle parking provision; hard and soft landscaping works; and other associated works.	<p><b>A.</b> To refer the application to the Secretary of State for Department for Levelling Up, Housing and Communities, in accordance with Paragraph 6 of the Town &amp; Country Planning (Consultation) (England) Direction 2021 due to the objection from Historic England.</p> <p><b>B. Subject to that referral not generating a call-in for determination by the Secretary of State, to authorise</b> the Director of Planning, Transport and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and <b>to authorise</b> the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.</p> <p><b>C.</b> To authorise the Director of Planning, Transport and Engineering to grant permission upon conclusion of the above Section 106 Agreement.</p>
10.2	81 -101	22/01337/FUL	16 - 17 Friar Gate Derby	Change of use from restaurant (Use Class E) and erection of a two storey extension to form four apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)	<b>To grant</b> planning permission with conditions.

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10.3	102 - 116	22/01338/LBA	16 - 17 Friar Gate Derby	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations	<b>To grant</b> Listed Building Consent with conditions.
10.4	117 - 140	23/00220/FUL	College Park Normanton Road Derby	Erection of a drive through unit (Sui Generis)	<b>To grant</b> planning permission with conditions.
10.5	141 - 146	23/00461/FUL	3 Enfield Road Derby	Erection of annexe	<b>To grant</b> planning permission with conditions.

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**Application No: 23/00087/OUT**

**Type: Outline (all matters reserved)**

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### **1. Application Details**

**1.1. Address:** Bradshaw Retail Park, Bradshaw Way, Derby

**1.2. Ward:** Arboretum Ward

#### **1.3. Proposal:**

Demolition of existing buildings. Erection of a phased mixed-use development including residential, commercial and office floor space (Use Classes C3 and E); servicing; car and cycle parking provision; hard and soft landscaping works; and other associated works.

#### **1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00087/out>

##### **Brief description**

This outline planning application, with all matters reserved, seeks permission to demolish the existing retail units on the Bradshaw Way Park site and erect a phased mixed-use development which would comprise residential, commercial and office floor space (use classes C3 and E). The development would also include the development of ancillary and associated works including hard and soft landscaping, car parking, servicing and cycle parking.

The application site is currently occupied by a terrace of retail units currently occupied by 'Matalan' and 'Home Bargains' with a vacant unit, subject to a pending planning application, under code no. 23/00493/FUL, which seeks alterations to the shop front.

The existing units are of a two-storey scale offering little in architectural merit and dominated by car parking broken by limited low level landscaping. The existing retail units are serviced off Bourne Street.

Members will be familiar with the site which is located in a prominent gateway location to the city centre. The site is an irregular shape and covers an area of some 1.09 hectares.

In terms of context, to the north of the application site is the Derbion shopping centre a substantial building with roof top car parking, to the east is the Nightingale Quarter residential development with a series of apartment blocks framing Bradshaw Way and its junction with London Road. To the south is mixed use area of Osmaston Road with its mix of residential and commercial uses which also run to the west of the application site.

The built context near to the application site is evolving particularly as a result of the large residential development on the former Derbyshire Royal Infirmary site, Nightingale Quarter and Castleward developments. The proposal would signify the commencement of regeneration within the core city centre, in the south creating a link of investment across the ring road.

There are a number of trees around the periphery of the application site, along Bradshaw Way which are not subject to a Tree Preservation Order. There are no

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designated heritage assets on the application site. There are a number of designated heritage assets near to the application site including:

- Locally Listed - Victoria Chambers 52-56 London Road
- Grade II Liversage Almshouses London Road
- Grade II Florence Nightingale Statue
- Grade II Walls and Railing fronting London Road

The impact of the proposed development on the aforementioned designated and non-designated heritage assets will be considered in further detail in Section 7 of this report.

Consideration will also be given to the impact of the development on the Derby skyline and heritage assets in the wider setting including the Grade I Cathedral. The application site is not located within a conservation area. The Hartington Street Conservation Area is located some 75 metres to the south-east.

During the life of the application officers have provided detailed guidance on the content of the consultation responses. The applicant has sought to address and provide clarification on matters relating to the potential impact on heritage assets and the city's skyline and highways and access matters.

The recent consultation responses of consultees are set out in Section 5 of this report. All superseded consultation responses can be viewed on the application weblink.

The application, as updated, seeks permission for the demolition of the existing retail units and the erection of a phased development. The application is in outline with all matters reserved, therefore all plans and precise details of the access, appearance, landscaping, layout and scale are indicative at this stage. That being said, the application seeks to secure parameters and therefore the impacts of the development have been assessed as upper limits, in particular the scale of development.

This development forms part of the Derbion Masterplan which seeks to unlock the development potential of this site and the Eagle Quarter application (Eagle Centre Market), under code no. 23/00086/OUT, together with other projects, such as the Eastern Gateway and investment into the existing Derbion shopping centre as a retail and leisure destination.

The application would be residential led with complementary commercial uses and improved public realm, comprising the following components:

- *Up to 420 homes;*
- *Up to 4,695 sqm GEA of office space;*
- *Up to 477 sqm GEA of commercial space; and*
- *Up to 2,052 sqm GEA of parking, servicing and ancillary space.*

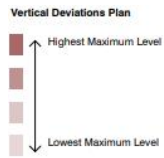
The indicative form and layout of the development has evolved from the preliminary application stage as summarised within the Design and Access Statement following early consultation with consultees, stakeholders and third parties. The scheme evolution has also considered the topography of the site, its wider context, the city's skyline along with the site's constraints and opportunities.

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The proposed development would be set across various buildings/blocks of differing heights as indicated on the Proposed Parameter Plan 05 – Vertical limits of Deviation Plan:



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Table 4.1 Quantum of development within each block sets out the maximum heights, land uses, use classes, floorspaces and number of residential units for each block (Page 7, Planning Statement):

Block	Maximum Number of Storeys	Max AOD (metres)	Land Use	Use Class	Floorspace GEA (sqm) by use	Total floorspace GEA (sqm)	Total Residential Units
Block 01	5 + plant and roof access	80.72	Office	Class E	4,695	4,695	-
Block 02	13 + plant and roof access	98.00	Residential	Class C3	8,792	9,021	99
			Commercial	Class E	229		
Block 03	19 + plant and roof access	113.00	Residential	Class C3	13,519	13,680	144
			Commercial	Class E	161		
Block 04	13 + plant and roof access	95.00	Residential	Class C3	8,398	8,485	96
			Commercial	Class E	87		
Block 05	10 + plant and roof access	86.00	Residential	Class C3	6,861	8,913	81
			Car park	Sui generis	2,052		
Total						44,794	420

The application is supported by a suite of parameter plans which seek to secure the limits of the development in terms of distances between blocks, the heights of blocks and land uses:

- Proposed Parameter Plan 01 – Principal Land Use Ground Floor Rev P02
- Proposed Parameters Plan 02 – Principal Land Use – Upper Floor Rev 02
- Proposed Parameters Plan 03 – Horizontal limits Deviation Plan Ground Floor Rev 02
- Proposed Parameters Plan 04 – Horizontal limits Deviation Plan Ground Floor Rev 02
- Proposed Parameters Plan 05 – Vertical limits Deviation Plan Rev 02
- Proposed Parameters Plan 06 – Landscape and Open Spaces Rev 02



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The illustrative masterplan should be reviewed in conjunction with the above parameters plans. Indicatively, the illustrative masterplan sets out a development based on the individual blocks/buildings with interlinked public realm areas improving connections to the surrounding area and within the development itself.

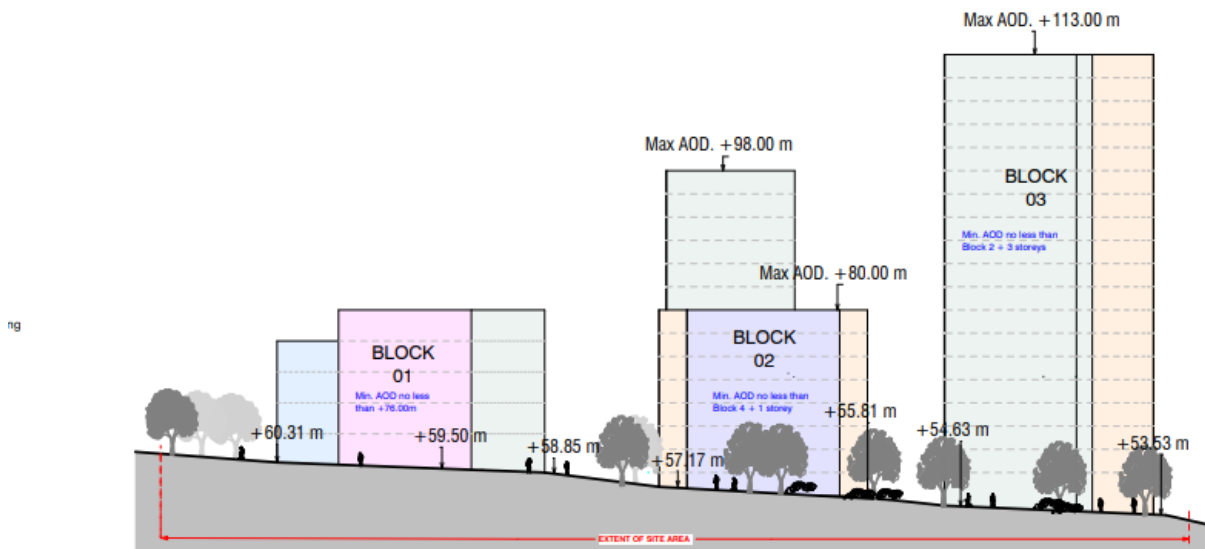


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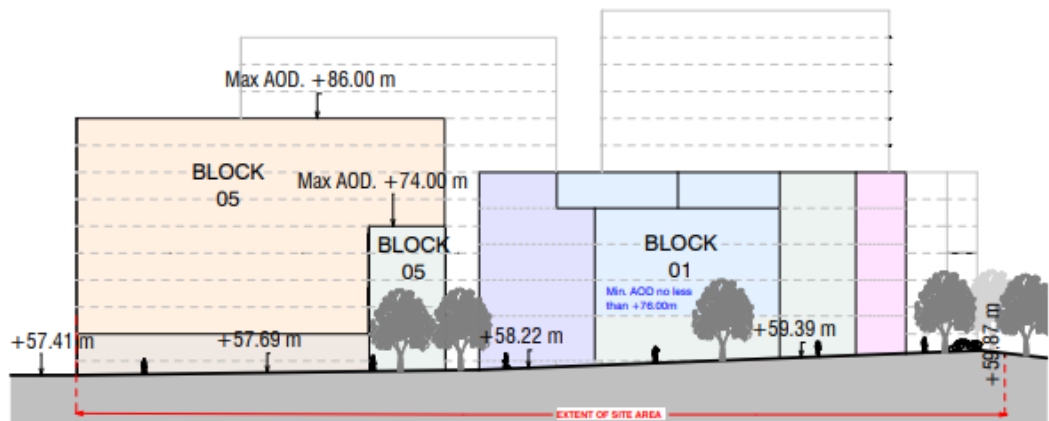
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When considering the building heights the application considers the existing topography of the site, siting the taller buildings at the lower land levels with building heights reducing as land levels rise as illustrated on the Parameter Elevations 1 & 2 below.



1 07 Proposed Parameter Elevations 1



2 07 Proposed Parameter Elevations 2

The application is accompanied by a suite of technical and design documents some of which have been updated and amended during the life of the application. The application is in outline with all matters reserved. Therefore, all details are illustrative at this stage and the parameters plans show the upper limits of the development in terms of heights and the distance between the blocks. Details relating to access and servicing are also indicative at this stage.

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### Environmental Impact Assessment

Prior to the submission of this application the applicant sought to screen the development to ascertain whether an Environmental Impact Assessment would be required. The full screening request, consultation responses and the Council's response can be viewed on the following link:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=22/01901/EIA>

Planning Practice Guidance for Environmental Impact Assessments states that:

*“It should not be presumed that development above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its own merits”.*

In conclusion, whilst the proposed development is considered to be 'Schedule 2 Development' requiring screening under the Regulations it is determined that it is not likely to have any significant effects on the environment, above the local level or that cannot be adequately controlled or mitigated for.

Accordingly, it is determined that the 'Proposed Development' described in the screening request is not an EIA development within the meaning of the Regulations and therefore an Environmental Impact Assessment is not considered to be necessary for this proposal. This opinion has had regard to the relevant EU Directives, the 2017 Regulations and current guidance.

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

<b>Application No:</b>	22/01901/EIA	<b>Type:</b>	The Town & Country Planning (Environmental Impact Assessment) Regulations 2017. Regulation 6(2).
<b>Decision:</b>	Environmental Impact Assessment not required	<b>Date:</b>	12.01.2023
<b>Description:</b>	Environmental Impact Assessment Screening Opinion Request in respect of preliminary proposals for the redevelopment of the site to provide up to 400 residential dwellings, a maximum of GFA 47,000sqm, maximum height 61 metres (19 storeys). Proposed uses may include retail, leisure, office, community and food/beverages.		

Weblink to application:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=22/01901/EIA>

<b>Application No:</b>	23/00493/FUL	<b>Type:</b>	Full Planning
<b>Decision:</b>	Decision Pending	<b>Date:</b>	Decision Pending
<b>Description:</b>	Alterations to retail unit to include installation of screens and double doors.		

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### **3. Publicity:**

- Neighbour Notification Letter sent to 14 properties
- Site Notice erected 24 January 2023 on Traffic Street, corner of Osmaston Road/Bourne Street and on the Bradshaw Way Retail
- Statutory Press Advert published 27 January 2023

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

#### **Pre-submission Publicity**

Prior to the submission of the application the applicant carried out a series of local community engagements including:

- Leaflet drop
- Website
- Press Release
- In-person exhibition (2<sup>nd</sup> and 3<sup>rd</sup> December)
- Stakeholder engagement with the Design Review Panel, Environment Agency, Historic England, Derby Civic Society, Derwent Valley Mills Partnership, Victorian Society, St Peters Quarter BID, Cathedral Quarter BID, Derby Cathedral, Derbyshire Constabulary, Marketing Derby, University of Derby, elected Members and MP's Amanda Salloway and Dame Margaret Becket along with existing tenants of the building(s).

The outcome of the public engagement is summarised within the submitted [Statement of Community Involvement](#).

Overall, it states... "The response to the questionnaires demonstrates a high level of public support for, or agreement to, the redevelopment of the Bradshaw Way site and the wider proposals presented in the Derbion Masterplan,"

The pre-submission engagement allowed the applicant the opportunity to discuss the scheme with stakeholders and to address comments and concerns, stakeholders raised, within the suite of documents submitted in support of the outline planning application.

**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.***

This application has attracted 10 letters of representation 5 in support of the proposal and 5 in objection to the proposal, these are summarised as follows:

**Summary of Objection Representations**

- Difficult to assess the impact of the proposal given the limited information within the application,
- Any tall buildings could impact on television signals,
- Concerns that the red edge of the application encroaches onto third party land which could have an impact on the public highway,
- The proposals are too high for the City they should be no higher than 10 storeys,
- Concerns about fire risk and fire safety,
- Limited details about refuse collection and recycling,
- Number of residential units should be reduced,
- The application site is located in close proximity of a busy and heavily polluted road which will have an impact on residents' health,
- The homes would not be for families as there is limited access to outdoor space,
- The proposed buildings would have a negative impact on the skyline and heritage assets including the Cathedral,
- There are known parking issues in this area,
- Will there be sufficient amenities for the residents such as a doctor surgery,

**Summary of Support Representations**

- The site is of extremely poor quality and do not provide a great welcome to the city in a gateway location,
- The proposals will transform the city centre which would be a positive,
- The proposal would introduce much needed housing into the City Centre on brownfield land,
- The proposal would generate economic, social and regeneration benefits which would be given great consideration,

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- Increased footfall in the City Centre,
- The proposal will create opportunities for improving links across Bradshaw Way and improving connectivity from the neighbouring Nightingale Quarter development,
- Regeneration of the City Centre should be supported,
- The scheme will complement an area already undergoing significant investment and regeneration,
- The development will improve a gateway location,
- Consideration will need to be given to the final scheme and opportunities for improving biodiversity,

## **5. Consultations:**

### **5.1. Transport Planning:**

#### **1.0 Introduction and Background**

This application is outline with all matters reserved. It sets out the principle of the development including the scale and land use profile. However, because the scope of any section 106 agreements must be agreed at the outline stage, a travel plan and assessment of the wider off-site impacts has been undertaken. As such, any mitigation required, to make the quantum of development contained in this application acceptable in transport terms, has been assessed and the schemes either conditioned or are set out in the Section 106 agreement.

In summary, the above application is for an outline masterplan that includes 420 flats, 4659 sqm of Class E Office space, 477 sqm GFA of E Class Commercial, and servicing and ancillary space. The latter is ancillary to the residential and is likely to be small retail or coffee shop style outlets. The principle of the development is to create low car apartments for city centre living. In total the development will include 54 parking spaces for residents, which equates to a parking ratio of 0.13 spaces per flat.

As such, the issue for this application is not it's impact on the wider transport network. It is whether, given the type of development and location that there is sufficient access opportunity by sustainable travel modes, for this development to work as a high density and low car design.

The cumulative implications of any elements of the scheme delivered or committed will be dealt with through an extant Reserved Matters (RM) approval. The Section 106 Agreement will enable a comprehensive review of potential obligations at each RM stage.

#### **1.2 Local Planning Policy**

Derby City Local Plan Part 1 – The development site is in the City Centre, within the Core Area of the Central Business District Boundary. This should be noted because of policies within the Derby City Core Strategy on transport.

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AC4 is a specific transport and accessibility policy on development within the City Centre. The Local Plan policy states the following about developing sites in the City Centre, and that the Council will:

- (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.
- (f) seek to ensure a sufficient level of good quality and accessible public parking, subject to meeting sustainability objectives.

Further AC4 states that, the city centre is extremely accessible and has a significant amount of public parking available. New development should not always, therefore, require the maximum number of spaces that would be suggested by the standards set out in Appendix C. The Council will, therefore, be generally supportive of proposals for lower levels of parking

### **2.0 Assessment against the 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.

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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.

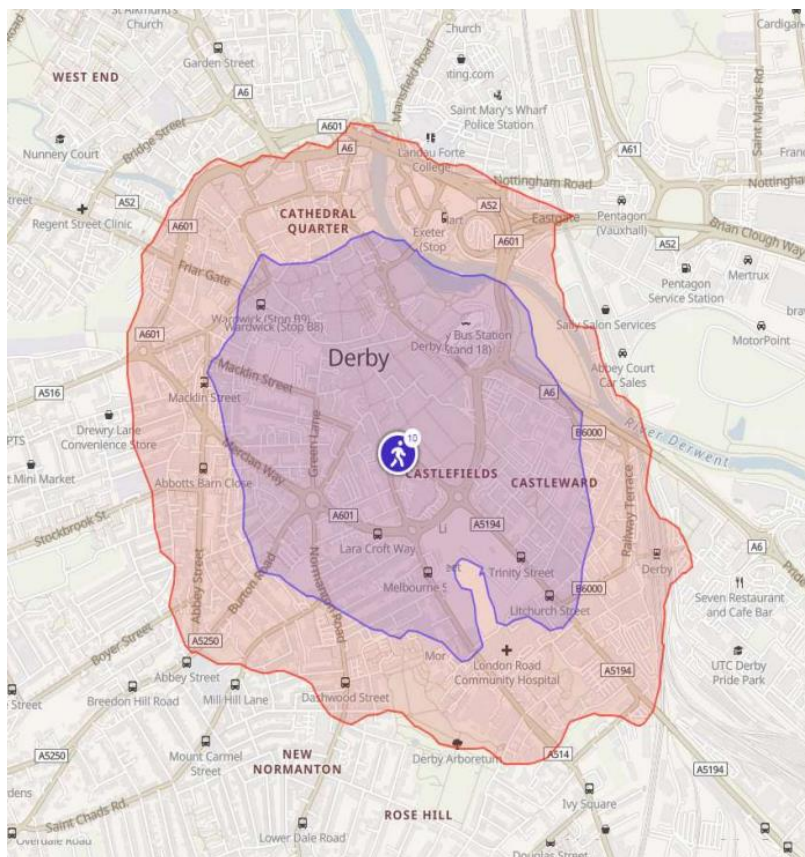
Considering the above criteria, Highways Development Control has the following comments:

#### **2.1 Opportunities for Sustainable Transport**

The NPPF has a presumption in favour of sustainable development and consequently is seeking to influence the developer to put in place measures to provide opportunity and to encourage future residents to travel by non-car modes, wherever this is realistic and feasible i.e., measures to encourage walking, cycling and travel on public transport.

#### **Non-Motorised Users**

Located in the city centre, this development is perhaps in the most sustainable location that can be defined in planning terms. The main city transport hubs are within 10 minutes' walk of the development. Further, residents will have access to a wide range of food and non-food retail, leisure, restaurants, health, and service facilities. Figure 1 provides a map of the location of the development, showing the locations accessible by foot within 10 and 15-minute journey times.



**Figure 1: Development Site Location and walking journey times of 10 and 15 minutes**



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On average a person walks around 1.4 metres per second. On this basis a 20-minute walk distance is around 1.7 kilometres or 1 mile. Presently, this means that the whole of the city centre is within a 1-mile walking distance of the development site. Indeed, the Derbion Centre, and all the facilities that it offers, will be on the doorstep of this development.

Derby Bus Station will also be within a walkable distance of the development, as well as the numerous bus services that stop on Osmaston road, providing access to the whole of the city and beyond to destinations in the rural market towns and villages that surround Derby.

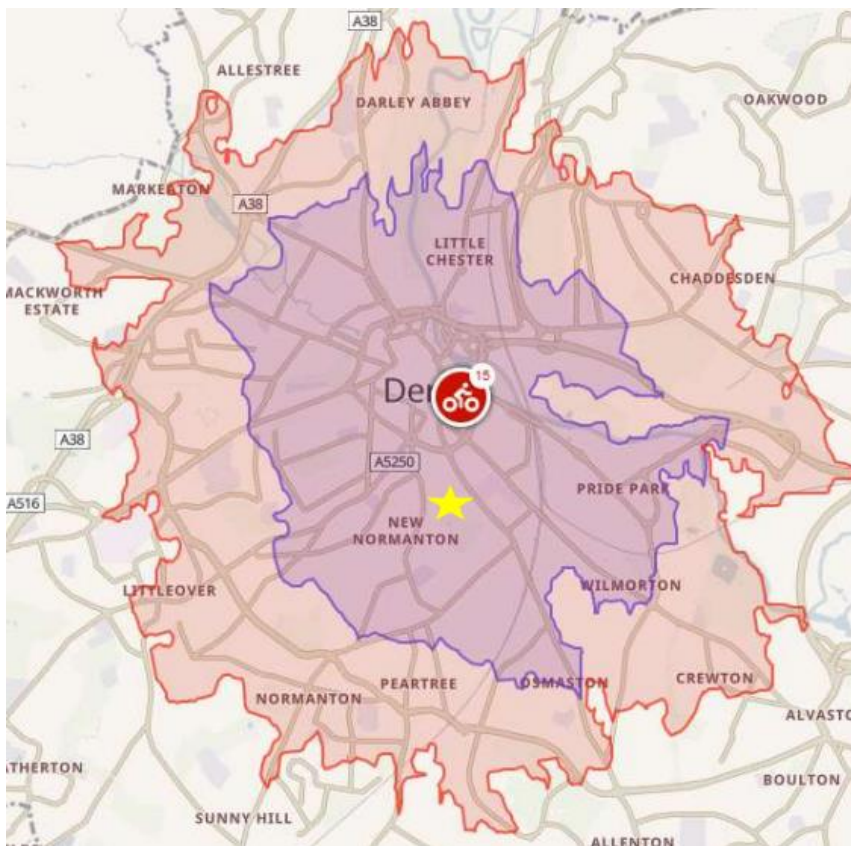
Derby Rail Station is within a 11-minute walk of the development site and provides a large range of local and national rail services. These include frequent services to Nottingham, Birmingham, Sheffield, and London. The speed of services to London will potentially be enhanced in the future if the plans for HS2 are realised with current proposals to provide two services per hour to Derby Station.

Cycling is one of the most sustainable forms of transport, and increasing its use has great potential. To release this potential, highways, public spaces, and other rights-of-way need to be organised accordingly.

**Figure 2** shows the 10 and 15-minute journey times and the locations that can be reached by bicycle within those journey times. A benefit of the proposed development location is the convergence of the transport network in the City Centre. For cycling this means a network of relatively quiet roads, cycle priority and traffic free routes through the City Centre that link the development to the radial routes beyond.

More locally, there are segregated off-road routes that were constructed as part of Connecting Derby and the new inner ring road. National Route 6 is located approximately 500 metres to the north-east of the site and provides links to Pride Park, eventually picking up the off-road riverside route to Borrowash and south via the old canal route to Osmaston, Boulton and Chellaston. Northwards Route 54 provides a link to Chester Green, Darley Abbey and beyond to Little Eaton.

The application is in outline and as such the proposals are not detailed in terms of cycle provision. However, it will be conditioned that a detailed travel plan must be submitted with the first detailed application and that this includes certain initiatives with the development. For example, that a certain level of secure cycle parking and maintenance facilities for cyclists are provided, such as a bike pump. It is clear from the location of this development that cycling is a viable option, and that potentially more could be achieved.



**Figure 2: Cycle Network in Relation to the Proposed Development**

**Travel Plan**

A Travel Plan will be provided for the development. This will be secured by condition and the detail of what will required included in the Section 106 agreement. For example:

- A mechanism that identifies how a travel plan will be delivered across the whole site and who is responsible.
- A Travel Plan Co-ordinator who will be employed before the occupation of the first flat and identified in writing to the LPA.
- Submission timeframe for the Travel Plan.
- Known committed initiatives, such as:
  - A large secure cycle area within the car park for residents and employees; or space provided with the flats for residents.
  - Cycle maintenance facilities and provision of electric charge points for cycles.
  - Trial bus tickets.
  - Commitment to provide car club scheme.
  - Marketing Strategy including information packs, website, travel campaigns, e-notice boards, and newsletters.

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- Travel Plan targets.
- Monitoring and Survey schedule, to include monitoring of car park usage and a report that identifies what actions have been delivered.
- Parking Management Plan.
- Marketing Strategy, including induction Pack and on-line web page.
- 5% of spaces have EV charging available.
- Action Plan detailing initiatives and programme of delivery.
- Monitoring strategy first survey within 3 months of first occupation of the development. Subsequently, annually on the anniversary of the initial survey, until 3 years after first occupation of the last unit.

It is proposed that a penalty clause is included for non-delivery of the travel plan and that an annual monitoring fee is requested to coincide with the monitoring programme.

It is considered that the applicant has done as much as can reasonably be expected to make this site sustainable.

### **2.2 Safe and suitable access to the site can be achieved for all people**

Although this application is outline only and access will be a reserved matter, meaning that access is not determined at this stage, the details provided with the application are therefore indicative only. These observations are primarily made on the basis of the following submitted information:-

Drawing 0004 Rev P01 ~ Illustrative Proposed Masterplan ' Ground Level.

Design and Access Statement Part 2.

Transport Statement (TS).

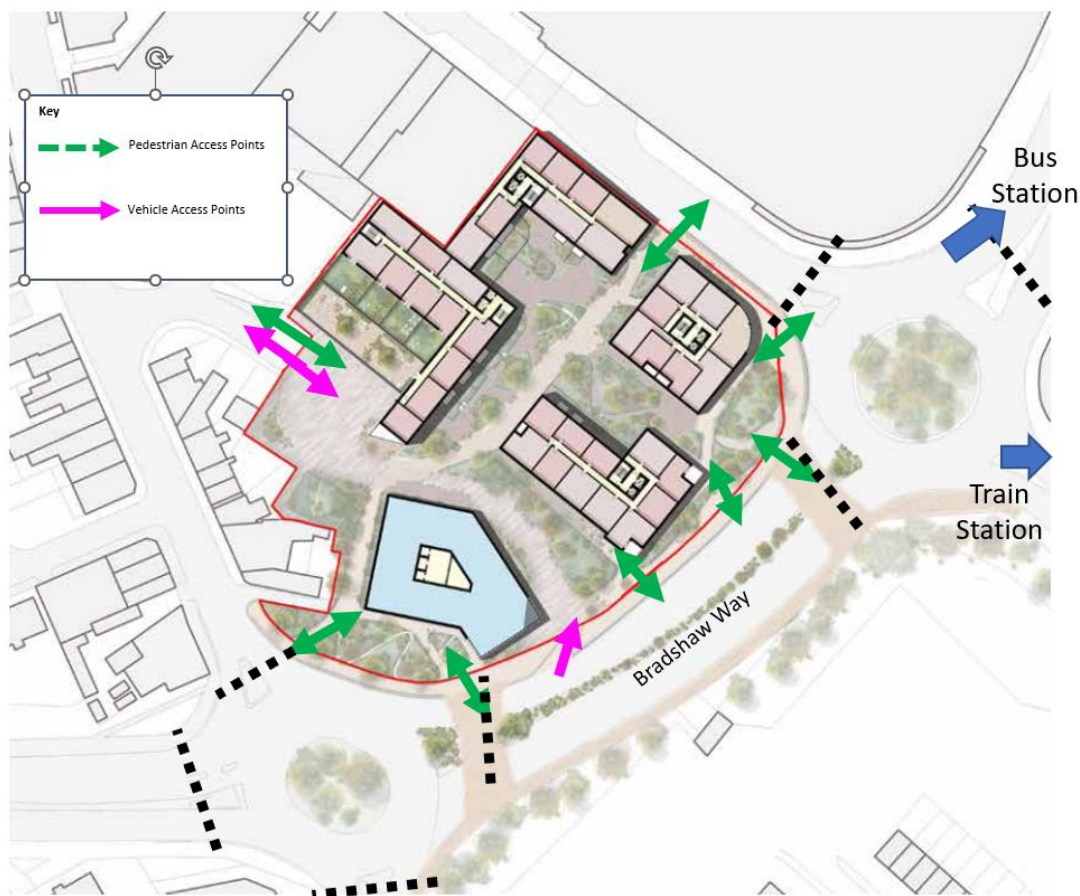
Demolition and Construction Management Plan.

It is likely that the development will use the existing access points from Bradshaw Way and Osmaston Road as its main access point for residents parking and servicing.

**Figure 3** below shows the proposed outline development access layout in the context of the masterplan.

The TS states 'Access Proposals and Layout In the development proposals, Bradshaw Way Retail Park has an entry point for vehicles to the west side of the site. This can be accessed via Osmaston Road. This entry will lead vehicles to the onsite split-level parking. There is another entry point to the south of the site, accessed by turning off Bradshaw Way, this entrance leads traffic through the site, eventually guiding drivers into the single on-site split-level parking. Refuse collection vehicles and delivery vehicles must enter the site via the Osmaston Road entrance, to the west of the site; this gives them easy access to the servicing area which is positioned on the west side of the site. No access is to be made for refuse vehicles and delivery vehicles from Bradshaw Way.

Pedestrian access will be provided at numerous points allowing permeability between the public realm space within the development and the surrounding area.



**Figure 3: Proposed Access Strategy**

As access is a reserved matter, there is not too much detail that needs to be conditioned as part of this application. However, a condition will be included that sets out with any detailed application that a masterplan is provided, which shows the proposed layout of the site including all pedestrian and cycle links. Further, that general layout plans, at an appropriate scale, are provided of any access and service arrangements, including swept paths to show that such arrangements work and do not cause safety problems with access or egress to and from the highway.

**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 considered) should be mitigated if it is affordable in the context of the value of the development. The Government does not define 'severe impact'. Officers take the view that in this context 'severe' relates to congestion but can also relate to safety.

**Transport Assessment**

Although the planning application is outline with all matters reserved, any wider mitigation, and potential mitigation through either Section 106 or Section 278 agreements, needs to be established at the outline stage. As such, an assessment of

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the wider traffic impacts has been undertaken and a Transport Assessment submitted with the application.

### Traffic Generation

The proposed development specifically includes 420 flats, 4659 sqm of Class E Office space, 477 sqm GFA of E Class Commercial, and servicing and ancillary space. The total Gross External Area of the proposal is 44,794sqm. The principle of the development is to create low car-based apartments for city centre living.

Traffic generation has been calculated using the industry standard database TRICs and applied to each of the separate land uses. **Table 2** below sets out the traffic generation and shows a comparison between the existing and proposed uses. The trips used to calculate these trips are based on those contained in the industry standard trip analysis database TRICS.

	Existing		Proposed		Difference	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Am Peak (08:00 – 09:00)	24	7	139	103	115	96
Pm Peak (17:00- 18:00)	45	73	116	159	70	86

**Table 2: Comparison of Traffic Generation from the Transport Assessment**

**Table 2** shows that the development proposal generates around 242 trips in the AM Peak (0800-0900) and 275 in the PM Peak (1700-1800). However, in planning terms because there is an existing land use on the development site, then the existing trip generation can be off set against the proposed development to give the **net** change in vehicles trips. **Table 2** shows that the net change in trips because of the development is 211 two-way trips in the AM Peak (0800-0900) and 156 in the PM Peak (1700-1800).

The net trip generation above provides an estimate of the uncapped potential of the proposed development trip generation. The development's trip generation will be capped by the parking provision available at the site, which in this case is 54 spaces. Indeed, the TRICs analysis carried out by the applicant used data that was not limited to city centre locations.

As such, the total trip generation is likely to be much lower and based on City Centre sites it is estimated to be 89 trips in the AM Peak (0800-0900) and 83 in the PM Peak (1700-1800). This equates to a total **net** change in vehicles trips of 58 two-way trips in the AM Peak (0800-0900) and -50 in the PM Peak (1700-1800).

In traffic trip generation terms this level of change is small and unlikely to have any wider impact on the network. However, the difference in trip generation is dependent on parking, demonstrates the need to control parking on the site. As such, if there are any changes in parking through the detailed reserved matters, then a transport assessment will be required.

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### Parking

The principle of the development is to provide a low car high density development in the City Centre. The NPPF has a presumption in favour of sustainable development and identifies that low car developments in city centres and town centres can optimise the density of development.

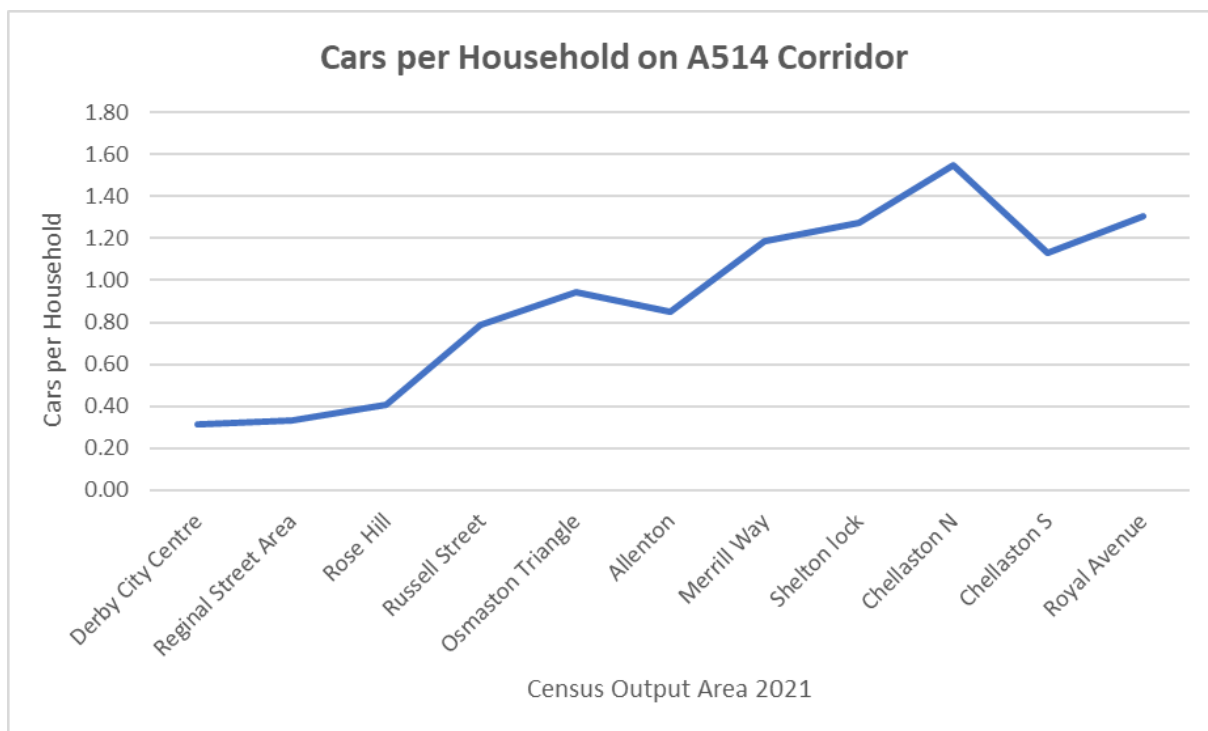
The proposed residential flats will have a specific car park that only they will be able to access within the provided Car Park, see **Figure 4**. A total of 54 spaces will be provided, which for the 420 flats provides a parking ratio of 0.13 spaces per flat.



**Figure 4: Proposed Car Park Location**

This is a relatively low ratio; however, the development is in one of the most sustainable locations in the city, and the need for a car to travel is significantly reduced by the doorstep offer of retail, leisure, services, employment, education, and public transport. The 2021 census data for provides information on car ownership levels for Derby.

**Figure 5** provides a plot of ownership levels along the A514 corridor from the city centre to the city boundary to show how they change.



**Figure 5: Car Ownership Levels on A514 Corridor by Census Output Area**

The graph above shows that there is a significant difference in car ownership between the city centre and city boundary. It ranges from 1.6 cars per household on the outskirts of Derby to 0.3 in the city centre.

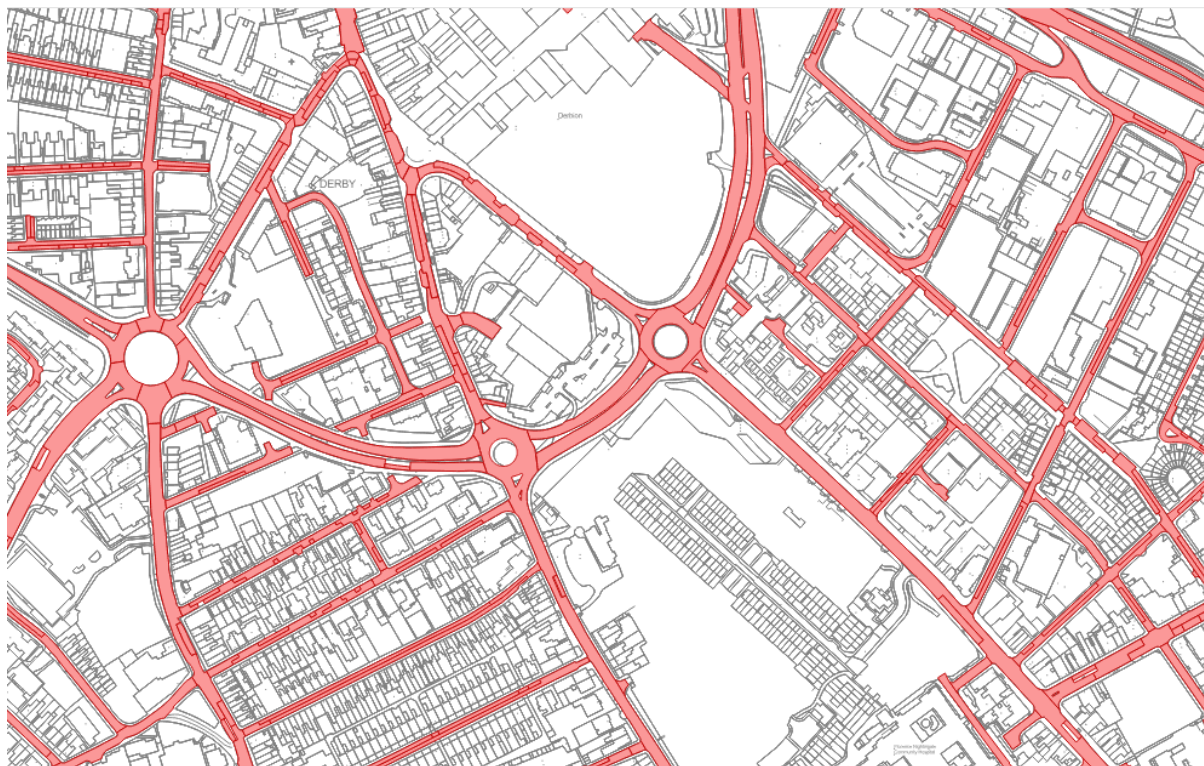
The data shows that for Derby residents in the city centre do not have high car ownership.

This is because they have access to good public transport, retail, services, and leisure within close proximity to where they live. However, it also probably reflects their social economic status and density and size of housing, where for example single young people are more likely to be attracted to city centre living rather than families. The above data is based on all households and does not reflect differences in housing type such as between houses or flats, or between privately owned and rented.

A ratio of 0.3 spaces per flat would equate to 126 spaces. However, because of the city centre location then the development should be able to sustain a lower ratio or 54 spaces. Further, prospective residents to the flats will be aware of the parking ratio provided by the development and will have to make a choice as to whether the development is suitable for their needs. If residents do require a parking space, and can't secure a space in the development, then potentially there is a large amount of public parking in the city centre. For example, Derbion currently offers season tickets. However, the additional cost of season tickets and lack of 24-hour access is likely to control the attractiveness of this type of parking.

In terms of parking on-street, the opportunity for parking is very limited in the city centre and surrounding residential areas surrounding the site.

**Figure 6** shows the parking restrictions around the development site and demonstrates that the highway network is either restricted by waiting restrictions, pay and display or permit holder only restrictions.



**Figure 6: Parking Restrictions Around the Development Site**

For the commercial use it is likely that this will be a mixture of small coffee shop outlets or non-food retail. This development will be ancillary to the residential development and the proposals do not include any specific parking for this element of the development. It is likely that customers will either be the residents of the proposed flats or will already be in the city centre. Any new customers can use the Derbion rooftop and basement car parks.

In line with the Government's motion in 2019, Derby City Council declared a climate change emergency to respond to this challenge. Research supported by DfT has identified that reducing car use and ownership is necessary for decarbonising the UK economy.

From this perspective high density low car ownership living in the city centre is the right approach to take.

Derby City Council's policies within the 2017 Core Strategy support this approach. Specifically, AC4 states that, the city centre is extremely accessible and has a significant amount of public parking available. New development should not always, therefore, require the maximum number of spaces that would be suggested by the standards set out in Appendix C. The Council will, therefore, be generally supportive of proposals for lower levels of parking.

As such, and for the reasons outlined above, Highways Development Control supports the parking ratio proposed for this development. However, because this is an outline



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application a condition will be included that asks for a parking management strategy to be submitted with any detailed application, which sets out how parking will be managed and allocated to residents.

### **Traffic Impact and Junction Analysis – Osmaston Road/ Bradshaw Way signalised roundabout junction**

The major impacts from this development are at the points where traffic distributes from the development and first accesses the surrounding network. Primarily, the Osmaston Road signalised junction with Bradshaw Way.

The main access junction to the Bradshaw Way retail park is a priority junction at Osmaston road and Bourne Street. Traffic can enter the site via Bradshaw Way, but all traffic must exit via Bourne Street and Osmaston Road. This is combined with the proposed closure of the London Road exit.

The developer has modelled the existing network based on a 2028 opening year and then the impact of the development. Further, they have carried out a sensitivity test based on the 85<sup>th</sup> percentile trip generation, which represents access to unconstrained parking.

The predicted junction impacts have been modelled using the industry standard signal junction modelling software LINSIG. The outputs provide the Practical Reserve Capacity (PRC) ratio for the junction in each modelled scenario. PRC provides an overview of the remaining capacity within a junction.

The PRC ratio of the junctions modelling are provided in the table below.

2023 AM	2023 PM	2028 AM	2028 PM	2028 AM + Dev	2028 PM + Dev
11%	3.60%	6.20%	-0.90%	2.2%	-3.5%

Table 3 - PRC results of Bradshaw Way/ Osmaston Road signalised roundabout

The results show that during the 2023 surveys the junction operates with a PRC of 11% in the AM and 3.6% in the PM. The 2028 year takes account of future traffic growth on the highway network and estimates that the junction would operate with a PRC of 6.2% in the AM peak and -0.9% in the PM. This demonstrates that the junction is likely to be over capacity with forecast traffic growth in the PM peak. The addition of the development traffic to the modelling results in a 4% reduction in capacity in the AM peak to 2.2% and a reduction from 0.9% in the PM peak to -3.5%.

The modelling result suggest that the potential impact of the development on the Bradshaw Way/ Osmaston Road signalised roundabout are likely to be minimal.

As noted previously, the modelled traffic generation for the site assessment has assumed an unconstrained amount of parking and can be considered very robust.

The modelling results do highlight that the signal junction is close to capacity and predicted to be over capacity in the PM peak in future years. This demonstrates the importance to cap the provision of parking at the site, which will constrain the associated vehicle movements.

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### 3.0 Conclusion and Conditions

#### 3.1 Conclusion.

This application is outline with all matters reserved. It sets out the principle of the development including the scale and land use profile.

In summary, the above application is for an outline masterplan that includes 420 flats, 4659 sqm of Class E Office space, 477 sqm GFA of E Class Commercial, and servicing and ancillary space.

The assessment has considered the potential trip generation of the development in the context of unconstrained parking. The final trip generation is anticipated to be much lower than what has been utilised in the assessment. This is due to the low level of parking provided and the sustainable location of the site. The trip generation submitted by the applicant has been provided to the Highway Authority as a robust scenario.

In the future year scenario, the junction is predicted to operate within the capacity during the AM peak and marginally over capacity during the PM peak. Crucially, the inclusion of the development traffic in the PM peak does not result in a change in the overall junction capacity. This does, however, demonstrate that the inner ring road junction is close to its operational capacity. This highlights the importance of constraining the parking levels on the site which will in turn reduce the number of associated vehicle trips.

There are no highway objections to the principle of the development subject to the following conditions and notes.

#### 3.2 Suggested Conditions and Notes

##### 1) Pre-commencement Conditions

- a. No phase of development shall take place until a Transport Assessment or Transport Statement, proportionate in scale to the transport impacts for that phase, has been submitted to and approved in writing by the Local Planning Authority.

The assessment must include details of access between the highway and the proposed development for all modes, servicing, trip generation and distribution, parking and travel plan details and the approved plan shall be implemented.

If the cumulative parking for the development of any phase exceeds:

- the total set under the management condition.
- or the controlled opening times of the Derbion Basement and roof-top Car Park become 24/7.
- or the access arrangements to the parking are changed

then the cumulative impacts of the masterplan for the site will need to be reassessed.

**Reason:** In the interests of highway safety and in accordance with Policy CP23 of the Derby City Local Plan - Part 1: Core Strategy.

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- b. a travel plan as set out in the S106 schedule, and any subsequent phase of development must adhere to the requirements of the framework travel plan.
- c. a suitable access to accommodate construction traffic into the site shall be provided in accordance with the Delivering Streets and Places Design Guide, details to be submitted to and approved in writing by the LPA.
- d. a wheel washing facility designed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational.
- e. a detailed Construction Management Plan including construction programme, routing for construction traffic and any proposed traffic management required, is to be submitted and approved in writing by the LPA.
- f. a parking management strategy that sets out how the car park will be managed and how residents will be allocated parking. This is to include how the development parking will be controlled.
- g. All phases of development shall make provision for resident and visitor electric vehicle (EV) charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s) to which they relate.

**Reason:** To ensure the overall development makes suitable provision for sustainable transport facilities in the interests of wider environmental amenities and to accord with Policy CP23 of the Derby City Local Plan - Part 1: Core Strategy.

- h. All phases of development shall make provision for on-site cycle parking to accommodate all users (residents/commercial occupants/visitors/general usage etc.) in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s) to which they relate. Resident cycle parking must be a minimum ratio of 1 space per 3 flats, secure and include a bike maintenance hub

**Reason:** To ensure the overall development makes suitable provision for sustainable transport facilities in the interests of wider environmental amenities and to accord with Policy CP23 of the Derby City Local Plan - Part 1: Core Strategy.

- i. The formal written approval of the LPA is required prior to commencement of any development with regard to access, parking and turning facilities, gradients, surfacing, lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)

**Reason:** In the interests of Highway safety.

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2) Management Conditions.

- a. The total number of parking spaces across the whole of the development site shall not exceed 54.

**Reason:** To accord with the highways assessment that underpins the proposed development, to avoid a detrimental impact on the free and safe movement of traffic on the surrounding highway network and to accord with Policy CP23 of the Derby City Local Plan - Part 1: Core Strategy

### Notes to Applicant

- 1) Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.
- 3) The Demolition and Construction Management Plan sets out in draft how the site is likely to be demolished and constructed, although it acknowledges that more details will require agreement once the final contractor has been appointed. It is noted in para 2.2.5 states that (a) 'Condition Survey (will be) carried out before works commenced, copied to the Council'; rather than a separate survey being carried out, the Council will require that such a survey is a joint survey carried out with the input of the Council. This will be considered and conditioned part of the Reserved Matters response. The applicant/developer should however note that the surrounding roads are 'permit' streets under the New Roads and Streetworks Act. This means that construction and maintenance works are subject to separate authorisation by the Councils Streetworks Manager. The applicant/developer may find it advantageous to discuss this element of the reserved matters application prior to submission of details; and should therefore contact [roadworks@derby.gov.uk](mailto:roadworks@derby.gov.uk) for additional information.

### **5.2. Historic England:**

Has provided comments dated 15.02.2023 and 10.03.2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=188016786>

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=192790370>

Their most recent comments dated 16 May 2023 observe:

Your authority is already in receipt of our substantive advice on these two proposals in our letters dated 15th February 2023. In light of our concern regarding the impact of these proposals on the historic character of Derby and individual designated assets

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we sought the advice of our Advisory Committee (your authority and the developers were involved in this process) - this confirmed our significant concerns regarding the two proposals and their impact.

We would refer you to our detailed letters of advice in considering these applications, which remain our position. In summary the two proposals would both, by virtue of their inappropriate scale, be harmful to some of Derby's principal historic buildings and conservation areas and to the outstanding universal value of the Derwent Valley Mills World Heritage Site. Their more pronounced effect, however, would be upon Derby's character as a city, and the questions this raises, in respect of planning and urban design, lead back to the historic environment.

Derby is a city of considerable historic character, notable for the principal buildings and historic areas whose interest and designations have been summarised in our detailed advice letters. Its wider - indeed, international - significance is reflected in the inclusion of a part of the city in the Derwent Valley Mills WHS and its buffer zone.

The impact of the proposed developments - and especially that of the Eagle Quarter - would harm the significance of these principal buildings and historic areas, to varying degrees. It would also harm the Outstanding Universal Value of the WHS. In all cases, the harm would be less than substantial.

It is notable, however, that the proposals appear contrary not only to national policy but also to relevant provisions of the Local Plan. Although your authority's Core Strategy envisages the development of "tall buildings" in "gateway" locations, the scale of what is proposed, certainly for the Eagle Quarter, exceeds that envisaged, and both proposed developments fail to meet the criterion that such developments should not harm the setting of heritage assets. The proposals also run counter to the Core Strategy's policy in respect of the WHS. This, consistent with the Derwent Valley Mills World Heritage Site Management Plan, indicates that the Council will not approve proposals for development outside the World Heritage Site if their effect upon the OUV of the World Heritage Site or its setting is adverse. Finally, the incompatibility of the proposed developments with the character of Derby's cityscape flows in part from the failure of the designs to respond to the approach to the design of developments set out in the National Design Guide. The design of both schemes does not respond well to the context or identity of Derby in its built form (National Design Guide, C1, C2, I1, B2).

Therefore, it remains our position that we are objecting to both schemes. We have already requested an opportunity to speak at committee.

### **Recommendation**

Historic England objects to the application on heritage grounds. Notwithstanding the outline nature of the information provided, we consider that the proposal both individually and cumulatively together with the Eagle Market Site proposal and other consented schemes would result in a considerable degree of harm to designated heritage assets, including the DVMWHS, listed buildings including the grade I listed Cathedral Church of All Saints, and numerous conservation areas. It would dramatically alter the character of the Derby cityscape, which forms a key part of the setting of these heritage assets.

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We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 130,134,197,200,202 and 206. In addition the current proposal is clearly in conflict with Derby City Local Plan Part 1 (2017) Policy CP3 (Placemaking Principles), Policy CP20 (Historic Environment) Policy AC1 (City Centre Strategy), Policy AC5 (City Centre Environment) and Policy AC9 (Derwent Valley Mills World Heritage Site), as well as Policies E18 (Conservation Areas) and E19 (Listed Buildings) contained within the saved policies of the City of Derby Local Plan Review (2006) and your authority's Tall Buildings Study 2021.

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

If your authority is minded to grant permission for the application in its current form, please treat this letter as an objection and notify the Secretary of State of this application, in accordance with guidance set out within the PPG.

### **5.3. Derwent Valley Mills World Heritage Site Partnership (10.02.23)**

Please find below the Derwent Valley Mills World Heritage Site Partnership response to the consultations concerning the above applications. These comments will be passed to the World Heritage Site Conservation and Planning Group for verification in April.

The sites lie outside the Derwent Valley Mills World Heritage Site (DVMWHS) and its Buffer Zone, but in the wider setting of both. The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government, is pledged to maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by protecting, conserving, presenting, enhancing and transmitting its culture, economy, unique heritage and landscape in a sustainable manner.

The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

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

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

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

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

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C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

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

While the DVMWHS Partnership has provided some comments below, it believes there is insufficient information to appropriately and adequately assess the impact of the proposed development. In line with Derby’s tall buildings strategy, any application of this nature should be in detail and supported by an appropriate ICOMOS-compliant Heritage Impact Assessment. An application of this nature should not be considered in outline.

Both proposed development sites are not located within the DVMWHS but they do fall within its wider setting, to the south of Derby City, within the Derbion Quarter. The masterplan for the Derbion Quarter includes both the Eagle Market (EM) Quarter site (1.91 ha) and Bradshaw Way (BW) site (1.09 ha) which abut with the Derbion Shopping Centre; to the north and south, respectively.

The Derbion (previously Westfields/Intu) Shopping Centre was completed in 2007 and given its mass and height, at around 27-30m, is visible from some areas within the WHS and its Buffer Zone, such as Darley Abbey Park. The existing built forms within both of the proposed development sites are considerably lower than this and do not appear to be visible from within the WHS. The existing EM building, built during the 1970’s, is approximately 12-15m tall and the retail units on the BW site, presumably built in the early 2000’s, are approximately 10m tall.

The proposed mixed-used developments for both the EM & BW sites include a number of tall building elements with heights of up to approximately 92m above ground level. Therefore, this represents a significant step change in building heights relative to the existing context.

The development of the Derbion centre took place after the inscription of the DVMWHS (2001) but before the adoption of the NPPF (2012). When the Derbion centre was built there was much debate over its impact on the WHS. As mentioned above, the shopping centre is visible today from within the WHS and it has had an impact on the historic skyline, and consequently the wider setting of, the WHS.

Following the adoption of the NPPF in 2012, World Heritage Sites, for the first time, were identified as being a Heritage Asset of the highest possible significance. In recognition of their heightened significance, Derby City Council, with funding from HE, subsequently produced its Tall Buildings Study (2021). This study has identified a range of features in Derby, such as the DVMWHS, that are sensitive to tall buildings, due to their importance for the city’s image and identity. Therefore as a starting point,

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the principles of this document should be used to steer the acceptable parameters of schemes such as the proposed development.

Notwithstanding this, paragraph 5.4 of His Majesty's Government latest Management Plan (2020-25) for the DVMWHS states:

'It should be noted that the Buffer Zone does not and cannot incorporate the complete setting of the World Heritage Site, which is wider. Development within the broader setting will need to be considered on a case-by-case basis as to impacts on Outstanding Universal Value, particularly if they are of a large scale, either in number or height of buildings or structures (e.g. wind turbines), or exceptionally tall relative to their context (the latter being a particular concern at the southern end of the World Heritage Site, within the setting of the Derby Silk Mill).'

From the wireframe visual submitted by the applicant (Appendix 4, Type 4 Technical Visualisations, p21), it is clear that the development for both these sites will be exceptionally tall relative to their context; even compared to the existing Derbion centre which caused concern at the time of its development. To this end, the LPA, when assessing both schemes, needs to satisfy itself that they will not adversely impact on the setting of the WHS. In order to do so, this will require a Heritage Impact Assessment written in accordance with ICOMOS guidelines to fully understand its impact; as referred to in para 21.1 (Heritage Impact Assessments) of the current DVMWHS Management Plan.

With regards to assessing the overall acceptability of both schemes and minimising impacts on OUV, it is recommended that they should be referred to a design review panel. Given their scale and potential impact on the wider setting of the WHS, it may be more appropriate to approach a national level design review panel.

It should be noted that the Derbion Centre caused considerable concern, particularly the late addition of the cinema block. The proposed developments are two or three times the height of the finished Derbion Centre.

The Partnership asks that these comments can be considered when a decision is made concerning this development.

A further letter of objection was received (20.03.2023) but does not alter their position but can be viewed here:

<https://docs.derby.gov.uk/padocumentserver/index.html?caseref=23/00087/OUT>

### **5.4. Conservation and Heritage Advisory Committee (02.03.2023):**

Resolved: Objection

The officer described the application, which was outside of a Conservation Area, within the setting of a number of listed buildings such as the grade I Cathedral, grade II Liversage Trust Alms Houses and the grade II Florence Nightingale statue. It was an outline planning application looking at principle only, the layout was unchanged. The site slopes down to the junction, it consisted of a series of blocks 1 and 2 at 8 storeys, 3 was 19 storeys, 4 to 14 were 5 to 9 storeys.



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The Chair summarised the application, his view was similar to the Eagle Market Scheme, the size of buildings with green spaces in between. There was not much detail in the application, but it had a serious impact on the skyline of the city. The massing of the buildings were not well handled and the spaces between the buildings would be likely to be dark and shady. The nature of the site meant there would not be a way through to London Road. The surrounding area would be overlooked and shadowed even more than the Eagle Market application. Key points from the pre-application response were highlighted

- As with the Eagle Quarter scheme, the taller elements appear to be very ambitious. Whilst recognising the 'gateway' potential of the site and some degree of prominence on the ring road, it will be important to test proposals in terms of height/scale carefully to ensure that the proposed buildings sit comfortably in their immediate context and links to the Nightingale Centre

The committee were asked for their comments

Reference should have been taken from the Nightingale Quarter, the development could have been adapted to be more complimentary in size and scale.

Whilst content to see the current buildings demolished it would be better to replace them with something more worthwhile and it needs to be of scale in comparison to the development on the other side of the road. London Road could take an elegant building. It was not possible to guarantee the quality of buildings on an outline application. CHAC discussed whether they should be seeing an outline application and highlighted the need to see more detail.

The officer explained that the Tall Building Strategy had assessed the site to be one where a taller building could be, but it should be on the corner. Blocks 3 and 4 between 14 and 9 storeys were defined in the strategy as a local landmark, whilst 19 storeys are a district landmark.

It was acknowledged that tall buildings would be appropriate on this site, but the application does not follow the advice of the Tall Buildings Strategy.

The principle of making an outline planning application was to establish if the use of the site would be appropriate. However, this was a complex proposal. it was an outline application with all matters reserved but putting in an indicative scheme. The City Council should take advice on how to respond to the outline application. There was an opportunity in outline planning permission to set down parameters, conditions can be put in place that no building should be taller than a certain height. The use of the site was suitable for development but only with these conditions in place.

The main concern of this committee was the height of the buildings in terms of impact on setting of Conservation Areas, setting of listed buildings, DVMWHS. It was important to judge the impact properly and there was a need to see a more detailed application in order to do this. It was suggested that nothing on the site should be demolished until all details on the application can be seen.

CHAC objected to the application because of the density and height impact on conservation areas and listed building setting. They acknowledged that a statement building could go on the corner of London Road and Bradshaw Way provided it complied with the Tall Building Study. They recommended looking at the Tall Building

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Study again. However, nothing should be demolished until more details were available to them. There were implications for the World Heritage Site, guidance from ICOMOS had not been followed. It was highlighted that the Derwent Valley Mills World Heritage Site, Historic England as well as CHAC would need to see the application again.

### **5.5. County Archaeologist (14.03.2023):**

I note the submission of the Archaeological Desk Based Assessment, which provides a considered study. My feeling from studying the historic maps is that there is evidence of two phases of urban workers houses on the site, and their preservation within the car parking area is likely and that within the footprint of the extant building unknown, but less likely. The development of the 1960s and 70's on the site however may have totally removed any buried remains further archaeological work to determine the level of impact and survival in the form of an archaeological evaluation and any subsequent mitigation (if necessary) will be required however this could be undertaken post consent under para 205 in NPPF by attaching a suitable condition into planning approval the wording of which might read.

*'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:*

*' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*

*' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'*

The WSI should be authored by the archaeological contractors who will undertake the work in the field, with the WSI and proposed fieldwork to the standards outlined by ClfA in consultation with this office.

### **5.6. Built Environment Officer (09.05.2023):**

Comments dated 17.02.2023

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=188186979>

Designated Heritage Assets affected –

The site, on Bradshaw Way, is outside the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer zone but is within its wider setting and will be within views of the city's skyline (from within and outside the city).

There are a number of listed buildings, of national importance, across the city including the grade I Cathedral Church of All Saints and grade II\* St Mary's Church and those

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nearby to the site where their settings will be affected such as grade II listed Liversage Trust Alms- houses, grade II listed Florence Nightingale Statue and grade II wall and railings on London Road. The site is not located within a conservation area but is within the setting of a number of Conservation Areas including the City Centre Conservation Area (which includes within it listed buildings where their setting is affected e.g. Derby Cathedral), Strutt's Park Conservation Area (which includes St Mary's Church etc) and Darley Abbey Conservation Area (which includes views from Darley Park). These are designated heritage assets in National Planning Policy Framework terms (2021).

There are also a number of locally listed buildings nearby to the site which will be affected including the locally listed Church of The Holy Trinity on London Road, 119-115 London Road, 117a Chetwynd House and the former London Road Community Hospital two pairs of domed pepper pot towers. These are classed as heritage assets in National Planning Policy Framework terms (2021).

### **Information submitted, Impact of proposals on Heritage Assets and comments –**

This proposal is an outline planning application for the demolition of the existing Bradshaw Way shopping units and the erection of a mixed-use development, including residential and office floorspace (Use Classes C3 and E). The outline states that all matters reserved, so this application is to look at the principle only with no details. The Tall building study mentions that outline planning applications should not be accepted (page 186, Derby Tall building study, 2021) because the visual impact of a building can substantially differ depending on the details including scale, massing, height, form, layout, detailed design and materials etc. Tall buildings, of any height, need to be of the upmost quality and with an outline application there is no way of assessing at this stage the quality as full details have not been submitted. The full impact of the proposal on heritage assets therefore cannot be fully assessed. However the contents of the masterplan, design code and accompanying parameters plans are noted. There are a number of benefits presented in the documentation, as a result of these proposals, but there is a degree of risk and no certainty that these will be delivered due to this outline application rather than being a detailed full planning application.

### **Issues with the visuals submitted**

As previously mentioned at pre-application stage there are issues with the visuals, within the T&VA appendix 3 Technical Visualisations, the existing photos and proposed model views do not show the same views or extent of the view affected, which is misleading and visually downplays the impact. This occurs in a number of views including, for example, when looking at the photo and the proposed model view and the height relationship of the proposals with the existing Derbion centre in viewpoint P22 – London Road. The full height of the Derbion, to the right-hand side of the photograph, isn't shown and there is also development shown in the proposed model view, to the left-hand side, which is not on site or in the existing photograph.

It is noted that the Viewpoints including P2 South of Holmes Bridge, P3 and P4 shows the Eagle Market proposal in the foreground and the view of the Bradshaw Way development hidden behind. Currently there is no Eagle Quarter Market development, as it is going through the planning process and including it on the visuals in this way is inaccurate. Eagle Quarter Market proposals are also shown on many of the viewpoint's

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visuals submitted when it is not the development which is being assessed in this application. This could be misleading when looking at many of the visuals as it draws the viewer to assessing impact of relative heights in comparison to the non-approved Eagle Market proposals. The Eagle Quarter Market development is not currently in the view, nor on the skyline. Suggest there is a set of the visuals which do not include the Eagle Quarter Market unconsented scheme.

### **Impact of proposals**

Demolition and Regeneration - There is no issue with the demolition of existing modern buildings on the site as they are not of heritage value. There is no issue with the principal of a mixed-use development, including residential and office floorspace (Use Classes C3 and E). The site is an opportunity for regeneration including a courtyard residential design, improving access and connectivity, active frontages, green spaces and edges to Bradshaw Way as well to accommodate intensification of development.

The existing buildings on this site sit to the west of London Road and opposite to the unsightly Derbion cinema box, which has a negative impact on the Derby skyline. The new buildings proposed are a cluster of slender towers up to approximately 59.47m above existing ground level (approx. 19 storeys). The blocks range from Block 1 - 16.5m (approx. 5 storeys), Block 2 - 24.19m (approx. 8 storeys), Block 3 – approx. 60m (approx. 19 storeys), Block 4 – approx. 41.5m (approximately 14 storeys) and Block 5 – 28.31m (approx. 9 storeys).

There is no issue with the indicative site layout, or the principle of slender tower forms stepped across the site in this way. However, this proposal is for towers which are relatively very tall in height and scale for Derby, taller than much on the city skyline (including the Derbion Box) and will rival the dominance of the Cathedral tower.

The Derby City Council Tall Building Study (2021) recommends an approach to enable tall buildings to be constructed in appropriate locations and not in inappropriate locations across the city centre. The site was assessed within the study to be where a tall building of local landmark height of 12 storeys would be appropriate (on site LM10) in this location when looking at the skyline as a whole. An appropriate height is described as 12 storeys (between 2x and 3x the context height which is 5 storeys) to maintain the character and distinctness of the city skyline. However, the proposal is for a number of towers that range from a few storeys; Block 1 - 16.5m (approx. 5 storeys), Block 2 - 24.19m (approx. 8 storeys), Block 5 – 28.31m (approx. 9 storeys), Block 4 – approx. 41.5m (approximately 14 storeys) to Block 3 – approx. 60m (approx. 19 storeys). Blocks 3 and 4 are the tallest and far taller than those highlighted as being appropriate in the Tall Building Study – block 4 (14 Storey) defined in the Study as a 'local landmark' and block 3 (19 storey) as a 'district landmark'. There is a degree of harm upon the setting of a number of heritage assets and suggest the height is reviewed and lowered in line with Derby's Tall building study. The degree of harm would then also be lowered.

The Derby Skyline study (2019), which fed into the above Tall Building study, shows that the city skyline historically has always been relatively low rise with the Cathedral tower and other significant historic domes and spires breaking through. This demonstrates important characteristics and the historic significance of the Derby

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skyline and setting to many of the heritage assets within it (DVMWHS, a number of listed buildings, conservation areas and locally listed buildings etc). Within this study there are also 31 key important views highlighted which are important to the skyline across the city. This list is not exhaustive and there may be more views that need to be assessed relating to a specific development proposal.

Many views within the city centre are not static but are a serial of views which are encountered when moving (kinetic). There are static views presented in the submission with wire outlines of proposals within Appendix 3 and 4 of the Type 2 and 4 technical visualisations. The size, bulk and height of this proposal in relation to its context can be particularly seen as large in relation to the existing townscape a number of contextual and skyline views (including viewpoints VP12, VP22, VP24, VP28, VP30, VP32, VP34 appendix 3) and a number of the type 4 technical visualisations.

The setting of a Heritage Asset is ‘the surroundings in which a heritage asset is experienced’ (NPPF, 2021, glossary). The impact of the general principle of this development will be explored (even though details are missing as an outline application with all matter reserved rather than a full planning application as previously explained above) the exact degree of impact on heritage assets cannot fully be undertaken due to a lack of specific detailed information (which is why outline applications are not appropriate when dealing with Heritage Assets).

Impact of the principle of the proposed development on a range of heritage assets will now be looked at in turn (the full impact of the proposal cannot be fully assessed) and this includes an assessment of setting, as part of significance, of Derby’s heritage assets.

As a result of the proposal there would be a degree of impact (which is negative/harmful) on the wider setting of the DVMWHS and the city skyline when looking at views from the DVMWHS as a result of the proposal. An example of this is within Appendix 4 Type 4 visualisations, which includes VP 14 from Darley Park and HE Viewpoint 3 (amended Townscape and Heritage Viewpoints Rev 2) looking towards the city centre from Darley Park (west side of river). These show the proposal will be clearly visible on the skyline, it will change its character and impact the prominence of historic structures such as St Mary’s Church and the Cathedral tower. The information also shows that although the proposal does not seem to impact the UNESCO monitoring viewpoint P6 – Causey Bridge (within Appendix 2 Type 2 visualisations) and HE Viewpoint 1 (within amended Townscape and Heritage Viewpoints Rev 2) looking towards the city centre the additional HE viewpoint 02-Causey Bridge does show that it would be seen minimally just above the current building heights in the visual (trees removed) and HE viewpoint 04 and 05 show minimal impact of the Bradshaw Way proposals, located just below the tree line, looking from the park towards the city centre.

The height and scale of the two tallest of these blocks (Block 3 and 4) mean that the impact will have a more negative impact on the city skyline, listed buildings (including those nearby and further away such as the Cathedral).

To longer distance views of the city skyline and views of Derby’s landmarks, there is concern regarding the degree of competition between the height of the proposal and prominence of the Cathedral and other buildings with towers, domes and spires on the

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city skyline so there is a degree of impact (which is harmful) on the setting of these listed buildings as previously mentioned. These listed buildings include the grade II Museum and Art Gallery and former Library tower and spire, grade II Guildhall as well as a number of churches including grade II\* St Mary's Church (within Strutt's Park Conservation Area). An example can be seen from viewpoints such as VP14 and HE viewpoint 03 from Darley Park (within Darley Abbey Conservation Area) which shows the impact on the skyline. There are views of the grade I listed Cathedral tower (within the City Centre Conservation Area) looking along Osmaston Road from its junction with Lara Croft Way (viewpoint 12). The proposed development would not impact this view.

The height of the new development will appear dominant when experiencing it closer to the site (from Bradshaw Way or London Road etc) and will appear to tower above nearby buildings including listed buildings further away on London Road, including the grade II listed Alms-houses, grade II listed wall and railings and the grade II Florence Nightingale statue where the proposal will affect their setting negatively (they have an inter-related linked significance with alms-houses, nursing, hospital etc). See viewpoint P34 and P30 (Appendix 3 Type 2 visualisations) which shows the dominance within this area of the proposal and viewpoint 28, which shows dominance on the skyline, in relation to the Church of the Holy Trinity (although there are issues with this visual due to the angle it is taken and as previously mentioned it seems to show Eagle Market development which is misleading). There is an impact on the setting of conservation areas (and listed buildings within them).

There will be a negative impact on the significance of the locally listed Church of the Holy Trinity on London Road in views across the city skyline and within its locality as the new development will compete with its tower and prominence. The impact will be of a lesser degree to 119-115 London Road, 117a Chetwynd House and the former London Road Community Hospital two pairs of domed pepper pot towers. There is disagreement in some cases with the degree or magnitude of impact on heritage assets described in the application Heritage Impact Assessment as preserved effect on significance (page 17 of the Heritage Impact Assessment). The document seems to, in some instances, downplay the impact of these proposals on the setting of a number of heritage assets.

Way forward - As an outline application has been submitted and all matters are reserved within this application there is inherent uncertainty what the exact details of proposals will be and therefore overall impact. There is a lack of certainty of impact, regarding the design and quality of the final scheme although it is noted that there is a masterplan, design code and parameters plans. Suggest that a full planning application is submitted with all parameters including height, size, scale, massing and layout, detailed design approach and proposed materials are pinned down so the full impact of the proposal can be understood.

Suggest reduction of height of the 14-storey block and 19-storey block to a more appropriate range as advised within the Tall Building Study (up to 12 storeys). A cluster of towers is an appropriate approach in this area so suggest reduction in their overall relative heights.

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Any tall building, of any height, needs narrative as to why it is of the proposed height and needs to be of the highest quality. There is harm to the setting (as part of significance) of designated heritage assets and non-designated heritage assets their character, context in the townscape and the ability to appreciate and experience them. A statement within the recently submitted documents states, 'to deliver the quantum of public benefits... the heights proposed are required,' and a planning benefits report has been submitted outlining the public benefits resulting of the proposed development at this height. It is concluded that the public benefits would be less if the towers were reduced in height (e.g., if in line with the Derby Tall Building Study) and if lowered the impact on heritage assets would be reduced.

A rebuttal, in response to previous consultation comments, more detail on the proposal's impact on the DVMWHS and additional visuals were submitted since the original application. These comments have taken this information into account.

### Policies –

The Planning (listed building and conservation areas) Act 1990 section 66 as regards the statutory duties regarding listed buildings is relevant.

The NPPF regarding design and Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant, in particular paragraphs 130, 134, 189, 195, 197, 199, 200, 202, 203 and 206. Heritage assets are 'an irreplaceable resource' (NPPF, para 189), 'Great weight' should be given to the conservation of heritage assets, with assets of higher importance given greater weight (NPPF, para 199) and when considering the impact of a proposal any conflict between a heritage asset's conservation and any aspect of the proposal should be avoided or minimised (NPPF, para 195). Historic England advice note on 'The Setting of Heritage Assets' (HEGPA P.N. 3 2nd Ed., 2017) and HE Advice note 4 (2nd Ed) on Tall Buildings are also both relevant.

Also relevant is E18 and E19 of the saved Local Plan Review (2006) and CP3, CP4, AC9 and CP20 of the Local Plan – core strategy (2017). Local Plan Policies CP20 on the 'Historic Environment', CP3 'Placemaking principles' and CP4 'Character and context' are relevant. Included within the contents of these seek to limit harm to heritage assets, to make sure proposals respond positively to heritage assets and need to be based on robust context analysis and the proposals need to be assessed in terms of their suitability in relation to neighbouring buildings and the local area in relation to building form, scale, height and massing. The Derby Skyline work (2019) and Derby Tall building study (2021) are part of the Local Plan evidence base so are also important.

There is harm caused to the setting of designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this

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harm should be weighed against the public benefits of the proposal. This weighing up is undertaken by the Development Management Case Officer.

As there is harm caused to heritage assets (NPPF, Para 203) 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

### **Recommendation:**

Concern about principle of the outline application to assess full impact on heritage assets. Degree of impact of principle/indicative plans of proposed development assessed above. The proposal is harmful, to a degree, to the setting (as part of significance) of heritage assets (both designated and non-designated), their character, context and the ability to appreciate and experience them. The NPPF para 200 states that any harm to, or loss of, the significance of a designated heritage asset including within its setting should require clear and convincing justification. The application information states that 'to deliver the quantum of public benefits... the heights proposed are required', there is a planning benefits report outlining the public benefits of the proposal at this height. It is concluded that the public benefits would be less if the towers were reduced in height (e.g., if in line with the Derby Tall Building Study), however, if lowered the impact on heritage assets would be reduced.

Where there is this level of harm to a designated heritage asset (under para 202, NPPF) this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer.

### **5.7. Environment Agency:**

The development falls within flood zone 1 and therefore the Environment Agency has no fluvial flood risk concerns.

### **5.8. DCC Land Drainage:**

This application has no significant flood risk, either from fluvial or surface water sources.

The FRA submitted with the application is preliminary. It does identify the need to reduce the run-off but not sufficiently. The council's main requirement is for greenfield run-off for which  $Q_{bar}$  is 4.8 l/s, but the proposal is for 15.9 l/s, which is much too high. However, the application is outline and the full application can be conditioned appropriately.



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### **5.9. Environmental Protection Team: Land Contamination:**

1. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the development, other than within a land contamination context.
2. In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.
3. The applicant has submitted the following report as part of the application documents: • Preliminary Geo-Environmental Risk Assessment (Delta Simons Ltd ref: 22- 1858.01\_REP\_Bradshaw Way Retail Park\_PRA\_20230109 dated 9th January 2023 issue 3)
4. This is a desk-based report which included a site walkover. The proposed site is currently a retail centre but historically has been used for the manufacture of carriages and later a garage in part of the site. The proposal is for a mixed use development including both residential areas and commercial space.
5. The report appears to have been completed in line with current guidance and has recommended that due to a number of potential sources of contamination and the proposed change of use, that a further intrusive site investigation be carried out. We would concur with these recommendations and would recommend that conditions be attached to any planning permission granted.

### **5.10. Environmental Protection Team: Demolition and Construction Management Plan**

1. The applicant has submitted a draft Demolition and Construction Management Plan Framework (Currie & Brown UK Ltd ref: 502608 dated 5th January 2023).
2. This document is a framework plan detailing the phasing of the proposed plans which include the demolition of the existing retail park and redevelopment to mixed residential and commercial use.
3. It is proposed that a Construction Environmental Management Plan (CEMP) will be prepared for each phase of the development and agreed with the Council prior to development.
4. Within the submitted document, there is a limited section which details generic control measures for noise, vibration and dust. There is also a commitment to operate a site waste management strategy for the site.
5. The proposed working hours for the site are 08:00-18:00 Monday to Friday, 08:00-13:00 Saturdays with no working on Sundays or Bank/Public holidays. All deliveries will be scheduled to minimise traffic issues.
6. Demolition is mentioned as a specific activity and provision is made for protecting pedestrian walkways and to use water spray to suppress dust as required. Full asbestos surveys will be carried out prior to demolition and any asbestos will be removed before works commence.

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7. Due to the city centre location and close proximity of neighbouring businesses and residential properties, we are in agreement that specific CEMP's will be required for each phase of development, including demolition and therefore recommend that specific conditions requiring these should be attached to any planning permission granted. The plans should be site specific and compiled in line with current guidance. The location of any stockpiles and details of any particularly noisy or dust producing activities, such as crushing or piling, should be highlighted and suitable mitigation measures identified. Any submitted plans should be complied with throughout the specific phase of development and should be communicated to all sub-contractors.
8. The submitted plans should include details of any communication strategy and complaints procedures as well as any monitoring proposed.
9. We have no objections to the proposed working hours.
10. Further advice for the applicant is available within BS5228-2:2009 +A1:2014 Code of Practice for noise and vibration control on construction and open sites or Guidance on the Assessment of Dust from Demolition and Construction (IAQM 2014).

### **5.11. Environmental Protection Team :Noise:**

I have reviewed the application information and I would offer the following comments in relation to Noise implications for the development as follows.

- The application site is located at Bradshaw Way Retail Park, Bradshaw Way, Derby, DE1 2QB. The site is occupied by retail warehouse buildings, some occupied and some vacant, served by surface level customer car parking to the front facing Bradshaw Way and a service yard to the rear. The site is bound to the south by the A601 (Bradshaw Way), to the east by London Road with Derbion Shopping Centre beyond and to the west by commercial buildings with Osmaston Road beyond. Directly to the north is the service yard area of Wilko and elevated car park access to Derbion Shopping Centre car park. Other commercial uses are located immediately north of the site. The dominant noise incident on the site is road traffic noise from the A601 and London Road with localised contribution from Wilko service yard at the rear, cars accessing Derbion Shopping Centre car park and road traffic noise from Osmaston Road.
- The Proposed Development comprises “Demolition of existing buildings. Erection of a phased mixed-use development including residential, commercial and office floor space (Use Classes C3 and E); servicing; car and cycle parking provision; hard and soft landscaping works; and other associated works”.
- It is noted that this application is an outline application for that reasons certain details have not been provided. If any commercial premises will be adjoining to residential units, then appropriate insulation scheme will be required to protect future occupiers of the proposed residential units.
- If external plants will be introduced on site, then a comprehensive noise assessment must be undertaken, assessing the site against the criteria contained

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

- Looking at the noise assessment, full details of the LAFmax was not provided and was not considered for the glazing recommendation. The scheme should normally ensure that the L<sub>A</sub>max does not exceed 45dB(A) on more than 10 - 15 occasions during any night-time period. Normally we would require details in a tabular format between 23:00 hours and 07:00 hours (every 15 mins) for the duration of the assessment. The proposed glazing specification for certain areas might not be adequate. For that reason, all glazing specification for the residential units shall achieve a minimum of 35 Rw+Ctr.
- The noise assessment has identified that the indoor noise level as stated in BS 8233 will only be achieved with windows shut. Trickle ventilation has been recommended for thermal conform as a result. However, trickle ventilation is not an effective method of cooling during periods of warmer weather without additional mitigation in place. It is therefore, recommended that mechanical ventilation be installed in all habitable rooms. The ventilation arrangements shall ensure 4 air changes per hour, using mechanical ventilation, and it is available on demand (to ensure thermal comfort and purged ventilation). If the applicant is not willing to install a mechanical ventilation, then tm52/59 overheating assessment will be required to determine whether trickle vent will prevent overheating especially during summer periods.
- Noise levels adjacent to the A601 and London Road should be reduced through provision of boundary treatment providing screening to ensure a daytime noise level of ≤55dB LAeq,16h is achieved in all external areas.

### **5.12. Environmental Protection Team – Air Quality:**

1. I have reviewed the application information and I would offer the following comments in relation to Air Quality.
2. The application is for outline permission for a site located adjacent to Bradshaw Way in the city centre of Derby. The permission proposes to develop the site for a mixture of residential and commercial/office space.
3. The site is currently occupied by a car park and retail buildings.
4. The main concern relating to air quality impacts would be the introduction of new sensitive receptors (i.e. the occupants of residential units) to an area of the city known to experience high concentrations of nitrogen dioxide (NO<sub>2</sub>) due to high volumes of queuing traffic.

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5. The application is supported by an Air Quality Assessment (Waterman Infrastructure & Environment Limited, Ref: WIE19524-100-AQA-R-1-3-1, Dated: January 2023). I can comment on the report and its implications for the determination of the application as follows. Air Quality Assessment
6. The assessment considers three main areas of potential air quality impacts, namely: • Construction dust/emissions; • Development-generated traffic emissions; and • Impacts on new receptors introduced by the development. Construction Dust/Emissions
7. A qualitative assessment of construction emissions is included in the report.
8. This concludes that, while dust nuisance is possible, emissions can be sufficiently controlled through appropriate dust mitigation.
9. The impact is concluded as being 'not significant' subject to the creation of a detailed Construction Environmental Management Plan designed to mitigate emissions.
10. I would accept the conclusions in this regard. Development-Generated Traffic
11. Bearing in mind the historical use of the site as a car park with a number of retail units, the scheme proposals would be unlikely to contribute notably to traffic increases in the locality.
12. Traffic data has been provided by the appointed transport consultants (Waterman) and this suggests that the IAQM/EPUK Guidance scoping thresholds for a detailed assessment are unlikely to be exceeded.
13. Consequently, development-generated traffic emissions are scoped out of the assessment.
14. The report also confirms that the site is not intended to be supplied by any centralised combustion plant, thus this is also scoped-out of the assessment.
15. These seem reasonable conclusions given the historical use of the site when compared with the application proposals. Introduction of New Receptors
16. An estimation of air pollutant concentrations at the development site has been based on use of the DEFRA background maps and diffusion tube data produced by this Department. 17. No detailed modelling is provided to accurately predict concentrations.
17. An exceedance of the national PM<sub>2.5</sub> target is noted in the report with respect to the relevant 1km x 1km grid square, however this appears to be a typo in the report when referring to the DEFRA background maps (stated as 11.2µgm<sup>-3</sup> , correct value is 9.8µgm<sup>-3</sup> ).
19. Utilising the background maps for NO<sub>2</sub> and PM<sub>10</sub> and making reference to nearby diffusion tube results, the report concludes that the site boundaries should not be exposed to concentrations of these pollutants in excess of the National AQ Objectives. Conclusions and Recommendations on Air Quality
21. The submitted air quality assessment provides a reasonable overview of potential air quality impacts and while detailed modelling would have been preferred, I

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would concede that the existing data is indicative of compliance with the relevant National AQ Objectives.

22. Nonetheless, it is important to highlight that evidence from COMEAP, the World Health Organisation (WHO) and others concludes that human health impacts can occur at concentrations well below the UK Objective levels.
23. Planning Policy makes reference to the National Objectives and therefore within this context, it would not be possible to object to the application in principle, on air quality grounds.
24. It is however recommended that an Advisory Note be attached to the consent, should it be granted, suggesting that all residential units fronting onto Bradshaw Way, London Road or Osmaston Road, receive enhanced protection from road transport emissions in the interests of protecting public health. Such protection could be in the form of a suitable mechanical ventilation system and/or the use of a distance buffer to set residential units back from the road as far as practically possible.
25. In terms of construction dust impacts, you will note that separate comments have been provided by the Environmental Protection Team on the submitted 'Draft Demolition & Construction Management Plan Framework', however as highlighted in the submitted AQ Assessment, mitigation measures will be needed to ensure that impacts are minimised. Consequently, securing detailed mitigation through an agreed Construction Environmental Management Plan is essential and this should be secured by condition.

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

We welcome the opportunity to discuss the provision of affordable housing on the site to ensure that they meet the type and design standards required within the city. Affordable homes should be of a suitable size and meet the needs of those residents eligible for affordable housing. Early engagement is beneficial for everyone and is encouraged to prevent abortive work and delays.

### **5.14. Police Liaison Officer:**

I have already met with the design team architects late last year, together with a Counter Terrorism Security Adviser, to talk over the scheme pre-application. In general, we were/are supportive of the proposals.

The current arrangement is very detached and inactive, so to that extent the principles presented in enlivening the street-scene, particularly at ground level with mixed use, are very much welcomed.

Again, in general, the indicative plans shown and Building Design Code are in accordance with guidance over reducing criminality and anti-social behaviour by design.

There will clearly be challenges over future detail, which have been discussed with the project architect, in areas such as the appropriate definition and associated enclosure

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between what is required to be private and public space externally, matters of hostile vehicle mitigation, and reducing the risks involved with both semi-private and private access to very high terraces and balconies, but these matters can all be subject to further discussion subsequent to any outline approval.

### **5.15. Derbyshire Wildlife Trust:**

#### Comments

I have reviewed the Ecological Impact Assessment (January 2023) and the Biodiversity Net Gain (February 2023) report both prepared by Waterman Infrastructure and Environment Ltd. The reports have been undertaken in accordance with best practice and provide the Council with sufficient information to be confident regarding the likely impacts on habitats and species from the development.

Given the location and characteristics of the site impacts on biodiversity are relatively low and where there could be adverse impacts suitable mitigation measures can be applied as part of precautionary methods of working. There are no nature conservation designations (statutory or non-statutory) likely to be affected and there are no habitats of particularly high value present. Any impacts on protected species are confined to common bird species that might breed within the development site. Suitable mitigation measures can be secured via condition (see below).

In relation to Biodiversity Net Gain the site is of very limited value and the assessment has recorded a baseline value of 1.53 habitat units and 0.12 hedgerow units (ornamental hedge). The development will result in the loss of 0.89 habitat units and the proposed design includes habitat creation comprising introduced shrub, other neutral grassland, urban tree and green roof. These habitats provide 1.15 units. The existing hedgerow will be replaced by the creation of a native hedgerow of 70m in length. Overall, the proposals indicate that a net gain of > 10% can be achieved for both habitats and hedgerows on-site. There are no watercourses on site.

The proposed habitat creation seems achievable, details will need to be included in a net gain/enhancement plan for the site which can be subject to a condition (see below).

There are, in addition, proposals for species enhancements including the installation of bat and bird boxes. In principle these enhancements are acceptable. However, the way in which they are achieved could potentially be improved.

The newly published British Standard (BS 42021:2022 Integral nest boxes – Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example: 1. 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. 2. 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. This 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'"

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The proposed bird boxes would be better installed as integrated swift bricks if that is possible with the building design.

With regard to the enhancement proposals for bats, there is evidence that external bat boxes are more likely to be used and therefore it would be desirable to see the internal boxes swapped for external ones.

### **Conclusions**

The proposed development is accompanied by an up to date and comprehensive ecological assessment. There is a relatively minor impact on biodiversity and the habitat creation proposals set out in the Biodiversity Net Gain report together with the enhancement proposals in the EclA should be sufficient to ensure that there is a slight net gain for biodiversity post development. It is important that the habitat creation features, and the areas of land or roof needed to accommodate them are identified and agreed and clearly shown on future plans. At the moment the plans are illustrative and there are differences between, for example, the landscape and open space parameters plan and the illustrative masterplan. Conditions are advisable in relation to securing mitigation and enhancements (see below).

### **Recommendations / Conditions**

#### **Construction Environmental Management Plan (CEMP: Biodiversity)**

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" (as necessary).
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as needed).
- h) Use of protective fences, exclusion barriers and warning signs as needed. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

#### **Landscape and Biodiversity Enhancement and Management Plan (LBEMP)**

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to set out the implementation and management of habitat creation and species enhancements in accordance with the proposals set out in the submitted Biodiversity Net Gain Report (Watermans Infrastructure and Environment Ltd, February 2023). The LBEMP should combine both

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the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric. b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric. c) Appropriate management methods and practices to achieve aims and objectives. d) Prescriptions for management actions. e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity). f) Details of the body or organization responsible for implementation of the plan. g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years. h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met. i) 12 integrated swift bricks in line with British Standard BS 42021:2022. j) 6 external bat boxes k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

### Lighting

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

## **5.16. Design Review Panel:**

### INTRODUCTION

The Design Review Panel has been invited by the planning department to provide independent design advice during the application process for the above applications. The aim of the panel is to improve the design quality of the City's built environment. Its role is to independently review major planning applications and provide feedback during the planning process.

### CONTEXT

The Applicant's team presented both schemes to the Design Review Panel at pre application stage on 24 November 2022. Both schemes were then updated prior to formal submission based on the DRP's comments. The changes to each application, following the pre-app are summarised in the DAS of each application:

Eagle Quarter (from page 11 - 13)

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=187664940>



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Bradshaw Way (from page 10)

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=187661463>

### **CONCLUSION**

The DRP feel the changes have improved the design quality in both schemes. The schemes have the potential to revitalise and transform the city centre, and provide an exciting future for the City. The Panel consequently provide their full support to both applications subject to the comments on monitoring design quality below.

### **Scale & Massing**

The height and number of storeys is considered acceptable on the basis it will not cause 'noticeable' harm to the city's existing heritage assets. The precedent of high rise development in the context of heritage assets has been successfully delivered in other Cities. There is no reason why Derby should be held back by restricting the height of this development. The key is to ensure the right checks and balances are in place via the planning system to maintain a high level of design quality. This can be easily controlled by enforceable planning condition. To this end the DRP would welcome being given the necessary powers to influence planning condition discharge for these schemes only when they feel the quality is right and fit for the City. Limit new leisure or retail use on each application site to allow the offer to spread to the rest of the city centre where regeneration is in higher need.

### **5.17. Regeneration:**

Comments from the Regeneration Team will be provided in advance of the meeting.

### **5.18. Cadent Gas:**

Comments

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=189308700>

Plan

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=189314357>

### **5.20 Marketing Derby:**

Marketing Derby is the Queen's Award-winning Investment Promotion Agency for Derby and Derbyshire, supported by our 325+ Bondholders.

This letter follows consultation with members of Derby Economic Development Advisory Committee (DEDAC) and is written in full support of the Derbion Masterplan application for outline planning consent to redevelop Bradshaw Way and the Eagle Quarter, as we believe it fits with the city's ambition for regeneration.

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Marketing Derby on behalf of DEDAC supports both applications in principle as they aim to improve areas of the city that have been neglected.

The Bradshaw Way development complements an area already undergoing significant regeneration in Castleward and Nightingale Quarter and supplements the requirement for more residential accommodation within the city limits.

The Eagle Quarter development complements the current plans to regenerate an important gateway into the city centre from Derby Bus Station - the Eastern Gateway. It also supplements the housing demand and improves the quality of the area.

The proposed developments improve 2 key gateways into the city, producing a modernised and regenerated welcome to the city centre with an improved building aesthetic and streetscape.

Both schemes benefit the neighbouring St Peter's Quarter, and, by enhancing residential footfall, diversifies the city's economy.

However, in order to be fully cohesive with the city's main core objectives, we would actively encourage the final designs to include more green and blue, in order to fit with the City's Vision of Urban Cooling:

*'The Vision should promote greening of the city centre, including new green spaces, tree planting, greening of streets (and) landscaping'* Towards a New City Vision. Ambition 2022 Document.

There is scope to introduce some biodiversity or biophilic design into the final scheme.

With these considerations Marketing Derby and DEDAC are fully supportive of the proposed application. Please accept this letter as confirmation of our ongoing support for this project and the economic benefits that the project will provide.

### **5.21 Cathedral Quarter BID company**

The Cathedral Quarter Business Improvement District (BID) would like to place on record its support for application mentioned above.

The Cathedral Quarter BID was established in 2007 and is now in its fourth term until February 2028. The BID is home to almost 450 levy-paying businesses, all of whom invest in projects and activities which benefit the area.

Regeneration of this type needs to be supported to develop our city.

Cathedral Quarter BID are committed to working with Derby City Council and stakeholders to improve the area and the city centre.

### **5.22. St Peters Quarter BID company**

The St Peters Quarter Business Improvement District (BID) would like to place on record its support for application mentioned above.

St Peters Quarter BID was established in 2009 and is now in its third term until March 2027. The BID is home to almost 140 levy-paying businesses, all of whom invest in projects and activities which benefit the area.

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Regeneration of this type needs to be supported to reactive our high street.

St Peters Quarter BID are committed to working with Derby City Council and stakeholders to improve the area and the city centre.

### **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	Delivery a Sustainable Economy
CP10	Employment Locations
CP11	Office Development
CP12	Centres
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
AC9	Derwent Valley Mills World Heritage Site
MH1	Making It Happen

#### **Saved CDLPR Policies**

GD5	Amenity
H13	Residential Development (General Criteria)
E17	Landscaping Schemes
E24	Community Safety
T10	Access for Disabled People

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

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

### **6.2. Applications involving the provision of housing:**

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 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 3.17 years of dwellings against the annual 1,255 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).

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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 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

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

## **7. Officer Opinion:**

### **Key Issues:**

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

#### **7.1. Overarching Policy Context**

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

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

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

#### **7.5. Transport and Access**

#### **7.6. Environmental Impacts**

#### **7.7. Planning Obligations**

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

### **7.1. Overarching Policy Context**

This outline application with all matters reserved, as updated, seeks permission for the demolition of the existing retail units and the erection of a phased development comprising of residential, commercial and office development along with associated works including landscaping, car parking and servicing arrangement. .

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### Current Policy Position

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17-year Plan period (647 dwellings annually). However, in December 2020, Government amended its 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 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 **3.17** years of dwellings against the annual 1,255 requirement.

For the purposes of decision making, the lack of a demonstrable 5-year housing land supply means that the presumption in favour of sustainable 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 five-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 3.17 years is a

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significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The application seeks outline permission for the demolition of existing buildings and the erection of a phased, mixed-use development including residential, commercial and office floor space (Use Classes C3 and E); servicing; car and cycle parking provision; hard and soft landscaping works and other associated works. The proposal includes six buildings or blocks of varying heights, ranging from circa 5 to 19 storeys (+ plant and access).

Development of this scale could provide up to 420 new homes, 4,695sqm of office space, 477sqm of commercial space and 2,052sqm of parking, servicing and ancillary spaces.

### **Principle of Development**

The site is not allocated for anything specific in the DCLP1 but is located within broad policy areas including the Central Business District – CBD (AC2), the Intu (now Derbion) ‘character area’ (AC2) and the Core Area (AC2). The site is not identified as primary frontage as it is peripheral to the heart of the primary shopping area.

Policy AC1 (City Centre Strategy) 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.

It should be noted that the minimum of 2,200 across the city centre as a whole was set in the context of meeting a citywide requirement of 11,000 new homes in the Plan period. As already acknowledged, Policy CP6 (which sets the housing requirement) is considered to be out of date and the housing requirement has increased to 1,255 a year, which is just over double the current Plan annual requirement. This increases the significance of ensuring that new homes are delivered in sustainable locations such as the city centre. Therefore, the provision of up to 420 residential units on this site would be a significant contribution to the City’s housing needs.

AC2 identifies the CBD as the main focus for economic and leisure activity (including offices - reflected in CP11) and also identifies the Core Area as the sequentially preferable location for major new retail development within the city (reflected in CP12).

AC2 also identifies the Intu (now Derbion) character area acknowledging that the shopping centre is the main focus for shopping and leisure activity in recent years. It goes on to recognise the need to enhance integration between this area and the rest

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of the Core Area and supports regeneration that further enhances the retail and leisure offer. Finally, AC2 states that proposals for the regeneration of the Bradshaw Way Retail Park will be supported, provided they include a significant retail element and would not have a significant negative impact on the Cathedral Quarter or St Peters Quarter.

The Bradshaw Way site is highly sustainable being brownfield, located in the city centre and within easy walking distance of the bus and train stations. The principle of residential development on this site is clearly supported by the overarching policy objectives set out in AC1 and AC2 and in the context of the Council's housing supply position (as set out above), the potential delivery of up to 420 new homes should be given very significant weight in the decision-making process.

The potential for new office floorspace is also warmly welcomed and supported by the policy framework. The need for new, high-quality office floorspace in the city centre is widely recognised.

In terms of the commercial uses being sought, the new E use class covers a range of potential uses including amongst other things, retail, café's, restaurants, gyms, nurseries, doctors, financial and professional services. All of these uses would be supported, 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 to no more than the 477sqm being sought. 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.

Clearly, the proposal would not include a significant retail element as suggested by the provisions of AC2. However, I do not consider this variation to be a major issue as the need for 'bricks and mortar' retail space have clearly shifted since the policy was drafted, with a general recognition that there is too much retail space in Derby city centre. If retail space is to be rationalised, the application site appears to be a good candidate given it's dated design and peripheral location.

The need to rationalise the amount of floorspace dedicated to retail sales and diversify the range of uses in the city centre is reflected in the recently published consultation document, Towards a New Vision for Derby City Centre – Ambition (2022). In relation to retailing, the document acknowledges that the city centre has too much retail floorspace and this is contributing to high rates of vacancy and a general air of decline. In response to this, the Ambition document identifies Bradshaw Way Retail Park as an 'area of change' as part of the wider Derby masterplan area. The document acknowledges that the Bradshaw Way site offers a significant opportunity for a major new development, providing a new landmark building in a gateway location. The document goes on to identify the site as a potential residential led development opportunity.

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



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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.

In summary, the range of uses being proposed in the outline application are supported from a planning policy perspective and the potential housing numbers that could be delivered should be given very significant weight. Colleagues in the Implementation Team are negotiating appropriate S106 contributions, including the potential approach to affordable housing.

### Scale, Design and Heritage

Having reviewed the submitted material, the key issue appears to be the scale of development required to produce the outputs being suggested. As already noted, the building heights indicated range from 5 storeys to 19 storeys on the corner of London Road. With the application being in outline, the intention is for maximum building heights to be conditioned as part of this application.

The starting point is Policy AC5 which recognises the Bradshaw Way / London Road junction as a Primary Gateway. Criteria (h) supports the construction of ‘tall buildings’ in appropriate gateway locations, where these are of high-quality design and do not adversely affect the setting of heritage assets and the character of the city centre. CP4 acknowledges the need to give ‘particular scrutiny’ to proposals for tall development. The supporting text to CP4 highlights that tall developments are generally considered to be proposals over 20 metres in the city centre, some 6 stories.

Following the adoption of AC5 and CP4, the Council (in conjunction with Historic England) commissioned a Skyline and Significant Views Study, which was subsequently used to inform the Council’s Tall Buildings Study (2021).

The Tall Buildings Study defines tall buildings as at least twice the general context height of the surrounding area. The Bradshaw Way / London Road corner is specifically identified by the study as a location that could potentially accommodate a tall building. The study states that, *“A tall building on the street corner could enhance distinctiveness of this gateway into the city centre. It further would be expected to deliver a better defined and overlooked street environment. Development should provide a strong definition to the corner and enhance views along London Road”*.

The location is identified as an opportunity for a ‘local landmark’ and provides an indicative tall building height of 12 storeys, based on a context height of 5 storeys, with a justification that a tall building would mark a place of local significance and support local legibility. The study goes on to identify site specific design criteria for tall development in this location including the need for tall buildings to be:

- located at the street corner and in the vista along London Road
- visually distinctive and of the highest quality.
- an integral part of a lower rise development block that follows and defines the Inner Ring Road and London Road
- part of comprehensive development of the entire development site that delivers wider regeneration benefits.

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At 19 storeys, the proposal is clearly in excess of the scale suggested by the study. Nonetheless, it has the potential to be consistent with some of the site specific design criteria. Given that the proposed scale is more than that indicated by the study, it will be crucial to ensure that the impact on views is fully assessed and tested.

The key issue in considering the appropriateness of the scale is that the proposal is in outline form.

The Tall Buildings Study is very clear that applicants seeking planning permission for tall buildings should submit full applications and that outline proposals should not be accepted. This is because the impact of a tall building is very much related to its design taken as a whole, as opposed to simply its height.

Given that the proposed scale is more than that indicated by the Tall Buildings Study, it will need to be ensured that the design of the building is of exceptional quality. This is a matter of particular concern for some consultees however the recommended conditions which secure the maximum parameters of the development, and the full consultation and determination of a reserved matters application(s) will allow the decision maker to retain full control of whether or not the design of the buildings are of sufficient exceptional quality to gain planning permission.

It is welcomed that the Design Review Panel in their comments wish to be involved in the detailing of any reserved matters submissions. This application, in outline, is therefore only considering the principle of re-developing this site in this suggested manner.

The full comments of consultees are set out above including the Design Review Panel, Historic England, Derwent Valley Mills World Heritage Partnership and the Council's Built Environment Officer.

### **Planning policy conclusions**

Making the city centre an attractive place to live as well as to work, shop and spend leisure time in will be a crucial part of its transformation, not just because this will generate more activity and vibrancy, but also to help meet Derby's unprecedented level of housing needs.

There would be significant benefits from the provision of circa 420 new homes to the Council's housing supply. Although it is unknown at this stage, if some of these provide affordable housing there would be further benefits as the city has considerable affordable housing needs. Further benefits would come from the removal of outdated retail units, provision of new office floorspace the creation of a more permeable, pedestrian friendly form of development, with opportunities for green infrastructure enhancements. The fact that the principle of the uses being proposed are in line with the policy framework and are supported by the Council's Ambition document, also weigh heavily in favour of the proposal.

The adverse impacts are most likely to be associated with the potential visual impacts of this scale of development, both on the character of the city centre, but also potentially on heritage assets.

National Planning Policy dictates that where there is no 5-year housing supply, that proposals which include the provision of housing should be approved unless:

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

In terms of (i), footnote 7 includes reference to policies relating to designated heritage assets. Therefore, you will firstly need to consider whether the policies in the NPPF relating to designated heritage assets provide a clear reason for refusing the development proposal. If they do not, then (ii) is triggered meaning that the proposal should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The benefits and adverse impacts therefore need to be considered and quantified in making a decision. The ability to fully understand visual impacts and potential impacts on heritage assets is not helped by the application only seeking outline approval albeit representative visualisations have been submitted with the application.

Quality is important if city living is going to support a re-invention of the city centre into a destination of choice. Poor quality homes should not be seen as a mark of success or progress. The decision makers will need to be satisfied that whilst in outline format, the proposals have the potential to deliver high quality development and associated living environments.

Subject to conditioning the amount of food and drink floorspace (to align with CP15) and any concerns in relation to scale / impacts on heritage, there are no policy objections to the principle of the proposal.

### **7.2. Heritage Assets**

There are no Statutory Listed or Locally Listed Buildings within the application and application site is not located within a Conservation Area. However given the scale and height of the proposed development and its impact on the city's skyline there is the potential for the development to have an impact on a number of designated and non-designated heritage assets that reside within the site's wider context, this includes but is not exclusive to, the following list taken from the submitted Heritage Assessment, page 6:

- *Derby City Centre Conservation Area (including listed buildings within it)*
  - *Cathedral Church of All Saints (Grade I)*
  - *Central Library (Grade II)*
  - *Guildhall (Grade II)*
- *Group (Locally Listed Buildings: Victoria Chambers, 52-56 London Road; Zanzibars, London Road; 1 - 12 The Spot; 48-56 Osmaston Road.*
- *Hartington Street Conservation Area (including listed buildings within it)*
- *Strutts Park Conservation Area (including listed buildings within it)*

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- *Roman Catholic Church of St Mary (Grade II\*)*
- *Group: Railway Conservation Area (including listed buildings within it) and Former Railway Workshop At Derby Railway (Grade II\*), Former Carriage Shop At Derby Railway(Grade II\*, Former Engine Shed (Remains Of The Original Midland Region Railway Station (Grade II\*) and Clocktower (Grade II)*
- *Group: Arboretum Conservation Area (including listed buildings within it) and Derby Arboretum RPG (Grade II\*)*
- *Nottingham Road Cemetery RPG (Grade II)*
- *Group: Liversage Almshouses (Grade II), Walls And Railings Fronting London Road Of The Derbyshire Royal Infirmary (Grade II) and Florence Nightingale Statue (Grade II), Church Of The Holy Trinity, London Road, (LLB), London Road Community Hospital (LLB)*
- *Queen Victoria Statue in Grounds Of Derbyshire Royal Infirmary (Grade II)*
- *Derwent Valley World Heritage Site*

The heritage assets are taken from a 2km study area. The submitted Heritage Assessment confirming that *“The scope was further refined by fieldwork to allow a proportionate assessment to be prepared that considered only those assets where significance may be affected. For assets where no material change to setting would occur, or where the change to setting is characteristic, these have been excluded from the scope.*

*Other heritage assets have been scoped out often due to a combination of distance from the site and a Zone of Theoretical Visibility (see Appendix 3) showing low to nil visibility of the scheme. Fieldwork undertaken to visit areas of potential visibility allowed us to further refine the scope. Despite close proximity to the Green Lane and St Peter’s Conservation Bradshaw Way Retail Park : Heritage Impact Assessment Pg 7 Area, the Zone of Theoretical Visibility confirms that intervening development and the tight urban grain screens almost all visibility of the site from this conservation area.”*

The applicant has submitted a Heritage Assessment, Townscape and Visual Appraisal, Bradshaw Way Retail Park World Heritage Site Impact Assessment and Bradshaw Way Rebuttal. The assessment has sought to provide an assessment of the proposal and its relationship with the aforementioned heritage assets in accordance with the requirements of the NPPF. The applicant has submitted a number of views using the Council’s 3D Model along with photo montages of the proposed development.

The submitted assessments consider the historical context of the application site, the heritage assets, the local context and provides a massing analysis of the proposed development in this context. Colleagues have requested additional viewpoints through the life of the application in order to assist with their assessment. These have been provided by the applicant. The assessment considers the significance of the heritage asset, the attributes of setting contributing to significance from the application site and the attributes of dynamic experience of the asset contributing to significance along with providing details of their methodology, relevant legislation and guidance and visual assessment. The applicant has also submitted a Planning Benefits Statement which

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provides a detailed explanation of the planning benefits, this will be considered in more detail in Section 7.3 of this report.

In considering the application decision makers must engage Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 is not relevant in the determination of this application as the site is not located within a Conservation Area.

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

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

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

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

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

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraph 197 of the NPPF states that, in determining applications, local planning authorities should take account of:

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

Paragraph 201 states that where proposals “...will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

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*refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

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

Guidance in the NPPF provides that proposed developments involving substantial harm to (or total loss of a significance of) a designated heritage asset planning permission should be refused and would require clear and convincing justification.

Where the harm to the designated asset is considered to be less than substantial, as is considered to be the case with this proposal, paragraph 201 of the NPPF provides that the “harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

Paragraph 203 of the NPPF also requires any impact on the significance of non-designated heritage assets to be taken into account in the planning balance.

The application is accompanied by a Townscape and Visual Appraisal along with a Bradshaw Way Rebuttal which analyses the impact of the proposed development on the aforementioned heritage assets. The submitted appraisal follows best practice guidance. The Townscape and Visual Appraisal (TVA) outlines the methodology used and in particular viewpoints across the city and the aforementioned heritage assets. Some 35 viewpoints were considered at the initial site visit with Council Officers this has since been expanded. Not all views and photos have been verified but those considered the most important have been verified. Full details of the imaging are contained within Townscape and Visual Appraisal – Appendix 4.

The TVA concludes in terms of the Townscape Effects of the development in Section 8.1

*“...The analysis of the proposed buildings scale, which include some substantial height, notes that a stepping approach was adopted in the master plan design to integrate the proposal within the contextual height. Therefore, lower elements of the proposal are adjacent to the existing low-lying residential area, while the taller element leads to the existing tall buildings (i.e. the Derbion Shopping Centre).*

*The proposal also brings back permeability, through a Site that lacks a strong identity, that would have existed on the Site prior to the current building. The replacement of the existing nondescript commercial townscape is also considered positive as the Site is at a prominent nodal location which would benefit from the improvement of the existing townscape qualities and enhancement of a stronger sense of place. Critically the intention of achieving high-quality architecture, as illustrated in the Design Access Statement (DAS),*

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*is necessary to ensure beneficial effects are experienced by all identified receptors.*

*Finally, the taller elements in the north-east corner of the proposal remain subservient to and somewhat distanced from the Cathedral tower and other historical landmarks, so they have no adverse impact on the character of the Derby Skyline.”*

In terms of the Visual Effects of the proposed development the TVA concludes:

*“The proposed development does not result in any adverse visual effects. This is the result of the proposal being in an appropriate location within the city and of giving appropriate consideration to the existing height hierarchy of the contextual townscape. The stepping approach provide a responsive interface with the low-lying residential areas, while increasing height towards the taller elements of the Derbion Shopping Centre.*

*The proposal's visual effect in the local skyline is of a well-integrated proposal. While it is noted that there will be the loss of a glimpsed view of the Assemblies of the First Born tower in the viewpoint from Osmaston Road, this is an incidental view that is already disrupted by the existing built form. In the long distant views, the taller element appears as a new feature in Derby's skyline, but not in competition with the existing historical landmarks.*

*Finally, it is considered that the proposal will replace a currently nondescript townscape feature, which provides a poor visual experience. The intention to achieve high-quality design has therefore the potential to improve the visual amenity of a nodal point leading to the City Centre.”*

The application is also accompanied by a Heritage Statement which has been robustly assessed along with the TVA by Historic England, Conservation and Heritage Advisory Committee, Council's Built Environment Officer and World Heritage Panel.

Pages 17 and 18 pf the Heritage Statement considers the aforementioned heritage assets, their impacts on the effect of the development on the significance. Overall, heritage assets are *Preserved* except, when considered 'A Church of The Holy Trinity, London Road – Locally Listed Building' where the low-level harm to the significance of a building of low importance.

Overall, the Heritage Statement considers that the proposal is capable of meeting the heritage policy tests and any harm is low-harm to a non-designated heritage asset. The Heritage Statement concluding:

*“This harm, to a non-designated heritage asset, will need to be considered in the planning balance in accordance with NPPF paragraph 203, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst some low-level harm is caused, the scheme has been located in an area of the City which has the least effect on the historic environment and skyline and has been identified as an area for tall buildings within the Local Plan. It replaces poor-quality buildings that detract from the surrounding historic townscape, which brings with it positive heritage effects. The outline scheme is capable of delivering a high-*

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*quality new piece of the City with substantial public benefits. The detailed design and choice of materials will seek to mitigate the harmful effects.”*

The Derwent Valley Mills Heritage Site and its associated buffer zone (DVMWHS) is located to the north and north-east of the application site. The applicant has considered views of the DVMWHS, monitored views and provided visualisations showing the context of the WHS and other heritage assets. The Derwent Valley Mills World Heritage Site Panel states, in their original comments dated 20<sup>th</sup> March 2023 “...the wireframe visual submitted by the applicant (Appendix 4, Type 4 Technical Visualisations, p21), it is clear that the development for both these sites will be exceptionally tall relative to their context; even compared to the existing Derbion centre which caused concern at the time of its development.” Concluding that “...the Derbion Centre caused considerable concern, particularly the late addition of the cinema block. The proposed developments are two or three times the height of the finished Derbion Centre”.

There are concerns by the Derwent Valley Mills World Heritage Site Panel that the submitted Heritage Impact Assessment does not adequately follow the guidance of ICOMOS in drafting such an assessment to assess the impact of the development on the WHS. The applicant has provided a further rebuttal to this point in their Bradshaw Way Retail Park World Heritage Site Impact Assessment; this is still a point of dispute between the consultee(s) and the applicant.

In considering the DVMWHS consideration must also be given to the aforementioned heritage assets. From the longer range views the proposed development due to the topography of the city, elevated position of the historic core will not be viewed in a number of the considered viewpoints.

When considering the wider context, skyline of the city and the heritage assets in the longer range views the following viewpoints are considered to be of note are viewpoints P1, P5, P6, P7, P8, P9, P10 and P18 are of note with the proposed development only being barely visible within viewpoint P7 and the setting of the Cathedral Church. The Cathedral is located to the north of the application site along with Strutts Park Conservation Area, Roman Catholic Church of St Mary (Grade II), Central Library (Grade II) and Guildhall (Grade II). This impact is a direct result of the proposals scale of the tallest block rather than the proposed development as a whole.

To the east of the application site is the Group heritage assets comprising Liversage Almshouses (Grade II), Walls And Railings Fronting London Road Of The Derbyshire Royal Infirmary (Grade II) and Florence Nightingale Statue (Grade II), Church Of The Holy Trinity, London Road, (LLB), London Road Community Hospital (LLB) and Queen Victoria Statue in Grounds Of Derbyshire Royal Infirmary (Grade II). The relationship between the proposed and these assets is identified within viewpoints P22, P24, P28, P30, P32, P3 and, P34 which are shorter range views. The proposed development being visible from a number of these viewpoints but not having a direct impact on the setting of the aforementioned heritage assets.

To the south and west of the development are a group of locally listed buildings including Victoria Chambers, 52-56 London Road; Zanzibars, London Road; 1 - 12 The Spot; 48-56 Osmaston Road, the Hartington Street Conservation Area (including listed buildings within it), the Arboretum Conservation Area (including listed buildings within it) and Derby Arboretum RPG (Grade II\*). The relationship between the development



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and these assets is identified within the viewpoints P12, P23, P24, and P29. The proposed development is visible within these viewpoints due to them being at close range.

Historic England's position is that the proposal is not policy compliant and object on heritage impact grounds due to the considerable degree of harm *'to designated heritage assets, including the DVMWHS, listed buildings including the grade I listed Cathedral Church of All Saints, and numerous conservation areas. It would dramatically alter the character of the Derby cityscape, which forms a key part of the setting of these heritage assets.'*

The Council's Built Environment Officer confirms that they offer no objection to the demolition of the existing modern buildings and there is no objection to the principle of re-developing the site. In fact they confirm that the site is *"...an opportunity for regeneration including a courtyard residential design, improving access and connectivity, active frontages, green spaces and edges to Bradshaw Way as well to accommodate intensification of development."* They further confirm that there is no *"...issue with the indicative site layout, or the principle of slender tower forms stepped across the site in this way."* But raise objection to the towers as they will rival the dominance of the Cathedral Tower and confirm that the size, bulk and height of the proposal within the city context is visible within viewpoints P12, P22, P24, P28, V30, V32 and V34 along.

There remains concern that the full impact of the proposed development cannot be fully assessed at outline stage. The consultee echoes the opinion of others that the development will have a degree of impact (which is negative/harmful) on the setting of the World Heritage Site and its buffer zone when taking into consideration the skyline views as a result of its visibility above surrounding buildings. They confirm that *"Blocks 3 and 4 are the tallest and far taller than those highlighted as being appropriate in the Tall Building Study – block 4 (14 Storey) defined in the Study as a 'local landmark' and block 3 (19 storey) as a 'district landmark'. There is a degree of harm upon the setting of a number of heritage assets and suggest the height is reviewed and lowered in line with Derby's Tall building study. The degree of harm would then also be lowered."*

From closer views the development would also appear dominant in their opinion resulting their concerns about the overall impact of the development and recommending the height of two tallest towers be reduced concluding that *"Any tall building, of any height, needs narrative as to why it is of the proposed height and needs to be of the highest quality. There is harm to the setting (as part of significance) of designated heritage assets and non-designated heritage assets their character, context in the townscape and the ability to appreciate and experience them. A statement within the recently submitted documents states, 'to deliver the quantum of public benefits... the heights proposed are required,' and a planning benefits report has been submitted outlining the public benefits resulting of the proposed development at this height. It is concluded that the public benefits would be less if the towers were reduced in height (e.g., if in line with the Derby Tall Building Study) and if lowered the impact on heritage assets would be reduced."*

The Conservation and Heritage Advisory Committee conclude in the minutes of the March meeting that the *"main concern of this committee was the height of the buildings in terms of impact on setting of Conservation Areas, setting of listed buildings,*

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*DVMWHS.” Recommending the submission of a more detailed application. Overall, they “object to the application because of the density and height impact on conservation areas and listed building setting. They acknowledged that a statement building could go on the corner of London Road and Bradshaw Way provided it complied with the Tall Building Study.”*

Design Review Panel observed that *“The height and number of storeys is considered acceptable on the basis it will not cause ‘noticeable’ harm to the city’s existing heritage assets.”*

As previously discussed, the application is accompanied by a suite of supporting information that has been updated throughout the life of the application which has been duly considered by the consultees. As a result of the negative comments from these consultees and the clear policy position as set out in the NPPF I conclude that the proposal would, based on the maximum parameters of building height, result in ‘less than substantial harm’ to the setting of the aforementioned heritage assets and townscape.

In the context of the paragraph 201 of the NPPF, as previously included for members reference, the public benefits of the proposal, that need to be weighed against the harm as identified above (this being less than substantial harm) to the setting of the list of designated heritage assets which includes a world heritage site, conservation areas, listed buildings and locally listed buildings are summarised within Section 7.3 of this report.

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

Skylines form part of a city’s identity and portray the investment in and development of a city centre generating the city’s portrait. Cities of all descriptions and periods rise aloft with distinctive landmarks celebrating their growth. In fact, a distinctive and attractive skyline is frequently used for the presentation of a city to the outside world and plays an important role in city marketing and branding. Vantage points, or viewing balconies, from where a particular skyline can be appreciated, and distinctive landmark structures are often an important tourism focus, and as such foster the local economy.

Such opportunities along with the wider public benefits that are attributed to development proposal should be weighed in the balance to counter the ‘harm’ created, as set out in paragraph 201 of the NPPF.

The application has attracted strong letters of support from Marketing Derby, St Peters Quarter BID and Cathedral Quarter BID. The submitted Statement of Community Involvement also indicates that the result of the questionnaire *“demonstrates a high level of public support for, or agreement to, the redevelopment of the Bradshaw Way site and the wider proposals presented in the Derbion Masterplan...”*

When specifically considering building height and density, 53% of respondents considered the site was a suitable location for some taller buildings and 16% disagreed. Whilst responses were mixed some stated that the *“addition of height will greatly add to the skyline and make it more interesting and additionally, that the addition of a landmark building will help to make a statement that Derby is a modern*

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*21st Century city. Others stated that the addition of height was not appropriate and should not impact on views of the Cathedral.”*

In assessing this application the decision maker needs to consider the benefits it would bring to this site, the city as a whole and all the regeneration opportunities it would attract.

In order to explore and bring into the planning balance the public benefits arising from the proposal, the applicant has expanded the public benefits identified in the Planning Statement in the Planning Benefits Statement, in accordance with paragraph 201 of the NPPF. The public benefits arising from the proposed development, summarised by the applicant, are considered to be:

### **Housing and Regeneration Benefits**

- 1. Delivery of new homes - delivering up to 420 new high-quality homes for the Build to Rent or open market, in a sustainable location, widening the offer available in the city centre;*
- 2. City centre regeneration - securing the long-term future of this part of Derby city centre with the redevelopment of the underutilised site with new commercial development at ground floor level;*
- 3. Brownfield re-development - providing sustainable development with the optimisation of brownfield land with development up to 19 storeys in height, meeting housing need within the city centre and reducing the need for development on greenfield sites;*

### **Design and Placemaking Benefits**

- 4. High quality architecture and design - delivering high-quality architecture and creating an attractive and new and distinctive urban quarter;*
- 5. New public realm – provision of new, high-quality public space within Derby city centre;*
- 6. Townscape legibility - creating a gateway development and legibility for those arriving in the city centre from the south;*
- 7. Pedestrian routes - creating enhanced pedestrian routes through the site by removing physical barriers to movement and providing improved connections to surrounding parts of the city centre;*

### **Economic Benefits**

- 8. Investment – investing £104,710,840 in Derby city centre; (this figure takes into consideration enabling works, demolition, construction, infrastructure, landscaping, associated highways agreements and accommodation and associated works across the development as a whole)*
- 9. Employment - generating 489 direct FTE construction jobs per year of the construction process and 357 direct FTE operational jobs from the operation of the Class E commercial units and office floor space;*

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10. *Spending and fiscal benefits - generating direct and indirect spending from new residents, £636,500 in Council Tax receipts per annum, and between £633,000 and £676,000 in New Homes Bonus payments over a period of a year; and*

### Environmental Benefits

11. *Landscaping and biodiversity - delivering an increase in landscaping on the site, with the introduction of high-quality greenspace with corresponding ecology, surface water attenuation, biodiversity and air quality benefits.*

The Planning Statement concludes that *“In this case, the material considerations in the form of planning benefits are considered to carry substantial weight in the planning balance that outweighs the harm arising from the harm to heritage assets, such that planning permission should be granted.”*

Policy AC1 states:

“The Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.”

With the benefits outlined above it is accepted that the proposal would assist in meeting the objectives of this policy through increasing footfall. On visiting the city centre it is evident that Derby, like other city centres, is struggling post-covid and with the economic down-turn, cost of living crisis through the closure of retail stores, businesses and leisure uses, the injection of up to 420 new high-quality homes would greatly assist in the rejuvenation of the southern end of the city centre thus meeting the aspirations of the Core Strategy, City Centre Masterplan 2030 and City Centre Ambition Document.

The applicant states that the development could see the investment of some £104,710,840 in the city centre, the creation of more than 480 FTE (Full Time Equivalent) construction jobs, in excess of 350 FTE operational jobs. The creation of up to 420 dwellings will create a new community that will shop, eat, drink and socialise in the city. A recent study by Ocean Finance (published 12 September 2022 - <https://www.oceanfinance.co.uk/blog/which-cities-have-highest-disposable-income/>) states that despite the cost of living being the highest it has been in 40 years “Derby has the highest disposable income, with the average homeowner in full-time work being left with £1,210 per month once their mortgage and essentials are paid for...” Therefore the potential economic benefits and spending capacity of the new residents would be significant for the city centre and its economy.

One of the key benefits, in my opinion, would be the creation of housing in the city centre. This clearly satisfies a number of Council objectives and policies. The creation of city centre living would bring with it clear economic and social benefits that would assist the city as a whole.

Marketing Derby (MD) has also offered their detailed support to the proposal. They offer an alternative viewpoint to other consultees as they market the city and try to attract new investment. They conclude that this proposed development *“...complements an area already undergoing significant regeneration in Castleward*

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*and Nightingale Quarter and supplements the requirement for more residential accommodation within the city limits.” and the development will improve a key gateway “...producing a modernised and regenerated welcome to the city centre with an improved building aesthetic and streetscape.”*

Both the Cathedral Quarter and St Peters BID’s state “*Regeneration of this type needs to be supported to develop our city.*”

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

- Delivering up to 420 new homes in a sustainable location assisting in meeting of the Council’s housing land supply
- Regeneration of an under-used and prominent site creating a new and distinctive place and visual improvement of the site
- Securing the long-term future of this site through the re-development of an under-utilised and outdated buildings providing new commercial and residential space
- Supporting the economic growth of the city through jobs, both construction and operational, and investment
- Generating direct and indirect spending from new residents and tax revenues
- Providing a sustainable development, optimising brownfield land meeting housing needs and reducing the pressure on greenfield development
- Creating a gateway development, providing townscape legibility and improving connectivity from the Railway Station and Nightingale Quarter
- Providing enhancements to the setting certain heritage assets these are considered by the applicant to be the Hartington Conservation Area, Florence Nightingale Statue and the Infirmary Wall and Railings
- Enhancing pedestrian connectivity through the removal of physical barriers on the application site
- Encouraging pedestrian footfall within active ground floor use and improving natural surveillance and creating a safer city centre
- Improving the landscape and generating biodiversity opportunities
- Securing design principles at the outline stage to ensure a high-quality development is realised
- Introducing a permanent residential population, driving activity beyond the traditional shopping and leisure opening hours
- *“Delivering high-quality city centre living making it a more attractive option for potential employees, recent university graduates, students and retirement. Assisting making Derby a more attractive option and compete with other regional centres such as Nottingham;”*

The decision maker therefore has to weigh in the balance these socio-economic benefits against the harm the proposed development would have on the designated and non-designated heritage assets in accordance with the policy test set out in Section 16 of the NPPF.

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

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

As discussed, this application has been submitted in an outline format with all matters reserved including layout, appearance, scale and landscaping. The details provided within this submission are indicative only and seek to confirm the maximum limits of the development. That being said, the applicant seeks to agree a design intent, as set out in the submitted Building Design Code Revision P02. The design code seeks to ensure the phased development is brought forward in a cohesive and high quality manner.

The suite of drawings, Design and Access Statement along with the Building Design Code Revision P02 seek *“to secure design intent whilst maintaining flexibility to adapt block composition and accommodation in response to market conditions”*.

The Building Design Code seeks to agree the principles of the masterplan, building heights, active frontage locations and architectural vision. The building heights have been proposed in order to respond to the existing urban context, lower buildings along London Road rising to Osmaston Road and creating the focal point of the landmark building on the junction of London Road and Bradshaw Way as detailed below:



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As set out on page 12 - 14 of the Building Design Code document the design principles are as follows:

### **General Design Principles**

- *Respect height of local heritage buildings*
- *Materiality to be contextually aware whilst reflecting the history of the site but also representative of architectural diversity and interest*
- *Use of contemporary and articulated building forms to break up the city scape and mass of the proposal*
- *Provide an activated ground floor of mixed-use to bring the buildings down to a human scale*
- *Large windows with majority of facing activity and wider scale views towards the River Derwent*
- *Follow minimum set distances between buildings*
- *Opportunity to provide a mix of protruding and recessed balconies in appropriate locations*
- *Addition of green roofs to promote sustainable development and biodiversity*
- *Min. 3m floor to floor above ground level*
- *Min. 4.5m clear height ground level commercial units*
- *Main building entrances to engage with the public streets and spaces*
- *Large full height windows*
- *Transparent ground level frontages for street display and interaction*
- *Opportunity for private rooftop terraces*
- *Building facades to be designed such to mitigate potential impact on micro climate (down draft effect etc.). This can be achieved by providing balconies with impermeable balustrades, hard landscape that includes solid canopies and artworks, large stationary planters, boundary trees and rows of hedges*

*The active frontages at public level should provide a high quality visual draw to the scheme. Signage zones, shop fronts and glazing should optimise display opportunities and visibility from Boulevard and the Green heart.*

*The articulation and proportion of the shop fronts should maximise activity and visibility along the new public realm, and enhance passive surveillance. The entrance lobby for the residential element of the blocks should have a distinct architectural character to make it identifiable.*

### ***General Design principles for ground plane architecture style –***

- *Shop frontages in general to be designed to maximise views to tenant signage zones, sales and display areas for all levels.*
- *Elevational relief to piers, columns etc to be designed to minimise obstruction to key sightlines.*

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- *Block lines generally to set to provide consistency of visibility to all active frontages across the block.*
  - *Projections and signage at all levels to be minimised generally to avoid disruption of sightlines to potential anchor tenants.*
  - *Any louvred areas in the facade should be of high quality.*

### Officer Design Principles

*The massing terraces down towards Osmaston Road for potential roof terraces • Min 4.2m floor to floor above ground level*

- *A limited palette of materials with accent colours/ elements for detail*
- *Large full height windows*
- *Transparent ground level frontages for street display and interaction*
- *Facades are a contemporary interpretation of traditional materials*
- *Consider sustainable materials*
- *Entrance lobby to face towards Bradshaw Way*

The Building Design Code, Indicative Masterplan and Proposed Parameter Plans 01 – 06 indicatively detail how the application site can reasonably accommodate, to the maximum quantum, the proposed development along with providing active frontage, increasing and improving connectivity across the application site and within its context along with improving and utilising open space and landscaping to provide a sense of place and ‘tame the ring road’.

Proposed Parameter Plan 01- Principal Land Use Ground Floor indicates that prominent frontage would be activated class E uses and amenity space for residents that would ensure interaction between the buildings and surroundings spaces through a removal of physical barriers such as supporting columns etc. at the ground floor.

Proposed Parameter Plan 02 - Principal Land Use Upper Floor indicates that the majority of blocks would be residential uses with the opportunity to activate the Bradshaw Way and Osmaston Road junction with a commercial building where there would be a greater opportunity to increase glazing and activated elevations.

Proposed Parameter Plan 03 and 04 consider the horizontal limits of the development – the distance between the buildings at ground floor and upper floors. The distances at ground floor are considered to be acceptable and have increased at the upper floors reflecting the need to preserve the amenity of the residential uses within. That being said I would not want to see these limits be reduced further and further assessment will be necessary at reserved matters to ensure that residential amenity is respected.

Proposed Parameter Plan 05 – Vertical Limits of Deviation, this plan is included within Section 1.4 of this report and indicates the maximum height of the buildings from above Ordnance Datum (ground level). It is important to note that ground levels vary across this site and the building heights have been designed follow the contour of the land i.e. tallest building on the lowest corner of the site. As detailed above.



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Proposed Parameter Plan 06 – Landscape and Open Space shows how the masterplan has been set around a ‘green heart’ improving pedestrian connectivity and through the site, into and out of the site. The plan details how the development is set back from Bradshaw Way creating a green corridor and taming the ring road as is the Council’s ambition. The plan highlights the importance of planning landscaping into development and creating open space rather than utilising space left over from development. This will create a sense of plan and improve the biodiversity potential of the development site.

In general terms, the above design principles are considered to be acceptable and follow good design guidance however these will need to be explored during the reserved matters phase(s) to ensure the design principles will promote the best design and quality to reflect the city skyline and street scenes Derby wants at that time. Therefore, the proposed development shall broadly accord with these design principles and to ensure changes in policy are reflected particularly, as this will be a phased development realised over a number of years.

The application has attracted objection from heritage consultees it has also attracted support from the Design Review Panel, Cathedral Quarter and St Peters Street BID along with Marketing Derby. The points of objection are ones relating to the scale of the development rather than the principle of re-developing the prominently located site.

The Design Review Panel states *“The precedent of high-rise development in the context of heritage assets has been successfully delivered in other Cities. There is no reason why Derby should be held back by restricting the height of this development. The key is to ensure the right checks and balances are in place via the planning system to maintain a high level of design quality.”* Overall offering their *“full support to the application”*.

Marketing Derby also offer their support particularly to the improvement of this key gateway location *“...producing a modernised and regenerated welcome to the city centre with an improved building aesthetic and streetscape.”*

The Derwent Valley Mills World Heritage Panel offers no specific comments on the Building Design Code but focus on the overall scale and the developments potential impact on the wider setting of the World Heritage Site.

The Conservation and Heritage Advisory Committee do not object to the demolition of the existing buildings and re-development of the site but remain to have concerns around the scale and height of the proposed buildings because of the density and height impact on designated heritage assets and the Derby skyline.

The Council’s Built Environment Officer confirms that *“There is no issue with the indicative site layout, or the principle of slender tower forms stepped across the site in this way. However, this proposal is for towers which are relatively very tall in height and scale for Derby, taller than much on the city skyline (including the Derbion Box) and will rival the dominance of the Cathedral tower.”*

The position of consultees is not one of principle, the re-development of the site generally being supported, but focused on the scale and height of the development.

There are no objections to the principle of the development, matters raised that relate to detailed design would need to be considered during the reserved matters

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application(s). The objections raised in respect of the scale and height of the development are explored above and in Section 7.2 of this report. The Tall Buildings Strategy identifies this location (LM10) as an opportunity for a tall building of Local Landmark, whilst this proposal would see a taller landmark building, in my opinion, the applicant has identified the need for such a building, identified the clear urban design rationale for its location and position along with its overall height, and provided a clear assessment of the impacts and positive contribution the tall building along with the wider phased development would have on this site, the Core Area of the city centre, and Derby as a whole.

In addition national policy and the Council's local policies provide clear direction for supporting *"the construction of 'tall buildings' in appropriate gateway locations, where these are of high-quality design and do not adversely affect the setting of the heritage assets and the character of the City Centre"* – Policy AC5

There are matters that will need to be fully assessed during the reserved matters submissions in particular, design, materials and external appearance along with scale the maximum parameters of development as included within the suite of drawings are considered to be acceptable and would provide an envelope for development to take place within.

The Council, would as agreed by the applicant, retain control as this is a pure outline planning application and therefore any reserved matters applications will be subject to full consultation and democratic consideration. The applicant stating, *"It has been assumed that the development of the Bradshaw Way site will come forward in phases within the context of an approved masterplan. An outline planning application is an entirely appropriate way to provide a framework within which detailed proposals for each phase can be pursued through reserved matters submissions, the Council maintaining control over design quality at every stage of the process. It is also anticipated that the framework provided by any outline planning permission would be subject to planning conditions, requiring the detailed designs to accord with the submitted Building Design Codes."*

### **7.5. Transport and Access**

The application is accompanied by a Transport Assessment (TA) which has been updated during the life of the application to take into consideration the initial comments of Transport Planning colleagues.

When considering Transport and Access aspects of this proposal it is necessary to have regard to and give weight to the overarching guidance within the National Planning Policy Framework and the provision of Policy CP23 in the adopted CDLP.

The full and comprehensive comments of Transport Planning colleagues are set out within Section 5.1 of this report and I do not intend to re-rehearse these. The application is in outline format with all matters reserved and therefore only the principle of development is being considered to this stage.

The submitted Transport Assessment has assessed the impacts of the development based on the maximum land use parameters (up to 420 flats, 4659 sqm of Class E Office space, 477 sqm GFA of E Class Commercial, and servicing and ancillary space).

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The assessment, as updated by further transport modelling, has considered the potential trip generation of the development in the context of unconstrained parking, this is considered to be the most robust testing and assessment (85<sup>th</sup> percentile trip generation). As a result, the final trip generation is anticipated to be much lower than what has been utilised in the assessment, given the very robust assessment.

This is due to the low level of parking provided within the site, some 54 car parking spaces and the extremely sustainable location of the application site. The trip generation submitted by the applicant has been provided to the Highway Authority as a robust scenario and is therefore considered to be an acceptable level of testing and assessment, in policy terms.

The Council has no maximum or minimum residential parking standards and therefore the 54 car parking spaces at this city centre location would be acceptable in policy terms. Any parking from the development is unlikely to be displaced onto surrounding streets given the on-street parking restrictions. Should car parking be required there are a number of city centre car parks, and any future residents of the development would be aware of the limited car parking provision on site.

As the development proposed is to be constructed in phases the Transport Assessment has considered the future year scenario (2028). There are no concerns with junction operation in the AM peak but the junction could operate marginally over capacity in the PM peak. Crucially, the inclusion of the development traffic in the PM peak doesn't result in a change in the overall junction capacity.

This does, however, demonstrate that the inner ring road junction is close to its operational capacity. This highlights the importance of constraining the parking levels on the site which will in turn reduce the number of associated vehicle trips. Therefore, restricting the development to 54 car parking spaces would ensure the junction capacity is not adversely affected.

The Transport Planning comments set out a series of detailed conditions which seeks to ensure necessary re-assessment of the highway, junction and car parking if necessary at the reserved matters stage. This is considered to be appropriate given the nature of the application and the scale of the development.

In light of the detailed and robust assessment of the development and its impacts on the highway network Transport Planning colleagues offer no objection to the proposal and consider the development would comply with the overarching policies within the NPPF and Policy CP23, subject to conditions

### **7.6. Environmental Impacts**

#### **Contaminated Land**

The application is accompanied by a Preliminary Geo-Environmental Risk Assessment which is desk-based report. The report appears to have been completed in line with current guidance and has recommended due to the number of potential sources of contamination along with the residential use of the site that further intrusive site investigation is carried out which will provide recommendations for remediation.

These further reports can be secured by condition and therefore ensure the proposals compliance with Policy E12.

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### Air Quality

The application is accompanied by an Air Quality Assessment which considers the impacts of construction, development generated traffic emissions and the impacts on new receptors introduced by the development. The impacts during the construction phase are concluded as being not significant which is agreed by Environmental Health colleagues. The impacts of development generated traffic have been scoped out of this report as the number of car parking spaces proposed would be significantly less than on the existing development. This has also been accepted by the Council's Environmental Health Officer.

No detailed modelling has been provided to accurately predict impacts of air quality on the New Receptors (new residents) however the use of background maps and use of nearby diffusion tubes results allows for an agreed conclusions that the site boundaries should not be exposed to unacceptable concentrations of NO<sub>2</sub> or PM<sub>10</sub> pollutants.

In light of the above, the Council's Environmental Health Officer offers no objection to the application, in principle on air quality grounds but recommends further consideration is given to the new receptors during the determination of a reserved matters application(s), particularly those residents facing Bradshaw Way, London Road and Osmaston Road. A detailed Construction Environmental Management Plan would be required to mitigate and minimise the impacts of demolition and construction.

### Noise

The application is accompanied by a Noise Assessment, dated 2022 but it is noted that further detailed assessments will be needed at detailed design stage to ascertain the relationship, distances between residential uses and commercial uses and the nearby roads along with any external plant. This assessment should be carried out in accordance with BS8233:2014, ProPG Guidance on Planning & Noise or any other relevant standards or guidance. It is also noted that the submitted assessment identifies that indoor noise levels can only be achieved with windows shut and mechanical ventilation be installed, to ensure compliance with BS8233. As such reserved matters phases shall be accompanied by a further noise assessment.

Overall, the Council's Environmental health Officer offers no objection to the application.

### Demolition and Construction Management

There are no concerns in respect of demolition and construction providing suitable construction and demolition management plans are agreed and followed during the life of the development.

### Biodiversity and Ecology

The full comments of Derbyshire Wildlife Trust as set out within this report which consider the up to date and comprehensive ecological assessment that accompanies the outline application. It is acknowledged that there is a relatively minor impact on

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biodiversity and “...the habitat creation proposals set out in the Biodiversity Net Gain report together with the enhancement proposals in the EclA should be sufficient to ensure that there is a slight net gain for biodiversity post development.”

Suitable conditions are therefore recommended to ensure the development realised its biodiversity net gain potential along with preserving biodiversity during construction and lighting does not affect nocturnal species. The proposal therefore broadly accords with relevant planning policies CP16 and CP19 of the DCLP.

Furthermore, The Environment Act seeks to ensure that all major development, from November this year, delivers Biodiversity Net Gain and this aspiration is also reflected in Policy CP19. At the present time, the requirement to deliver Biodiversity Net Gain is voluntary but I would strongly advise the applicant to incorporate BNG into the proposal from the earliest opportunity and through the submission of any reserved matters submissions.

### **Flood Risk**

The application site is located in Flood Zone 1 and therefore has a low probability of flooding from the river as such highly vulnerable, more vulnerable and less vulnerable developments would be accepted in this location including residential development.

It is noted that the Environment Agency offers no comments on this application.

The application site is also unlikely to be at risk from surface water flooding and as such no objections have been offered by the Council’s Drainage and Flood Risk Management Team. However, they note that further consideration will need to be given to the SuDs drainage system as the detailed design stage. They recommend a condition is attached to secure an acceptable drainage scheme including the reduction of runoff from the site to 2l/s.

This outline application therefore adheres, in broad terms, to Policy CP2..

### **Trees**

There are a number of street trees within the application site and further consideration will need to be given to their retention and integration into the scheme at detailed design. It is also recommended that further planting be included within the landscaping. Any trees that are felled will need to be replaced 1:3.

## **7.7. Planning Obligations**

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

In line with our Planning Obligations SPD a scheme of this size gives rise to requirements for affordable housing, amenity green space, major open space, education, transport, travel planning, community facilities, sports facilities and health

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facilities. The applicant has submitted a viability appraisal that shows that the development cannot afford to provide any of these requirements. In these circumstances the next step would be to have the District Valuer assess that viability appraisal to ensure it was a correct and robust assessment.

However, this is an outline scheme with all details of the eventual development unknown at this stage, including the number of units to be built. The viability appraisal submitted shows the viability for one potential hypothetical scheme, but there are any number of different schemes that could come forward at reserved matters stage, each with their own viability position.

Therefore the viability position as submitted cannot be considered in reducing any of the requirements at this stage.

Therefore, the S106 Agreement will secure policy compliant contributions for all the items listed above. There will then be a mechanism for the developer to submit a viability appraisal at reserved matters stage. This way the viability will be based on the actual scheme coming forward. If any of the viability appraisals, once assessed by the District Valuer, show that any or all of the contributions cannot be afforded, the contributions will be reduced to reflect that. This would be secured through a Deed of Variation and any reductions would be subject to our standard overage clause which sees any future increase in profit shared 50/50 between the Council and the Developer.

This process replicates the Becketwell outline S106 and is therefore a tried and tested mechanism. The applicant has agreed to this position.

### **7.8. Planning Balance**

The appraisal set out above addresses the material considerations of this scheme along with the required policy tests. There is support for this scheme as it would bring forward regeneration opportunities, deliver much needed housing and city centre living along with boosting the city's economy and encouraging footfall into the city centre. There is also no objection to the demolition of the existing industrial style retail units and the scheme is supported by Marketing Derby, the St Peter's and Cathedral Quarter BID along with the Design Review Panel. It has also gained support from third parties and residents of the city.

This support and the public benefits outlined must be weighed in the balance, as required by the NPPF, against the less than substantial harm the proposal would have on designated and non-designated heritage assets and the wider cityscape, as detailed by Historic England, the Derwent Valley Mills World Heritage Site Panel, Conservation and Heritage Advisory Committee and the Council's Built Environment Officer.

The objections raised are primarily concerned with the tallest building on the junction of London Road and Bradshaw Way. It has been previously agreed that this site could accommodate a tall building albeit the proposal is somewhat taller than that supported in the Tall Buildings Study. This study forms part of the local plan evidence base and provides a guiding rationale for tall building opportunities across the city centre. .

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This is an outline planning application, with all matters reserved and therefore in terms of decision making, you are being asked to determine the principle of the demolition of the existing retail buildings and redevelopment of the site, agreeing the range of uses (residential, commercial and office) with the re-development broadly to comply with the Building Design Code, indicative masterplan and parameters plans 1 -6.

The subsequent reserved matters application(s) will allow the Council to assess the design, scale, appearance and external materials of the proposed development blocks which all have a significant influence on the impact of a scheme.

The application, as amended, during its life has been properly considered in accordance with the relevant policies in the Development Plan. The heritage test in the NPPF has been given full regard and the consultee comments have been weighed in the balance against the public benefits of the proposal.

In my opinion and judgment, the overall public benefits of the proposal outweigh the identified 'less than substantial harm' to the identified heritage assets.

There is a clear and compelling need to re-define the city centre, regenerating its purpose, growing its economic potential and improving the city centres offer. The scheme has the potential to secure a multitude of benefits.'. These benefits include:

- Delivering up to 420 new homes in a sustainable location assisting in meeting of the Council's housing land supply
- Regeneration of an under-used and prominent site creating a new and distinctive place and visual improvement of the site
- Securing the long-term future of this site through the re-development of an under-utilised and outdated buildings providing new commercial and residential space
- Supporting the economic growth of the city through jobs, both construction and operational, and investment. In excess of 800 jobs during construction and once operational
- Generating direct and indirect spending from new residents and tax revenues.
- Providing a sustainable development, optimising brownfield land meeting housing needs and reducing the pressure on greenfield development
- Creating a gateway development, providing townscape legibility and improving connectivity from the Railway Station and Nightingale Quarter
- Enhancing pedestrian connectivity through the removal of physical barriers on the application site
- Encouraging pedestrian footfall within active ground floor use and improving natural surveillance and creating a safer city centre
- Improving the landscape and generating biodiversity opportunities
- Securing design principles at the outline stage to ensure a high-quality development is realised
- Introducing a permanent residential population, driving activity beyond the traditional shopping and leisure opening hours

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- *“Delivering high-quality city centre living making it a more attractive option for potential employees, recent university graduates, students and retirement. Assisting making Derby a more attractive option and compete with other regional centres such as Nottingham.”*

In my opinion and judgment these public benefits are significant. The challenges facing the city centre economy have increased following the pressure exerted by Covid-19 and the overall purpose and function of the city centre is changing. Members will also be acutely aware of the importance of housing delivery, particularly in highly sustainable locations such as the city centre. All facilities and amenities would be on the doorstep of future residents and city centre housing delivery also, in part, reduces the pressure on greenfield sites and more sensitive locations around the city.

However, these benefits need to be weighed against the impacts of the development and the strong concerns raised by important colleagues at Historic England and the Derwent Valley Mills World Heritage Partnership. The historic core and architectural fabric of the city is an integral part of its overall attraction and the objection by Historic England means that any decision to grant outline permission, subject to the various conditions and legal agreement, triggers a referral to the Secretary of State. The important advice, comments and objections from the specialist heritage consultees have been fully considered.

However, on balance, this outline application is considered to deliver a range of public benefits that would, in this case, outweigh the objections and identified level of harm on heritage grounds. This outline permission would be accompanied by a range of conditions to ensure that all reserved matters submissions deliver high standards of overall design to meet the wider government aspiration to achieve beautiful and well-designed places.

Therefore, the proposed development accords with the Development Plan, when considered as a whole.

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

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

**To be minded to grant** planning permission with conditions subject to:

**A** To refer the application to the Secretary of State for Department for Levelling Up, Housing and Communities, in accordance with Paragraph 6 of the Town & Country Planning (Consultation) (England) Direction 2021 due to the objection from Historic England.

**B. Subject to that referral not generating a call-in for determination by the Secretary of State, to authorise** the Director of Planning, Transport and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and **to authorise** the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.

**C To authorise** the Director of Planning, Transport and Engineering to **grant permission** upon conclusion of the above Section 106 Agreement.



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### **8.2. Summary of reasons:**

In the opinion of the Local Planning Authority the scheme has the potential to secure a range of public benefits which would outweigh the 'less than substantial harm' to heritage and non-designated heritage assets including the Derwent Valley World Heritage Site and buffer zone, conservation areas and listed buildings. The public benefits include:

- Regeneration of an under-used and prominent city centre site creating a new and a new and distinctive place and visual improvement of the site, securing its long-term use. Creation of up to 420 new residential units in a sustainable location assisting in meeting of the Council's housing land supply.
- Supporting the economic growth of the city through jobs, both construction and operational, and investment. In excess of 800 jobs during construction and once operational
- Generating direct and indirect spending from new residents and tax revenues.
- Providing a sustainable development, optimising brownfield land meeting housing needs and reducing the pressure on greenfield development
- Creating a gateway development, providing townscape legibility and improving connectivity from the Railway Station and Nightingale Quarter
- Enhancing pedestrian connectivity through the removal of physical barriers on the application site
- Encouraging pedestrian footfall within active ground floor use and improving natural surveillance and creating a safer city centre
- Improving the landscape and generating biodiversity opportunities
- Securing design principles at the outline stage to ensure a high-quality development is realised
- Introducing a permanent residential population, driving activity beyond the traditional shopping and leisure opening hours

Therefore, although there are a number of issues that need to be addressed through future submissions and further assessment across a range of topic areas, the proposed development accords with the Development Plan when considered as a whole.

### **8.3. Conditions:**

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

All conditions will be drafted to allow them to be discharged on a phased basis.

#### **General Conditions**

1. Condition relating to the submission of Reserved Matters

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2. Condition relating to time limited for the outline permission
3. Condition relating to indicative masterplan, Building Design Code, Parameters Plans

### **Pre-Commencement Conditions**

4. Condition relating to the requirement of a Transport Statement or Transport Assessment depending on the scale of the reserved matters
5. Condition securing travel plan
6. Condition securing a parking strategy
7. Condition securing EV charging points
8. Condition securing cycle parking
9. Condition relating to access, parking, turning, gradients, surfacing, lighting, structures, visibility splays, and drainage
10. Condition relating to construction management plan (condition PC05)
11. Condition relating to site specific construction environmental management plan (condition PC06)
12. Condition relating to the submission of residential ventilation scheme for air quality
13. Condition relating to the submission of a Phase I and Phase II geo-Environmental Assessment
14. Condition relating to the submission of Phase II investigation report
15. Condition relating to the submission of an updated noise assessment
16. Condition relating to the submission of an overheating assessment for all residential units and appropriate mitigation
17. Condition relating to the submission of an archaeological written scheme of investigation
18. Condition relating to a construction environmental management plan (CEMP Biodiversity)
19. Condition relating to a landscape and biodiversity enhancement and management plan (LBEMP)
20. Condition relating to the submission of an external lighting scheme
21. Condition relating to the submission of a sustainable drainage scheme including the reduction of runoff from the site to 2l/s
22. Condition relating to the submission of an updated arboricultural methods statement and tree protection
23. Condition relating to the enhanced tree planting including soil volumes
24. Condition relating to the precise location of linkages across Bradshaw Way

### **Pre-Occupation Conditions**

25. Condition relating to the submission of a remediation strategy and validation report

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26. Condition relating to site Waste Management Plan for individual phases

### **Management Conditions**

27. Condition restricting total number of car parking spaces (54 spaces)

28. Condition restricting Class E(b) to no more than 477sqm floorspace

### **8.4. Informative Notes:**

- 1) Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

### **8.5. S106 requirements where appropriate:**

Matters relating to Section 106 Obligations are addressed within Section 7.7 of this report.

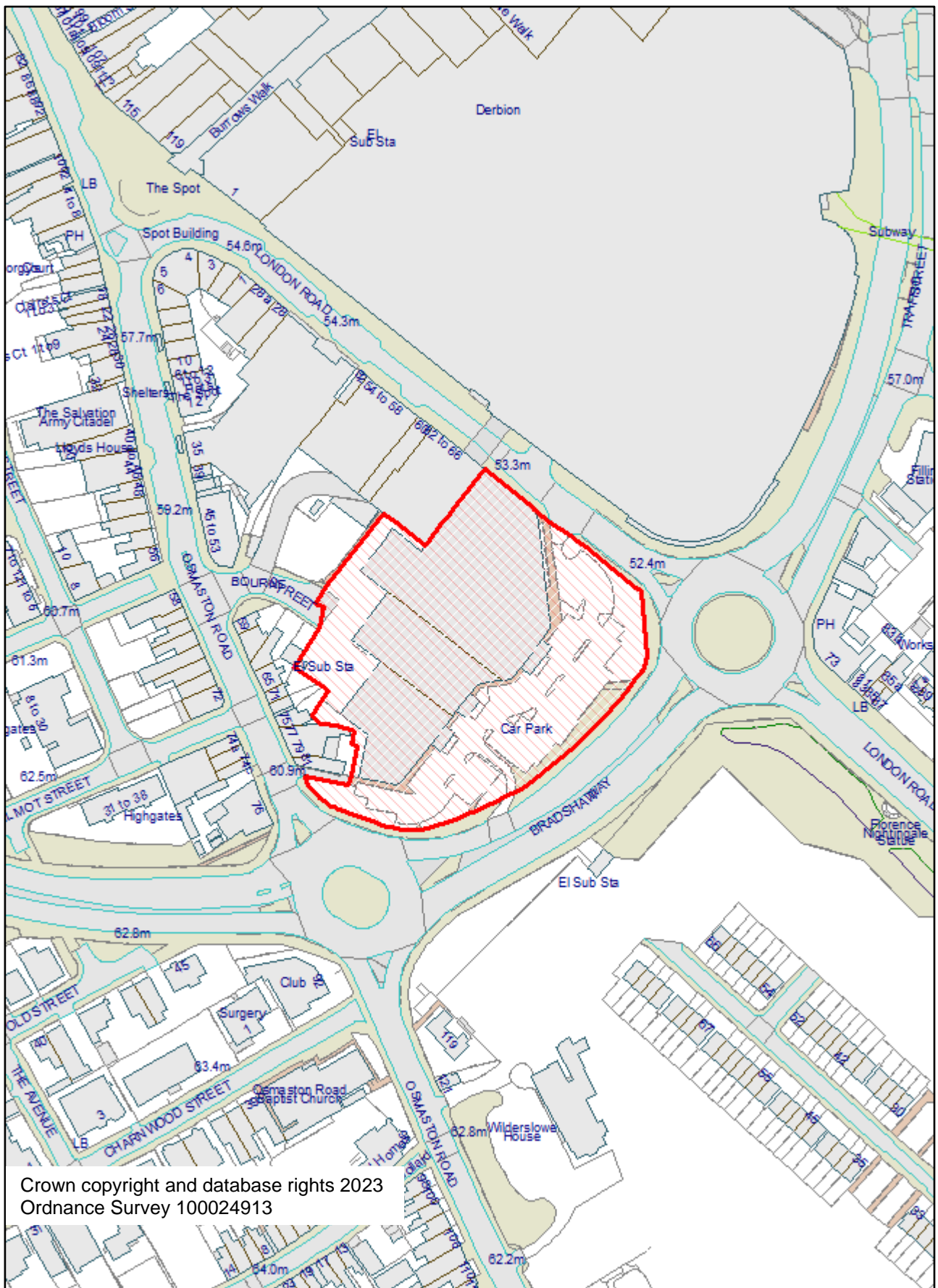
### **8.6. Application timescale:**

A suitable extension of time is being discussed with the applicant to allow the consideration of the report by Planning Control Committee, referral to the Secretary of State, completion of the Section 106 negotiations, drafting the agreement and issuing of the decision notice.

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## **Committee Report Item No: 10.2**

**Application No: 22/01337/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 16 -17 Friar Gate, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Change of use from restaurant (Use Class E) and erection of a two storey extension to form four apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)

**1.4. Further Details:**

Web-links to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01337/FUL>

**Brief description**

Members will recall that this application was deferred at the Planning Control Committee meeting on 15 December 2022, to allow for the agent / applicant to further consider concerns raised regarding the intensity of use and impact of the proposed two storey extension on the use of the rear yard and on the adjacent building on George Street, which is occupied as a commercial yoga studio.

Since the December meeting, the applicant has sought to address Member's concerns by revising the layout and design of the two storey apartment building and providing additional supporting information in relation to assessment of daylight and sunlight, access and egress and storage of bins. This has been submitted to support the application and a reconsultation and neighbour notification process has been carried out.

The proposed apartment building sited in the rear yard has been amended to form a single apartment unit with three bedrooms. An updated Design, Access and Heritage Statement has been provided to support the amendments. A Daylight Report and Internal Daylight Report have been submitted to assess the impacts of the revised apartment layout on daylight to the proposed rooms and an assessment of daylight impacts to the adjacent buildings on George Street and on daylight to the proposed apartments in the listed building.

Full permission is sought for the change of use and extension to 16-17 Friar Gate, in the city centre to form new residential units.

The site lies on the north side of Friar Gate, in the Friar Gate Conservation Area. The building is Grade II listed and dates from the 17th Century. It is a three storey brick and stone building, which has distinctive roof gables and mullioned windows. It extends some distance to the rear of the site, with an open yard, accessing onto George Street. There are other listed buildings in proximity to the site along Friar Gate and George Street. The ground floor and part of the first floor are currently in use as a restaurant (Class E), whilst the upper floors were previously residential but are now vacant.

The proposals are to convert and refurbish part of the first, second and third floors of the listed building to form three apartments and a 6 bedroom HMO. The apartments

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are all to the first floor and comprise one 2 bed and two 1 bed units. The upper floors, including the original roof space would form the HMO, with separate bathrooms and communal living room. The residential units would all be accessed via an original staircase from the ground floor side entrance to the building. The restaurant use to the ground and first floor of the building is retained. The change of use would involve minor alterations to the interior, to form the new accommodation, by removal and formation of small sections of internal walls, door openings, kitchen and bathroom fittings. External alterations would only involve the roof of the building, in the form of new conservation rooflights.

The proposed two storey extension to the rear yard of the site, was to have originally formed 2 one bed apartments and would now house a duplex apartment with three bedrooms. There would be two bedrooms on the ground floor and a living space and further bedroom on its first floor. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first floor level.

Revisions have been made to the bin storage arrangement in the rear yard, on a revised site layout, which has been submitted with the supporting statement. The residential units would use two 1100l bins sited with a cycle store (4 cycles) and air source heat pump adjacent to the rear yard access onto George Street. The siting of the commercial bins for the restaurant and the yoga studio business have been amended, such that they would now be located within a timber gated enclosure at the southern end of the yard. The restaurant bins would comprise two 1100l bins in a timber enclosure and the yoga studio would have two 660l bins abutting the wall of the building.

The application is supported by Design, Access and Heritage Statement, Flood Risk Assessment, Archaeological Desk Assessment and Structural Condition report and has been supplemented by Internal Daylight and Daylight and Sunlight Assessments, which are available to view on line.

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

<b>Application No:</b>	22/01338/LBA	<b>Type:</b>	Listed Building
<b>Decision:</b>	To be decided	<b>Date:</b>	
<b>Description:</b>	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations		

**3. Publicity:**

- Neighbour Notification Letter – 4 letters
- Site Notice
- Statutory Press Advert

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

**4. Representations:**

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

48 objections were received to the original submission. The main issues raised to the original proposals were as follows:

- Impacts on fire safety, access and egress to rear yard for other occupiers
- Proposed siting of bin storage to rear yard
- Proximity of new residential building to the neighbouring property
- Increase in number of residents using the access and rear yard
- Negative impact on adjacent business
- Disruption, dust and noise during construction phase
- Noise from new residents occupying the site

Two further objections were received in response to the additional statement and BRE daylight assessments which were submitted in March. One raises concerns about overlooking and lack of daylight to the two apartments. The second, raises concern that the proposed apartment building, is over development and over bearing of the adjacent building on George Street, relating to loss of light and overlooking; siting and number of bins within the yard and fire escape egress.

No further representations have been received to date.

**5. Consultations:**

**5.1. Highways Development Control:**

This planning proposal is situated close to Derby city centre within the inner ring road on the North side of Friar Gate Road. The development of six apartments will be built-in to both an existing building with a new extension added onto it.

The 16-17 Friar Gate Design & Access Statement, Incorporating Heritage Impact Assessment 6.2 and the Proposed Site Plan - 1100 S3 PO5 indicate that the new

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extension development will incorporate cycle and sufficient bin storage. The cycle storage will allow for 4 bikes to be safely secured and access to both will be via a new replacement gate opening inwards onto George Street. The residential bin storage will have 2 x 1100l Eurobins, 1 for general waste and one for recycling. Situated to the rear of the restaurant 6 1100l Eurobins will be provided for the commercial businesses on site. These will be positioned more than the recommended 10m distance for collection by refuse but the application states that these can be wheeled to the to the kerbside as required.

The plans do not suggest any changes to exterior doors and windows fronting onto the public footpath/highway however the existing ground floor plan 2000 SP 305 and the proposed ground floor plan 2100 SP 07 suggest that window WG06 from the restaurant opens outwards onto Friar Gate. Whilst not part of the development the plans also show a door in the Yoga studio building that opens out onto the public footway onto George Street. However, a site visit reveals that neither of these open outwards onto the public footway. Additionally, there is another door/window that is not shown on the plans giving access to the yoga studio.

In the Flood Risk Assessment 4.4.1 and 4.4.2 states there will be no changes to the existing site drainage and no alterations to the exterior impermeable areas.

Whilst the development could potentially increase a demand for parking spaces, it would not be possible to argue that the development would have an overall significant impact on the highway. The development itself will provide no parking for vehicles. Friar Gate and the streets surrounding the development have restricted access to motor vehicles. There is pay and display parking for a maximum of 2 hours only, permit parking and no waiting times imposed.

The building is conveniently located inside the inner ring road highly accessible to the city centre, being well served by public transport and cycle links, nearby pay and display parking as well as general pedestrian access to shops, services and amenities.

### **Recommendation:**

The Highway Authority has no objections to this proposal subject to the conditions, for doors opening outwards and bin management plan.

## **5.2. Conservation & Heritage Advisory Committee:**

Not considered by the committee.

## **5.3. Built Environment:**

### **Revised comments to additional information received on 18 May 2023:**

Comments on additional information –

The amended joinery details look to be appropriate but suggest a condition to cover a door photo schedule, the following information is noted - amended proposed elevations and amended ground floor and first floor plans as well as the amended proposed site plan.



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### Suggested conditions: -

Should you be minded to grant permission suggest conditions to include a door photo schedule and joinery details to agree retention, reuse and new door details, a material condition covering all new materials, suggest a method statement is submitted for the repair/rebuilding of the wall, agreement on reuse of existing bricks (if possible) and use of an appropriate lime mortar (mix and finish). Suggest condition relating to retention and agreement of location to reuse historic stone setts on the site. Condition for detailed design of the bin/fence enclosures and new gates. Details of rooflights and AOV's.

Condition controlling precise details, justification and locations of helibars/appropriate stainless-steel ties (supported by a structural engineer's report) mentioned in the applications, details and locations of vents and flues etc to be agreed, approach for blocking of doorways where proposed, new opening heights to be agreed, exact details of modification of historic stair and lime ash floor to floor three.

Policies - The Planning (Listed Building and Conservation Areas) Act 1990 section 16 and 66 and 72 as regards the statutory duties regarding listed buildings and conservation areas are relevant here. As is E19 and E18 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and There is slight harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal.

Recommendation: No objection (subject to condition)

Initial comments dated 05 December 2022:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=187231817>

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

#### Noise

The application includes converting some existing space on the ground and first floor to residential, whilst retaining the restaurant space on the ground floor. In addition, additional residential accommodation will be provided in an extension as well as in part of the roof space.

Whilst there is existing residential accommodation at the site, the proposal is to increase the amount of accommodation and make significant alterations to the building.

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The site is located in close proximity to a busy road and in an area where there are a number of restaurants and takeaways. The external noise levels are likely to be high and a suitable sound insulation scheme would need to be submitted to demonstrate that a good level of acoustic amenity will be provided. No details regarding noise have been submitted at this stage.

In addition, there will be noise produced internally from the restaurant business which should also be considered. It appears that the plant equipment will remain in the same location on the second floor, but it would be advisable to review the impact of noise and odour on the proposed residential areas from the commercial kitchen extraction system and the flue outlet.

I note that there is a proposal to use air source heat pumps within the site which can also be a source of noise to residents so this should be included within any noise assessment carried out.

Whilst we have some concerns regarding the potential conflict between the commercial use of the building and the residential apartments in conjunction with the likely existing high noise levels, part of this building is already within residential use. The opportunity exists to improve the potential amenity of the existing residential accommodation as well as within the new residential areas proposed due to the level of refurbishment proposed throughout the building.

### **Conclusions and Recommendations**

The Environmental Protection Team would consider that good acoustic design is essential to mitigate as far as possible the potential conflict between a suitable residential environment and the night-time economy. We would refer the applicant to ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise (ANC/IOA/CIEH May 2017). In situations where it is a requirement to ensure windows are closed to achieve acceptable internal noise levels, we would consider that an overheating assessment should be carried out in line with ANC Acoustics Ventilation and Overheating – Residential Design Guide (Jan 2020)

We would therefore recommend that a suitable planning condition be attached to any planning permission granted requiring a suitable acoustic assessment, considering all internal and external noise sources, to be carried out by a competent person. The results of this assessment can then be used to inform an acoustic insulation scheme for the development. This should include consideration of the most appropriate ventilation scheme required in the event that a closed window scenario is required to achieve a suitable internal noise environment.

The acoustic insulation and ventilations schemes approved under condition should be maintained throughout the life of the development.

### **Contaminated Land**

Due to the previous historic use of the site, there is a number of potentially contaminated sources close to the site. In addition, made ground is likely to be present on the site which can be a source of ground contamination.

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As the proposals include extensions to the existing property, we would therefore recommend that conditions be attached to any planning permission granted as no information regarding land contamination has been included with the application.

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

This site is in the EA's Flood Zone 3 with a medium risk of flooding (3.33% to 1%). The SFRA also shows the site as being in flood zone 3. However, the EA's flood levels show the site to be only just into the 1,000-year flood zone. It is proposed that the extended building be set with higher floors than the 1,000-year flood level. The proposal is acceptable to the LLFA.

There is no reason why, in spite of the fact that there is no increase in impermeable area, that rain gardens and tree pits cannot be used to treat and reduce the run-off in line with Derby City Council's ambitions. This is recommended.

### **5.6. Resources and Housing (HMO):**

This department has reviewed the planning application in accordance with the relevant housing legislation and guidelines which are applied by this department. It does not have any objections to the proposals, but it has the following comments:

It is noted that the property is intended to be let to multiple households, some of which will be sharing amenities, so it will be classed as an HMO under Section 254 of the Housing Act 2004. As the HMO is intended to be occupied by 5 or more persons a mandatory HMO licence will be required.

In order to obtain a licence it will need to be adequately managed and free of significant hazards under the Housing Health and Safety Rating System (HHSRS). This will include provision and maintenance of fire precautions. It was not clear from the information available the full details of what provisions will be made in relation to fire precautions.

Guidance on fire safety in HMOs can be found in the LACORS Housing fire Safety guidance. This department will generally use this guidance when assessing fire safety in residential property.

It will also need to meet the space and amenity standards set out by this Authority for HMOs in the City. The published standards should be referred to ensure there is enough space and adequate cooking, washing, food storage, food preparation, waste and bathing facilities for the number of people proposed to be housed.

The applicant must ensure that conversion work is carried out in accordance with current Building Regulations. Substantial alterations in residential accommodation which is not carried out to the current standards may later be subject to enforcement under the Housing Act 2004, depending on the circumstances.

If work is carried out that results in the property failing to meet standards in terms of housing conditions, space, amenities and fire precautions; enforcement action may be taken by the Housing Standards Team. Information about space and amenity standards, HHSRS and fire safety can be obtained from the Housing Standards pages of the Derby City Council's website.

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

#### Revised comments received on 1 November 2022:

The applicant has submitted a very good Desk Based Assessment of the site which advises the potential for below ground medieval and post-medieval archaeology to be impacted by the development. This impact however can be offset by the implementation of an archaeological watching brief, undertaken during any below ground works. These works could be secured by attaching a suitable condition to planning which might read.

'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

The WSI should be compiled by a suitably experienced and accredited heritage professional/consultancy or archaeological organisation, preferably ClfA registered, in consultation with this office.

## **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
CP6	Housing Delivery
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy

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AC2	Delivering a City Centre Renaissance
AC5	City Centre Environment

### Saved CDLPR Policies

GD5	Amenity
H13	Residential Development - General Criteria
H14	Re-use of Underused Buildings
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses Within Buildings of Architectural or Historic Importance
E21	Archaeology

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmantandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](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](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. Applications involving the provision of housing:**

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

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

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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 1,255 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 3.17 years of dwellings against the annual 1,255 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 accordence with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

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

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

**7. Officer Opinion:**

**Key Issues:**

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

**7.1. Principle of the Development/Use**

**7.2. Design and Amenity**

**7.3. Heritage Impacts**

**7.4. Highway Impacts**

**7.5. Environmental Impacts**

**7.6. Conclusion**

**7.1. Principle of the Development/Use**

16- 17 Friar Gate is a Grade II listed building in the Friar Gate Conservation Area, which lies in the CBD and Cathedral Quarter. Within the wider City Centre and the CBD in particular, AC1 and AC2 support the provision of housing. The retention of the restaurant use at ground floor level would be in line with the intentions of AC2 which seeks to support the Cathedral Quarter's leisure and evening economy role.

Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, in this case, being a Listed Building in a Conservation Area, particular consideration should be given to whether there would be any harmful impacts on the heritage designations such that permission should not be granted in accordance with the guidance in the NPPF on heritage matters.

This revised proposal is for conversion and extension to a Grade II listed late 17th Century building at 16-17 Friar Gate, within Friar Gate Conservation Area, to form 4 apartments and one HMO unit. The building is within the city centre, on Friar Gate, which has numerous bars and restaurants and is in the heart of the night time economy. A restaurant currently occupies the ground floor and part of the first floor of the building. The remaining upper floors of the building are currently vacant. The rear yard of the property is accessed off George Street. The proposals include the erection of a new two storey residential building, with a duplex 3 bedroom apartment, which would be sited in part of the rear yard.

In principle, the proposed residential uses would be acceptable within the city centre, including on upper floors of frontage buildings and where they would not result in the loss of other city centre uses. In this case, the existing restaurant use is being retained within the principal listed building and would not be directly impacted by the proposed residential units. In policy terms, residential uses are appropriate in the city centre, which is a highly sustainable location, through Policies AC1 and AC2 of the DCLP1. The delivery of new housing would also accord with the intentions of saved Policies H14, H13 and Policy CP6, although given the proposals relate to the use of a listed building in the Conservation Area, the residential uses would only be acceptable provided that the heritage tests in the NPPF are satisfactorily met.

## **7.2. Design and Amenity**

Policies CP3 (Placemaking Principles) and CP4 (Character and Context) both seek to achieve 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.

There are further detailed policies which need to be considered in assessing the design and layout of proposals and these include Saved Policy H13 (Residential Development – General Criteria). Each of the criteria should be met and this requires that a high-quality living environment can be formed, particularly in terms of the layout of buildings.

The first and second floors of the listed building at 16-17 Friar Gate have previously been occupied as residential apartments, associated with former uses of the building and the proposal is to form 3 apartments and a 6 bedroom HMO.

The proposed conversion of the listed building to residential use, would not involve any substantial external alterations to the building. All existing window openings and external doors are to be retained in situ and alterations are principally to the roof, through insertion of 3 conservation rooflights to rear and roof vents. Internal alterations to form the residential units would also be limited in scale, comprising removal of internal walls and openings, insertion of partition walls, formation of kitchens and bathrooms and associated vents and pipework. The principal staircase to the rear of main building would be retained and provide the main access to the apartments and HMO.

The main change of use would be to the third floor roof space of the building, which has not previously been in residential use and retains much of its original roof structure and character. The proposal would form two bedrooms and en-suite bathroom pods and staircase within the roof space. This would involve internal interventions to the historic fabric, to form the residential units and the Conservation Officer has expressed some concern about the introduction of the bathroom pods and alterations to the stairwell, which result in enclosure of the original roof spaces.

Revisions have been made to those third floor bathrooms to reduce the height of the pods and allow more of the roof space to be viewed.

The conversion and re-use of the listed building for residential use is considered to be a well-designed scheme, which would bring the upper floors of the historic building back into a viable and beneficial economic use. The proposals would form reasonable sized residential units, which would exceed the national minimum floorspace standards. The HMO bedrooms would be a minimum of 12 sq metres in area, with a large communal space of 23 square metres. All bedrooms and communal areas would also have access to large window openings and natural daylight. In relation to the proposed HMO in particular, I note that the Housing Standards team have raised no objections to this element of the residential use. The HMO would be controlled via a licence under the Housing Act. I am therefore satisfied that the units formed within this historic building would all provide a high quality living environment for future occupants of the building.



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The proposals include the erection of a two storey building to the rear of the yard, which is accessed off George Street. It forms part of the curtilage of the listed building. This element of the scheme is proposed to be revised to enhance internal daylight to the habitable rooms, particularly those on the ground floor. The building would now be a single residential unit, with three bedrooms. The living area and one bedroom would be to the first floor, with two bedrooms to ground floor. Principle window openings have been increased in size and number and three rooflights added, to maximise daylight to the front elevation. The apartment would provide a generous amount of floor space overall, which would exceed the minimum national space standards.

To accompany these amendments to the internal layout of the building a further internal daylight assessment, carried out in line with BRE guidance, has been submitted which considers natural light levels to the proposed 3 bedroom apartment. It concludes that the habitable rooms would comfortably benefit from high levels of natural daylight and sunlight.

The design and elevational treatment of the building has also been amended to reflect the window proportions of the existing listed building. The building would be red brick with a natural slate roof and dark grey windows, with a dark metal cladding feature to the first floor. The footprint would turn the corner to allow maintenance of pedestrian access into the yard for servicing and access to the principal building. The Conservation Officer raised some concern about the original design and footprint of the new building and the Design and Access Statement has been updated in response, to provide further justification of this element of the scheme, "*The new extension can be seen as sensitively interpreting the existing building composition, with contemporary fenestration and brick detailing inspired by the existing. Its form and massing can be seen as having a minimal impact on the streetscape, as a new addition to the multiple historic and more recent extensions to the original front range.*"

In regard to outdoor amenity space for the new residential units, the statement confirms that no private amenity space would be provided for this development. The rear yard has shared access with the existing users of the site, which are the restaurant and the George Street, yoga studio, so there is no scope to provide outdoor space for residents.

This is typical of most city centre residential properties, particularly apartments, given the limited space available for such uses. Given its location, the lack of outdoor amenity space, would not undermine the amenities enjoyed by future residents on the site.

The new building would be sited in in close proximity to the adjacent two storey building at 14 George Street, which is currently occupied as a yoga studio and positioned to the northern end of this existing building.

In response to concerns raised about access to daylight and over shadowing of the yoga adjacent studio, a daylight and sunlight assessment was carried out under 'BRE' guidance. The report considered the impacts on daylight to nearby properties on George Street, which includes the adjacent building, which would arise from the proposed siting and form of the new apartment building. There are 10 windows in

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total fronting onto the rear yard and the report indicates that 6 of these openings are to the room occupied as a yoga studio, with 3 of these windows seeing a substantial loss of light from the development.

These 3 openings also have security bars and obscure panels to the glazing, which will currently limit daylight and reduce the likelihood of being overlooked. It should be noted that the studio room is a double height space and the remaining 3 windows to this room, would have access to a high level of daylight.

The daylight report summary concludes "*that all relevant windows and rooms within the two properties assessed meet of the BRE planning guidance for daylight and sunlight.*" Based on this assessment, I consider it unlikely that the yoga studio building would see any undue loss of light or loss of privacy from the proposed residential use.

Since the December committee meeting, the agent has also supplied a response to the concerns raised by Members, in relation to the proposed servicing of the rear yard and bin storage arrangement and the impacts on the amenity of the existing business premises on George Street.

In relation to fire safety and means of escape, the development as a whole would be required to comply with fire safety requirements which are dealt with through the relevant Building Regulations.

The agent states that in addition to existing occupiers, only the residents of the apartments would use the yard as means of escape and that the "*design is fully compliant with Part B of Building Regulations*" and that "*the escape route is more than adequate*", such that the development would meet fire safety requirements. In relation to the width of the egress for bins and fire escape, with the apartment building in situ, the minimum width shown on the layout plan would be 1.57 metres.

In relation to bin storage, the layout and siting for each of the occupiers of the site, within the yard has been amended and clarified on the revised plan. The statement confirm that the required number of bins has been reviewed and the current use is 2 1100l bins for the restaurant and 2 660l bins for the yoga studio. These would be screened behind a new timber enclosure and gates separated from the residential units. 2 1100l bins would provide sufficient waste removal for all of the residential users, to be sited adjacent to the yard access. The dimensions of the 1100l bins are given as 1375mm length and 1085mm width. This size of bin would comfortably be able to be wheeled to the George Street access.

The agent's response states that "*the narrowest width is compliant with Part B of the Building Regulations and neither poses a concern for escape purposes, nor will be reduced by bin storage (as the storage of bins is accounted for in the dimensions). For reference, according to Table 2.3 in Approved Document B2, 1500mm is sufficient for 300 persons to simultaneously evacuate a building. To accommodate the number of persons actually escaping along this route, only 850mm clear width is required.*"

The agent states that the residential development as a whole, is proposed to be managed by a property management company, for maintenance of the properties, including common spaces and external areas.

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The agent's statement considers that the new apartment building is an essential component to make the scheme viable, as this element would make a significant contribution to the investment required to carry out the conversion and repairs to the listed building.

The development is therefore felt to be necessary to ensure the long-term sustainability of the heritage asset.

The provision of a small apartment building in the rear yard of this listed property, is acknowledged to be a constrained form of development on a tight space, surrounded by other commercial, leisure and residential uses and when weighed against the merits of the benefits of bringing a vacant historic building back into a viable residential use, and housing delivery in a highly sustainable city centre location, the development is considered to be finely balanced. The delivery of new housing weighs heavily in favour of this residential proposal, which on balance is considered to be a high quality scheme, in terms of design, form and the reuse of the heritage asset which would bring an important listed building in the city centre back into a viable use.

Overall, the proposals to form new residential accommodation on this site are considered to fulfil the design principles set out in Policies CP3 and CP4 and the amenity requirements in saved Policies H14 and H13 of the adopted Local Plan and the over-arching guidance in the NPPF which requires good design in new developments.

### **7.3. Heritage Impacts**

Due to the limited extent of external alterations to the original building, there would be minimal harm to the character and significance of the Conservation Area, arising from the proposed residential conversion. The new building in the rear yard would introduce a new two storey structure into an existing vacant space. It would also be of a contemporary design and form, which contrasts with the historic buildings and features on the site. This would impact on the significance and character of the Conservation Area and the Conservation Officer considers that the new building would result in some harm to the heritage asset.

The Conservation Officer considers that there are benefits resulting from the proposed conversion and reuse of the upper floors of the Grade II listed building for residential use. However, there is also harm to the significance and fabric of the building from removal of walls, plan form, formation of doorways and other interventions. There is also considered to be harm to Friar Gate Conservation Area from the new build extension and proposed rebuilding of boundary wall. Further clarification was also sought for fire and noise protection measures, to be used in the listed building, to form the new residential units. Additional information has been supplied to address these requirements and is accepted, subject to conditions.

A revised Design and Access and Heritage Statement has been submitted in response to concerns raised by the Conservation Officer, in particular relating to the new extension and some internal alterations to second and third floors to form the apartments. The revised statement has been accepted by the Conservation Officer and planning conditions are recommended to deal with outstanding details.

## **Committee Report Item No: 10.2**

**Application No: 22/01337/FUL**

**Type: Full Application**

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There is considered to be “less than substantial harm” as a result of the proposed conversion and alterations to the listed building to form residential apartments and as a result of the new build extension in the rear yard. However, the harm has been lessened through minor amendments to the scheme and the additional information submitted in support of the application.

In considering the application, the decision maker must have regard for the requirements set out in the Planning (Listed Building and Conservation Areas) Act 1990, Sections 66(1) and 72(1) and relevant Local Plan policies, which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

The relevant Local Plan policies are Policy CP20 of the adopted DCLP1 and saved Policies E20, E19 and E18 of the CDLPR. The harm to the significance of the heritage assets, caused by the proposed intervention works to the upper floors of the listed building and development of a new residential building in the rear yard, is contrary to the intentions of the adopted Local Plan policies.

The level of harm is considered to be “less than substantial harm” and, in accordance with NPPF Para 202, the amount of harm must be weighed against the public benefits of the proposal. In this instance, the benefits of bringing the property back into viable use and the potential increase in the vitality of the City Centre carry significant weight.

The benefits which are afforded by the proposals are the reuse of the upper floors of the building for residential use, which allows these parts of the building to be brought back into an optimal viable residential re-use, with limited overall alterations and the proposals would deliver a variety of new housing to a highly sustainable location in the city centre, which would contribute to the city's housing supply. The new extension would also deliver additional high quality housing in a well-designed and complementary form.

These public benefits are significant in my opinion and are considered to outweigh the limited harm to the significance and character of the listed building and the Conservation Area, which has been identified and for this reason I am satisfied that the heritage tests in the NPPF are satisfactorily met.

The County Archaeologist had raised concerns that the heritage statement did not sufficiently address any archaeological works and heritage assets in the wider area around the site. In response, an updated desk based assessment has been received, which assesses the potential for below ground archaeology to be impacted by the development, of the new extension works. The Archaeologist welcomed the submitted assessment and an archaeological watching brief is recommended to deal with below ground works and the Archaeologist accepts that this can be secured through a suitable planning condition. This would satisfactorily meet the archaeological intentions of saved Policy E21.

#### **7.4. Highways Impact**

The site is on Friar Gate in the city centre and does not have any off-street parking provision. There is an access from George Street to a yard at the rear. However, this does not afford any car parking provision or servicing. There is also no parking proposed for the new residential units. The development would therefore be car free, with cycle parking to be provided within the rear yard, for future residents. There are no objections received from the Highways Officer to the proposals and I am satisfied that there would be no adverse highway implications resulting from the proposed residential units.

The site is in a highly sustainable and accessible location, which allows for non-car transport opportunities for the future residents. The proposed cycle storage for the scheme is at the northern end of the yard adjacent to George Street and has four cycle spaces. The statement advises that the two tier storage racks are proposed, *“which are a common, popular solution and do not require lifting of bicycles onto wall-mounted racks.”*

Third party concerns have been raised about the proposed amendments to bin storage and collection from the rear yard. Bin storage areas are proposed within the rear yard, for the new residential units, the existing restaurant and the adjacent building on George Street. Bin collection would be via the existing gate access onto George Street, which is currently used for servicing the existing occupiers. There is existing bin storage within the yard and the proposal is to amend and increase the storage for the new residences. The Highways Officer has not raised any concerns about the bin storage arrangement subject to a management plan for bin collection being agreed through condition.

Overall, the transport objectives set out in Policy CP23 would be satisfactorily met by the proposals.

#### **7.5. Environmental Impacts**

**Flood Risk** - The site is within an area which is at medium risk of flooding and a flood risk assessment has been submitted with the application. The Land Drainage Officer is satisfied with the conclusions of the FRA and notes that the site is also at low flood risk according to the EA's flood maps. The Officer recommends that surface water run-off and sustainable drainage features can be incorporated into the development, and these will be addressed through an informative note attached to the permission. Overall, the proposals would meet the flood risk intentions of Policy CP2.

**Noise** - The site is in the city centre with a restaurant on the ground and first floor and is surrounded by various bars, takeaways and restaurants in this part of Friar Gate, which generate late night activity and noise, likely to have an impact on any residents occupying this building. Future residents would therefore be exposed to a high level of external noise from traffic and night-time activity. In addition, there will be noise and smells generated from the restaurant use in the building, via existing flues and equipment, which also may lead to disturbance for future occupants. An air source heat pump is also proposed to be located alongside the new residential building and would be potentially an additional source of noise disturbance.

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A noise assessment has not been submitted with the application and the Environmental Health Officer (EHO) considers that one will be necessary to demonstrate that suitable sound insulation measures can be implemented to safeguard the amenity of the proposed residential units. It is acknowledged that part of the building already has a previous residential use, so the principle of the use is acceptable, subject to a suitable acoustic mitigation and ventilation scheme being incorporated into the building, having regard for this sensitive historic fabric and character. This can be secured through an appropriate planning condition attached to the permission and would meet the amenity requirements of saved Policy GD5.

Contamination - Due the previous historic uses of the site, there is understood to be potential for contamination close to this site. The development of a new residential building may be exposed to such contamination, so a Phase I assessment is required to be carried out and any subsequent assessments as may be necessary. These can be secured by suitable planning conditions attached to the permission.

Flood Risk - The site is an area at medium risk of flooding in Flood Zone 3, although the Land Drainage Officer confirms that the building is actually at a low risk of flooding and the new building would have a raised floor level. There would not therefore be any significant flood risk to the future residents of the site and the proposal accords with Policy CP2 of the DCLP - Part 1.

### **7.6. Conclusion**

The proposed conversion and works to form a residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. There would be no undue harm to residential amenity, subject to noise mitigation measures and no adverse impacts on the local highway network, site contamination or on flood risk. The "less than substantial harm" resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential reuse, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location.

Overall the proposal would accord with the Policies of the adopted Local Plan when taken as a whole and the over-arching design guidance in the NPPF.

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

**8.1. Recommendation:**

To grant planning permission with conditions.

**8.2. Summary of reasons:**

The proposed conversion and works to form a residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. There would be no undue harm to residential amenity, subject to noise mitigation measures and no adverse impacts on the local highway network, site contamination or on flood risk. The "less than substantial harm" resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential reuse, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location.

**8.3. Conditions:**

1. Standard condition (3 year time limit)

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

2. Standard condition (Approved plans)

**Reason:** For avoidance of doubt

3. Before commencement of works on the apartment building to the rear yard off George Street, a construction management plan with details of working hours, siting of compound and parking and measures to minimise noise and dust emissions, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard amenities of nearby properties and in interests of highway safety.

4. Before commencement, a Phase I contamination assessment shall be carried out and where contaminants are identified a Phase II assessment carried out to assess level of risk to users of the development. Where significant risks are identified than a Remediation Strategy will be required to identify measures to mitigate risk.

**Reason:** To ensure land contamination is understood in interests of public safety.

5. Risk reduction measure in Remediation Strategy to be implemented and Validation report produced.

**Reason:** To ensure land contamination is understood in interests of public safety.

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6. Archaeological scheme of WSI to be submitted and agreed and carried out

**Reason:** To ensure archaeological remains are recorded and analysed.

7. Acoustic Assessment to be carried out for internal and external noise sources and noise insulation measures agreed.

**Reason:** To safeguard amenities of future residents.

8. Details of external materials, window and door joinery to be submitted for apartment building and fencing agreed before construction.

**Reason:** Visual amenity to preserve character of the local area.

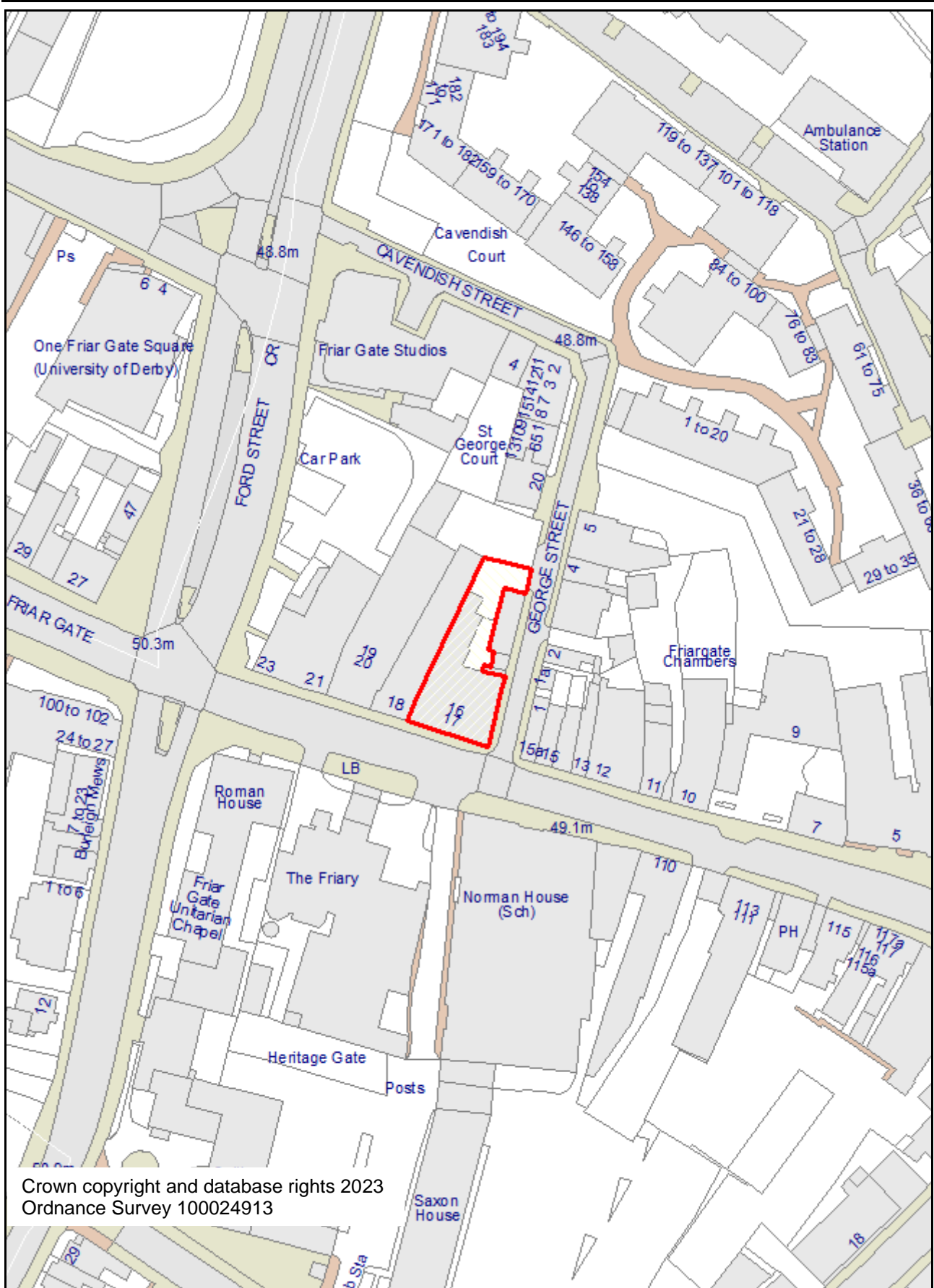
### **8.4. Informative Notes:**

Housing Standards Informatives.

### **8.5. Application timescale:**

Extension of time to be agreed until 19 December 2022. Another extension of time will be agreed with the agent to accommodate the committee meeting.





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## **Committee Report Item No: 10.3**

**Application No: 22/01338/LBA**

**Type: Listed Building  
Consent**

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### **1. Application Details**

**1.1. Address:** 16- 17 Friar Gate, Derby

**1.2. Ward:** Arboretum

#### **1.3. Proposal:**

Change of use from restaurant (Use Class E) and erection of a two storey extension to form four apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4) and associated internal alterations

#### **1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01338/LBA>

##### Brief description

Members will recall that this application was deferred at the Planning Control Committee meeting on 15 December 2022, to allow for the agent/ applicant to further consider concerns raised regarding the intensity of use and impact of the proposed two storey extension to the rear yard and on the adjacent building on George Street, which is occupied as a yoga studio.

Since the December meeting, the applicant has sought to address Member's concerns by revising the layout and design of the two storey apartment building and providing additional supporting information in relation to assessment of daylight and sunlight, access and egress and storage of bins. This has been submitted to support the application and a reconsultation and neighbour notification process has been carried out. The proposed apartment building sited in the rear yard has been amended to form a single apartment unit with three bedrooms. An updated Design, Access and Heritage Statement has been provided to support the amendments. A Daylight Report and Internal Daylight Report have been submitted to assess the impacts of the revised apartment layout on daylight to the proposed rooms and an assessment of daylight impacts to the adjacent buildings on George Street and on daylight to the proposed apartments in the listed building.

Listed Building Consent is sought for change of use, two storey extension and internal alterations to a Grade II listed building at 16-17 Friar Gate to form four apartments and one House in Multiple Occupation.

The site lies in the city centre on the north side of Friar Gate, in the Friar Gate Conservation Area. The listed building dates from the 17th Century. It is a three-storey brick and stone building, which has distinctive roof gables and mullioned windows. It extends some distance to the rear of the site, with an open yard, accessing onto George Street. There are other listed buildings in proximity to the site along Friar Gate and George Street. The ground floor and part of the first floor are currently in use as a restaurant (Class E), whilst the upper floors were previously residential but are now vacant. The restaurant use would be retained.

The proposals are to convert and refurbish part of the first, second and third floors of the building to form three apartments and a 6 bedroom HMO. The apartments are all to the first floor and comprise one 2 bed and two 1 bed units. The upper floors,

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including the original roof space would form the HMO, with separate bathrooms and communal living room. The residential units would all be accessed via an original staircase from the ground floor side entrance to the building. The restaurant use to the ground and first floor of the building is retained. The change of use would involve minor alterations to the interior, to form the new accommodation, by removal and formation of small sections of internal walls, door openings, kitchen and bathroom fittings. External alterations would only involve the roof of the building, in the form of new conservation rooflights.

The proposed apartment two storey extension to the rear yard of the site, was to have originally formed 2 one bed apartments and would now house a duplex apartment with three bedrooms. There would be two bedrooms on ground floor and a living space and further bedroom on first floor. It is to be sited at the end of the existing building and accessed from the gated access onto George Street. This new build element would be of brick construction, with slate roof, dark grey windows and a metal cladding element at first floor level.

Servicing arrangements for the residential units are proposed to be amended within the rear yard, with a resident's cycle store and bin store to be sited alongside the George Street access. Revisions have been made to the bin storage arrangement in the rear yard, on a revised site layout, which has been submitted with the supporting statement. The residential units would use two 1100l bins sited with a cycle store (4 cycles) and air source heat pump adjacent to the rear yard access onto George Street. The siting of the commercial bins for the restaurant and the yoga studio business have been amended, such that they would now be located within a timber gated enclosure at the southern end of the yard. The restaurant bins would comprise two 1100l bins in a timber enclosure and the yoga studio would have two 660l bins abutting the wall of the building.

The application is supported by Design, Access and Heritage Statement, Flood Risk Assessment, Archaeological Desk Assessment and Structural Condition report. The amendments have been supplemented by Internal Daylight and Daylight and Sunlight Assessments, which are available to view on line.

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

<b>Application No:</b>	22/01337/FUL	<b>Type:</b>	Full
<b>Decision:</b>	To be decided	<b>Date:</b>	
<b>Description:</b>	Change of use from restaurant (Use Class E) and erection of a two storey extension to form five apartments (Use Class C3) and one apartment in multiple occupation (Use Class C4)		

### **3. Publicity:**

- Neighbour Notification Letter – 4 letters
- Site Notice
- Statutory Press Advert

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*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.***

19 objections have been received to the listed building application. The main issues raised are as follows:

- Impacts on fire safety, access and egress to rear yard for other occupiers
- Proposed siting of bin storage to rear yard
- Proximity of new residential building to the neighbouring property
- Increase in number of residents using the access and rear yard
- Negative impact on adjacent business
- Disruption, dust and noise during construction phase
- Noise from new residents occupying the site

### **5. Consultations:**

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

Not considered by the committee.

#### **5.2. Built Environment:**

Revised comments to additional information received 18 May 2023:

Comments on additional information –

The amended joinery details look to be appropriate but suggest a condition to cover a door photo schedule, the following information is noted - amended proposed elevations and amended ground floor and first floor plans as well as the amended proposed site plan.

Suggested conditions: -

Should you be minded to grant permission suggest conditions to include a door photo schedule and joinery details to agree retention, reuse and new door details, a material condition covering all new materials, suggest a method statement is submitted for the repair/rebuilding of the wall, agreement on reuse of existing bricks (if possible) and use of an appropriate lime mortar (mix and finish). Suggest condition relating to retention and agreement of location to reuse historic stone setts on the

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site. Condition for detailed design of the bin/fence enclosures and new gates. Details of rooflights and AOV's.

Condition controlling precise details, justification and locations of helibars/appropriate stainless-steel ties (supported by a structural engineer's report) mentioned in the applications, details and locations of vents and flues etc to be agreed, approach for blocking of doorways where proposed, new opening heights to be agreed, exact details of modification of historic stair and lime ash floor to floor three.

Policies - The Planning (listed building and conservation areas) Act 1990 section 16 and 66 and 72 as regards the statutory duties regarding listed buildings and conservation areas are relevant here. As is E19 and E18 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and There is slight harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal.

Recommendation: - No objection (subject to condition)

Revised comments received on 5 December 2022:

### **Designated Heritage Assets affected:**

16-17 Friar Gate is a grade II listed building within the Friar Gate Conservation Area. There are also several other listed buildings nearby including grade II listed buildings: 18 Friar Gate, 20 Friar Gate, 21-22 Friar Gate, 23 Friar Gate and York House on 3 George Street. The Friary Hotel on Friar Gate opposite the front elevation is grade II\* listed. These are designated heritage asset in NPPF terms.

### **Impact of proposals on Heritage Assets and comments:**

The proposal is for the alterations associated with the change of use from restaurant and construction of a two storey extension to form five apartments and one apartment in multiple occupation. Works includes several alterations including a new extension, rebuilding a brick boundary wall, an enclosure to provide a resident's bin and cycle store, new gate, fence, and bin.

### External works

- The proposed extension, in brick and natural slate can be seen within the Heritage Statement to be in the location where there was one historically, however, this did not have the canted projection forward towards George Street. The projection is proposed of brick with metal standing seam cladding to the upper floor. No issue with extending in this area to previous footprint, however, would much prefer if the extension didn't project forward, that it wasn't clad in metal standing seam cladding

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which is not characteristic of the conservation area and the bike store didn't have a flat roof.

Note 17/11: justification for the extension and flat roof. Preference already highlighted still valid. Flat roof to bike shed mentioned and that this will be screened by fence. Suggest section on how this will work along with materials condition, to control visual appearance any new materials for construction. The extensions and fence items have a degree of harm to the setting as part of the significance of the listed building and does not preserve or enhance the character or appearance of the conservation area.

- Suggest it is investigated whether the listed boundary wall can be repaired rather than completely re-built. There does not seem to be a structural report to justify this work. Suggest one is submitted (current structural report doesn't seem to include its assessment). If justified suggest reuse of existing bricks and use of an appropriate lime mortar. Note clarification in letter that all measures will be taken to retain and repair the boundary wall in situ, but no drawing changes have been made. It states wall to be rebuilt. Would prefer retention of existing wall.
- The historic stone setts in this area are particularly fine. Suggest therefore that any that are disturbed are reused upon the site or kept for future use. Suggest consideration of a condition if mindful to grant permission.
- There will be a need for careful material choices if you are minded to grant permission for the bin/fence enclosures. Suggest consideration of a condition if mindful to grant permission.
- Further details to ensure new rooflights are conservation type and details of AOV suggested if you are minded to grant permission for the bin/fence enclosures.
- Precise details of locations of helibars/appropriate stainless steel ties (supported by a structural engineers report), vents and flues etc to be submitted via condition should you be minded to grant permission after amendments suggested in the consultation have been undertaken.

### **Internal works**

Within the building there are alterations to include blocking doorways, removal doors, removal of walls and two pantry enclosures to first and second floor and creation of new door openings, installation of AOV, rooflights and small section of lime ash floor carefully cut back to top third floor to allow some headroom. There is a degree of harm, to the listed building's significance in doing these alteration works and installation associated drainage/ventilation etc. Suggest reduction of units to reduce impact.

In terms of new works to the ground floor there are limited works to the main building, to the first floor there are some new walls (one to create a corridor to enable three units to work on the first floor), some subdivision and a blocking of a doorway. This changes the original layout of the building and details of all new openings need to be confirmed e.g., to door height with a sufficient down stand. To the second floor there

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are walls proposed to form two new shower rooms, one to the top of the staircase. In terms of this one it would be preferred if the balustrade remained (it is not clear whether it is removed or encapsulated) and it was investigated whether the shower room could be in the existing store adjacent therefore leaving the proportions of the landing space at the top of the stairs and balustrade unchanged. Amended plan confirms retention of existing balustrade. To the third floor the space is very tight, head height to the third floor is low and historic roof timbers are exposed. The lime ash floor looks to have been repaired previously at the top of the stair so cutting it back might be possible although a section through and narrative on how this will be done to ensure suitable head height is needed. Replacement of stair not supported as this would be a high amount of loss and harm to the listed building. Clarification obtained that historic stair is not being replaced. Slight modification needed, where previously modified, accepted however suggest exact details conditioned should you be minded to grant permission. The en-suite to bedroom 5 seems inappropriate and awkward in this key end location within the roof space. The en-suite would block the fine view of the roof timbers. Suggest review and consideration that the third floor is not used for conversion to a bedroom but for storage as alteration to form the two en-suites on the plan form, installation of services and especially the location and installation of ensuite to bedroom 5 seems very harmful. Space is very tight, with limited head height, within the attic. Maintain that preference is not converted and en-suites added on this floor, however, understand there may be other considerations. Proposal amended so that the two ensuite shower rooms be pods rather than full height which will have less of a visual impact within these rooms. It is explained that the pods are proposed to be fully reversible, however, there will be holes in walls etc made for drainage, vents etc. It will be important to obtain details on how they are proposed to be constructed so they are 'reversible' and require 'minimal intervention'.

There is a need for clarification on the type of fire and sound separation proposed between floors and if any needed to walls. This does not seem to be included within the HIA. The approach to doors seems appropriate as very few original doors survive. Fire and Acoustic separation details have been submitted. Note floor/ceiling and wall upgrades for fire separation are acceptable in this case. Suggest condition to retain and reuse floorboards found should you be minded to grant permission.

The impact on the significance of this listed building is beneficial in terms of upper floor use but harmful regarding the impact on significance of the listed building in terms of plan form as a result of the changes to install this use there is inherently a degree of harm due to the removal of walls, creation of new doorways, physical alterations for the installation of vents, flues, AOV's, drainage, wc shower rooms, installing fire and sound partitioning etc, and other changes as outlined above. There is also impact on the character or appearance of the conservation area as regarding the proposed rebuilding of the wall and the construction of the new extension. Suggest clarification and changes as outlined above to proposals to reduce harm. Some clarification has been obtained.

### **Policies:**

The Planning (Listed Building and Conservation Areas) Act 1990 section 16 and 66 and 72 as regards the statutory duties regarding listed buildings and Conservation areas are relevant here. As is E19 and E18 of the saved Local Plan Review (2006)

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and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF is relevant in particular, para 189, 194, 199, 200 and 202. There is slight harm caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) it is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' (NPPF, Para 202). This means that 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.

### **Recommendation:**

Some clarification on elements has been submitted. Still some concern regarding amount of impact of some items. However, if concerns appropriately addressed no objection (subject to conditions as outlined above).

### **5.3. Development Control Archaeologist:**

#### **Revised comments 1 November 2022:**

The applicant has submitted a very good Desk Based Assessment of the site which advises the potential for below ground medieval and post-medieval archaeology to be impacted by the development. This impact however can be offset by the implementation of an archaeological watching brief, undertaken during any below ground works. These works could be secured by attaching a suitable condition to planning which might read.

'No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

The WSI should be compiled by a suitably experienced and accredited heritage professional/consultancy or archaeological organisation, preferably CIfA registered, in consultation with this office.



**6. Relevant Policies:**

**6.1. Relevant Policies:**

Listed Building Applications are not determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

In considering the application decision makers must engage Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

**6.2. Applications involving the provision of housing:**

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

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

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 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 3.17 years of dwellings against the annual 1,255 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

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- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

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

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

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

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

#### **Key Issues:**

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

#### **7.1. Status of the listed building**

#### **7.2. Proposed works**

#### **7.3. Heritage Impacts**

#### **7.4. Conclusion**

### **7.1. Status of the listed building**

16- 17 Friar Gate is a Grade II listed building in the Friar Gate Conservation Area, which lies in the CBD and Cathedral Quarter.

Under normal circumstances, the tilted balance in favour of proposals for residential development would take precedence. However, in this case, being a Listed Building in a Conservation Area, particular consideration should be given to whether there would be any harmful impacts on the heritage designations such that permission should not be granted in accordance with the guidance in the NPPF on heritage matters.

The supporting Design, Access and Heritage Statement describes the listed building as being part of listed group; 16 to 23 Friar Gate, which includes the street block between George Street and Ford Street: 19 Friar Gate, 20 Friar Gate, 21-22 Friar Gate and 23 Friar Gate, which are all Grade II listed. The listing description describes 16-17 Friar Gate, as follows:

*“C17. A fine building of brick with stone dressings; 3 storeys and attics in gables; 8 windows, generally with glazing bars; 4 gables, each with one window; stone*

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*floorbands (formerly moulded cornices); stone quoins and coping to gables; blocked stone mullioned window to gable on return aide; restored old tile roof. Ground storey now has modern shop fronts: this formerly had good central doorway."*

This proposal is for conversion and extension to the late 17th Century building at 16-17 Friar Gate, to form 4 apartments and one HMO unit. The building is within the city centre, on Friar Gate. A restaurant currently occupies the ground floor and part of the first floor of the building. The remaining upper floors of the building are currently vacant.

To the rear of building, there is an enclosed yard which forms the listed curtilage of the property and there is a gated access off George Street. The proposals include the erection of a new two storey residential building, which would be sited in part of the rear yard which currently has no built structures and is surfaced with granite setts.

### **7.2. Proposed works**

The proposed conversion of the listed building at 16-17 Friar Gate, to residential use, would not involve any substantial external alterations to the building. All existing window openings and external doors are to be retained in situ and alterations are principally to the roof, through insertion of 3 conservation rooflights to rear and roof vents.

Internal alterations to form the residential units would also be limited in scale, comprising removal of internal walls and openings, insertion of partition walls, formation of kitchens and bathrooms and associated vents and pipework. The principal staircase to the rear of main building would be retained and provide the main access to the apartments and HMO.

The main change of use would be to the third floor roof space of the building, which has not previously been in residential use and retains much of its original roof structure and character. The proposal would form two bedrooms and en-suite bathroom pods and staircase within the roof space. This would involve internal interventions to the historic fabric, to form the residential units and the Conservation Officer has expressed some concern about the introduction of the bathroom pods and alterations to the stairwell, which result in enclosure of the original roof spaces. Revisions have been made to those third floor bathrooms to reduce the height of the pods and allow more of the roof space to be viewed.

The proposals also include erection of a two storey building to the rear of the yard, which is accessed off George Street. It forms part of the curtilage of the listed building. The building would house one duplex apartment with three bedrooms. It would be constructed of red brick with a natural slate roof but would also have a modern appearance with dark grey windows and a dark metal cladding feature to the first floor. The footprint would turn the corner to allow maintenance of pedestrian access into the yard for servicing and access to the principal building. The Conservation Officer has raised some concern about the design and footprint of the new building and the Design and Access Statement has been updated, to provide further justification of this element of the scheme, "*The new extension can be seen as sensitively interpreting the existing building composition, with contemporary fenestration and brick detailing inspired by the existing. Its form and massing can be*

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*seen as having a minimal impact on the streetscape, as a new addition to the multiple historic and more recent extensions to the original front range."*

Since the application was considered at the December committee meeting, the agent has supplied a response in February to the concerns raised by Members, in relation to servicing of the rear yard and amenity of existing and future occupants. The submitted statement, specifically deals with compliance with fire safety regulations, storage of bins and cycles and provision of a high quality living environment and impacts on daylight to the adjacent building, which is occupied as a yoga studio. The issues arising from the additional statement are dealt with in the report for the planning application 22/01337/FUL.

Due to the limited extent of external alterations to the original building which fronts Friar Gate, there would be minimal harm to the character and significance of the Conservation Area, arising from the proposed residential conversion. The new building in the rear yard would introduce a new two storey structure into an existing vacant space. The design and external appearance of the new building has been amended, to enhance daylight provision to the apartment and improve the elevational proportions. The built form would be of a contemporary design and form, which contrasts with the historic buildings and features on the site. This would impact on the significance and character of the Conservation Area and the Conservation Officer maintains her concerns that the design and form of the new building would result in some harm to the heritage asset.

Overall, the conversion and re-use of the building for residential use is considered to be a well-designed scheme, which would bring the upper floors of the historic building back into a viable and beneficial economic use.

### **7.3. Heritage Impacts**

The Conservation Officer considers that there are benefits resulting from the proposed conversion and reuse of the upper floors of the Grade II listed building for residential use. However, there is also harm to the significance and fabric of the building from removal of walls, plan form, formation of doorways and other interventions to internal fabric.

Further clarification was also sought for fire and noise protection measures, to be used in the listed building, to form the new residential units. Additional information has been supplied to address these requirements and is accepted, subject to conditions.

A revised Design and Access and Heritage Statement has been submitted in response to concerns raised by the Conservation Officer, in particular relating to the new extension and some internal alterations to second and third floors to form the apartments. The revised statement has been accepted by the Conservation Officer and planning conditions are recommended to deal with outstanding details.

There is considered to be "less than substantial harm" as a result of the proposed conversion and alterations to the listed building to form residential apartments and as a result of the new build extension in the rear yard. However, the harm has been lessened through minor amendments to the scheme and the additional information submitted in support of the application.

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In considering the application, the decision maker must have regard for the requirements set out in the Planning (Listed Building and Conservation Areas) Act 1990, Sections 66(1) and 72(1) and relevant Local Plan policies, which highlights the statutory duty to require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) is regarding the statutory duty regarding conservation areas and that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building or Conservation Area) paragraph 197 of the NPPF states that, in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 200 of the NPPF states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The harm to the significance of the heritage assets, caused by the proposed intervention works to the upper floors of the listed building and development of a new residential building in the rear yard, is considered to be "less than substantial harm" and, in accordance with NPPF Para 202, the amount of harm must be weighed against the public benefits of the proposal. In this instance, the benefits of bringing the property back into viable use and the potential increase in the vitality of the City Centre carry significant weight.

The revised Design, Access and Heritage Statement, concludes in support of the proposals by stating: "*The intention is to ensure that proposals accord with the NPPF and Derby City Council's Local Plan policies, and make a valuable contribution to meeting the City's housing needs - in addition to carrying out necessary repair works to ensure the restaurant amenity achieves its potential and social value as an asset in the city centre. This development is designed to complement and enhance the existing building. A final proposal is shown (refer to separate plans), demonstrating how the existing building will be sensitively upgraded, repaired, extended and adapted.*"

The benefits which are afforded by the proposals are the reuse of the upper floors of the building for residential use, which allows these parts of the building to be brought back into an optimal viable residential re-use, with limited overall alterations and the proposals would deliver a variety of new housing to a highly sustainable location in the city centre, which would contribute to the city's housing supply. The new extension would also deliver additional high-quality housing in a well-designed and complementary form. These public benefits are significant in my opinion and are considered to outweigh the limited harm to the significance and character of the listed

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building, which has been identified and for this reason I am satisfied that the heritage tests in the NPPF are satisfactorily met.

The County Archaeologist had raised concerns that the heritage statement did not sufficiently address any archaeological works and heritage assets in the wider area around the site. In response, an updated desk based assessment has been received, which assesses the potential for below ground archaeology to be impacted by the development, of the new extension works. The Archaeologist welcomed the submitted assessment and an archaeological watching brief is recommended to deal with below ground works and the Archaeologist accepts that this can be secured through a suitable planning condition.

### **7.4. Conclusion**

The proposed conversion and alterations of the Grade II listed building and erection of new residential building within its curtilage would form new residential units, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply.

In line with local and national planning policies the proposals are an appropriate form of development, which preserve the character of the listed building and Friar Gate Conservation Area and the significance of nearby heritage assets.

The proposals would result in less than substantial harm to the significance of the Grade II listed building and its curtilage, resulting from the internal alterations proposed to the listed building and erection of a residential building on the site. The harm is considered to be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential re-use, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location.

It is therefore recommended that Listed Building Consent be granted for the proposals, subject to recommended conditions.

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

### **8.1. Recommendation:**

**To grant** Listed Building Consent with conditions.

### **8.2. Summary of reasons:**

The proposed conversion and works to form a residential use of the Grade II listed building and erection of new residential building within its curtilage, in the Friar Gate Conservation Area would provide high quality housing in a highly sustainable location and increase the variety and amount of housing within the city centre, contributing to the city's housing supply. The less than substantial harm resulting from the internal alterations proposed to the listed building and erection of a residential building on the site, would be outweighed by the public benefits of bringing the upper floors of the building back into a viable residential reuse, with a limited amount of alteration and intervention and housing delivery in a highly sustainable location

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### **8.3. Conditions:**

1. Standard condition (3 year time limit)

**Reason:** As required by relevant legislation

2. Standard condition (Approved plans)

**Reason:** For avoidance of doubt

3. Details of external materials, including all window and door joinery and details of proposed fencing and bin enclosures within the rear yard to be agreed before construction.

**Reason:** To preserve character of conservation area

4. Details of materials for cycle shed in rear yard and cross section through the shed to be agreed before construction.

**Reason:** To preserve character of conservation area

5. Any stone setts to be removed to form development, to be reused or retained for future use, unless otherwise agreed.

**Reason:** In interests of retaining historic features to preserve character of conservation area.

6. Details of conservation rooflights to be agreed before installation

**Reason:** To preserve character of the listed building.

7. Details of helibars and/or appropriate stainless steel ties (supported by a structural engineer's report, vents and flues to be installed on the listed building, to be agreed before relevant works are begun.

**Reason:** To preserve character of the listed building.

8. In the event that modification is required to the stairwell to third floor, then precise details of proposed works to the opening to be agreed before relevant works are begun.

**Reason:** For clarity and to preserve character of the listed building.

9. Details of bathroom pods to third floor units, all vents, flues and drainage runs to bathrooms and kitchens, fire and sound partitioning measures to be agreed before relevant works to the listed building are begun.

**Reason:** To preserve the character of the listed building.

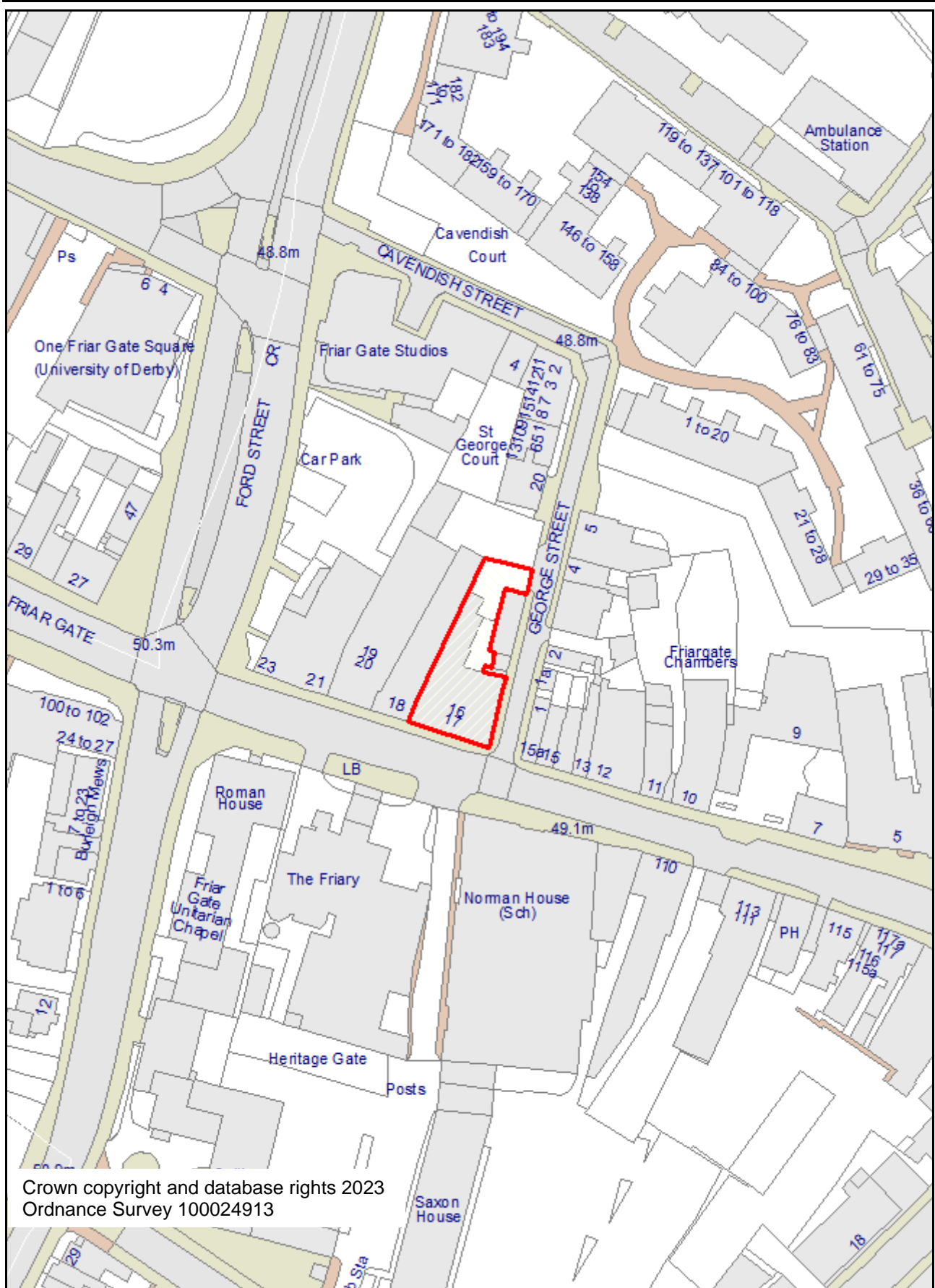
### **8.4. Application timescale:**

Extension of time to be agreed until 19 December 2022.

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## **Committee Report Item No: 10.4**

**Application No: 23/00220/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** College Park, Normanton Road, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Erection of a drive through unit (Sui Generis)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00220/FUL>

#### **The site and Surroundings**

The application relates to a vacant plot of land located at the northern end of Normanton Road close to its junction with Burton Road and Lara Croft Way. The plot covers an area of approx. 0.5ha and is set back from the site frontage between Mount Street and Normanton Road. The site is partly located within the Normanton Road Linear District Centre and lies to the south of the City Centre.

Surrounding land uses are a mixture of commercial and residential. To the north of the site is a large Aldi foodstore and its associated car parking. To the north-east is Derby City Mission located in the former Job Centre, a locally listed building; and The Church of Apostles St Peter and St Paul, a grade II listed building. There are various commercial/retail uses on the opposite side of Normanton Road and to the south. To the south-west of the site there are a terrace of residential properties located on Mount Street.

#### **The proposal**

The application site already has planning permission for redevelopment under application reference 22/00639/FUL. This earlier approval granted planning permission for the – ‘*Erection of 'Drive Thru Cafe', 'Drive Thru Restaurant' and Retail Unit with associated carparking and landscaping*’. It is still extant. The permission relates to the application itself and includes a broader parcel of land to the south and east. Work on the two approved drive through units fronting Normanton Road has already commenced. One of the buildings is substantially complete. Intended occupiers are Starbucks and Wendy’s.

This revised application seeks to replace the approved retail unit with a third drive through. The drive through would be situated in similar position to the proposed retail unit, set back from Normanton Road close to the northern site boundary. The submission states that the application has been submitted in response to the current economic climate, as the applicant has struggled to obtain interest from prospective tenants on the proposed retail unit. The applicant is seeking to deliver a third drive through unit and has firm interest from an established operator (Dunkin’ Donuts).

The proposed new drive through unit would have a footprint of approx. 139 sqm (approx. 196sqm smaller than the approved retail building). It would be a single storey structure (approx. 5.3m in overall) height with mono-pitched roof and would have contemporary design finished with grey cladding and cream/beige bricks. Corporate

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branding and logos are shown on the elevation drawings. A separate advertisement consent application has been submitted to deal with any signage.

The proposed drive through unit would use the existing vehicle access into the site from Normanton Road and the vehicle entrance/exit on Burton Road, which is also used by the Aldi store. The unit would also be served by an internal drive through circulation lane which would wrap around the western and northern sides of the building. 16 car parking spaces are proposed on this part of the site including 2 disabled parking spaces and 6 electric vehicle parking spaces, together with 6 cycle parking spaces. Waiting and loading bays would also be provided.

The application is accompanied by a Design & Access Statement, Flood risk assessment, Geo-environmental report, Noise Impact Assessment and a Transport Assessment. Additional transportation information has been provided during the life of the application, to address highway concerns raised.

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

<b>Application No:</b>	22/00639/FUL	<b>Type:</b>	Full
<b>Decision:</b>	APP	<b>Date:</b>	02/11/2022
<b>Description:</b>	Erection of 'Drive Thru Cafe', 'Drive Thru Restaurant' and Retail Unit with associated carparking and landscaping		

<b>Application No:</b>	18/01735/NONM	<b>Type:</b>	NONM
<b>Decision:</b>	APP	<b>Date:</b>	19/12/2018
<b>Description:</b>	Erection of 7 retail units (Use Classes A1/A2/A3/A5 and D2) and formation of associated car parking - approval of reserved matters of layout, appearance and landscaping under outline permission Code No. DER/02/15/00194 - non-material amendment to previously approved application code No. DER/09/16/01102 to amend the approved plans		

<b>Application No:</b>	09/16/01102	<b>Type:</b>	Full
<b>Decision:</b>	GC	<b>Date:</b>	28/02/2017
<b>Description:</b>	Erection Of 7 Retail Units (Use Classes A1/A2/A3/A5 And D2) And Formation Of Associated Car Parking - Approval Of Reserved Matters Of Layout, Appearance And Landscaping Under Outline Permission Code No. DER/02/15/00194		

<b>Application No:</b>	10/15/01267	<b>Type:</b>	VAR
<b>Decision:</b>	GC	<b>Date:</b>	03/05/2016
<b>Description:</b>	Erection Of Retail Store (Use Class A1) And Formation Of Associated Car Parking, Servicing And Landscaping - Variation Of Conditions 18 And 19 Of Previously Approved Planning Permission Code No. DER/09/14/01262 To Amend Opening And Delivery Hours		

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<b>Application No:</b>	09/14/01262	<b>Type:</b>	Full
<b>Decision:</b>	GC	<b>Date:</b>	17/09/2015
<b>Description:</b>	Erection Of Retail Store (Use Class A1) And Formation Of Associated Car Parking, Servicing And Landscaping.		
<b>Application No:</b>	02/15/00194	<b>Type:</b>	Outline
<b>Decision:</b>	GC	<b>Date:</b>	09/06/2015
<b>Description:</b>	Erection Of 4 Retail Units (Use Classes A1/A2/A3/A5 And D2) And Formation Of Associated Car Parking		
<b>Application No:</b>	11/04/02183	<b>Type:</b>	RM
<b>Decision:</b>	GC	<b>Date:</b>	15/04/2005
<b>Description:</b>	Erection Of Single Storey Buildings For Food And Non-Food Retail, Restaurant Uses, Car Parking And Access (Approval Of Reserved Matters Pursuant To Previously Approved Outline Application DER/0101/119) And Amendment To Previously Approved Reserved Matters Application DER/0902/1405		
<b>Application No:</b>	09/02/01405	<b>Type:</b>	Full
<b>Decision:</b>	GC	<b>Date:</b>	22/11/2002
<b>Description:</b>	Erection Of Single Storey Buildings For Food & Non Food Retail, Restaurant Uses, Car Parking And Access		
<b>Application No:</b>	01/01/00119	<b>Type:</b>	Full
<b>Decision:</b>	GC	<b>Date:</b>	10/01/2002
<b>Description:</b>	Erection Of Single And Two Storey Buildings For Food And Non Food Retail, Leisure, Restaurant Uses, Car Parking, Access, & Formation Of Hard/Soft Landscaping		

### **3. Publicity:**

(Delete unused headings)

- Neighbour Notification Letter – 8
- Site Notice – Yes

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

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### **4. Representations:**

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

No neighbour comments have been received

### **5. Consultations:**

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

These observations are primarily made on the basis of the following submitted information:- Drawing 3661/001 Rev P3.

In HDC terms, similar development has been consented with respect to historic application 22/00639/FUL, albeit that there was a commercial unit approved where the proposed "Dunkin Donuts" unit is now shown.

Assuming that the applicant can satisfy my colleagues, and that once further information has been provided that no material safety considerations come to light, I make the following additional comments.

There is an existing site access from Normanton Road which will be superfluous to requirements and which should therefore be taken out and reinstated as footway. This would be dealt with by condition. It is my understanding that the developer has already approached the Highway Authority with respect to this element of the works (shown coloured on the plan)

A suitable condition requesting the provision of a satisfactory Construction Management Plan will also be recommended, as it is unclear how the site will be accessed during the construction phase, and how such construction traffic will impact upon the adjacent highway network; discharge of the appropriate condition with respect to the previous application has been recommended.

#### **5.2. Highways (Transportation):**

Updated Comments dated 26/04/2023:

##### **1.0 Introduction and Background**

In summary, the above application is for the erection of a drive-thru coffee shop. This application is, in effect, a secondary application on the site known as College Park. Planning permission was previously granted at the site (22/00639/FUL) for the: Erection of 'Drive Thru Cafe', 'Drive Thru Restaurant' and Retail Unit with associated car parking and landscaping. As a result of this application, the accessibility and sustainability of the site has already been assessed.

The applicant has highlighted that the retail unit portion of the approved application has struggled to attract a tenant. As a result, this application seeks to erect a drive-thru

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unit in place of the approved retail unit. The key for this assessment is therefore to establish the net change in traffic generation and the highway impact as a result of the change from the approved retail unit to the proposed drive-thru unit.

### **1.2 Local Planning Policy**

Derby City Local Plan Part 1 – The development site is located just out of the City Centre on the outside of the Inner ring road. The site does not fall within a specific area of change highlighted within the Core strategy. However, the Core Principles of the strategy still apply. Most pertinent to this application is CP23.

CP23 outlines how the council will support and manage the pattern of development to deliver a sustainable transport network. In general transport terms CP23 states that the Council will support development proposals that:

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

### **2.0 Assessment against the 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

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- 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 would make comments on the opportunities for sustainable travel, that safe and suitable access can be achieved for all and the transport impacts of the development. As noted previously, this site has already been assessed under application (22/00639/FUL). The current application makes no amendments to the access points to the site for both motorised and non-motorised users. The opportunities for sustainable transport and the safe and suitable access by all modes have therefore already been assessed and are acceptable in relation to this application. The potential impact of this development would be as a result of the differing traffic patterns that the consented retail unit and the proposed drive-thru create. This report will therefore focus on the transport impacts of the development.

### 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' relates to congestion, but it can also relate to safety.

#### Transport Assessment

An assessment of the wider traffic impacts has been undertaken and a Transport Assessment submitted with the application.

#### Traffic Generation

The proposed development is a single drive-thru unit.

Traffic generation has been calculated using the industry standard database TRICs and applied to each of the separate land uses. As the site have previous consent for a retail unit the trip generation has considered the net change between the consented and proposed uses. The trip generation rates used in the previous assessment have been used again for consistency and provide an 85th percentile trip rate.

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Peak Period	Total Vehicle Trip Rates (per 100m <sup>2</sup> )			Total Vehicle Trips Generated		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
AM peak	11.803	11.475	23.278	40	38	78
Midday	6.122	6.122	12.244	21	21	41
PM peak	5.882	6.863	12.745	20	23	43
Saturday	6.583	5.167	11.75	22	17	39

**Figure 1 - Approved trip generation of retail unit**

Figure 1 above shows the trip generation of the consented retail unit. In planning terms because there is an existing land use on the development site, then the existing trip generation can be offset against the proposed development to give the net change in vehicles trips.

Peak Period	Total Vehicle Trip Rates (per 100m <sup>2</sup> )			Total Vehicle Trips Generated		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
AM peak	34.50	30.50	65.00	48	43	91
Midday	27.5	27.00	54.5	38	38	76
PM peak	12.143	14.286	26.429	17	20	37
Saturday	25.238	25.238	50.476	35	35	70

**Figure 2 - Estimated trip generation of drive thru-unit**

Figure 2 above shows the estimated trip generation of the proposed drive-thru unit.

Figure 3 below outlines the net change in traffic generation from of the proposal.

Peak Period	Net Change in Vehicle Trips Generated		
	Arrivals	Departures	Totals
AM peak	+8	+5	+13
Midday	+17	+17	+35
PM peak	-3	-3	-6
Saturday	+13	+18	+31

**Figure 3 - Net change in trip generation**

Figure 3 outlines that there is and expected small increase in the AM peak in two-way vehicles movements. The Midday peak and Saturday peak are expected to see increases of 35 and 31 two-way trips respectively. The PM peak is likely to see a reduction in vehicle movements at the site. To put into context the minimal impact of the increase in vehicle movements, during the midday peak an additional 35 two-way vehicles movements would result on average result in 1 arrival and 1 departure every 3 minutes if a flat profile is assumed.

It is acknowledged that whilst drive thru facilities such as the ones proposed can attract a large amount of vehicles, the vast majority of them are not new vehicles to the

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highway network. The potential impact of this development would materialise through the re-distribution of existing traffic and intensification of certain traffic patterns at the access junctions and the close by signalised ring road roundabout.

### Junction Capacity Test

The junction capacity testing undertaken during the approved application (22/00639/FUL) has been run again with the new development proposals in place to provide an insight on how the changes will impact the capacity of the local highway network.

The junction capacity assessments conducted cover the three junctions listed below.

- Junction 1 - A5250 Normanton Road / Site Access priority T-junction.
- Junction 2 - A5250 Burton Road / Site Access priority T-junction; and
- Junction 3 - A5250 Normanton Road / Burton Road / A601 Mercian Way /Green Lane / Babington Lane / A601 Lara Croft Way 6-arm fully signal-controlled roundabout.

Three different scenarios have been modelled across the three junctions each modelling the AM, Midday, PM and Saturday peak hours derived from the surveyed traffic flows. The three scenarios can be seen below.

- 2022 Observed flows – derived from traffic surveys of the assessed junctions.
- 2027 Base + Consented development – calculated by applying growth figures to account for increases in background traffic and the consented development scheme.
- 2027 Base + Proposed Development (minus the retail unit) + proposed drive-thru – this scenario represents the traffic as a result of the proposed scheme.

The junction capacity assessment for the priority access junction has been conducted on the Junctions software. The RFC value indicates how the arm of the junction is operating. If the RFC is 0.85 or less it is within design capacity with minimal queues. An RFC greater than 0.85 and less than 1.0 suggests that the junction is operating close to its design capacity and queueing and delays may occur. An RFC above 1.0 shows the approach is exceeding its capacity and long queues and delays are likely.



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Arm	AM Peak		Midday Peak		PM Peak		Saturday Peak	
	RFC	Queue (PCUs)	RFC	Queue (PCUs)	RFC	Queue (PCUs)	RFC	Queue (PCUs)
<b>2022 Observed</b>								
Site Access (Entry Only)	-	-	-	-	-	-	-	-
Normanton Road N	0.01	0.0	0.02	0.0	0.04	0.0	0.06	0.1
<b>2027 Base (including Consented Development)</b>								
Site Access (Entry Only)	-	-	-	-	-	-	-	-
Normanton Road N	0.06	0.0	0.07	0.0	0.08	0.1	0.14	0.2
<b>2027 Base (including Consented Development minus 335m<sup>2</sup> retail unit) + Proposed Development</b>								
Site Access (Entry Only)	-	-	-	-	-	-	-	-
Normanton Road N	0.06	0.1	0.07	0.1	0.08	0.1	0.15	0.2

**Figure 4 - Junction 1 capacity results**

Figure 4 shows the modelling outputs of junction 1. The impact on junction 1 would be minimal with a change of 0.14 to 0.15 in RFC on the Saturday peak and no impact on capacity within the other peak periods. As noted above, an RFC of 0.16 is well within design capacity.

Arm & Lane	AM Peak		Midday Peak		PM Peak		Saturday Peak	
	RFC	Queue (PCUs)	RFC	Queue (PCUs)	RFC	Queue (PCUs)	RFC	Queue (PCUs)
<b>2022 Observed</b>								
Site Access – Lane 1	0.04	0.0	0.11	0.1	0.19	0.2	0.19	0.2
Site Access – Lane 2	0.06	0.1	0.16	0.3	0.26	0.3	0.27	0.4
Burton Road	0.04	0.0	0.07	0.1	0.09	0.1	0.10	0.1
<b>2027 Base (including Consented Development)</b>								
Site Access – Lane 1	0.13	0.2	0.23	0.3	0.31	0.5	0.33	0.5
Site Access – Lane 2	0.35	0.5	0.47	0.9	0.54	1.2	0.59	1.4
Burton Road	0.09	0.1	0.12	0.1	0.13	0.1	0.14	0.2
<b>2027 Base (including Consented Development minus 335m<sup>2</sup> retail unit) + Proposed Development</b>								
Site Access – Lane 1	0.13	0.2	0.25	0.3	0.31	0.4	0.34	0.5
Site Access – Lane 2	0.36	0.5	0.51	1.0	0.54	1.1	0.62	1.6
Burton Road	0.09	0.1	0.13	0.1	0.13	0.1	0.14	0.2

**Figure 5 - Junction 2 capacity analysis**

Figure 5 above shows the impact of the development as a result of the proposed development. There is very small increase in RFC value in the Am, midday and Saturday peak period. The PM peak period has the same RFC value with a very slightly reduced queue length.

Drive-thru units like the one proposed result in the catchment of traffic that already exists on the highway network. As a result, the development do not generally result in a large increase in new vehicle movements to the highway network but a re-distribution of existing traffic. As the site is in close proximity to the inner ring road DCC requested the assessment of the Burton Road signalised roundabout in order to assess the impact of any redistributed traffic at this junction.

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Junction Approach & Lane	AM Peak		Midday Peak		PM Peak		Saturday Peak	
	DoS	MMQ (PCUs)	DoS	MMQ (PCUs)	DoS	MMQ (PCUs)	DoS	MMQ (PCUs)
<b>2022 Observed</b>								
Burton Road L1 (Flare) & L2	70.1%	7.2	66.8%	5.2	79.4%	7.1	73.4%	6.3
Burton Road L3	57.4%	6.1	55.1%	4.8	69.4%	6.0	59.9%	5.4
A601 Mercian Way L1	62.0%	5.2	49.4%	3.7	57.9%	4.6	63.1%	5.1
A601 Mercian Way L2	57.3%	5.0	45.9%	3.6	53.8%	4.4	58.3%	4.9
Green Lane	33.0%	1.8	45.0%	4.0	60.9%	6.1	55.2%	4.9
A601 Lara Croft Way L1 (Flare) & L2	69.5%	8.0	68.9%	9.4	85.7%	17.5	73.4%	10.7
A601 Lara Croft Way L3	43.1%	5.8	27.7%	3.8	42.6%	6.3	37.8%	5.4
Normanton Road L1 (Flare) & L2	74.9%	6.6	71.2%	5.1	85.6%	8.5	77.9%	6.6
	PRC = 20.2%		PRC = 26.4%		PRC = 5.0%		PRC = 15.6%	
<b>2027 Base (including Consented Development)</b>								
Burton Road L1 (Flare) & L2	74.5%	8.5	70.3%	6.1	87.6%	9.3	80.0%	7.9
Burton Road L3	57.0%	6.4	54.0%	5.2	75.2%	6.9	62.0%	5.9
A601 Mercian Way L1	69.4%	5.9	51.8%	4.0	60.6%	4.8	66.1%	5.4
A601 Mercian Way L2	64.2%	5.6	47.9%	3.9	56.4%	4.7	61.1%	5.2
Green Lane	34.3%	1.9	53.0%	4.4	60.6%	6.2	58.0%	5.2
A601 Lara Croft Way L1 (Flare) & L2	78.3%	11.0	80.1%	13.5	90.4%	21.2	81.1%	14.0
A601 Lara Croft Way L3	39.7%	5.2	26.2%	3.4	40.4%	6.0	34.6%	4.9
Normanton Road L1 (Flare) & L2	78.2%	7.0	70.1%	5.0	91.8%	10.5	84.0%	7.7
	PRC = 15.0%		PRC = 12.4%		PRC = -2.0%		PRC = 7.1%	

**Figure 6 - Observed and consented traffic impact**

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Figure 6 above shows the practical reserve capacity (PRC) and the Degree of saturation (DoS) of each junction approach for the Burton Road signalised roundabout for the observed traffic in 2022 and the consented development.

<b>Burton Road L1 (Flare) &amp; L2</b>	74.7%	8.5	71.0%	6.1	87.6%	9.3	80.8%	8.1
<b>Burton Road L3</b>	57.2%	6.5	54.2%	5.2	74.9%	6.8	62.2%	6.0
<b>A601 Mercian Way L1</b>	69.4%	5.9	51.8%	4.0	60.6%	4.8	66.1%	5.4
<b>A601 Mercian Way L2</b>	64.2%	5.6	48.2%	3.9	56.4%	4.7	61.4%	5.2
<b>Green Lane</b>	34.3%	1.9	53.0%	4.4	60.6%	6.2	58.0%	5.2
<b>A601 Lara Croft Way L1 (Flare) &amp; L2</b>	78.6%	11.1	80.6%	13.9	90.3%	21.1	81.4%	14.1
<b>A601 Lara Croft Way L3</b>	39.3%	5.1	25.6%	3.4	40.5%	6.0	34.2%	4.8
<b>Normanton Road L1 (Flare) &amp; L2</b>	78.2%	3.4	69.3%	4.9	91.8%	10.5	84.1%	7.7
		PRC = 14.5%		PRC = 11.6%		PRC = -2.0%		PRC = 7.0%

Figure 7 - Junction capacity results from proposed development

Figure 7 above shows the practical reserve capacity (PRC) and the Degree of saturation (DoS) of each junction approach for the Burton Road signalised roundabout for proposed development (drive-thru unit in place of retail unit).

The degrees of saturation (DoS) provide a measure of performance for each lane approach. A DoS of over 90% shows that the junction will begin to struggle with variations in traffic flow and small queues may occur. A score if under 90% shows that the junction is operating within capacity. The only DoS results over 90% are show in both the consented scheme and the current proposals. These occur during the PM peak on the Lara Croft Way and Normanton Road approaches.

The results under the proposed development show that the Junction would operate within capacity in the AM, Midday and Saturday peak hours. The junction would operate slightly over capacity in during the PM peak with a PRC of -2%. This is important as even though the junction is slightly over capacity in the PM peak. This development proposal does not reduce the capacity of the junction during this peak hour, maintaining the -2% PRC.

There are minimal changes to the PRC in the other peak hours, the AM peak reduces from 15% to 14.5%. The midday peak reduces from 12.4% to 11.6% and the Saturday peak reduces from 7.1% to 7%.

The most congested arms of the roundabout junction are shown to be during the PM peak on the A601 Lara Croft way and Normanton Road approaches. These arms are

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predicted to operate with a DoS of 90.3% and 91.8% respectively. Importantly, these figures remain almost identical to the existing operation and the proposed drive-thru unit does not increase the saturation further.

The analysis has shown that even though is a small increase in vehicle movements associated with the development, the change has minimal impact on the operation of the access junctions and local highway network.

### **3.0 Conclusion and Conditions**

#### **3.1 Conclusion.**

It is widely acknowledged that whilst drive thru facilities such as the ones proposed can attract many vehicles, most of them are not new vehicles to the highway network. The potential impact of this development would likely materialise through the re-distribution of existing traffic and intensification of certain traffic patterns at the access junctions and the close by signalised ring road roundabout.

The assessment and junction capacity analysis has demonstrated that the proposed erection of a drive-thru unit in place of the consented retail unit is unlikely to have a material impact on the highway network.

The assessment submitted is robust and utilises 85th percentile trip rates and accounts for growth in background traffic. These elements together act to estimate a worst-case scenario in terms of potential impact on the local highway network. It is likely that the junction will operate within its design capacity as the biggest impact on the junctions is as a result of predicted background traffic growth.

As such, there are no highway objection subject to the following conditions and notes.

#### **3.2 Suggested Conditions and Notes**

It is understood that a few conditions that were placed on the original decision notice(22/00639/FUL). It is recommended that these conditions are carried over as appropriate.

The highway's related conditions are as follows:

##### **Condition 3**

No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for

- Parking of vehicle of site operatives and visitors o routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

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Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

### Condition 7

No building or use hereby permitted shall be occupied or the use commenced until the existing access to the development site (located on Normanton Road) has been permanently stopped up and the footway reinstated in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

### Notes to Applicant

- 1) Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

### Initial comments:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=189839085>

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

The application site is located within Normanton Road and is surrounded by various uses including residential and commercial uses which is typical of the location.

I am concerned that the ventilation flues will discharge at ground floor level, and it might be detrimental to the amenity of the occupiers of the surrounding premises (cooking odours). It is normally recommended that the discharged point of extracted air should be at least 1m above the roof ridge of the premises and any building within 20m of the building housing the commercial unit to ensure maximum diffusion and dispersion of extracted air/steam. If the closest sensitive receptor is less than 20 meters, then I will be recommending extra mitigation (high velocity jet cowl) is implemented to ensure dispersion and diffusion of the extracted fumes would not lead to complaints of odour nuisance. Details of the proposed ventilation flues will be required and agreed in writing by the City Council before it is implemented.

As the scheme is speculative, details of fixed mechanical plant to be installed are not yet known as these will depend on the specific requirements of the tenants. A full and

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detailed assessment of noise from mechanical plant(s) will be required at a later stage when the proposed plants are known. Details of any plants will be required and agreed in writing before it is implemented.

Furthermore, the noise assessment deliberates that the overall noise impact to the nearest noise sensitive area will be low due to already high background noise level. The overall projected noise level from the development will apparently not create any significant impact. However, impact noise from door slamming, cars revving, truck/car deliveries, noise from stereos can possibly result to noise nuisance for short period of time especially during summertime when residents spend more time in the garden.

The sound power level has been determined by correcting the measured sound level to account for the residual sound level, measurement location, source dimensions and environment. This results in an activity sound power level for deliveries of LwA 85dB, which correlates well with various measurements at other similar sites. This projected noise level has the potential to cause noise nuisance if local residents are not protected.

The proposed opening hours for the commercial units were not stated in the application form but the anticipated opening hours of the first two drive-through units are 05:00 to 23:00. The anticipated opening hours of the third drive-through unit is 05:00 to 00:00. It is also assumed that deliveries could take place at any time during these periods.

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

- 3 meters high acoustic close boarded fencing should be implemented along the boundary of those residential property in Mount Street.
- No light spill from the proposed development shall be detrimental to local residents.
- The use shall not be carried on outside the opening hours of 07:00 - 22:00 daily including deliveries. (In the interests of the amenities of nearby occupiers).
- Opening hours – Monday – Sunday: 07:00 – 22:00 hours.
- No noise or vibration from the operation of the local exhaust ventilation system detrimental to amenity shall be perceptible in any adjoining property. (In the interests of the amenities of nearby occupiers).

### **5.4. Land Drainage**

This proposal does not have any calculations, nor any exceedance flow paths for this site. Also, it says in the Design and Access statement that surface water discharge will be to a soakaway, which is not shown on the drawing of the drainage.

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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)**

GD5	Amenity
T10	Access for Disabled People
E19	Listed Buildings and Buildings of Local Importance

#### **Saved CDLPR Policies**

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP12	Centres
CP15	Food, Drink and the Evening Economy
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

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](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](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.*



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### **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. The Principle of Development**

#### **7.2. Highways/Access/Parking**

#### **7.3. Design/Appearance**

#### **7.4. Amenity Issues**

#### **7.5. Other Issues**

#### **7.6. Conclusion**

### **7.1. The Principle of Development**

The site of the proposal straddles the boundary of the Normanton Road District Centre. However, it has been accepted that this will be due to the layout of the site when the boundary was originally defined and that the whole of the wider site can be treated as being within the Centre.

Within District Centres CP12 (Centres) supports proposals that:

1. Meet local shopping and service needs while supporting the vitality and viability of the centre. Uses which would undermine this objective, either as a result of loss of retail function or through the impact on the character or environment of the centre, will be resisted
2. Help to combat long term and persistent vacancy.
3. Encourage competition and consumer choice
4. Help to maintain vibrant and coherent shop frontages

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5. Respect, and are compatible with, the scale, role, character and function of the centre and would not have an unacceptable impact on the vitality and viability of other centres in the hierarchy
  6. Help secure physical improvements to the centre, particularly where they will help to create high quality spaces that are accessible by all modes of transport.

In relation to the drive through restaurants, the most relevant criteria in CP15 (Food, Drink and the Evening Economy) are those seeking to protect the character of the area and its amenity.

The proposal is for a use that is acceptable in principle in a District Centre and in this case would bring a vacant part of the site into use; as such it is in line with the intentions of CP12. From a policy/vitality and viability of the centre point of view the extant scheme for a retail unit in this location would be preferable. However, there has apparently been no success in marketing for this use and so the current scheme has been put forward. It would appear that if the proposal did not come forward, then the site would remain vacant, which in turn could have a negative effect on this part of the centre.

Although the proposal would introduce a third food and drink unit into this part of the District Centre the overall retail provision in this part of the Centre is still strong, with large retail units located directly to the north and south of the application site. As a result, I am satisfied that the proposal would not cause an over concentration of food and drink uses in this part of the Centre, such that there would be harm caused to the vitality and viability of the Centre, community safety and/or its character or overall shopping function. The main frontage of the overall site to Normanton Road would be the same as the extant scheme and so the visual effect of the proposal on the character of the area would be limited. Issues regarding general amenity/impact on neighbours are considered later in this report.

Overall, there are no 'in principle' policy objections to the proposal in this location and the proposed use is considered to be in line with Core Strategy policies CP12 (Centres) and policy CP15 (Food, Drink and the Evening Economy).

### **7.2. Highways/Access/Parking**

Following the receipt of an updated Transport Assessment revised comments have been provided by the Highways Transportation Officer (dated 26/04/23). The Highways Officer explains that that whilst drive through facilities can attract many vehicles, most of them are not new vehicles to the highway network. As a result, the potential impact of this development would likely materialise through the re-distribution of existing traffic and intensification of certain traffic patterns at the access junctions and the close by signalised ring road roundabout. Because there is an existing extant scheme on the site, the existing trip generation can also be offset against the proposed development to give the net change in vehicles trips.

The submitted Transport Assessment uses 85<sup>th</sup> percentile trip rates and accounts for growth in background traffic, a robust assessment which is consistent with other developments of this nature around Derby City and gives a 'worst case scenario' of the potential traffic levels on the local highway network. In addition, the junction capacity testing undertaken during the earlier approved application (22/00639/FUL) has been

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run again with the new development proposals in place to provide an insight on how the changes will impact the capacity of the local highway network. The junction capacity assessments conducted cover the three junctions listed below.

- Junction 1 - A5250 Normanton Road / Site Access priority T-junction.
- Junction 2 - A5250 Burton Road / Site Access priority T-junction; and
- Junction 3 - A5250 Normanton Road / Burton Road / A601 Mercian Way / Green Lane / Babington Lane / A601 Lara Croft Way 6-arm fully signal-controlled roundabout.

Three different scenarios have been modelled across the three junctions each modelling the AM, Midday, PM and Saturday peak hours derived from the surveyed traffic flows. The analysis has shown that even though there is a small increase in vehicle movements associated with the development, the change has minimal impact on the operation of the access junctions and local highway network.

Overall, the Highways Officer is content that the analysis has shown the development can be safely accommodated, and the erection of a drive-thru unit in place of the consented retail unit is unlikely to have a material impact on the highway network, which includes the potential for vehicles queuing back onto the public highway. Conditions have been recommended controlling the provision and implementation of Construction Management Plan for the site, and the stopping up of an existing redundant highway access. The development is considered to comply with Core Strategy policy CP23 (Delivering a Sustainable Transport Network).

### **7.3. Design/Appearance**

The unit would occupy a similar position on the site as the approved retail unit, set back from the Normanton Road frontage to ensure some commercial and visual continuity at the rear of the site. The angular design of the unit, with its contemporary appearance and materials are in keeping with the design of the adjacent Aldi store, and the other drive-through units to the east, offering a modern contrast to the traditional shops on the opposite side of the road. Given the existing character of the area and the distances involved it is considered that there would be no impact on setting of nearby heritage assets.

Whilst the layout is largely functional to allow the drive-thru unit to operate with its associated drive through lanes, the provision of suitable landscaping along the boundary would help soften and improve the visual appearance and assist in screening the site from nearby houses along Mount Street. Regard has been given to the fact that the proposal is not dissimilar to the extant scheme approved under application reference 22/00639/FUL. Overall, it is considered that the proposed design and appearance would be acceptable in this context and would not conflict with the requirements of Core Strategy policies CP3 (Placemaking Principles) and CP4 (Character and Context).

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### **7.4. Amenity Issues**

A Noise Impact Assessment has been submitted with the application which looks at the potential impact on nearby sensitive receptors. It considers, amongst other things, noise from vehicle activities at the drive-through and car park locations, including engine idling and door slams; noise from the use of intercoms at the food ordering points; noise from deliveries; and noise from mechanical plant. Whilst the impact noise from door slamming, cars revving, truck/car deliveries, noise from stereos could possibly result to noise nuisance for short period of time especially during summertime when residents spend more time in the garden, the Assessment ultimately concludes that the overall noise impact to the nearest noise sensitive area will be low due to the already high background noise levels in the area; and that overall projected noise level from the development would be acceptably low.

The Noise Impact Assessment has been reviewed by colleagues in our Environmental Protection Team. The Environmental Protection Officer has no overriding objections to the development on the grounds of noise impact, odors, or light spillage, however, he notes that the projected noise levels have the potential to cause noise nuisance if local residents are not protected. To address this, conditions are recommended controlling the provision of a 3m high acoustic close boarded fencing along the boundary of residential properties in Mount Street; a lighting scheme to control light spill; control over opening hours (Monday – Sunday: 07:00 - 22:00 daily, including deliveries); and precise details of ventilation systems. No neighbour objections have been received in response to the consultations carried out.

Subject to the implementation of the mitigation measures contained in the suggested conditions, it is considered that the proposal would be an acceptable form of development in terms of its impact on neighbour amenity; and would reasonably comply with saved policy GD5 (Amenity) of the CDLPR, and Core Strategy policy CP15 (Food, Drink and the Evening Economy).

### **7.5. Other Issues**

The site is not subject to fluvial or surface water flooding. Although further information has been requested from the Land Drainage Officer at this stage, a condition is recommended, requiring approval of a surface water drainage scheme for this part of the site in order to comply with Core Strategy policy CP2 (Responding to Climate Change).

The unit would have level thresholds for easy access and a disabled toilet. Pedestrian crossing would have dropped kerbs and tactile paving. Two disabled parking spaces are proposed close to the building's entrance. In this regard the development would comply with saved policy T10 (Access for Disabled People) of the CDLPR.

### **7.6. Conclusion**

The proposal is for a use that is acceptable in principle in a District Centre location and in this case would bring a vacant site into use; as such it is in line with the intentions of CP12. It is considered that the retail function of the area would not be undermined by the proposal or lead to an unacceptable over concentration of food and drink uses in this part of the Centre, such that there would be harm caused to vitality and viability,

## **Committee Report Item No: 10.4**

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community safety or the general character of the area. In terms of its layout the development would be fairly functional, however, contemporary design of the proposed building is considered to be in keeping with other similar developments approved in the area and the use of landscaping would soften the visual impact around the site boundaries and help screen the site from neighbouring properties. Following the receipt of further information and additional highway analysis it is considered that the development can be accommodated on the site without causing undue harm to the safe and efficient operation of the local highway network. Conditions are recommended to ensure the amenity of neighbours are protected and there are no other technical or amenity concerns raised which cannot be addressed through condition. As a result, it is considered that the proposals would be in accordance with key Core Strategy Policies CP3, CP4, CP12, CP15 and CP23; and with saved Local Plan Policy GD5.

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

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

To grant planning permission with conditions.

#### **8.2. Summary of reasons:**

The proposal is for a use that is acceptable in principle in a District Centre location and in this case would bring a vacant site into use; as such it is in line with the intentions of CP12. It is considered that the retail function of the area would not be undermined by the proposal or lead to an unacceptable over concentration of food and drink uses in this part of the Centre, such that there would be harm caused to vitality and viability, community safety or the general character of the area. In terms of its layout the development would be fairly functional, however, contemporary design of the proposed building is considered to be in keeping with other similar developments approved in the area and the use of landscaping would soften the visual impact around the site boundaries and help screen the site from neighbouring properties. Following the receipt of further information and additional highway analysis it is considered that the development can be accommodated on the site without causing undue harm to the safe and efficient operation of the local highway network. Conditions are recommended to ensure the amenity of neighbours are protected and there are no other technical or amenity concerns raised which cannot be addressed through condition. As a result, it is considered that the proposals would be in accordance with key Core Strategy Policies CP3, CP4, CP12, CP15 and CP23; and with saved Local Plan Policy GD5

#### **8.3. Conditions:**

1. Standard 3 expiry condition.

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

2. Standard approved plans condition  
Site location plan – drawing no. 4263\_PL01C  
Proposed site plan – drawing no. 4263\_PL20B  
Setting out plan – drawing no. 3661/003 P3

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General arrangement plan – drawing no. 3661/001 P3

Levels plan – drawing no. 3661/002 P3

Proposed elevations - drawing no. 4263\_PL22A

Proposed floor plan – drawing no. 4263\_PL21

Substation elevations – drawing no. 001\_10 rev A

Feeder pillar – drawing no. 001\_27 rev A

BYD 120KW charger – drawing no. 001\_19 rev B

**Reason:** For the avoidance of doubt and to define the bounds of this decision

### **Pre-Commencement Conditions:**

3. Condition controlling the submission and implementation of a Construction Management Plan for the site.

**Reason:** In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

4. Condition controlling precise details of external material of construction

**Reason:** To safeguard the visual amenity of the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

5. Condition controlling the submission and implementation of a surface water drainage strategy

**Reason:** To ensure the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

### **Pre-Occupation Conditions:**

6. Condition controlling details of external plant

**Reason:** To safeguard the amenity of nearby properties and the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

7. Condition controlling details of and the provision of a 3m acoustic fence along the boundary with properties on Mount Street.

**Reason:** To safeguard the amenity of nearby properties and the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core

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Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

**8.** Condition controlling opening and delivery hours

**Reason:** To safeguard the amenity of nearby properties and the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

**9.** Condition controlling details of external lighting

**Reason:** To safeguard the amenity of nearby properties and the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

**10.** Condition controlling hard and soft landscaping

**Reason:** To safeguard the amenity of nearby properties and the visual amenity of the area generally and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

**11.** Condition requiring stopping up of highway access

**Reason:** In the interests of pedestrian safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

### **8.4. Informative Notes:**

Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

### **8.5. S106 requirements where appropriate:**

None

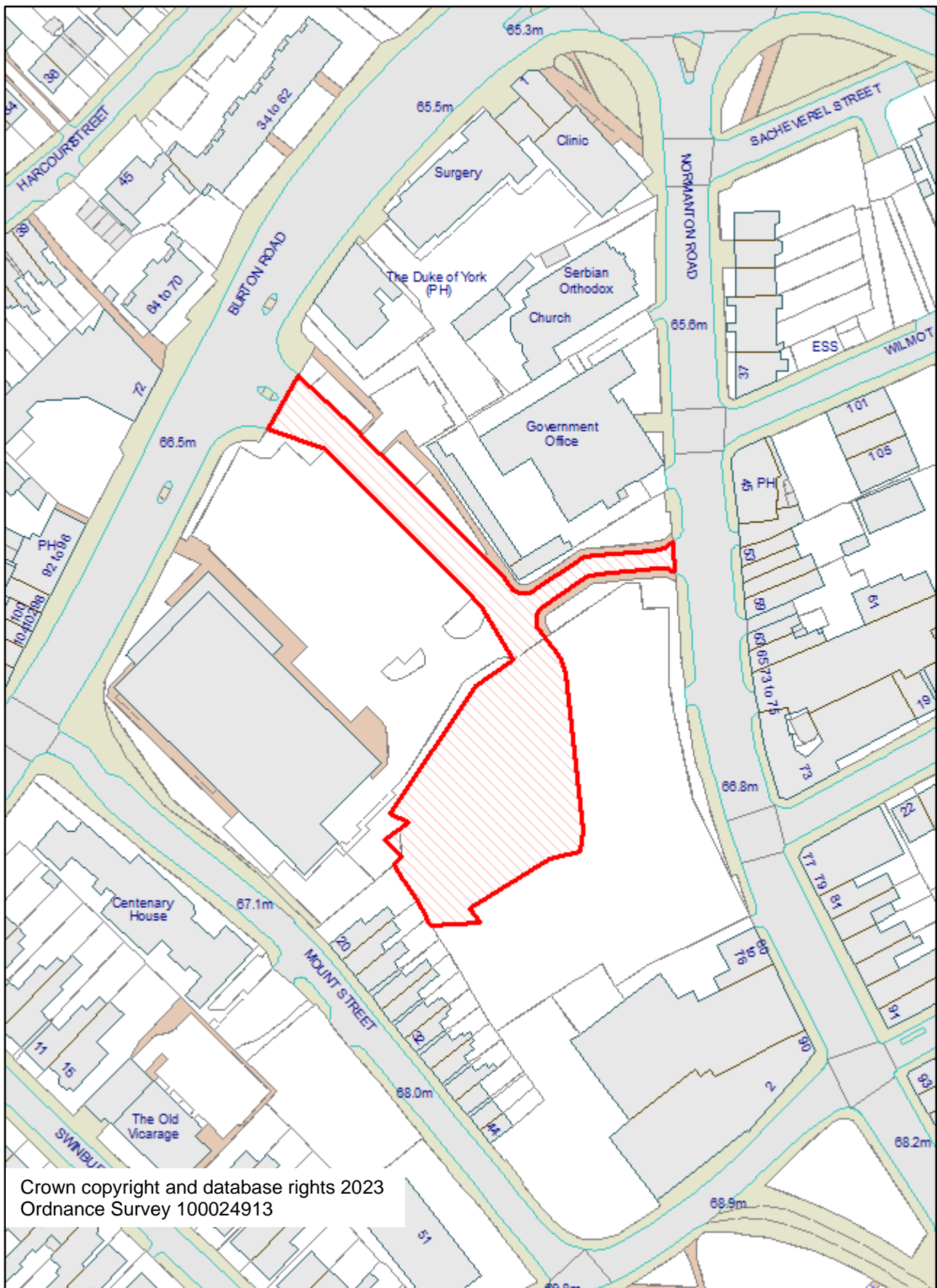
### **8.6. Application timescale:**

The target timeframe for determination of the application expired on the 25<sup>th</sup> April 2023. An extension of time has been agreed until the 8<sup>th</sup> June 2023.

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**Application No: 23/00220/FUL**

**Type: Full Application**





## **Committee Report Item No: 10.5**

**Application No: 23/00461/FUL**

**Type: Full Application**

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### **1. Application Details**

**1.1. Address:** 3 Enfield Road, Derby

**1.2. Ward:** Mackworth

**1.3. Proposal:**

Erection of annexe

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00461/FUL>

Brief description

3 Enfield Road is a residential corner plot on the east side of the junction of Enfield Road and Kensal Rise. The site is flanked by residential plots to the south and east. A two-storey semi-detached house stands at the site's eastern boundary with a detached garage on its western boundary and the remainder in use as garden space and hardstanding for vehicle parking.

Permission is sought for the erection of a detached annexe building to the west of the main house. The existing garage would be removed to facilitate the development. The supporting statement submitted with the application gives the proposed uses of the annexe as therapeutic and sensory space, staff handovers, education, storage and general office functions for the use of the site as a residential children's care home approved in 2022, although not yet implemented.

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

<b>Application No:</b>	22/00675/FUL	<b>Type:</b>	Full
<b>Decision:</b>	Approval	<b>Date:</b>	22.12.2022
<b>Description:</b>	Change of use from dwelling house (Use Class C3) to residential care home (Use Class C2) together with retention of single storey front and side extensions (porch and kitchen/dining area)		
<b>Application No:</b>	22/00013/PREAPP	<b>Type:</b>	Pre-application advice
<b>Decision:</b>	Recommended submitting planning application	<b>Date:</b>	13.4.2022
<b>Description:</b>	Change of use from dwelling house to children's residential home		

### **3. Publicity:**

- Neighbour Notification Letter

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

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**Type: Full Application**

### **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.*

Three objections have been received, including one from Councillor Whitby.

- The proposal demonstrates that the site is unsuitable for use as a children's care home;
- Parking and traffic concerns;
- Increased noise and activity;
- Reduced outdoor space;
- Potential for increased occupancy of the site;
- Party Wall issues.

### **5. Consultations:**

None.

### **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
CP3	Placemaking Principles
CP4	Character and Context
CP23	Delivering a Sustainable Transport Network

#### **Saved CDLPR Policies**

GD5	Amenity
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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:

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[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf)

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

[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR\\_2017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf)

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

*Over-arching central government guidance in the National Planning Policy Framework (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. Amenity**

#### **7.1. Principle of development**

Permission for the use of the site as a children's residential care home was granted by the Planning Control Committee in 2022 and has not yet been implemented. That permission contains a management condition restricting the number of children in residence to a maximum of two and the staffing levels to those specified within the application. The principle of development is considered to be an acceptable addition to the site in support of the approved land use. The following assessment is therefore

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limited to the implications of the proposed development for the visual and residential amenity of the site and its surroundings.

## **7.2. Amenity**

Local plan policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area. They are supported in national policy by section 12 of the NPPF and part H of the National Design Guide (NDG). Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking and traffic generation. Policy CP23 seeks to ensure that new development provides appropriate levels of parking for cars, motorcycles and bicycles. The policy is reinforced by the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users" (paragraph 130).

The proposed works would have a visual presence in the streetscene and would be a significant addition to the site. As discussed at 7.1, the conditions of the extant permission for the use of the site as a care home, prohibit any intensification of the use in terms of the number of staff or children accommodated on the site and so the proposed development will not have any significant impact regarding levels of activity or noise on the site. The amount of garden space available to residents would be reduced by a small amount but given that the majority of the proposed annexe's footprint is currently occupied by the site's garage and that most of the existing rear garden would remain (approximately 90m<sup>2</sup>) this is considered to be acceptable. The site's parking capacity would be reduced by the loss of the garage which could impact amenity through an increase in the number of cars parked on the site's frontage. However, the number of parking spaces lost by the development (one) would be small and the previous permission on the site is subject to a condition requiring the agreement of a Travel Plan to minimise the impact of vehicle parking. Should the proposed development be approved, that Travel Plan would have to take account of the site's adjusted parking capacity. Visually the proposed annexe would relate reasonably well to the main house on the site and to the wider plot and the streetscene and could arguably sympathise with adjacent buildings better than the existing garage building that it would replace.

Overall, it is considered that the implications of the proposed works for visual and residential amenity are acceptable, and that the proposal would comply with the relevant Local Plan policies GD5, CP3, CP4 and CP23 and Section 12 of the NPPF.

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**Type: Full Application**

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

**8.1. Recommendation:**

**To grant** planning permission with conditions.

**8.2. Summary of reasons:**

The proposed annexe is considered to be acceptable in principle and would not result in significant adverse impacts on visual and residential amenity in the local area or on the local highway network.

**8.3. Conditions:**

1. Standard 3 year time limit condition

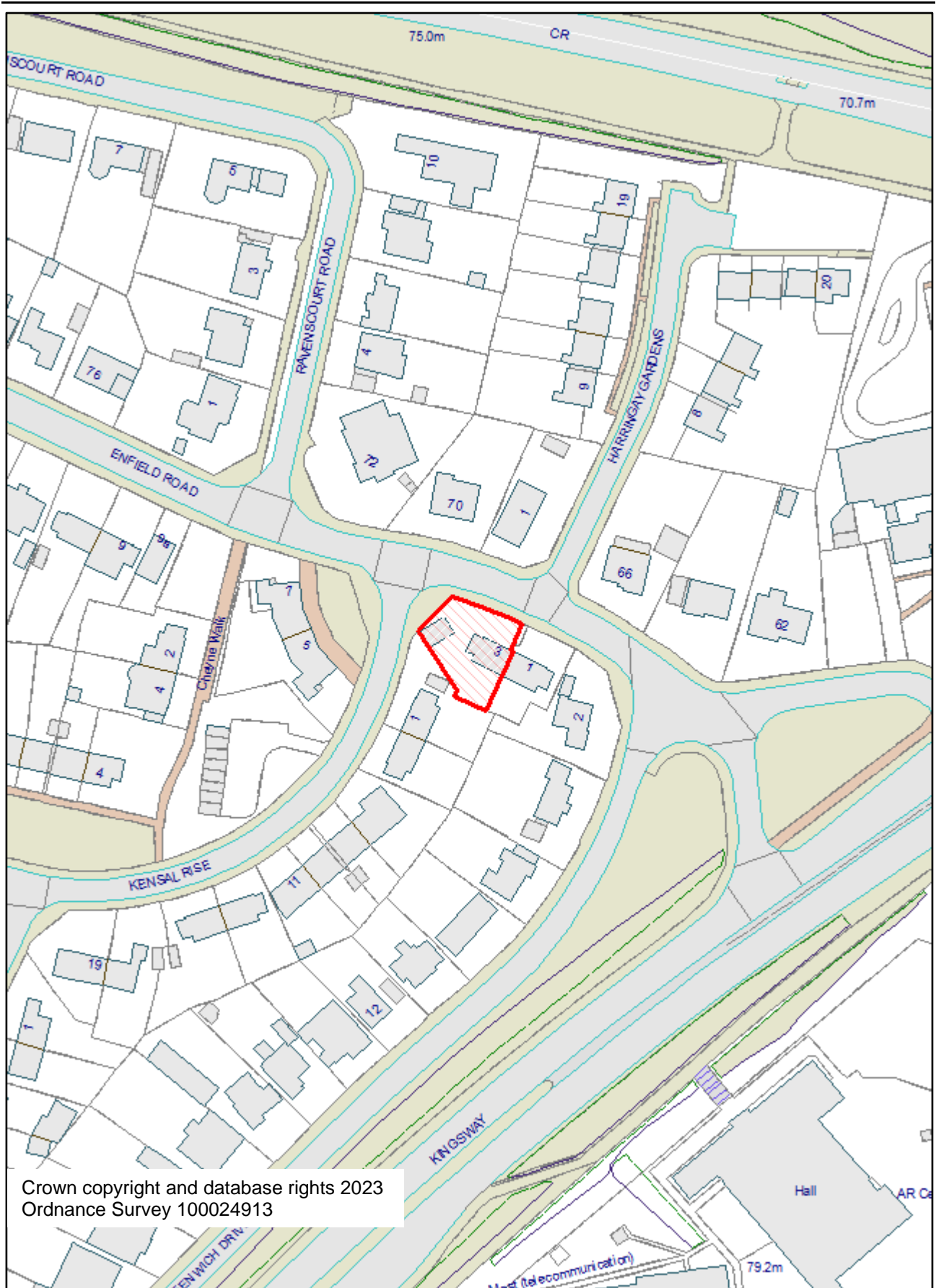
**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Standard approved plans condition

**Reason:** To define the permission and for the avoidance of doubt.

**8.4. Application timescale:**

The application's time limit for a decision expires on 9.6.2023.





## Delegated decisions made between 01/03/2023 and 31/03/2023



Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00248/FUL	Full Application	The School House Business Centre London Road Derby DE24 8UQ	Change of use from chapel to a residential care home (use class C2) including extensions and the installation of dormers and new windows	Application Withdrawn	02/03/2023
19/01377/FUL	Full Application	The School House Business Centre London Road Derby DE24 8UQ	First floor rear extensions to offices (storage)	Approval	03/03/2023
20/00555/FUL	Full Application	146 Mansfield Road Derby DE1 3RA	Installation of replacement windows, door and roof tiles to the front elevation	Application Withdrawn	14/03/2023
20/00705/PNRT	Prior Approval - Telecommunications	Telecomms Mast At Corner Of Prince Charles Avenue Mornington Crescent Derby DE22 4BD	Installation of a replacement 20m high monopole with six antennas, equipment cabinets and ancillary development	Approval	03/03/2023
20/01239/DISC	Compliance/Discharge of Condition	409 Duffield Road Derby DE22 2EQ	Two storey and single storey front extensions to dwelling house (porch, garage, kitchen, bedroom and office) - Discharge of condition 3 of previously approved permission 20/00408	Discharge of Conditions CLOSED	07/03/2023
20/01571/DISC	Compliance/Discharge of Condition	Site Of Former 7 - 11 Brook Street Derby DE1 3PF	Use of the land as a car park for a temporary period of two years - Discharge of condition 5 of previously approved planning permission 20/00264/FUL	Discharge of Conditions CLOSED	07/03/2023
20/01635/VAR	Variation of Condition	16 Harriet Street Derby DE23 8EQ	Change of use from one dwelling to four flats (Use Class C3) including installation of a new window - Variation of conditions 2 and 3 of previously approved permission 11/17/01418 to insert four additional windows	Approval	09/03/2023

21/00403/FUL	Full Application	Telecommunications Mast Adjacent Beechdale Motors Parker Centre Mansfield Road Derby DE21 4SZ	Installation of a replacement 17.5m high monopole, supporting 12 antenna on an open headframe, four dishes and ancillary development	Approval	01/03/2023
21/00619/FUL	Full Application	Telecommunications Mast In Car Park London Road Community Hospital London Road Derby DE1 2QY	Installation of 12 antennas on a new open headframe, replacement of existing cabinet and ancillary development	Approval	06/03/2023
21/00887/DISCLB	Compliance/Discharge of Condition LB	Middleton House 27 St Marys Gate Derby DE1 3JR	Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping - Discharge of conditions 3, ,4 ,5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Listed Building Consent 03/18/00314	Discharge of Conditions Complete	07/03/2023
21/01571/FUL	Full Application	36 Blenheim Drive Derby DE22 2LB	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, utility, kitchen/diner and two bedrooms)	Refused	14/03/2023
21/01880/FUL	Full Application	372 Duffield Road Derby DE22 1ER	Single storey side and rear extensions to dwelling house (office, utility and kitchen/living space), Raising of the roof height and installation of a rear dormer to form rooms in the roof space (bedroom and en-suite) and erection of an outbuilding	Approval	22/03/2023
22/00006/DISC	Compliance/Discharge of Condition	1 Beaufort Street Derby DE21 6AX	Demolition Of Existing Retail Units. Erection Of A Retail Unit (Use Class A1) And A Hot Food Takeaway (Use Class A5) - Discharge of Condition 4 relating to acoustic survey	Discharge of Conditions CLOSED	09/03/2023
22/00165/DISC	Compliance/Discharge of Condition	Former Rolls Royce Car Park Dunstall Park Road	Erection Of 6 Buildings To Form 14 X Mixed B1/B8 Units - Discharge of condition 5(c) of	Discharge of Conditions Complete	07/03/2023



		Derby DE24 8HJ	planning permission 05/17/00604		
22/00217/FUL	Full Application	337 Uttoxeter Road Derby DE3 9AH	Two storey side and rear and single storey rear extensions to dwelling house with a rear dormer to form rooms in the roof space and erection of an outbuilding	Approval	29/03/2023
22/00384/FUL	Full Application	11 Blenheim Drive Derby DE22 2LD	Single storey side and rear extensions to dwelling house (bedroom, bathroom, utility and enlargement of kitchen/dining area)	Approval	01/03/2023
22/00468/FUL	Full Application	3 Firtree Grove Derby DE21 2LR	Raising of the roof height and installation of a rear dormer to form rooms in the roof space (study, bedroom and en-suite)	Finally disposed of	03/03/2023
22/00517/FUL	Full Application	162 Derby Road Spondon Derby DE21 7LU	Two storey side and single storey front extensions to dwelling house (front room, utility, bedroom and enlargement of kitchen and bedroom)	Finally disposed of	03/03/2023
22/00572/FUL	Full Application	1 - 2 Beaufort Street Derby DE21 6AX	Demolition of existing retail units. Erection of a retail unit (Use Class E) and a hot food takeaway (Sui Generis) and associated ground works	Approval	24/03/2023
22/00638/DISCLB	Compliance/Discharge of Condition LB	1 The Hollow Mickleover Derby DE3 0DG	Alterations to include replacement of flat roof with gable roof, refurbishment works and replacement first floor window - Discharge of conditions 3, 4, and 5 of previously approved permission 21/01112/LBA	Discharge of Conditions Complete	29/03/2023
22/00642/DISC	Compliance/Discharge of Condition	1 The Hollow Mickleover Derby DE3 0DG	Replacement of existing flat roof with a gabled roof and erection of an outbuilding (garden room) - Discharge of condition nos, 3 and 4 of previously approved permission 21/01111/FUL	Discharge of Conditions Complete	29/03/2023
22/00058/FUL	Full Application	10 Victoria Street Derby DE1 1EQ	Change of use of second floor from offices (Use Class E) to three studio apartments (Use Class C3)	Refused	28/03/2023
22/00700/FUL	Full Application	Bio House Derwent Street Derby	Demolition of garage. Part-demolition, erection of extension and additional storey to the existing office building together with	Approval	20/03/2023

		DE1 2ED	alterations to the elevations and associated works		
22/00817/FUL	Full Application	4 Loudon Street Derby DE23 8ER	Change of use from Public House (Sui Generis use) to Day Nursery (Use Class E)	Approval	10/03/2023
22/00790/FUL	Full Application	27 Steeple Close Derby DE21 2DE	Three storey rear extension to dwelling house (bedroom, dressing room and enlargement of garden room). Raising of the roof height, installation of first and second floor side elevation windows, front and rear dormers to form rooms in the roof space (bedroom and bathroom)	Refused	16/03/2023
22/01035/FUL	Full Application	Land At Phoenix Green Phoenix Street Derby DE1 2ER	Installation of pontoon mooring platform and formation of access path	Approval	09/03/2023
22/01073/FUL	Full Application	306 Duffield Road Derby DE22 1EQ	Erection of outbuilding (garage)	Approval	02/03/2023
22/01207/DISC	Compliance/Discharge of Condition	Hawkins And Shepherd Motor Engineers Liversage Street Derby DE1 2LD	Change of use from motor engineers to education (Use Class F1a) - Discharge of condition 2 of prior approval application 22/00207/PNRK	Discharge of Conditions Complete	08/03/2023
22/01209/DISCLB	Compliance/Discharge of Condition LB	Museum And Art Gallery The Strand Derby DE1 1BS	Replacement of roof materials and rainwater goods, associated repairs to roof, addition of two internal accessible WCs and internal accessibility improvements - Discharge of conditions 4 (b, c and d), 6 (a, b and c) and 7 of Listed Building Consent 22/00582/LBA	Discharge of Conditions Complete	28/03/2023
22/00992/FUL	Full Application	192 Coleridge Street Derby DE23 1JX	Demolition of existing dwelling house. Erection of replacement dwelling house with detached garage (Use Class C3)	Approval	17/03/2023
22/01245/FUL	Full Application	419 Burton Road Derby DE23 6AN	Erection of outbuilding (double garage)	Approval	10/03/2023

22/01402/FUL	Full Application	55 Dewchurch Drive Derby DE23 1XP	First floor front extension to dwelling house (shower room) and installation of a dormer to the rear elevation	Approval	30/03/2023
22/01438/FUL	Full Application	15 Westbourne Park Derby DE22 4GX	Single storey front and side extensions to dwelling house (bedroom, ensuite and kitchen)	Approval	17/03/2023
22/01453/FUL	Full Application	20 Beeches Avenue Derby DE21 7LP	Two storey side extension to dwelling house (garage, day room, two bedrooms and shower room)	Approval	03/03/2023
22/01066/FUL	Full Application	Former Public Convenience Sinfin Lane Derby DE24 9GL	Change of use from public conveniences to barber shop (Use Class E)	Approval	28/03/2023
22/01452/FUL	Full Application	Land At The Side Of The Willows Old Hall Avenue Littleover Derby DE23 6EN	Erection of two dwelling houses with garages (Use Class C3)	Approval	30/03/2023
22/01425/FUL	Full Application	59 Wiltshire Road Derby DE21 6EY	Erection of boundary wall/fence and gates - retrospective application	Approval	27/03/2023
22/01485/FUL	Full Application	201 And 203 Birchover Way Derby DE22 2RU	.Two storey side/rear extensions to dwelling houses (kitchen/snug areas and four bedrooms)	Approval	01/03/2023
22/01533/FUL	Full Application	19 Moor End Derby DE21 7ED	Two storey rear extension to dwelling house (living space, two bedrooms and en-suite)	Approval	14/03/2023
22/01592/FUL	Full Application	127 Manor Road Littleover Derby DE23 6BU	Erection of three dwelling houses (Use Class C3) with associated access, retaining works and level changes	Approval	25/03/2023
22/01620/DISC	Compliance/Discharge of Condition	43 - 47 Falcon Way Derby DE24 3DF	Demolition of existing building. Erection of four dwelling houses (Use Class C3) - Discharge of conditions 3, 4 and 10 of planing permission 21/00998/FUL	Discharge of Conditions Complete	27/03/2023

22/01311/FUL	Full Application	53 Stanley Street Derby DE22 3GU	Single storey rear extension to dwelling house (living space) and installation of a dormer to the rear elevation to form rooms in the roof space (bedroom and bathroom)	Approval	22/03/2023
22/01655/FUL	Full Application	22 - 24 Albert Street Derby DE1 2DS	Change of use of 22-24 Albert Street to a Bingo Premise/Adult Gaming Centre	Approval	31/03/2023
22/01669/FUL	Local Council Own Development Reg 3	25 St Peters Road Derby DE73 6UU	Two storey and single storey rear extensions to dwelling house (lobby, wetroom, W.C., two bedrooms and enlargement of kitchen)	Approval	16/03/2023
22/01692/FUL	Full Application	First Floor 801 - 803 Osmaston Road Derby DE24 9BQ	Change of use of first floor from Gym to residential apartments, together with changes to external features including replacement windows and new pitched roof	Approval	29/03/2023
22/01708/FUL	Full Application	40 Lawnlea Close Derby DE23 1XQ	Ground and First floor extensions to dwelling house (hallway, lounge, garage and bedroom and Insertion of new window into side elevation	Approval	03/03/2023
22/01727/FUL	Full Application	1 Padstow Road Derby DE24 0LT	Two storey extension to dwelling house (three bedrooms and wetroom)	Approval	16/03/2023
22/01751/FUL	Full Application	60 Coleman Street Derby DE24 8NL	Two storey and single storey front and rear extensions to dwelling house (porch, bedroom and enlargement of kitchen/bedrooms)	Approval	03/03/2023
22/01648/DISC	Compliance/Discharge of Condition	Moorcroft Farm Radbourne Lane Derby DE22 4LX	Change Of Use And Alterations To Cattery/Kennel Building To Form A Dwelling (Use Class C3) - Discharge of conditions 3, 4 and 5 of planning permission 03/18/00444	Discharge of Conditions Complete	08/03/2023
22/01682/FUL	Full Application	12 Alton Close Derby DE22 2LJ	Change of use of garage to form dog grooming salon	Approval	21/03/2023
22/01765/VAR	Variation of Condition	Becketwell Development Land Macklin Street Derby DE1 1LF	Demolition of unretained buildings and structures, renovation and alterations to retained building, erection of a performance and entertainment venue, service yard,	Approval	02/03/2023

			vehicular and pedestrian access, highway infrastructure amendments, landscaping, public realm, and associated works - Variation of condition 2 of previously approved planning permission Code No. 21/01312/FUL to amend the approved plans		
22/01786/FUL	Full Application	7 Gladstone Road Derby DE21 7JJ	Erection of an outbuilding (office/storage)	Approval	09/03/2023
22/01788/FUL	Full Application	Site Of Former 398 Uttoxeter New Road Derby DE22 3HX	Erection of a two storey building to provide a five bedroom house in multiple occupation (Use Class C4) and two seven and eight bedroom houses in multiple occupation (Sui Generis)	Approval	17/03/2023
22/01657/FUL	Full Application	2 And 4 Franchise Street Derby DE22 3QX	Demolition of existing two storey rear extension, erection of single and two storey rear extension, dormer additions to rear and front	Approval	14/03/2023
22/01812/FUL	Full Application	88 Dale Road Spondon Derby DE21 7DF	Raising of the roof height and installation of front and rear dormers to form additional rooms in the roof space	Approval	21/03/2023
22/01820/FUL	Full Application	4 Chantry Close Derby DE3 0TG	Two storey side extension to dwelling house (study, utility, bedroom, bathroom and enlargement of kitchen/dining area and bedroom)	Approval	15/03/2023
22/01840/DISC	Compliance/Discharge of Condition	3 Rykneld Close Derby DE23 4AR	Demolition of existing bungalow and erection of two storey dwelling house with rooms in roofspace, incorporating double garage, home office, kitchen dining area, lounge and playroom and four bedrooms. - Discharge of conditions 3 (drainage) and 5 (materials) of planning permission 21/00941/FUL	Discharge of Conditions Complete	15/03/2023
22/01860/FUL	Full Application	185 Western Road Mickleover Derby DE3 9GT	Conversion of a detached garage into dependent relative accommodation, raising of roof height, erection of raised decking and alterations to elevations	Approval	27/03/2023

22/01714/FUL	Full Application	14 Reginald Road South Derby DE21 6ND	Single storey rear extension to dwelling house	Approval	09/03/2023
22/01869/NONM	Non-Material Amendment	16 Albany Road Derby DE22 3LW	Single storey rear extension to dwelling house (enlargement of dining area) and roof alterations to include installation of a dormer to the rear elevation and installation of a new second floor side elevation window to form rooms in the roof space (two bedrooms and bathroom) - Non-material amendment to previously approved planning permission 21/01659/FUL to amend a window to doors and a Juliet balcony in the rear elevation dormer	Application Withdrawn	02/03/2023
22/01878/FUL	Full Application	100 Old Mansfield Road Derby DE21 4SA	Two storey side and single storey front and rear extensions to dwelling house (porch, garage, utility, sun room, bedroom, en-suite and enlargement of lounge)	Approval	03/03/2023
22/01882/FUL	Full Application	73 Rupert Road Derby DE21 4NE	Single storey side extension to dwelling house (wetroom)	Approval	21/03/2023
22/01899/VAR	Variation of Condition	Derby Triangle Wyvern Way Derby	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved - Variation of condition 28 of previously approved planning permission 19/00491/OUT to increase the total floor space and remove Use Class restrictions	Approval	17/03/2023
22/01900/ADV	Advertisement Consent	West Park School West Road Derby	Display of two internally illuminated freestanding signs	Approval	15/03/2023

		DE21 7BT			
22/01906/FUL	Full Application	52 Ravenscroft Drive Derby DE21 6NX	Two storey and single storey rear extensions to dwelling house (lounge, bedroom and en-suite)	Approval	13/03/2023
22/01915/VAR	Variation of Condition	The Grove 2A Lyndhurst Grove Derby DE21 6RX	Change of use from residential (Use Class C3) to mixed use - chiropractic health clinic (Use Class D1) at ground floor level and residential (Use Class C3) at first floor level - Variations of conditions 4 and 5 of previously approved planning permission 22/00216/VAR to amend the parking layout	Approval	16/03/2023
22/01919/FUL	Full Application	204 Clarence Road Derby DE23 6LU	Erection of an outbuilding (double garage)	Approval	03/03/2023
22/01933/FUL	Full Application	3 Eden Road Derby DE21 6SZ	Sub-division of dwelling house to form two dwelling houses (Use Class C3) including alterations to fenestration	Approval	15/03/2023
22/01950/VAR	Variation of Condition	Land At 203 Osmaston Park Road Derby DE24 8BT (access Off Elton Road)	Erection of a two storey building with two retail units (use class E) at ground floor level and two flats (use class C3) at first floor level - Removal of conditions 10 and 11 of previously approved planning permission 18/01791/FUL to allow additional uses within Use Class E for the ground floor commercial units	Refused	22/03/2023
22/01953/DISC	Compliance/Discharge of Condition	246 Uttoxeter New Road Derby DE22 3LL	Change of use from public house (Sui Generis) and residential (Use Class C3) to a ten studio room (12 occupant) house in multiple occupation (Sui Generis) - Discharge of conditions 6 (noise) and 7 (ventilation) of planning permission 21/02044/FUL	Discharge of Conditions Complete	15/03/2023
22/01955/FUL	Full Application	4 Hastings Street Derby DE23 6QQ	Two storey side extension to dwelling house (covered way and bedroom)	Approval	14/03/2023
22/01973/FUL	Full Application	56 Peet Street Derby	Two storey and single storey rear extensions to dwelling house. Alterations to garage to	Approval	17/03/2023

		DE22 3RF	form ancillary residential accommodation.		
23/00018/ADV	Advertisement Consent	College Park Normanton Road Derby DE1 2GH	Display of various signage	Approval	13/03/2023
23/00029/FUL	Full Application	Abbey Lodge Student Village Lonsdale Place Derby DE22 3NX	Change of use from student accommodation (Sui Generis) to short term let accommodation (Sui Generis) for a temporary period of up to two years	Approval	03/03/2023
22/01858/FUL	Full Application	Cedar House 35 Ashbourne Road Derby DE22 3FS	Change of use of office space (Use Class E) to education use (Use Class F) and erection of an up to 1.8m high boundary wall.	Approval	09/03/2023
23/00040/TPO	Works to a tree with a TPO	Royal School For The Deaf 180 Ashbourne Road Derby DE22 3BH	Various works to trees protected by Tree Preservation Order no. 456	Approval	13/03/2023
23/00041/FUL	Full Application	6 Vicarwood Avenue Derby DE22 1BX	Single storey extension to dwelling (porch)	Approval	09/03/2023
23/00049/CLP	Lawful Development Certificate -Proposed	26 Highfield Road Derby DE22 1GZ	Single storey extension to dwelling house	Approval	09/03/2023
23/00052/CLP	Lawful Development Certificate -Proposed	36 Cobden Street Derby DE22 3GX	Use of a dwelling house (Use Class C3) to provide a home for a maximum of three children looked after by professional carers	Approval	13/03/2023
23/00056/FUL	Full Application	Flat 263 Osmaston Road Derby DE23 8LD	Subdivision of existing flat to form two flats (Use Class C3)	Approval	24/03/2023
23/00060/TPO	Works to a tree with a TPO	19 Gisborne Crescent Derby DE22 2FJ	Reduction in height of between 3 and 5 metres of two poplar trees protected by Tree Preservation Order No 541	Approval	13/03/2023
21/01288/FUL	Full Application	The Gables	Retrospective application for change of use of	Approval	24/03/2023



		Leafgreen Lane Derby DE23 2TZ	part of dwelling house/annexe to 3 No. Self Contained Flats		
23/00064/FUL	Full Application	26 Ford Lane Derby DE22 2EW	Single storey side extensions to dwelling house (W.C., utility, garage and enlargement of kitchen/dining area)	Approval	15/03/2023
23/00067/FUL	Full Application	27 Lawn Heads Avenue Derby DE23 6DR	Two storey rear and single storey side and rear extensions to dwelling house, installation of a dormer and erection of front boundary gates	Approval	06/03/2023
23/00025/FUL	Full Application	25A Haddon Drive Spondon Derby DE21 7PF	Change of Use from Community Facility (Use Class F2) to dwelling house (Use Class C3) and single storey extension.	Approval	15/03/2023
23/00066/TPO	Works to a tree with a TPO	Unit 9 West Side Park Belmore Way Derby DE21 7AZ	Reduction by 9-12m of a Balsam Poplar tree protected by Tree Preservation Order no. 576	Approval	21/03/2023
23/00071/NONM	Non-Material Amendment	Land North Of Snelsmoor Lane Derby	<p>OUTLINE PLANNING APPLICATION - for up to 800 dwellings (Use Class C3) with all matters reserved except access; access to be fixed off Snelsmoor Lane and Field Lane, a sustainable drainage system of attenuation ponds/swales, new primary school (Use 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.</p> <p>FULL PLANNING APPLICATION - for 245 dwellings (Use Class C3) including site roads, Infrastructure, landscaping, attenuation ponds and play areas. -</p> <p>Non-material amendment to previously approved planning permission 22/00369/VAR in respect of boundary treatments</p>	Approval	30/03/2023

23/00042/FUL	Full Application	18 And 31 Springfield Derby DE23 6EZ	Single storey side and rear extensions to dwellings	Approval	06/03/2023
23/00058/FUL	Full Application	Calvery House Sinfin Moor Lane Derby DE73 5SP	First floor front extension, raising of the roof, formation of rooms in the roof space (landing, bedroom, en-suite and rear dormer) and external alterations to dwelling	Approval	17/03/2023
23/00074/FUL	Full Application	The Croft Cathedral Road Derby DE1 3FQ	Use of student accommodation for short term ancillary non-student occupancy outside of university term time	Approval	16/03/2023
23/00077/PNRT	Prior Approval - Telecommunications	37 Shaftesbury Street South Derby DE23 8YH	Installation of a 25m high monopole with six antenna apertures, four dishes and ancillary development	Refused	16/03/2023
23/00085/FUL	Full Application	Public Open Space Trusley Gardens Derby	Formation of four parking bays	Approval	06/03/2023
23/00088/FUL	Full Application	19 Derwent Avenue Derby DE22 2DP	Two storey side and single storey rear extension to dwelling house (office, W.C., garage, kitchen/dining area, two bedrooms, en-suite and enlargement of bathroom)	Approval	21/03/2023
23/00094/ADV	Advertisement Consent	Unit 1 Rutherford Way Derby DE73 5SS	Display of 2 illuminated building mounted signs and 1 illuminate totem sign at the site entrance.	Approval	21/03/2023
23/00069/FUL	Full Application	23 Roydon Close Derby DE3 0PN	Single storey rear extension to dwelling (enlargement of lounge and kitchen) to connect to existing outbuilding (with an increase in the roof height of the outbuilding)	Approval	06/03/2023
23/00099/ADV	Advertisement Consent	Unit 7 Kingsway Retail Park Kingsway Derby DE22 3FA	Display of various signage	Approval	16/03/2023

23/00100/TPO	Works to a tree with a TPO	Trees At Derby Grammar School Rykneld Road Derby DE23 4BX	Cutting back of branches to give three metres clearance of the adjacent property of an Oak Tree and removal of a lower branch of an Oak tree protected by Tree Preservation Order No. 78	Approval	22/03/2023
23/00101/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX (Tree At The Rear Of 21 Lakeside Drive)	Felling or crown lift to 5m of a Sycamore tree protected by Tree Preservation Order No 78	Approval	24/03/2023
23/00102/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX (Tree At The Rear Of 35 Whittlebury Drive)	Felling of a Holly tree protected by Tree preservation Order No. 78	Refused	24/03/2023
23/00103/TPO	Works to a tree with a TPO	Derby Grammar School Rykneld Road Derby DE23 4BX (Trees Adjacent To 2 Frampton Gardens)	Crown reduction by 2m of a Sycamore tree and removal of two overhanging branches of a Sycamore tree protected by Tree Preservation Order No 78	Approval	24/03/2023
23/00095/FUL	Full Application	Carrington House Ascot Drive Derby DE24 8ST	Change of use from commercial, business and service (Use Class E) to a private members club (Sui Generis)	Approval	22/03/2023
23/00113/FUL	Full Application	1 Ryedale Gardens Derby DE23 2PQ	Two storey side and single storey rear extensions to dwelling house (covered way, two bedrooms, en-suite and sun lounge)	Approval	09/03/2023
23/00115/TPO	Works to a tree with a TPO	The Cottage 42 School Lane Derby DE73 6TF	Removal of one limb from two Pine Trees protected by Tree Preservation Order No. 57	Approval	28/03/2023
23/00116/FUL	Full Application	4 Walthamstow Drive Derby DE22 4BR	Single storey rear extension to dwelling house (enlargement of dining room)	Approval	22/03/2023

23/00118/FUL	Full Application	16 Sevenoaks Avenue Derby DE22 4HU	Single storey front extensions to dwelling (porch and enlargement of lounge)	Approval	24/03/2023
23/00120/DISC	Compliance/Discharge of Condition	15 Rowley Lane Derby DE23 1FT	Two storey side and rear extensions to dwelling house and raising of the eaves height to the front elevation - Discharge of condition 4 (biodiversity enhancement plan) of planning permission 22/01538/FUL	Discharge of Conditions Complete	14/03/2023
23/00123/PNRIA	Prior Approval - Commercial to Resi	East Midlands Security Great Northern Court 24A Great Northern Road Derby DE1 1LR	Change of use from offices (Use Class E) to six apartments (Use Class C3)	Refused	25/03/2023
23/00126/FUL	Full Application	417 Boulton Lane Derby DE24 9DL	Single storey front extension	Refused	17/03/2023
23/00127/FUL	Full Application	66 Hollybrook Way Derby DE23 3TU	Erection of a rear dormer	Refused	21/03/2023
23/00128/FUL	Full Application	75 Sancroft Road Derby DE21 7ET	Two storey side and single storey front and rear extensions to dwelling house (W.C. Dining room, workshop. en-suite/walk in wardrobes, bedroom, porch and enlargement of hall)	Approval	09/03/2023
22/01935/FUL	Full Application	104 St Marks Road Derby DE21 6AL	Single storey front, side and rear extensions to dwelling house (porch, dining/living space and garage/storage) including installation of render	Approval	24/03/2023
23/00122/FUL	Full Application	148 - 152 Pear Tree Road Derby DE23 6QD	Change of use of first and second floors to a 13 bedroom house in multiple occupation (Sui Generis)	Approval	28/03/2023
23/00124/FUL	Full Application	7 Kingsland Close Derby DE21 2PN	Two storey side and front extension and single storey extension to form replacement porch	Approval	24/03/2023
23/00125/FUL	Full Application	16 Summerville Close	Single storey rear extension to dwelling house	Approval	17/03/2023

		Derby DE23 3UU	(utility room and enlargement of lounge/kitchen) together with roof lantern		
23/00131/PNRT	Prior Approval - Telecommunications	Highway Verge Adjacent To Traffic Island, Morley Road (Junction With Acorn Way/Oakwood Drive) Derby	Erection of a 15m high monopole, equipment cabinets and ancillary development	Approval	24/03/2023
23/00135/FUL	Full Application	91 Blagreaves Lane Derby DE23 1FG	Two storey rear and single storey side and rear extensions to dwelling house (garage, kitchen/diner and bedroom) and installation of a new first floor side elevation window	Approval	17/03/2023
23/00139/CAT	Works to Trees in a Conservation Area	St Matthews Church Darley Abbey Drive Derby DE22 1EF	Various works to trees within the Darley Abbey Conservation Area	Raise No Objection	15/03/2023
23/00140/CLP	Lawful Development Certificate -Proposed	162 Sancroft Road Derby DE21 7LD	Single storey rear extension to dwelling house	Approval	28/03/2023
23/00142/FUL	Full Application	22 Bramblewick Drive Derby DE23 3YG	Single storey side and rear extensions to dwelling house (store, utility and kitchen/dining.family room)	Approval	24/03/2023
23/00144/FUL	Full Application	78 Stanley Street Derby DE22 3GW	Single storey rear extension to dwelling house (bedroom, en-suite and enlargement of kitchen/diner)	Approval	30/03/2023
23/00145/DISCLB	Compliance/Discharge of Condition LB	1 Abbey Yard Derby DE22 1DS	Alterations to existing garage and erection of a new garage. Installation of replacement windows, new door, windows and roof lights and minor internal works - Discharge of condition 5 (fireplaces) of Listed Building Consent 22/00886/LBA	Discharge of Conditions Complete	16/03/2023
23/00148/VAR	Variation of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and	Approval	24/03/2023

			education; associated food support businesses and supporting energy generation/waste disposal - Variation of conditions 5 (highway mitigation measures) and 6 (transport assessment) of previously approved planning permission Code No. 21/02197/VAR		
23/00150/DISCLB	Compliance/Discharge of Condition LB	Museum And Art Gallery The Strand Derby DE1 1BS	Replacement of roof materials and rainwater goods, associated repairs to roof, addition of two internal accessible WCs and internal accessibility improvements - Discharge of condition 3 of Listed Building Consent 22/00582/LBA	Discharge of Conditions Complete	16/03/2023
23/00151/DISCLB	Compliance/Discharge of Condition LB	1 Abbey Yard Derby DE22 1DS	Alterations to existing garage and erection of a new garage. Installation of replacement windows, new door, windows and roof lights and minor internal works Discharge of condition 4 (replacement windows) of Listed Building Consent 22/00886/LBA	Discharge of Conditions Complete	16/03/2023
23/00157/FUL	Full Application	55 Penrhyn Avenue Derby DE23 6LB	Single storey rear extension to dwelling house (kitchen/dining/living space) with a raised patio area	Approval	21/03/2023
23/00166/CAT	Works to Trees in a Conservation Area	St Matthews Church Church Lane Darley Abbey Derby DE22 1EY	Crown reduction by 2m, removal of two lower limbs and deadwooding of an Ash tree within the Darley Abbey Conservation Area	Raise No Objection	16/03/2023
23/00185/FUL	Full Application	5 Rona Close Derby DE24 9LE	Single storey side extension to dwelling house (garage and storage)	Approval	29/03/2023
23/00186/FUL	Full Application	147 Randolph Road Derby DE23 8TG	Single storey rear extension to dwelling house (bedroom and shower room)	Approval	29/03/2023
23/00202/FUL	Full Application	19 Chain Lane Derby DE3 9AJ	Single storey rear extension to dwelling house (garden room)	Approval	29/03/2023

23/00209/PNRH	Prior Approval - Householder	5 Lantern Grove Derby DE3 0GY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3.65m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	20/03/2023
23/00214/FUL	Local Council Own Development Reg 3	Highway Verge Donington Close Derby	Formation of five parking bays and associated ground works	Approval	30/03/2023
23/00210/PNRH	Prior Approval - Householder	26 Lincoln Avenue Derby DE24 8QX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.8m, height to eaves 2.64m) to dwelling house	Prior Approval Not Required	20/03/2023
23/00237/VAR	Variation of Condition	The Incora County Ground Nottingham Road Derby DE21 6DA	Erection of a single storey free standing public amenities block - Variation of condition 2 of previously approved planning permission 22/01200/FUL to amend the approved plans	Application Withdrawn	07/03/2023
23/00192/PNRH	Prior Approval - Householder	71 - 73 Shakespeare Street Derby DE24 9HE	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	20/03/2023
23/00240/PNRH	Prior Approval - Householder	2 Bramble Street Derby DE1 1HU	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not Required	20/03/2023
23/00241/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Discharge of condition 24	Discharge of Conditions Complete	06/03/2023

			(contaminated land) for Phase 4 Plot 5 of planning permission 21/02197/VAR		
23/00245/FUL	Full Application	12 Domain Drive Derby DE73 5WU	Single storey side/rear extensions to dwelling house (kitchen/dining area, external canopy and enlargement of utility)	Approval	31/03/2023
23/00248/NONM	Non-Material Amendment	Derby Triangle Wyvern Way Derby DE21 6NZ	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved. - Reserved Matters application pursuant to outline planning permission ref. 19/00491/OUT providing details of Scale, Layout, Appearance and Landscaping in respect of Phase 3 - Erection of four commercial units within B2/B8 use class, including associated loading, servicing and parking areas and associated infrastructure - Non-material amendments to previously approved planning permission 22/01000/RES to amend the approved plans	Approval	15/03/2023
23/00262/CAT	Works to Trees in a Conservation Area	All Saints Church Etwell Road Derby DE3 0DL	Pollarding of two Lime trees within Mickleover Conservation Area	Application Withdrawn	31/03/2023
23/00265/ADV	Advertisement Consent	The Argosy Manor Road Littleover Derby DE22 3HZ	Display of various signage	Approval	30/03/2023
23/00279/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class	Discharge of Conditions Complete	06/03/2023



			and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Discharge of condition 20 in respect of Phase 3 of planning permission 21/02197/VAR		
23/00176/FUL	Full Application	24 Albany Road Derby DE22 3LW	Two storey side and rear and single storey rear extensions to dwelling house (garage, utility, W.C., bedroom, en-suite, hall and enlargement of living/dining room and bedroom) and roof alterations to include installation of a rear dormer to form rooms in the roof space (bedroom and en-suite)	Refused	30/03/2023
23/00313/PNRH	Prior Approval - Householder	48 Kenilworth Avenue Derby DE23 8TY	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	30/03/2023
23/00314/FUL	Full Application	68 Penrhyn Avenue Derby DE23 6LA	Two storey side and rear and single storey rear extensions to dwelling house (garage, kitchen, lounge, two bedrooms and en-suite)	Approval	30/03/2023
23/00330/DISC	Compliance/Discharge of Condition	9 The Hollow Mickleover Derby DE3 0DG	Erection of an outbuilding (garage) - Discharge of condition 3 (materials) of planning permission 21/01755/FUL	Discharge of Conditions Complete	09/03/2023
23/00416/TPO	Works to a tree with a TPO	South View 283 Morley Road Derby DE21 4TD	Felling of Copper Beech protected by TPO No. 551	Application Withdrawn	31/03/2023



## Delegated decisions made between 01/04/2023 and 30/04/2023



Application No:	Application Type	Location	Proposal	Decision	Decision Date
05/16/00619	Full Application	17 Kingston Street Derby DE1 3EZ	Installation Of Door And Roof Light To The Front Elevation And Installation Of Railings To The Existing Front Boundary Wall	Finally disposed of	26/04/2023
07/18/01113	Full Application	44 Nottingham Road Spondon Derby	Extension To Shop With A Two Storey Flat (Use Class C3)	Finally disposed of	26/04/2023
20/01097/FUL	Full Application	18 Breedon Hill Road Derby DE23 6TG	Raising of the roof height and installation of a dormer to the rear elevation to form rooms in the roof space	Application Withdrawn	12/04/2023
21/00142/PNRT	Prior Approval - Telecommunications	Footpath In Front Of 817 - 819 London Road Derby	Installation of a 20m high monopole, equipment cabinets and ancillary development	Application Withdrawn	28/04/2023
21/01640/FUL	Full Application	63 Breedon Avenue Derby DE23 1LR	Two storey and single storey side and rear extensions to dwelling house (utility, kitchen, wet room, three bedrooms, shower room, bathroom and enlargement of bedroom)	Application Withdrawn	12/04/2023
21/01688/FUL	Full Application	Land Between Railway Line And Derby Distribution Centre Goodsmoor Road Derby DE24 9SD	Planning application for development of 75 dwellings (use class C3) including access, drainage provision, open space, boundary treatments and all associated ground works	Approval	28/04/2023
22/00069/LBA	Listed Building Consent - Alterations	7 Darley Street Derby DE22 1DX	Installation of flood resilience measures	Approval	12/04/2023
22/00147/PNRT	Prior Approval - Telecommunications	Land Between Pastures Hill And Elgin Avenue Derby DE23 3SN	Installation of a 20m high monopole supporting six antenna, three cabinets with ancillary development thereto	Application Withdrawn	28/04/2023

22/00236/DISC	Compliance/Discharge of Condition	Land At Royal Hill Farm Royal Hill Road Derby DE21 7AG	Erection of a dwelling house (Use Class C3) - Discharge of condition nos 3, 4 and 7 of previously approved permission 20/01298/FUL	Application Withdrawn	27/04/2023
22/00720/FUL	Full Application	606A Burton Road Derby DE23 6DH	Erection of front boundary wall and gates - (retrospective application)	Approval	27/04/2023
22/00753/FUL	Full Application	Site Of Lindenwood 39 Penny Long Lane Derby DE22 1AX	Demolition of dwelling house. Erection of replacement dwelling house (Use Class C3)	Application Withdrawn	19/04/2023
22/00826/FUL	Full Application	416 Burton Road Derby DE23 6AJ	Demolition of dwelling house and erection of 2 no. new dwellings.	Approval	06/04/2023
22/00915/FUL	Full Application	52 Allestree Lane Derby DE22 2HR	Two storey rear extension to dwelling house	Approval	24/04/2023
22/01221/FUL	Full Application	5 Otter Street Derby DE1 3FD	Proposed single storey rear extension and dormer window addition	Approval	26/04/2023
22/01326/DISC	Compliance/Discharge of Condition	35 - 37 Osmaston Road Derby DE1 2JF	Change of use to a ten bedroom house in multiple occupation (Sui Generis Use) - Discharge of conditions 3 and 4 of planning permission 22/00482/FUL	Discharge of Conditions Complete	03/04/2023
22/01365/VAR	Variation of Condition	Kingsway Hospital Kingsway Derby DE22 3LZ	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 - Variation of condition 2 of previously approved planning permission Code No. 21/02055/FULPSI to amend the approved plans	Approval	13/04/2023
22/01413/FUL	Full Application	Public Open Space And Car Park Adjacent To Stockbrook Street Recreation Ground Stockbrook Street	Erection of nine dwelling houses (Use Class C3) with parking and access road and four parking spaces for the recreation ground	Approval	12/04/2023

		Derby DE22 3WY (access Off Spring Street)			
22/01480/FUL	Full Application	28 Kintyre Drive Derby DE24 3JZ	Erection of boundary wall and gates - retrospective application	Approval	17/04/2023
22/01603/FUL	Full Application	Land At The Side Of 74 Chaddesden Lane Derby DE21 6LN	Demolition of existing garage. Erection of a dwelling house (Use Class C3) and removal of retaining wall to front of plot.	Application Withdrawn	04/04/2023
22/01654/RES	Reserved Matters	53 Arlington Road Derby DE23 6NZ	Development of 2no brick clad detached dwellings and retention of 1no existing building. New shared access driveway with soft landscaping border. Driveway finished with self-binding limestone gravel. - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no 19/01683/OUT	Approval	12/04/2023
22/01667/FUL	Full Application	22 Chester Green Road Derby DE1 3SF	Installation of a replacement window to the front elevation	Approval	27/04/2023
22/01722/FUL	Full Application	18 Old Lane Derby DE22 1DL	Rear and side extensions to dwelling house (dining room, utility room, w.c, hall and enlargement of bedroom)	Approval	17/04/2023
22/01757/FUL	Full Application	26 Kingston Street Derby DE1 3EZ	Installation of roof lights to the front elevation and a side/rear dormer to form rooms in the roof space. Side and rear extension at ground floor(kitchen)	Approval	03/04/2023
22/01768/FUL	Full Application	1 Kirk Street Derby DE1 3SB	Installation of five replacement windows	Approval	26/04/2023
22/01773/FUL	Full Application	65 Rykneld Road Derby DE23 4BH	Installation of two front dormer windows, rear dormer and installation of a new first floor side elevation window to form rooms in the roof space (bedroom, bathroom and storage) and single storey rear extension to dwelling	Approval	19/04/2023

			house (kitchen)		
22/01781/FUL	Full Application	68 Chapel Lane Spondon Derby DE21 7JW	First floor side and single storey front and rear extensions to dwelling house (canopy, dining area, bedroom and en-suite)	Approval	04/04/2023
22/01827/FUL	Full Application	Land At The Side Of 60 Coleman Street Derby DE24 8NL	Erection of a dwelling house (Use Class C3)	Refused	03/04/2023
22/01926/OUT	Outline Application	Land At The Side Of 133 Greenwich Drive South Derby DE22 4AH	Residential development - one dwelling (Use Class C3)	Refused	12/04/2023
23/00009/FUL	Full Application	52 Burnside Street Derby DE24 8QT	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a six bedroom (nine occupant) house in multiple occupation (Sui Generis)	Refused	11/04/2023
23/00035/FUL	Full Application	Middleton House 27 St Marys Gate Derby DE1 3JR	Conversion of existing garage space to form a dwelling house (Use Class C3)	Refused	04/04/2023
23/00036/LBA	Listed Building Consent - Alterations	Former Middleton House 27 St Marys Gate Derby DE1 3JR	Alterations in association with conversion of existing garage space to form a dwelling house	Refused	04/04/2023
23/00083/FUL	Full Application	32 Swinburne Street Derby DE1 2HJ	Change of use of ground floor from one flat (Use Class C3) to a four bedroom (four occupant) flat in multiple occupation (Use Class C4)	Approval	21/04/2023
23/00098/FUL	Full Application	69 Bethulie Road Derby DE23 8US	Conversion of dwelling house to form four flats (Use Class C3) together with erection of a two storey rear extension	Approval	21/04/2023
23/00112/FUL	Full Application	69 Bethulie Road Derby DE23 8US	Conversion of dwelling house to form six flats (Use Class C3) together with erection of two storey side and rear extensions	Refused	21/04/2023

23/00132/PNRT	Prior Approval - Telecommunications	Highway Verge Station Road Mickleover Derby (adjacent To Mill Lane/Onslow Road Junctions)	Installation of a 15m high monopole, equipment cabinets and ancillary development	Approval	06/04/2023
23/00141/FUL	Full Application	27 Macklin Street Derby DE1 1LE	Change of use from laundrette (Sui Generis) to one apartment (Use Class C3) including alterations to the elevations	Approval	20/04/2023
23/00152/FUL	Full Application	32 Sunnyhill Avenue Derby DE23 1JQ	Demolition of garage. Erection of a two storey extension comprising of two flats (Use Class C3)	Refused	04/04/2023
23/00153/CAT	Works to Trees in a Conservation Area	Croft House 5 Siddals Lane Derby DE22 2DY	Various works to trees within the Allestree Conservation Area	Raise No Objection	12/04/2023
23/00154/FUL	Full Application	20 Acrefield Way Derby DE73 6PN	First floor side extension to dwelling house (bedroom and en-suite)	Approval	04/04/2023
23/00156/FUL	Full Application	2 Chellaston Road Derby DE24 9AE	Two storey side extension to form additional residential unit (Use Class C3)	Approval	03/04/2023
23/00158/FUL	Full Application	30 Onslow Road Derby DE3 9JH	Single storey extension to dwelling with rooms in the roof space (annexe accommodation)	Refused	11/04/2023
23/00160/CLP	Lawful Development Certificate -Proposed	Flamsteed House Kings Crescent Apartments Edward Street Derby DE1 3FH	3 storey residential Mews Block which accommodates 3no residential units. To built in connection with the adjacent Kings Crescent residential development (already built) 3-storey structure (Mews Block) accommodating 3no residential units - steel frame construction with masonry facades externally and pitched roofs. All in line with drawings approved under approval 05/18/00814.	Approval	21/04/2023

23/00161/CLE	Lawful Development Certificate -Existing	Kings Crescent Apartments Edward Street Derby DE1 3FF	The Kings Crescent development has been built in accordance with approval 05/18/00814 and comprises 43 residential apartments. The 5-storey development (and basement parking) has been built and faced / finished in line with proposals approved under the above permission.	Approval	21/04/2023
23/00163/CLP	Lawful Development Certificate -Proposed	10 Lark Close Derby DE23 2TE	Single storey front and rear extensions to dwelling house (porch and family space)	Approval	12/04/2023
23/00164/FUL	Full Application	37 Brackensdale Avenue Derby DE22 4AF	Two storey side and single storey rear extensions to dwelling house (games room, utility, kitchen/dining space and two bedrooms)	Approval	05/04/2023
23/00168/FUL	Full Application	2 Burghley Way Derby DE23 4TD	Single storey extension to outbuilding (office) and erection of boundary wall and gates	Approval	03/04/2023
23/00179/CLP	Lawful Development Certificate -Proposed	3 Meynell Court Derby DE22 2NW	Single storey side and rear extensions to dwelling house (study/sitting room and enlargement of kitchen/diner)	Approval	12/04/2023
23/00180/FUL	Full Application	23 Springwood Drive Derby DE21 2HE	Two storey extension to dwelling house (living space and two bedrooms) and installation of a new first floor window to the side elevation	Approval	03/04/2023
23/00181/FUL	Full Application	15 Hopton Close Derby DE21 4PR	Single storey rear extension to dwelling house (bedroom and wetroom)	Approval	04/04/2023
23/00183/TPO	Works to a tree with a TPO	5 Priory Gardens Derby DE21 4TG	Cutting back of branches to give 2-2.5m clearance of the building/garden and of an Oak tree protected by Tree Preservation Order no's 85 and 124	Approval	04/04/2023
23/00187/FUL	Full Application	2 Yews Drive Derby DE73 6UT	First floor side extension to dwelling house (dressing room and en-suite)	Approval	06/04/2023
23/00188/FUL	Full Application	1 Dreyfus Close Derby	Single storey front and side extensions dwelling (porch, store, enlargement of	Approval	05/04/2023

		DE21 7RR	bedrooms and lounge) and formation of a vehicular access to Dale Road		
23/00190/FUL	Full Application	5 St Mellion Close Derby DE3 9YL	Two storey front and single storey rear extensions to dwelling house (entrance hall, study/bedroom, snug, sitting area and master bedroom)	Approval	05/04/2023
23/00194/FUL	Full Application	102 Broadway Derby DE22 1BP	Extensions to dwelling house (garage, cloakroom, office, kitchen/dining/sitting area and two bedrooms with en-suites) and installation of render and cladding	Approval	20/04/2023
23/00195/FUL	Full Application	49 Crabtree Close Derby DE22 2SW	Two storey front and single storey front, side and rear extensions to dwelling house (canopy, office, lobby, garage/store, utility enlargement of kitchen/living space and bedroom )	Approval	05/04/2023
23/00196/FUL	Full Application	116 Morley Road Derby DE21 4QX	Single storey side/rear extensions to dwelling house (dining/sitting area, utility and en-suite), installation of a replacement bay window and render to the front elevation	Approval	11/04/2023
23/00204/FUL	Full Application	12 Hamilton Road Normanton Derby DE23 6RT	Single storey rear extension to dwelling house (W.C. and enlargement of kitchen/diner)	Approval	25/04/2023
23/00207/TPO	Works to a tree with a TPO	13 Darley Abbey Drive Derby DE22 1EE	Various works to Black Pine trees protected by Tree Preservation Order no. 58	Approval	19/04/2023
23/00208/FUL	Full Application	131 Osmaston Park Road Derby DE23 8WL	Enlargement of vehicular access	Refused	20/04/2023
23/00216/FUL	Local Council Own Development Reg 3	Public Open Space Swarkestone Drive Derby (adjacent To 1-21 (odds) Swarkestone Drive)	Formation of five parking bays	Approval	12/04/2023
23/00219/DISCLB	Compliance/Discharge of	Museum And Art Gallery	Replacement of roof materials and rainwater	Discharge of	17/04/2023



	Condition LB	The Strand Derby DE1 1BS	goods, associated repairs to roof, addition of two internal accessible WCs and internal accessibility improvements - Discharge of conditions 3e (downpipes) and 5 (mortar mix) of Listed Building Consent 22/00582/LBA	Conditions Complete	
23/00222/CLP	Lawful Development Certificate -Proposed	3 Penzance Road Derby DE24 0NG	Single storey rear extension to dwelling house	Approval	11/04/2023
23/00223/FUL	Full Application	Chellaston Academy Swarkestone Road Derby DE73 5UB	Two single storey extensions to school (art studio and W.Cs.)  New Art Block and New WC Block	Approval	12/04/2023
23/00228/FUL	Full Application	Woodbine Lodge 399 Sinfin Lane Derby DE24 9HW	Incorporation of land into residential curtilage	Approval	17/04/2023
23/00230/FUL	Full Application	301 Duffield Road Derby DE22 2DF	Single storey rear extension to dwelling house (kitchen/dining/living space), installation of a pitched roof to the existing two storey rear extension and installation of render	Approval	11/04/2023
23/00232/CLP	Lawful Development Certificate -Proposed	42 Montague Way Derby DE73 5AS	Erection of a lean-to, enlargement of rear door installation of replacement gates and installation of paving with drainage	Approval	14/04/2023
23/00234/FUL	Full Application	Land At The Rear Of 244 Stenson Road Derby DE23 1JL (access Off Wellesley Avenue)	Erection of a bungalow (Use Class C3)	Refused	12/04/2023
23/00236/VAR	Variation of Condition	16 Albany Road Derby DE22 3LW	Single storey rear extension to dwelling house (enlargement of dining area) and roof alterations to include installation of a dormer to the rear elevation and installation of a new second floor side elevation window to form rooms in the roof space (two bedrooms and bathroom) - Variation of condition 2 of previously approved planning permission 21/01659/FUL to amend a window to doors	Approval	12/04/2023

			and a Juliet balcony in the rear elevation dormer		
23/00242/FUL	Full Application	166 Dale Road Spondon Derby DE21 7DL	Single storey rear extension to dwelling house (living space) and formation of a first floor balcony	Approval	18/04/2023
23/00243/FUL	Full Application	The Bonnie Prince 166 Swarkestone Road Derby DE73 5UE	Extensions to public house (veranda, lobby and portico)	Approval	17/04/2023
23/00246/FUL	Full Application	52 Vicarage Avenue Derby DE23 6TP	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (Sui Generis)	Approval	13/04/2023
23/00253/CAT	Works to Trees in a Conservation Area	19A Cornhill Derby DE22 2GG	Felling of three Leylandii and two Elder trees within the Allestree Conservation Area	Raise No Objection	04/04/2023
23/00254/FUL	Full Application	66 Meadow Lane Chaddesden Derby DE21 6PU	Single storey side/rear extension to dwelling (kitchen/dining area)	Approval	25/04/2023
23/00259/FUL	Full Application	33 Jackson Street Derby DE22 3SA	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	17/04/2023
23/00261/FUL	Full Application	28 Manor Road Littleover Derby DE22 3HZ	Single storey rear extension to dwelling house (two bedrooms with en-suites)	Refused	21/04/2023
23/00263/FUL	Full Application	7 Newbridge Crescent Derby DE24 9FR	Single storey rear extension to dwelling house (Kitchen/dining room)	Approval	14/04/2023
23/00267/CLP	Lawful Development Certificate -Proposed	123 Alvaston Street Derby DE24 0PB	Single storey rear extension to dwelling house (kitchen/dining/living space)	Refused	21/04/2023

23/00272/FUL	Full Application	462 Kedleston Road Derby DE22 2ND	Two storey side extension to dwelling house (kitchen/ dining/ living space, play room, office bedroom and en-suite)	Approval	17/04/2023
23/00274/CLP	Lawful Development Certificate -Proposed	124 Waterford Drive Derby DE21 6TJ	Single storey rear extension to dwelling house	Approval	17/04/2023
23/00280/FUL	Full Application	16 Lockwood Road Derby DE22 2JD	Installation of two air source heat pumps	Approval	26/04/2023
23/00284/FUL	Full Application	368 Sinfin Lane Derby DE24 9LT	Installation of a car port to the rear elevation	Refused	18/04/2023
23/00285/CLP	Lawful Development Certificate -Proposed	4 Kynance Close Derby DE24 0LU	Single storey side and rear extensions to dwelling house (utility, bathroom and dining room)	Refused	21/04/2023
23/00288/FUL	Full Application	13 Constable Drive Derby DE23 6EP	Single storey rear extension to dwelling house (enlargement of lounge)	Approval	14/04/2023
23/00289/FUL	Full Application	Nippon Auto Spares The Abingdon Business Centre 346 - 376 Osmaston Road Derby DE24 8AG	Erection of an enclosure to the rear elevation	Approval	20/04/2023
23/00292/FUL	Full Application	48 Glenfield Crescent Derby DE3 0RF	Single storey front extension to dwelling house (enlargement of lounge)	Approval	14/04/2023
23/00295/FUL	Full Application	Oakcroft 3 Leafgreen Lane Derby DE23 2TZ	Single storey rear extension to dwelling house (kitchen/diner/lounge, utility, pool area, bathroom and plant room)	Approval	25/04/2023
23/00299/FUL	Full Application	2 Edward Street Derby DE1 3BR	Installation of a replacement roof covering - retrospective application	Refused	26/04/2023
23/00300/FUL	Full Application	12 Brendan Gardens	Single storey side/rear extension to dwelling	Approval	24/04/2023

		Derby DE22 1BD	house (family room and enlargement of kitchen)		
23/00303/CLP	Lawful Development Certificate -Proposed	32 Maize Close Derby DE23 3YP	Single storey rear extension to dwelling house	Approval	28/04/2023
23/00306/FUL	Full Application	26 North Avenue Mickleover Derby DE3 9HX	Two storey side and single storey rear extensions to dwelling house (covered way, garage, family/kitchen/dining space, bedroom and bathroom) with rooms in the roof space	Approval	24/04/2023
23/00307/CAT	Works to Trees in a Conservation Area	1 Abbey Lane Derby DE22 1DG	Height reduction by 5m of an Ash tree within the Darley Abbey Conservation Area	Raise No Objection	20/04/2023
23/00309/VAR	Variation of Condition	30 Willson Road Derby DE23 1BZ	Side extension to dwelling (utility and enlargement of kitchen), roof alterations to include raising of the roof height, installation of a rear dormer and new first floor side elevation windows to from rooms in the roof space (two bedrooms, study and bathroom) - Variation of condition 2 of planning permission 22/00257/FUL to amend the approved plans to increase the size of the rear dormer	Approval	28/04/2023
23/00311/FUL	Full Application	154 Station Road Mickleover Derby DE3 9FL	Erection of outbuilding (garage and log store)	Refused	05/04/2023
23/00312/FUL	Full Application	154 Station Road Mickleover Derby DE3 9FL	Single storey front and rear extensions to dwelling house (porch and enlargement of kitchen/dining/sitting area)	Approval	20/04/2023
23/00317/ADV	Advertisement Consent	Florence Nightingale Community Hospital London Road Derby DE1 2QY	Display of one internally illuminated totem sign	Approval	20/04/2023
23/00323/PNRH	Prior Approval - Householder	26 Huntley Avenue Derby	Single storey rear extension (projecting beyond the rear wall of the original house by	Prior Approval Not Required	26/04/2023

		DE21 7DU	5.4m, maximum height 3.2m, height to eaves 3m) to dwelling house		
23/00326/PNRT	Prior Approval - Telecommunications	Highway Verge Whitaker Road Derby (adjacent To Junction With St Chads Road)	Erection of a 15m high monopole, two equipment cabinets, one meter cabinet and associated ancillary development	Refused	13/04/2023
23/00335/PNRH	Prior Approval - Householder	35 Field Lane Alvaston Derby DE24 0GP	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.91m) to dwelling house	Prior Approval Not Required	13/04/2023
23/00339/PNRH	Prior Approval - Householder	49 Nunsfield Drive Derby DE24 0GH	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 Approved	13/04/2023
23/00348/PNRH	Prior Approval - Householder	22 Kingsbury Road Derby DE22 4JQ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 2.7m) to dwelling house	Prior Approval Not Required	13/04/2023
23/00363/PNRH	Prior Approval - Householder	13 Lambrook Close Derby DE3 0RH	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.10m, height to eaves 2.37m) to dwelling house	Prior Approval Not Required	13/04/2023
23/00371/PNRH	Prior Approval - Householder	50 Derwent Close Derby DE22 2UY	Single storey rear extension (projecting beyond the rear wall of the original house by 3.3m, maximum height 3.5m, height to eaves 2.6m) to dwelling house	Prior Approval Not Required	13/04/2023
23/00382/FUL	Full Application	62 Wollaton Road Derby DE21 4HW	Installation of three sided bay window to principal elevation with brickwork below.	Approval	17/04/2023
23/00385/FUL	Full Application	144 Waterford Drive Derby DE21 6TH	Erection of pergoda - retrospective application	Approval	17/04/2023
23/00387/FUL	Full Application	43 Newbridge Crescent Derby	Single storey rear extension to dwelling	Approval	13/04/2023

		DE24 9FR			
23/00389/FUL	Full Application	388 Burton Road Derby DE23 6AF	Erection of garage at front of property.	Refused	17/04/2023
23/00393/CAT	Works to Trees in a Conservation Area	10 North Street Derby DE1 3AZ	Pollarding back to previous points of Sycamore and Ash trees and reduce height and pruning of Leyland Cypress all within Strutts Park Conservation Area	Raise No Objection	28/04/2023
23/00408/FUL	Full Application	21 Leonard Walk Derby DE23 8EE	Single storey rear extension to dwellinghouse (enlarge kitchen and lounge) and single storey extension	Approval	24/04/2023
23/00410/DISC	Compliance/Discharge of Condition	Former Celanese Site Holme Lane Derby DE21 7BS	Outline planning application with access details and scale parameters included, for the redevelopment of a previously industrial brownfield site for B2, B8, associated E Class and F1 purposes and ancillary uses to provide up to 209,000 sq.m. of floorspace for facilities for food production; distribution; training and education; associated food support businesses and supporting energy generation/waste disposal - Variation of condition 11 (flood risk) of previously approved planning permission 21/01033/VAR - Discharge of Conditions 22.2 (Phase 3) and 30 (Phase 3) of previously approved application code No. 21/02197/VAR	Discharge of Conditions Complete	21/04/2023
23/00420/FUL	Full Application	3 Oval Court Derby DE23 6XP	Two storey rear extension to dwelling house (bedroom, en-suite and enlargement of kitchen)	Refused	25/04/2023
23/00421/NONM	Non-Material Amendment	Patterdale Old Hall Avenue Littleover Derby DE23 6EN	Erection Of Two Detached Dwelling Houses - Non material amendment to previous approved application 02/15/00231 to amend the roof design	Approval	20/04/2023
23/00422/NONM	Non-Material Amendment	Patterdale Old Hall Avenue Littleover Derby	Erection Of Two Detached Dwelling Houses - Non material amendment to previous approved application 22/01468/FUL - to amend the roof design	Approval	20/04/2023

		DE23 6EN			
23/00424/FUL	Full Application	12 Empress Road Derby DE23 6TD	Retention of outbuilding for study room, play area and storage	Approval	25/04/2023
23/00425/FUL	Full Application	10 Woodland Road Derby DE22 1GF	Single storey rear and side extensions to dwelling house (dining room, lobby and w.c.)	Approval	25/04/2023
23/00426/NONM	Non-Material Amendment	17 North Parade Derby DE1 3AY	Change of use from dwelling house to one five bedroom house in multiple occupation and one five bedroom house in multiple occupation (Use Class C4) and external alterations to include installation of replacement windows and doors and erection of rear stair enclosure. - Non Material amendment to previously approved application 21/01182/FUL to reduce of number of bedrooms to proposed layout.	Approval	20/04/2023