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Continuation of main report as published on Thursday 08/10/2015. This supplementary report covers an appraisal and judgement of the Environmental Statement and the Officer Opinion sections.

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Traffic Transport and Air Quality.

The topics in this area have been considered together as traffic volumes are a key determinant in air quality. Once operational, flood defences are passive with the exception of occasional, temporary short term closure of flood gates and use of pumping stations. Therefore the only likely influence the project is indicated as having on air quality is associated with construction traffic emissions. It is noted that there is an Air Quality Management Area (AQMA) in the study area, encompassing the inner ring roads, outer ring roads and some sections of radial roads. The AQMA includes the A601 (St Alkmunds Way) at Causey Bridge, Holmes Bridge and through the North Riverside development area. The AQMA impacts upon the sensitivity of receptors for the purposes of this chapter and the full detail are outlined in the ES.

There will be some minor changes to the road and cycle network as a result of the proposals and some roads in the North Riverside are will need to be closed and diverted. For the purposes of this chapter it is indicated that this ES assesses effects on the proposed changes on the operation of the wider transport network but does not comprise a Transport Impact Assessment.

Effects on Total Traffic Volumes during Construction

Based on the proposed construction programme and predicted construction traffic the following worst case scenarios for traffic generation are identified for each package of works:

- Package 1: 155 vehicle movements per day (including 15 HGV movements)
- Package 2: Derby City Council Area – 129 Vehicle movements per day (including 17 HGV movements).
- Package 2: South Derbyshire District Council Area – 63 additional movements per day (including 33 HGV movements).
- Package 3: 153 additional vehicle movements per day (including 61 HGV movements).

The maximum predicted (155 vehicle movements) is indicated as less than 1% of existing volumes on the A-roads that form part of the regional trunk routes and cross City routes and it is indicated that if all the predicted traffic used the same access routes, the magnitude of change for the affected roads would be very low. The maximum predicted is indicated as less than 10% of volumes on existing minor roads in the study area and it is indicated that if all the maximum predicted traffic used the same access routes, the magnitude of change for these roads would be low. The ES therefore concludes that there will be no likely significant effects on the transport network due to temporary increases to total traffic volumes during construction.

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Effects on the Proportion of HGV Traffic during Construction

The maximum predicted additional daily HGV movements are during package 3 works. An increase of 61 movements per day would result in a less than 2% increase in the proportion of total traffic comprising HGV's for all A roads and for most minor roads for which study data is available. The magnitude of change for these roads is therefore identified as very low. The exception to this is identified as Old Lane west of the river and close to Darley Abbey Mills Bridge which would see the proportion of total traffic comprising HGV's from 0.6% to 3.1%. In reality it is indicated that this route would only be used by construction traffic for the works at Darley Abbey and Darley Abbey Mills Bridge and these works are predicted to generate a maximum of 3 HGV movements per day. It is therefore concluded that there will be no likely significant effects on the transport network from temporary changes to the proportion of total traffic comprising HGV's during construction on A roads and other roads that form part of Cross-city routes.

Residential Roads

In order to access the Little Chester and Duke Street sites construction traffic may need to travel along residential roads that would normally expect to receive occasional HGV movement. The resultant increase is identified as 20% but would be temporary. Measures would be outlined in a Transport Management Plan to avoid morning and peak traffic times and specify delivery timings and routes. Overall the increase in the proportion of HGV traffic on residential roads is identified as representing a moderate effect on a section of the transport network with low sensitivity resulting in a minor (not significant) negative effect. It is concluded that there are likely to be no significant effects on the transport network from temporary changes to the proportion of total traffic comprising HGV's during construction on residential roads.

Effects on the Road Network From Temporary Closures and Diversions During Construction

A number of temporary road closures will be required through construction. It is indicated that closures will be applied for and advertised in advance, diversions put in place and times kept to a minimum. The majority are indicated as being short term but works to replace the Darley Abbey Mills Bridge and indicated as potentially exceeding six months. This would reduce the number of locations where traffic can cross the river. In particular this forms a relatively low traffic route for cyclists to cross the river with the nearest alternative being the A38 (1.5km to the north) or Handyside Bridge (1 km to the south). Overall, it is therefore identified that there will be a likely significant effect on the transport network due to the temporary closure of Darley Abbey Mills Bridge. It is also indicated that there will be a likely significant effect on the cycle network due to the temporary closure of section of local and national cycle routes.

Effects on the Rail Network during Operation

The potential effects for the rail network are identified as those likely to arise during construction and relate to works relative to the demountable defence at Breadsall and scour protection works at Derby Junction Railway Bridge and Wilmorton Railway

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Bridge. Such works will only take place with Network Rail permission and it is assumed that they will take place in accordance with standard Network Rail operating procedures and are likely to take place when other works are taking place on the railway. With such procedures in place it is indicated that there will be no likely significant effects on the rail network during construction.

Effects on the Transport Network during Operation.

After completion, substantial sections of the transport network in Derby will benefit from being protected against flooding from a severe event. The risk of substantial disruption to the transport network due to flooding reduces. It is indicated that the enhanced river corridor will improve pedestrian and cyclist access for car free travel and recreation. Overall, it is therefore identified that there will be a moderate, positive and permanent effect on the transport network due to increased flood protection.

It is noted that there will be some minor changes to the road and cycle network as a result of the proposals. Overall, the ES indicates that the changes will have only localised effects on those alignments where the changes are indicated as not affecting the overall coherence of transport routes on the normal operating conditions for the wider road and rail network. The assessment concludes that there will be no likely significant effects on the transport network during operations.

Effects on Air Quality from Dust Generation during Construction

It is indicated that dust emissions and nuisance can arise from;

- Earth moving activities
- Operation of construction vehicles over dry ground
- Wind erosion of exposed soil or stockpiles
- Materials being transported within delivery vehicles as well as dusty material that may become affixed to the wheels of vehicles before leaving the site

It is indicated that standard dust management measures will be employed and a detailed dust management strategy will be developed for all construction works. With the implications of such measures, it is indicated that no likely significant effects will arise from dust generation during construction.

The two likely significant effects identified therefore relate to the temporary closure of sections of local and national cycle networks and the temporary closure of Darley Abbey Mills Bridge. It is indicated that mitigation measures will reduce the number of temporary closures, the length of closures and overall disruption to users of the cycle network as it will not be possible to avoid temporary closure of cycle networks during construction. The significance of the effect with mitigation is therefore identified as moderate, negative and temporary, medium term. In respect of the temporary closure of the Darley Abbey Mills Bridge, it is also acknowledged that closure of the bridge for a substantial period of time cannot be avoided and with mitigation, the effect remains moderate, negative and temporary, medium term.

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Human Population

This chapter describes the predicted effects of the OCOR project upon the local human population. Impacts on the human population have been assessed in relation to two study areas:

- The area in the immediate vicinity of the defence works;
- The area benefiting from the greater flood risk protection up to and including a 'severe flood event' defined as a flood event that has a 1% chance of happening each year.

The effects of the OCOR project have been assessed against four receptors in order to determine the overall impact on the human population. These are:

- Residential areas (including vulnerable communities)
- Commercial areas (including development land)
- Community facilities (including education, health and formal sports facilities)
- Recreation and amenity areas (including safety and security).

The OCOR project will not result in any significant permanent changes to areas of land allocated for different uses. The project will provide flood protection to existing residential and commercial properties (including existing sites suitable for redevelopment) but this will not affect areas of allocated land use. It is noted that there is potential for changes in land use within development sites. However, the regeneration of those sites will be delivered by third parties who will need to obtain separate planning consents therefore such potential changes are considered to be outside the scope of this assessment. It is indicated that the project will only have localised effects on the location of green space and it is anticipated that this will not significantly affect the overall allocation green space in the City. Land use is therefore not considered in this chapter as a receptor.

In Derby there are 1,450 residential properties that are currently at risk of flooding from a severe flood event, Most of these homes are located in the areas of Little Chester, Duke Street, Etruria Gardens and the southern part of Chaddesden by Racecourse Park. It is indicated that many areas currently at risk of flooding support vulnerable communities. This includes parts of south Chaddesden and parts of the City Centre south of St Mary's Bridge. Some of these accommodate a high proportion of elderly residents and residents with long term health problems. The former Bath Street Mills site on Duke Street is being developed into 82 extra care apartments. They are likely to be occupied when the OCOR works are carried out.

In Derby it is indicated there are early 800 commercial properties currently at risk of flooding during a severe flood event. Most of these properties are located in the city centre and around Pride Park and Derwent Parade. Business at risk includes large employers such as the Rolls Royce Marine Power facility at Raynesway. Upstream of the city centre, many commercial properties at Alfreton Road Industrial estate and Darley Abbey Mills are also at risk of flooding. There are a number of vacant and derelict sites along the river corridor that are at risk of flooding that are potentially

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suitable for industrial or commercial redevelopment. The OCOR Master plan aims to facilitate the redevelopment of these sites.

The ES identifies that there are at least 20 community facilities currently at risk of flooding during a severe flood event.

Only effects on human population assessed as being major or moderate effects before mitigation are summarised.

Likely Significant Effects: Residential Areas (Including Vulnerable Communities)

It is indicated that OCOR will result in approximately 1,380 homes in Derby Permanently benefiting from flood protection against a severe event. However, residential areas in the immediate vicinity of construction works will be disturbed and will experience some temporary negative effects.

Temporary effects associated with construction works including noise, dust, access restrictions, parking restrictions, visual disturbance, vibration and localised effects on air quality. The ES indicates that residents at the following sites are likely to be effected; Little Chester, Duke Street and Sowter Road, North Riverside and Alvaston Park. In terms of operational effects, the improved flood protection to 1,390 properties is assessed as being major, positive and permanent. The demolition of Exeter House will result in the loss of housing from a deprived area and the significance of the effect prior to mitigation has been assessed as being moderate negative and temporary (medium term). Mitigation measures are outlined in the ES and the residual effects outlined. The following moderate negative effects are identified:

- Duke Street – for temporary effects on extra-care accommodation, flats, terraced and semi-detached housing at the Bath Street Mills redevelopment, Waterside House, St Marys Court and Duke Street.
- North Riverside (Exeter House) – due to the need to relocate residents.
- North Riverside (Derby Riverside Apartments) – for temporary effects from construction.

They are all identified as medium term impacts.

Likely Significant Effects: Commercial Areas

It is identified that there will be temporary effects on business operations and workers from the construction works. This is identified as primarily affecting commercial areas at Breadsall, Alfreton Road Industrial Estate and Derby city centre but the ES indicates that commercial properties at the North Riverside are likely to be significantly affected. In terms of operational effects, nearly 715 properties are identified as benefiting from protection against a severe flood event and this is assessed as being a major positive and permanent effect. Mitigation measures are outlined to minimise effects during construction and this is outlined to include the use of acoustic and visual screening where necessary. The residual effect at North Riverside is assessed as minor negative and temporary long term construction effects.

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Likely Significant Effects: Community Facilities (Including Health, Education and Formal Recreation Facilities)

It is indicated that the OCOR project would have a net positive effect on community facilities as many will benefit from improved flood risk protection. It is identified that the project also has the potential for negative effects during construction and on completion of the works including playing fields and community buildings at Little Chester and Alvaston Park.

In respect of construction effects it is indicated that temporary effects will result for users of community facilities. It is noted that access to sports facilities will be maintained and no major or moderate significant effects prior to mitigation are anticipated.

In terms of operation effects, it is indicated that at least 13 community facilities will benefit from being protected against a severe flood event; four from the package 1 works and nine from the package 2 works. The significance of the effect is assessed as being major positive and permanent. The project is identified as affecting playing field and community facilities at Alvaston Park and this is identified as a negative effect. Following mitigation, the residual effect in respect of Alvaston Park is indicated as being minor negative and permanent as a result of the loss of playing field to the footprint of the new defences.

Environmental Enhancements

The OCOR Masterplan sets out a number of overarching principles and objectives to guide project development and delivery. In addition to those related to reducing flood risk and maximizing regeneration, the Masterplan identified the following objectives to provide environmental enhancements:

- Enhance the heritage assets of the city to help promote tourism;
- Enhance ecology, wildlife and biodiversity along the river and deliver Water Framework Directive (WFD) objectives; and
- Enhance the public realm, access and landscape along the river.

It is indicated that specialists within the Council, the Environment Agency, English Heritage, Natural England, Trent Rivers Trust, Derbyshire Wildlife Trust and the Earl of Harrington Anglers were consulted during the development of the OCOR outline design to identify ways of meeting these objectives.

The Lower Derwent Flood Risk Management Strategy was the subject of a Strategic Environmental Assessment (SEA). The SEA identified opportunities to deliver improvements to the existing environment as part of delivering the Strategy. Those opportunities were reviewed as part of developing OCOR and, where relevant, were included within the project objectives to provide environmental enhancements. The opportunities relevant to OCOR are:

- Provide improved wildlife habitats where flood defences are realigned;
- Work with Derby City Council and Derbyshire Wildlife Trust to identify areas that can be set aside for recreation and nature conservation;

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- Investigate opportunities with the Derwent Valley Mills World Heritage Site Partnership Group to improve the recreational enjoyment and access to the river, and improve public knowledge of the historic development of Derby;
- Increase the amenity value of the river, e.g. by softening river edges which are currently man-made, and linking river edge routes to other sites; and
- Improve access and interpretation including native planting artwork / signage along cycleways and footpaths.

It is indicated that Environmental enhancements have been included as core components of the project wherever possible. In addition to the core enhancements, there are a number of potential environmental enhancements that will be investigated further during the detailed design and construction stages. Delivery of these enhancements will be subject to obtaining landowner agreement and funding opportunities.

Cumulative Effects

This chapter considers the potential cumulative effects that arise from a combination of other known projects within or adjacent to the Our City Our River (OCOR) project area. The Council and the Environment Agency have defined which other projects should be considered within this EIA and only those within the public domain and for which sufficient information is available have been taken into consideration. It is indicated that a search of the South Derbyshire District Council and Erewash Borough Council's planning websites has also been undertaken in order to identify projects with the potential for cumulative impacts with the OCOR works at Shardlow, Ambaston or Breadsall.

Projects screened in for assessment as part of this work were then assessed for their potential to have likely significant effects in combination with the OCOR project. This assessment was undertaken by reviewing the effects identified in the preceding specific topic chapters of this ES against any environmental effects which were addressed within the supporting planning documents of the other projects. The projects identified are listed below with the accompanying planning references:

- Britannia Court (DER/01/13/00049)
- Bath Street Mills (DER/12/12/01527 and DER/12/12/01528)
- Former Magistrate's Court (DER/04/13/00403)
- Former Police Station (DER/12/13/01503 and DER/12/13/01486)
- Aida Bliss (DER/09/08/01402)
- Phoenix Street/ Stuart Street apartments (DER/03/14/00296)
- Northedge (DER/10/13/01189 and DER/10/13/01215)
- Chaddesden Sidings (DER/11/12/01465)
- Erection of offices, hotel, retail units and associated development (DER/10/08/01500)

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- Castleward Development (DER/05/12/00563 and DER/07/13/00863)
- Multi-Sports Arena, off Royal Way (DER/12/11/01496).

Likely Significant Cumulative Effects

Of the known planned developments in the vicinity of the OCOR works, only the redevelopment of the Former Police Station and the erection of industrial units at Northedge were screened in for further assessment of cumulative effects due to potential overlaps in the construction programme. It is indicated that flood defences are, on the whole, a passive form of development during operation and therefore no adverse cumulative impacts are foreseeable other than during construction. It is indicated that some beneficial cumulative effects will arise as a result of an improved standard of flood protection and associated landscaping work.

The ES indicates that the OCOR flood defences will be integrated within the Former Police Station development site. The largest potential for cumulative effects associated with this development is a result of increased traffic during the construction phases. A TMP will incorporate any remediation measures, and result in no significant cumulative effects. Any other potential for cumulative effects between the two schemes will not be significant and sufficiently dealt with through good construction practices.

The main risk of cumulative effects at Alfreton Road Industrial Estate is identified as being due to the potential to disturb contaminated land and potential for increased traffic during construction. Relevant mitigation and remediation, including detailed design of foundations, construction method statements and traffic management plans, will ensure that there are no significant cumulative effects. Any other potential for cumulative effects between the two schemes will not be significant and sufficiently dealt with through good construction practices.

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This application covers a large area of the city extending the length of the River Derwent corridor from the boundary with Amber Valley to the north, through the City Centre and eastwards towards Raynesway. The scheme is complex with numerous key issues and material considerations requiring detailed consideration. The works involved in the project have the potential to impact upon a significant number of Local Plan allocations and raises a range of policy issues.

This part of the report will consider the overarching principles of the scheme as set out in the policies and guidance provided by the relevant sections of the NPPF, the adopted CDLPR and emerging Core Strategy. The emerging Core Strategy can only be given limited weight at this stage in the determination of this application, however the draft policies do provide a useful guide to the Council's position on different issues, having been approved by Council Cabinet and Full Council in 2014 and published for formal consultation in August 2015. Following consideration of the overarching principles, the detail of the planning application will be considered on a site by site basis. This will be followed by a section drawing on the conclusions of the overall assessment of the proposals.

Overarching Principles.

The OCOR project is centred upon the need to reduce flood risk to protect people, property and jobs, particularly in light of anticipated impacts of climate change. This is proposed to be achieved by the creation of enhanced and realigned flood defences throughout the river corridor, in the form of flood walls and the raising and lowering of land to create embankments and a new flood conveyance corridor.

The implementation of enhanced and realigned defences is outlined as facilitating a range of additional benefits including physical and economic regeneration by enabling development of currently constrained sites for beneficial uses such as employment and housing and enhancement of heritage and green infrastructure assets. For the purposes of the determination of this application we are only generally considering the merits of the proposed defences and the specific mitigation required to address environmental effects arising from the construction of the defences. Many of the consequential benefits of the scheme will be considered in future applications relating to development on the development sites and reserved matters applications.

The overarching principles underpinning the proposals (flood management, facilitating economic development) are clearly supported by national and local policies. Paragraph 94 of the NPPF states that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, whilst Paragraph 99 states that Local Plans should take account of climate change over the longer term, taking account of flood risk. These issues are reflected in the National Planning Practice Guidance (NPPG). The NPPF requires proposed development within Flood Zones to be in conformity with the provisions of the sequential test. Much of the area affected by the proposals is located within Flood Zone 3a and 3b. The only appropriate uses in these areas are 'water compatible' uses and essential infrastructure, subject to the Exceptions Test. Flood defences can be described as 'flood control infrastructure' and are therefore water compatible, thus

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meeting the requirements of the sequential test. In response to the requirements of the NPPF Policies AC7 and AC8 of the emerging Core Strategy relate directly to the River Derwent Corridor and more specifically to the OCOR programme, whilst CP2 relates directly to tackling the causes and effects of climate change.

Policy AC7 in the emerging Core Strategy provides detail on the Council's approach to the River Derwent Corridor and states that the Council will continue to work with partners to transform Derby's relationship with the River Derwent by managing the impact of flooding, creating a high quality river corridor and providing opportunities for new business, investment and city living. The Policy encourages development proposals within the River Derwent Corridor, particularly where they help to implement the OCOR programme by reducing overall flood risk through the provision of improved and realigned flood defences that create more space for water, unlocking the economic potential of the River Derwent Corridor through the appropriate regeneration of key riverside development sites, conserving and enhancing the rich cultural heritage of the Derwent Valley, including protecting the Outstanding Universal Value (OUV) of the World Heritage Site. Policy AC7 goes on to state that the Council will seek to:

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

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

AC8 requires development proposals within the identified OCOR area to implement the OCOR programme by incorporating the required flood defences into their design and through the provision of the new defences necessary to facilitate development, seek to enter into legal agreements to secure the provision and maintenance of new defences from developers of proposals within the identified area, require

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development proposals within the identified OCOR area to enable access to the flood defences for essential maintenance and inspection purposes and require development proposals to provide appropriate environmental enhancements to help mitigate and / or compensate for the environmental impacts of new flood defences, necessary to enable development. AC8 also:

- Requires all new flood defences to be sympathetically designed taking account of the visual and historic sensitivity of the River Derwent Corridor.
- commits the Council to seeking opportunities to provide environmental enhancements along the River Derwent Corridor, including enhancements to green infrastructure and biodiversity networks and opportunities to provide new public realm, including public art where it will contribute towards placemaking
- commits the Council to investigating opportunities to seek contributions from developments that directly benefit from the implementation of the OCOR programme, where developments have not already contributed in the form of providing new defences

As already noted, limited weight can be given to the provisions of the emerging Plan as it is yet to be adopted. However, AC7 and AC8 clearly set out the Council's aspirations in relation to the River Derwent Corridor and the implementation of the OCOR programme and are consistent with national policy. The proposals contained in this application are fundamental to transforming Derby's relationship with the River Derwent as they provide the realigned defences necessary to enable the regeneration of key sites and the achievement of many of the other objectives listed in AC7, including opening up opportunities for new businesses, investment and city living. The proposals outlined in this application would facilitate the implementation of the OCOR programme and are therefore entirely compliant with the principles underpinning AC7 and AC8.

In terms of the adopted Local Plan, the most relevant policy relating to the overarching principles that underpin the proposals is GD3, which covers flood protection. GD3 seeks to ensure that new development does not lie within undefended areas at risk of flooding, create or exacerbate flooding elsewhere, result in the loss of natural floodplain, impede access to watercourses for maintenance of flood defence purposes and provides adequate management of surface water run-off using SuDS principles (unless unsuitable). The only exceptions to the fulfilment of these requirements are where satisfactory compensatory measures are provided. Clearly, the OCOR proposals will provide additional / improved flood protection to large areas of the City. Whilst these principles are to be commended, the technical detail of the scheme needs detailed consideration to ensure that the proposals do not exacerbate flooding elsewhere and appropriately address wider issues relating to potential impacts upon surface water drainage and the sewer system.

Whilst the overarching principles of the scheme are supported, key issues in determining the application surround the actual delivery of the new flood defences, including their detailed alignment, scale and materials used. The proposals will

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impact upon some of the most sensitive areas of the City, in terms of natural and built environment and also have impacts upon residential properties. A scheme of this magnitude and scale will undoubtedly have some adverse impacts. It is therefore fundamental that the detail of the scheme is fully analysed (particularly where detailed approval is sought) so that impacts are understood and where appropriate mitigated to the fullest extent possible, so that they can be weighed against the wider benefits of the scheme.

Site Specific Assessments.

Breadsall – Booker Wholesale.

The floodwall in this location is proposed to be built around the perimeter of the existing car park which extends to the front and side of the Booker wholesale commercial building. At present, the boundary between the site and the adjacent highway is defined by mature sections of hedgerow and trees. Whilst the wall would offer a more formalised structure which encloses the site, its height is limited as the flood wall would extend to only 0.6m at its highest point. Given this limited scale, it is considered that the walls impact on the character of the nearby green wedge is likely to be minimal. The wall is proposed to have a fair face concrete finish and given its commercial location it has not resulted in any design concerns being raised. This section of the flood defences has not been identified in the ES as offering significant effects for the neighbouring World Heritage Site buffer and given the scale of the works and the extension of the Midland Mainline between the defences and the buffer zone, it can be appreciated that no detriment should result for the buffer zone as a result of these works. I am therefore satisfied that the provisions of policy E29 are met by this element of the works. The submitted plans indicate that protection measures will be in place to ensure that only selective removal of trees is undertaken as a means to providing a 10m wide clear working area during construction. Such measures would be the subject to conditions of any planning permission granted along with replacement planting which should result in large sections of the wall being screened in views from Alfreton Road and the WHS buffer zone anyway. Overall, the visual impact of this part of the works is considered to be acceptable.

The new flood wall in this location has not generated any highway safety concerns and given that it is proposed to be located within the existing grass verge that surrounds the site the proposal should not impact on access to Booker wholesale or its level of existing parking provision. Accordingly, the aims of policy T4 is considered to have been met by this element of the proposal. Given their location, the walls would not result in the loss of employment land and the implementation of this part of the scheme would ensure the continuation of the site as an employment site.

The new section of flood wall that is proposed along the western edge of the Booker wholesale site would extend to within *m of land that is owned by Network Rail which extends alongside the Midland Mainline. Network Rail have not objected to this work but have advised that they would wish to closely consider the relationship of the flood defence with the foot of the rail embankment and so would wish to see further section details. They have indicated that this is information that could be secured through conditions of planning permission and it is clear that they are satisfied that a solution

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for the construction works can be secured that does not unreasonably impact on the operation of the railway line. A condition requesting the provision of that information is recommended.

Breadsall – Alfreton Road Railway Bridge.

This area includes land around Alfreton Road Railway Bridge. The proposals include a temporary structure to be deployed across the railway line at times of flood and a new kiosk alongside the railway line is also proposed. The bridge itself and the associated railway line are not allocated for anything specific in the CDLPR. The railway bridge is grade II listed and the area is adjacent to the WHS buffer.

The proposed kiosk is to be used for the storage of the demountable defence and for the majority of that time; it would only be the kiosk that would be visible. Its location, alongside the railway line would mean that any views of it would be primarily localised to views along the track. The ES does not identify any significant effects arising from this work and it is accepted that its small scale nature means that its impact would be limited. The demountable defence would only be in situ at times of flood and given that it would remain in situ for short temporary periods, it is considered that its impact on the setting of the listed structure would be limited. The Conservation Officer has indicated that clarification should be sought on how the defence is fixed when in position and this information is sought to ensure that any fixings do not impact upon the bridge structure and will also help to determine whether listed building consent is required. Given that this work is proposed to be delivered as part of package 2, it would be reasonable to secure this information, by condition of planning permission. Overall, I am satisfied that the kiosk and demountable defence would have limited implications for the listed building in accordance with policy E19 and the character and amenity of the wider area.

The area is surrounded by Green Wedge to the west and existing employment land to the east and it is considered that the proposals are unlikely to impact upon the green wedge or allocated employment land. To the north of the bridge there is a nature conservation area but no negative impacts are identified as a result of these proposals and it is considered unlikely that the works would detrimentally impact upon this area and no issues or concerns have been raised by DWT to the works in this area.

Network Rail objected to the original application submission which proposed works to the railway ballast in this area of the track along with the provision of the demountable defence and kiosk. Reaching agreement with Network Rail on any works in this area is key given that they are the land owners. Network Rail expressed some concern with regards to the proposals with one of the issues being potential for premature closure of the railway at times of flood. Information supporting the application indicates that flooding of the railway line is predicted to occur during a 1 in 75 annual chance flood or greater. The wider flood defence works proposed as part of the OCOR project would result in an increase in water levels in a flood with a 1 in 100 annual chance flood of 0.4m. Information supporting the application indicates that in November 2000 reports in the media indicated that the

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railway in this area was closed following a 1 in 20 annual chance flood. An assumption is therefore made that the railway is likely to be closed before flooding in this area occurs. This information has been presented to Network Rail and the application has been amended with works to the railway ballast no longer being proposed. As a result, Network Rail has removed any objection to the work. As land owners, Network Rail has control over the works and specific details of the design of the kiosk and demountable defence along with the terms and timings of its deployment. Given the removal of their objection, I am satisfied that delivery of this element of the defences is achievable.

Information supporting the application indicates that options for an alternative flood defence solution may be pursued for this area in the future in consultation with Network Rail. Alternative options have already been considered by the OCOR project but the demountable defence solution across the railway line offers a reasonable solution for the timescales associated with this planning application. It is understood that further works may be proposed by Network Rail for this area in the future as they progress their own scheme for electrification. Joint discussions are proposed as a means to exploring alternatives. However, in respect of this application, there is no overriding policy basis on which the flood defence works cannot be supported

Darley Abbey.

This area of the project includes the Darley Abbey Mills Complex and its surrounding area. This is a very sensitive area of the City where there is a wealth of Heritage assets. Policy R6 identifies Darley Abbey Mills as a site of significant architectural and historical value that presents a major opportunity for mixed use regeneration, whilst AC10 of the emerging Core Strategy also seeks to promote the regeneration of this area, as a flagship conservation project. Many of the buildings and structures within the Mill Complex, including the bridge are listed and the area forms an important part of the WHS.

The proposals include a range of works that are to be undertaken as permitted development, not requiring planning permission, including the creation of a temporary compound on the southern edge of the Mill Complex, removal of vegetation and individual property protection. Maintenance works to existing defences are also proposed. The only part of the proposals that require determination at this stage is in principle permission for the replacement and raising of the bridge deck.

Policy E29 seeks to preserve and enhance the special character of the WHS whilst encouraging physical and economic revitalisation. Information in the ES indicates that impacts on heritage assets have been reduced through the project design and the decision to pursue the replacement of the bridge deck will allow safe access to be maintained to the Mills buildings during a flood with no raising of existing flood defences being proposed which it is indicated would enable the character of the WHS to be preserved. The direct impact of proposed works to the bridge on the WHS is assessed in the archaeology and cultural heritage chapter of the ES. It indicates that the works would represent a direct physical impact on the WHS

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resulting in minor impacts during construction and neutral operational effects. It is accepted that the changing of the bridge deck and its furniture will alter the appearance of the bridge and views of Darley Abbey Mills from the south and west which is a UNESCO monitored view of the WHS. However, it is considered that through reserved matters applications, adequate control over the detailed design of the deck and its furniture can be exerted to ensure that designs are secured that reflect the history and special character of the area. The technical surveys provided in support of this application indicate that the deck is the least special part of the structure and it is agreed that the impacts identified in the ES for the WHS are appropriate.

The landscape chapter of the ES also indicates that no significance visual effects are anticipated in relation to the works to the bridge. The potential visible change associated with the replacement of the bridge deck including a marginal raising of its level is again identified in the ES as visually neutral given that it would represent a small proportion of the UNESCO WHS monitored view. The Inspector of Historic Monuments at Historic England has also confirmed that they are satisfied that the scheme as presented, has minimised impacts upon principle heritage assets in the delivery of flood protection benefits. The principle of replacing the bridge deck and furniture and increasing its height by 100mm has not generated any objections from the Conservation Officer or the Conservation and Planning Panel of the Derwent Valley Mills WHS subject to specific design details being sought as part of the reserved matters. The Panel indicate that whilst the works will impact on the visual environment of the WHS they consider the impact on its Universal Value to be minimal. These comments are provided subject to further design details being provided as only outline planning permission is sought for this element of the works but they offer reassurance that the impacts identified for the WHS in the ES are reasonable and it is accepted that the works would not result in significant effects.

The requirements of saved Policy E19 also require consideration given that the bridge forms part of the setting for a number of listed buildings in the Mills complex and given that the bridge is a listed curtilage structure. The impact of the works on the setting of the listed Mills buildings are again considered in the ES with the most significant impacts being highlighted as those temporary effects arising as a result of working areas and compounds being established in close proximity to those buildings. The resulting visual appearance and design details for the new deck will need careful consideration but the ES identifies the impact of the change to setting resulting from the works to the bridge as neutral and for the reasons already identified and the specialist advice provided, such an impact is accepted and considered to accord with the aims of policy E19.

The ES indicates that temporary visual impacts will arise for the UNESCO monitored view of the WHS as a result of the working area and compound being located at the western side of Darley Abbey Mills. The compounds are subject to permitted development rights meaning that planning permission is not required for them to be erected and therefore consideration of the impacts arising as a result are not

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discussed in detail. However, it is noted that such effects are indicated as being direct and negative but only temporary.

An Archaeological Alert Area is identified in Darley Abbey and saved policy E21 indicates that these areas should be subject to archaeological evaluation. Through the ES, the planning application identifies that there will be impacts on sub-surface remains of archaeological interest associated with the industrial development of this part of Derby that are pertinent to the understanding of the WHS as a whole. A number of sites within the project area are indicated as contributing to such impacts and the significance of such an effect is indicated as moderate / large prior to any mitigation works. It is indicated that appropriate mitigation will be undertaken for each heritage asset and offset mitigation will comprise information panels describing the historical development of the WHS. Following mitigation, the residual effects are identified as minor. The County Archaeologist has advised that he considers that the Archaeology and Cultural Heritage Chapter of the ES provides an accurate heritage baseline for the proposed development and that the assessment of significance and impact provided therein is guided by an appropriate weight of evidence. This reassurance would lead the Local Planning Authority to conclude that the significance of the effect on sub –surface remains relative to the history and understanding of the WHS as a whole is acceptable. In response to the works in Darley Abbey in particular, works to the bridge deck are only identified as part of this impact during the construction phase when the landscape will be affected by the works to the deck.

The Darley Abbey Society have commented on the application and indicated that they welcome the attention to the bridge. They have indicated that the bridge currently offers poor provision for pedestrians and it is hoped that this would be addressed in the detailed design of the replacement deck which is proposed to provide segregation along the deck for vehicles and pedestrians. Other issues raised by the Society relate to the wider design of the bridge and the design of the handrails providing opportunities for anti-social behaviour and the iron columns providing an obstruction to river bourn debris following periods of heavy rain. They also raise safety concerns with regards to a gas main pipe and other potential services that are supported by the bridge. Whilst it is acknowledged that there will be wider considerations relating to the overall design of the furniture on the replacement deck, these will be given more detailed consideration as part of the reserved matters applications, once the detailed design for the works are presented. Information supporting the application acknowledges the impact the iron piers have on debris which floats down the river, but given their historic significance information supporting the application recommends their retention and the proposal does not involve the removal of those piers. It should be noted that the works to the bridge have not raised any objections from the Environment Agency.

In considering the impact of the works to the Bridge on the surrounding Darley Abbey Conservation Area, the ES notes that views from the south and west will only be slightly altered. In terms of considering the conservation area as a heritage asset the impact of those works is identified as neutral in the ES and measures to offset the

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effect are outlined as information boards being provided which explain the historic development of the area. Given the nature of the works, such a significance of impact is agreed by the Local Planning Authority. When assessing landscape character, the ES indicates that the bridge is within an area of strong and distinctive historic townscape character but that the proposed works to it would be barely perceptible, small scale physical changes which would be within the character of the area. I would agree with such conclusions and in doing so have noted that no objections to the works to the bridge have been raised by CAAC or the Conservation Officer. This is subject to much more detail being provided for the replacement bridge deck but this information can adequately be secured through reserved matters application. Accordingly, I am satisfied that the works to the bridge should preserve the special character of the conservation area as required by policy E19.

The area is surrounded by the Upper Derwent Valley Green Wedge. The Councils Green Wedge Review indicates that the Upper Derwent Valley green wedge forms an integral part of the Derwent Valley Mills WHS. The green wedge is an important asset in itself but also forms part of the setting of the listed Darley Abbey Mills complex. The wider implications of the scheme on the whole of the green wedge are considered further in the cumulative scheme effects section of this report. However, in terms of saved policy E2 which relates to green wedges and requires development to be designed in such a way that does not endanger the open and undeveloped character of the green wedge, I am satisfied that works to the bridge deck would not endanger its open and undeveloped character in this location.

The specialist advice provided, gives reassurance that sufficient assessment of the potential impacts of the works to the bridge at Darley Abbey have been undertaken. This has allowed adequate consideration of the impacts likely to arise for the WHS, its monitored view, listed buildings, archaeology and surrounding conservation area. Subject to detailed designs being agreed as part of the reserved matters, it is considered unlikely that the works to the bridge would adversely affect the special character of the WHS or have a detrimental effect on the character and setting of the neighbouring listed buildings and surrounding conservation area. It is considered that the extent of works proposed offer a reasonable level of alteration to a listed structure that are unlikely to be significantly detrimental to its character and overall, it is considered that the aims of policies E29 and E19 are met by the proposed works to the bridge. Taking into account the Environmental Information in the ES and the specialist advice provided, it is considered that the works to the bridge would lead to less than substantial harm to the significance of designated heritage assets in accordance with paragraph 134 of the NPPF.

In the case of less than substantial harm, the way the courts have approached this is that planning permission should only be granted if the public benefits of the proposal outweigh the harm. The public benefits arising from the works to the bridge relate to flooding. The raising of the bridge deck is intended to form the highest route from Darley Abbey Mills and Folly Road during a flood thereby providing safe access and egress. The works would also ensure that the bridge is able to take the load of fire engines which will assist in improving emergency access. These public benefits of

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the proposal are considered to outweigh the less than substantial harm arising for the heritage assets in the area and therefore this element of the proposal is considered in light of other material considerations.

The approach to the works at Darley Abbey needs consideration. The flood risk assessment identifies impacts arising for Darley Abbey as a direct result of the project and the works proposed are identified as mitigation. The assessment indicates that in respect of Darley Abbey, flood risk impacts vary depending on the magnitude of the flood event. In smaller, more frequent events of less than 1 in 75 annual chance, the works associated with the OCOR project reduces flood levels in Darley Abbey. This is indicated as being because the realignment of flood defences through Derby reduces the bottle-neck to flood flows. During a 1 in 50 annual chance event peak water levels are indicated as being reduced by approximately 0.15m. In larger, less frequent flood events greater than a 1 in 75 annual chance, the works associated with the OCOR project would increase flood levels at Darley Abbey. It is indicated that this is because proposed defences in Derby will contain larger flood events, preventing the defences being over-topped, throttling water which backs-up to Darley Abbey. During a 1 in 100 annual chance event, peak water levels would be increased by up to 0.24m. It is noted in the Flood Risk Assessment that on both banks of the Derwent, for flood events with a magnitude greater than 1 in 75 annual chance event, the depth of flooding is increased at Darley Abbey as a result of the project works. 43 properties located on the west bank are at risk from flooding during the 1% (1 in 100) annual chance flood. During such an event, flood depths are increased by up to 0.17m following completion of package 1 and 0.25m following completion of the full scheme. The property level protection measures proposed are indicated as increasing their threshold of flooding by up to 0.6m. For the historic mill buildings on the east bank and the 29 residential properties along Folly Road and Haslams Lane, flood levels are indicated as increasing during a 1% (1 in 100) annual chance flood by up to 0.19m following completion of package 1 and by 0.25m following completion of the full scheme. With future climate change, the depths of water are increased up to 0.55m but it is noted that a decrease in water levels would result for flood events less than a 1 in 50 annual chance and without OCOR there would be an increased risk of flooding to Darley Abbey as the standard of protection provided by the existing defences also decreases due to climate change.

The flood risk benefits for Darley Abbey therefore differ to those arising for other parts of the project. No works are proposed that would afford properties at Darley Abbey protection against a 1% (1 in 100 year) flood event. The adoption of a site specific flood management plan is proposed for this area but this planning application does not involve works that would raise the height of the existing defences at Darley Abbey or the construction of new ones. The projects adoption to such an approach for this area of the City is outlined as arising from consultation with local residents and business owners, along with a steering group involving the Environment Agency, Derbyshire County Council, Heritage England, the Derwent Valley Mills Partnership Group and the Council. The submitted application outlines the issues that informed the decision to adopt such an approach and this takes into account six determining

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factors that include flood risk, economic regeneration, historic environment considerations, Darley Abbey Mills Bridge in particular along with consultation responses and cost and funding issues. It is noted that the important heritage assets, WHS and UNESCO monitored view of the Mills adds significant constraint to works in this area and it is indicated in the application submission that it was considered unlikely that an acceptable design solution would be reached if the proposals involved raising the height of existing flood defences. It is indicated that pre-application consultations with landowners and local residents was undertaken and of the 28 feedback forms received, 64% (18 respondents) were either strongly opposed to the raising of the existing defences or unsure whether the works are either wanted or required. 4% (1 resident) had a strong preference for raising the defences and 32% (9 respondents) did not express a preference. Such a response appears to be reflected in the consultations undertaken as part of this planning application with only one objection to the application being received from a resident of Darley Abbey and that is a resident of Folly Road.

It should be noted that the information in the flood risk assessment indicates that the project would result in a raising of the current standard of protection that is provided by the existing defences at Darley Abbey. They currently offer protection against events smaller than a 1 in 50 annual chance flood and the proposals would reduce water levels in such an event by 0.15m. The likelihood of flooding of properties on the west bank is also indicated as being reduced. However, during events exceeding a 1 in 75 annual chance, those properties that would be flooded anyway would be subject to a greater depth of water than they would possibly experience should the works associated with this project have not been implemented. In paragraph 103, the NPPF indicates that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. In this project it is considered that the benefit of a reduced likelihood of flooding outweighs the consequence of increased flood depths when properties do flood and under the technical definition of flood risk it is concluded that flood risk is not increased. Such an approach is supported and the Environment Agency have raised no objections to the scheme on flood risk grounds. Mitigation measures are outlined as part of the project and they involve the provision of PLP measures for properties on the west bank. Colleagues in Land Drainage and the Environment Agency do not object to this project overall but the Environment Agency have indicated that conditions should be imposed on any planning permission granted which ensure that all mitigation measures shall be fully implemented which includes the provision of the PLP measures. Although the PLP measures are proposed to be undertaken as permitted development and do not require planning permission (although listed building consent and scheduled ancient monument consent will be required for some) it would be reasonable to impose such a condition to ensure that all the impacts arising from the wider project are suitably mitigated.

In the OCOR Masterplan, the preferred approach to Darley Abbey was to raise the existing defences that border Darley Abbey Mills; to either build a new footbridge or adapt the existing Darley Abbey Mills Bridge to provide an improved means of

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escape during a flood event and to raise flood defences on the west bank that protect properties in Darley Abbey Village. The approach was reviewed taking into account potential negative effects of raised defences on the WHS and residential amenity. For the reasons outlined, the revised approach is considered to be acceptable in planning terms. The solutions proposed have been developed following consultation with residents and landowners and extensive surveys and studies. The Masterplan is a material consideration in the determination of this application but it is considered that the additional information that supports this application provides sufficient weight and justification for an alternative approach to the strategic vision of the Masterplan.

Policy E4 requires planning applications that are likely to affect sites of nature conservation interest to be accompanied by an assessment of the likely effect of the proposals and the river Derwent is identified as a local wildlife site. The ES does not identify any significant effects arising for this area of nature conservation interest specifically in relation to the works at Darley Abbey. Although it notes other impacts arising for the River Derwent LWS these arise from direct construction works in the river channel and operational impacts arising from bank regarding and these impacts are more specifically related to other areas of work within the project. The works to the bridge would be mitigation works to ensure no disturbance or destruction in respect of nesting birds and bats. DWT have not raised any concerns in response to this element of the proposals and this is subject to the EAP being the subject of a condition. The provision of such a condition would ensure that adequate controls are in place to mitigate the impacts of the scheme on protected species in accordance with the aims of policy E7. In light of this advice, the conclusions drawn in the ES are accepted and I am satisfied that adequate consideration is provided in the ES on the likely effects of the works on this part of the river Derwent wildlife site to be identified and no adverse effects are considered likely to arise and therefore the requirements of policy E4 are met. It is noted that no trees are identified for removal as part of the works to the bridge.

The information supporting the application indicates that environmental enhancements could be secured in this area of works and proposals suggested include the installation of otter ledges beneath the bridge and buried recycled plastic artificial otter holts on the islands within the river to the south. Given that this is an archaeologically sensitive area, is part of the WHS and that the weirs within the river have now been listed, the Conservation Officer has advised that more information on such measures would be needed prior to their acceptability being determined. As it is proposed that a general condition of planning permission which seeks to determine and agree the extent of environmental enhancement that could be secured on all sites is proposed, it is considered that adequate controls will remain over such measures.

The regional cycle path route number 66 and the Derwent Valley Heritage Way cross the Darley Abbey Bridge and it is noted in the application that both would need to be the subject of a diversion during the construction phase of the works. The ES identifies a moderate and therefore significant effect for the local cycle route given that the bridge would be closed for a substantial period of time which cannot be

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avoided. The Local Planning Authority would agree with such an impact given that the nearest alternative bridge for cyclists to cross the river is identified as 1km away. However, in the long term, the routes would be reopened and unaffected. The Derwent Valley Cycling Group have commented on the application and indicated that any works should take account of the Derwent Valley cycle way. The bridge at Darley Abbey is mentioned in particular and the group suggest that any opportunities for improvement should be explored. A resident who has commented on the application has also suggested that consideration should be given to introducing traffic light controls at the bridge. Whilst the works being proposed only include the provision of a new deck and do not address wider issues relative to access provision to Darley Abbey generally, it is hoped that improvements for vehicles, pedestrians and cyclists would result from the vehicle and pedestrian segregation that is proposed to be incorporated into the design of the new bridge deck. It is understood that the bridge is owned by the Crown and at present is not being maintained. The works would therefore offer improvements for all users of the bridge particularly those who live and work at the Mills and on Folly Road. Overall, no highway objections are raised to the works and I am satisfied that the proposals meet with the aims of policies T6, T7 and T15.

There are no significant residential amenity issues arising from the works to the bridge. The human population chapter of the ES considers the impacts of construction works and notes that impacts are likely to arise only for 3 houses near to the bridge. The minor impacts identified would be temporary and would not give a basis on which this application could be refused. It is proposed that a construction management plan is sought by condition of planning permission to ensure that appropriate measures are in place across the whole project area, to reduce any adverse effects arising from construction works. Whilst the PLP measures identified in the application as part of the mitigation works may have some implications for residential amenity they are works that will be undertaken using permitted development rights and therefore they do not require planning permission and are not considered further.

Alfreton Road Industrial Estate (North, Central and South).

These three sites have been grouped together as they propose a continuous line of flood defences and raise issues that are similar to all three sites.

This area is located between Alfreton Road and sports pitches associated with Derby Rugby Club. It is currently in use as / being redeveloped for industrial uses. The proposals include the replacement of existing defences, with a concrete flood wall proposed to the north and a mix of sheet piling, concrete flood walls and existing buildings providing the new defences to the west, generally following the alignment of Watermeadows Ditch. The flood defences cross Haslams Lane which is a private highway providing one of only two vehicular access routes to Darley Abbey Mills, Folly Road and the Rugby Club.

The area is allocated as existing employment land and it abuts the Upper Derwent Valley Green Wedge to the west (including Darley Playing Fields) and north and is

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within the WHS Buffer Zone. Watermeadows Ditch forms the western boundary of the industrial sites and it is a Local Wildlife Site. Watermeadows Ditch forms the boundary between the WHS and its buffer zone.

Although the proposals for this area involve new flood defences alongside industrial sites, the extent of the WHS runs up to the site boundaries with the area beyond sitting in its buffer zone. The ES does not identify any significant impacts arising for the WHS or the setting of its listed buildings as a result of these works and it is noted that the Conservation Officer has advised that the buildings in the WHS are some distance away and any impact would be considered to be minimal. Haslams Lane does provide a key point as it provides access into the WHS but the flood defence walls and flood gate are low level extending up to a maximum height of 0.6m. Subject to external materials being secured for the wall and gate that are sensitive to the setting of the entrance to the WHS, there are no overriding objections raised to this element of the works from the Conservation Officer. It is also noted that this element of the works did not generate any objections from CAAC or the Derwent Valley Mills WHS panel. Accordingly I am satisfied that the works in this area of the project meet the policy requirements of E29.

The proposed flood defences are located along the alignment of the existing walls and site boundaries and therefore there will be no loss of employment land and the implementation of the scheme will assist in providing flood risk benefits to the Alfreton Road area ensuring the continuation of the sites as employment land in line with Policy EP11. The flood protection benefit is identified in the ES for Alfreton Road Industrial Estate as major given that it could attract investment and generate employment. Recent development works have taken place at the northern and southern ends of the Industrial area with successful negotiations with those landowners and developers ensuring that delivery of the defences can be achieved without compromising their own proposals for redevelopment. Energas (Alfreton Road (Central)) have submitted a representation to the application and whilst they indicate that they do not object to the principle of new defences being built, questions are asked with regards to the timing of the works, access requirements and security issues relating to existing boundary treatments being removed in advance of the new defences being constructed. They indicate a concern that the works may have impacts on health and safety and the continuity of their business. Information supporting the application indicates that works would take place at the site during the summer months to minimise disturbance to the operation of the business and fencing will be maintained at the site to ensure that it is secure. Such measures would be outlined in a construction management plan and it is noted that a condition is proposed which seeks to secure such a plan for each of the individual sites.

This is the only area of the project where a continuous sheet pile flood defence is proposed. It is indicated that they would be given a painted finish in a recessive colour to minimise their visual impact and whilst the WHS and green wedge extend to the west, the landscape and visual impact assessment in the ES have not identified any significant impacts due to the depth of tree cover along Watermeadows Ditch providing a screen to views of the flood wall. In general design terms, there are no

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overriding objections raised and it is considered that the proposals accord with policy E23.

Watermeadows ditch is a local wildlife site and the ES identifies it as wildlife site of Borough value. Surveys of the ditch have identified the presence of invasive species (Japanese Knotweed and Himalayan Balsam) and bullhead and brown trout (European protected species of fish) has been identified in the ditch. Historical records indicate the presence of white clawed crayfish within the ditch but surveys undertaken and submitted with this application found no evidence. It is noted in the ES for its value as running water and the trees alongside the ditch are indicated as being of local value due to the bat and bird species they support. Many of the trees alongside the ditch are protected by a TPO and given the wildlife they support and important role they form in screening the industrial sites from views within the WHS, they are an important group. Information supporting the application indicates that the trees will be retained with protective measures where possible but it is acknowledged some will require removal to ensure that a safe working area can be accommodated. Replanting of lost trees on a 1:1 ratio is proposed and conditions of planning permission can ensure that the age, species and timing of any such replacements are controlled. Derbyshire Wildlife Trust (DWT) has been consulted on the application and in relation to Watermeadows Ditch has advised that conditions should be imposed to require a fish rescue and white clawed crayfish protocol to be submitted and agreed. The ES identified other surveys that may be required relative to bats and birds with all such mitigation measures outlined in a detailed Environmental Action Plan (EAP). DWT has suggested that the provision of detailed EAP for each site should be sought by condition of planning permission which will enable each area of the project to identify any necessary surveys needed and the mitigation works outlined. The imposition of such a condition is proposed to ensure that the value of the Watermeadows Ditch is not comprised by the works and to ensure that the proposal accords with policy E4.

In terms of Green Wedge, the proposals are aligned along the eastern edge of the Upper Derwent Valley Green Wedge. In such cases, Policy E16 seeks to ensure that adequate landscaping is provided as part of any proposals, to ensure that the visual amenity and special character of the Green Wedge is not adversely affected. Whilst, the proposals include selective removal of trees and vegetation that currently screen the existing defences, the proposed in-principle replacement of trees on a 1:1 basis will help to mitigate any additional visual impacts caused by the increased height of the defences and this is proposed to be conditioned appropriately. Whilst the land beyond the boundary of the Wedge is generally industrial in character, the erection of new defences will create a 'harder' delineation between the Wedge and surrounding area, leading a more obvious 'containment' of the undeveloped area, and marginal change in character. However, I am satisfied that the proposed increase in height of the defences along the eastern edge of the Wedge is unlikely to impact upon its overall open and undeveloped character.

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The proposed flood defences follow the line of the existing defences and do not encroach onto the playing fields / open space. Therefore, in this instance there is no conflict with L6 and L1.

A temporary road and cycle path closure would be required during construction and this is identified as a moderate impact (significant) in the ES. It is noted that such an impact would not continue long term and information supporting the application indicates that diversions would be put in place with closures kept to minimum times. An intention to ensure that works are not undertaken at the same time is also outlined. It is indicated that the flood gate at Haslams Lane will need to be closed during a flood event with a 2% (1 in 50) chance of happening each year. When the floodgate is closed there will be no access between the entrance to Energas, Folly Road and the Rugby Club. However, this stretch of road will be flooded and hence impassable during a flood event with a 5% (1 in 20) chance of happening each year and it is indicated that this is both existing conditions and with-scheme scenario.

Overall, there are no overriding objections raised to the proposals outlined for the Alfreton Road Industrial Estate and Haslams Lane.

Little Chester (North).

This area is located between Alfreton Road and Darley Playing Fields. The proposals in this area include the existing grass embankment between the playing fields and the employment land to the east. This is proposed to be topped by a new flood defence wall and will include a 2m wide footpath on the dry side of the defence. These works are proposed to be undertaken using the permitted development rights of the Environment Agency and therefore they do not require planning permission. Detailed consideration of the impacts arising are not therefore undertaken for this element of the scheme although it should be noted that impacts arising from these works do form part of the cumulative scheme effects that are considered later in the report.

Little Chester (Central).

The proposed works in this area are predominantly within the Upper Derwent Green Wedge are located within the WHS, Little Chester Conservation Area and an Archaeological Alert Area. Development around the Roman Fort is also involved which is a scheduled ancient monument. Buildings in this area are statutory listed and the proposals will also impact upon open space, playing fields, playing pitches and lead to the loss of some mature trees that form part of an avenue that extend through Darley Fields. Numerous dwellings are in close proximity and this area of the project has many constraints. This area of the works has been subject to numerous revisions through pre-application discussions and through the progress of this planning application following discussions and consultations with key stakeholders and local residents.

The Little Chester area has a Roman history and two Scheduled Monuments are designated here. Information provided in support of this planning application provides evidence of archaeological evaluations undertaken at Parker's Piece and Darley Playing Fields from April to June 2013 and in November 2014. Significant

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remains were identified and this evaluation work has provided a better understanding of the route of various defensive elements within this part of the Scheduled Monument and has demonstrated that they survive largely intact, potentially extending north over an area approximately 40m wide from the fort wall and rampart. The evaluation also demonstrated that Roman remains, relating to the civilian settlement immediately to the north and north-east of the Roman fort, also survive in-situ and occur relatively intact, not far below the current ground level.

The information provided by the archaeological evaluations has clearly been used to inform the lines of the proposed flood defences along with the finished topography and layout in this area as it is proposed that the works will be designed to improve the legibility of the fort. Policy E21 and paragraph 128 of the NPPF require the submission of appropriate desk based assessment's and where appropriate, field evaluation to support planning applications where heritage assets with archaeological interest are potentially impacted by the works. The County Archaeologist has confirmed that the information supporting this application meets with those requirements. The ES provides details of an impact assessment of the development on all assets with archaeological interest in this area including the scheduled monument and those that are not designated and the County Archaeologist has also indicated that he considers the assessment of significance and impact provided is guided by an appropriate weight of evidence.

The ES records moderate impacts for the Deventio Roman Fort (Scheduled monument) as a result of ground works associated with the construction of flood embankments and walls. Moderate impacts are also recorded for other, undesignated assets including the Vicus at Little Chester which it is indicated would be impacted by the construction of the flood defences and the works associated with the reorganisation of the playing fields and Bowling Green. The ES indicates that any impacts determined as moderate are considered to be significant. The County Archaeologist notes that there will be harm to significance where remains of the fort and vicus are impacted but he goes on to advise that these have been minimised through the design approach and he is satisfied that in respect of the Little Chester Scheduled Monuments he considers the best possible solution is being proposed based upon available data. Similar reassurances have been provided by the Inspector of Ancient Monuments at Historic England who has advised that they are satisfied that the scheme as presented, has minimised impacts upon principal heritage assets in the delivery of flood protection benefits. On the basis of this advice, the nature of the ground works proposed and the importance of the assets concerned, the Local Planning Authority agree with the moderate effects identified in the ES. With regards to the scheduled monument, it is identified as a heritage asset of the highest significance (paragraph 132 of the NPPF). Given the moderate impact that would arise as a result of the works, paragraph 133 of the NPPF indicates that where a development will lead to substantial harm to significance of a designated heritage asset the presumption is against granting planning permission and is only justified if it is necessary to achieve substantial public benefits.

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In commenting on and objecting to this application, consultees and residents have made reference to the archaeology in this area and its implications for above ground impacts. Comments have been received from the Derbyshire Archaeological Society. They have provided detailed historical information on past Archaeological evaluations in and around Derwent House, Stone house Prebend and the scheduled monument. In response to the original alignment of the flood walls as submitted, prior to revisions being made to the application, the Society expressed reservations about the alignment and its potential to damage the Scheduled Ancient Monument and result in a substantial loss of archaeology. No further representations have been received directly from the Society, since the alignment around Stone House Prebend and Derwent House has been amended and the changes to alignment have been based on some of the new information that has been brought to light by the owners of Stone House Prebend and is referenced in the Archaeological Societies representation.

Given the specialist advice that has been provided, it is clear that they consider that the best alignment for the defences is being proposed in the planning application at the present time, based on the information presently known. The ES provides details of a mitigation strategy for the works which involves archaeological excavation and recording and such measures seek to limit the damage resulting for the sub surface remains. This makes provision for pre-commencement archaeological evaluation where sensitive archaeology may be present. Whilst it is clear that the County Archaeologist has some concerns with regards to the details of some elements of the mitigation works, he has indicated that it would be reasonable to secure, by condition of planning permission, the production and approval of a detailed Written Scheme of Investigation (WSI) for the archaeological response at each phase of the proposed development. Historic England has also indicated that any residual areas of remaining uncertainty and detailed specification can be resolved through conditions of planning permission and a condition requesting the submission of a detailed WSI is recommended. Given the level of assessment supporting this application in respect of the impacts of the works on archaeology, I am satisfied that the proposals meet with the requirements of policy E21 in respect of the AAA and scheduled monument.

Some local residents who have written in response to this application have expressed some frustration that the archaeology in this area has been a significant determining factor in establishing the proposed line of the flood defences with suggestions made that the protection of the below ground remains are being preserved at the expense of the wider amenities in the area generally. It does need to be recognised that the archaeology in this area is of national importance and value and accordingly, local and national planning policy requires that it is a determining factor, otherwise planning permission cannot be granted for much needed flood defences in this area.

This part of Little Chester is within the WHS and in accordance with policy E29 planning permission should only be granted for development which preserves or enhances the special character of the area. The proposed flood embankment and

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walls along with the removal and replacement of sports facilities will offer direct physical change to the character of this area with associated impacts upon views. Information in the cultural heritage chapter of the ES indicates that such impacts on the WHS would be moderate / large prior to any mitigation but the magnitude of the impact and residual effect is identified in the ES as none. The impact is significant prior to mitigation given that the WHS has such a high level of sensitivity in the determination of such impacts.

The Derwent Valley Mills World Heritage Site Panel has advised that while the proposed works will impact on the visual environment of the various locations, it is considered that the impact on the Outstanding Universal Value of this part of the World Heritage Site is likely to be minimal. Accordingly, it is considered that the identified effect in the ES is appropriate and I am satisfied that this element of the proposals can be supported in respect of the requirements of policy E29.

The landscape character assessment in the ES does identify a moderate significant and permanent landscape effect for this area resulting from the combination of the proposed walls, the ramped path, loss of trees and the new embankment at Little Chester. The Local Planning Authority agrees with such an assessment given the level of changes proposed in this application, to this area of landscape. This area of the works extends into the Little Chester Conservation Area and Policy E18 seeks to preserve or enhance the special character of conservation areas and indicates that development that would be detrimental to the special character of such an area, including views into and out of them, should not be permitted. The ES assessment indicates no overall impact is likely to arise for the conservation area which would initially seem to be at odds with the effects arising from the landscape assessment. However, there are differences in assessing landscape character to assessing the impact on the conservation area. The methodologies are outlined in the ES but in respect of the conservation area, the ES notes that there will be changes in the appearance of parts of the conservation area, resulting from the provision of new flood walls but other improvements in the wider conservation area will result from the project. It therefore makes a judgement on the whole of the works on the whole of the Conservation Area leading to a judgement that no overall impact is likely to arise for the Conservation Area following any necessary mitigation.

Whilst the Conservation Officer expressed strong concerns with regards to the proposed works in this area in response to the application as submitted, originally, she has indicated that the revisions made are an improvement. Many of the local residents who wrote in objection and provided comment on the application also raised concerns with regards to the design of the flood defences around the entrance to Darley Park with references made to the oppressive, uninviting and unreasonable degree of enclosure that was proposed to be offered by the flood walls. This view was also expressed by the Friends of Darley Open Spaces. Whilst those comments and objections have not been withdrawn, it is noted that the revised alignment and design of the defences in this area has not generated the same level of public response.

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At the meeting on 30 July CAAC also expressed their endorsement of the level of change and revision secured in this area of the works. The revised proposals for this area have therefore not received any significant objections with regards to the implications of the works on the character of the conservation area and therefore the no overall impact identified in the ES is accepted. Accordingly, it is not considered that the proposals conflict with the aims of policy E18 and this is subject to appropriate design details being secured by condition of planning permission, as advised in detail by the Conservation Officer. Although full planning permission is sought for this element of the works it is clear that the detailed finish and treatment of the walls will be critical to ensuring that they have an appropriate setting with the existing landscape and conservation area and it is considered reasonable that such details are secured through conditions of planning permission.

The alignment of the flood wall that is proposed to extend around the listed buildings at Derwent House and Stone House Prebend has been determined based on a consideration of the impact of the alignment of the wall on the scheduled monument, the legibility of the fort and the setting of the buildings themselves. Many meetings and discussions have been held with very recent changes being made to the alignment as a result of further archaeological evidence being provided by the owners of Stone House Prebend.

In respect of Derwent House, the alignment of the proposed flood wall would extend along the existing property boundary where it extends to the north of the dwelling. The wall alignment to the west of the property's boundary would be in between the property's existing boundary and an existing flood wall which is a temporary defence that is proposed to be removed as part of the works. Consultation has been undertaken with the owners of Derwent House and they have indicated that they would prefer the wall alignment to extend along the line of that existing temporary defence. The section of wall to the north of Derwent House would follow the line of the existing wall but is proposed to be higher than the wall that occupies the existing property boundary. Such an alignment will help to limit any damage to archaeology which may have already been disturbed by the construction of the existing wall but will have some impact on views from Derwent House and will offer a change to the buildings setting. The western section of the wall would extend outside of the properties existing boundary. It will provide a degree of enclosure that is not provided by the existing defences in this area and the works would impact on the setting of this listed building. The impact of the proposals on Derwent House has been considered in the ES as it is a designated heritage asset. It defines the significance of effect as negligible. Given that the line of the wall would principally be set away from the property boundary and would appear as a 2m high structure from the outside, which is of domestic scale, such a significance of impact is accepted and is deemed to not be significant. There would be a degree of harm to the setting of this listed building but in terms of the definitions in the NPPF, this would be considered as less than substantial harm.

Stone House Prebend is a highly graded listed building at II*. The flood wall would extend to the west and south of the building and would replace an existing defence

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which is a flood embankment. Clear evidence has been provided by the owners of the property which document the history of the property having a predominantly open aspect to its west and south. Although the existing flood bank extends through this area, it is a lower level and has a softer impact on the wider setting given its form. The character and setting of this building would be changed by the addition of a flood wall and the change is considered to be harmful. The ES identifies the effect on Stone House Prebend as moderate and notes that much of the western line of the wall will be flanked by mature trees and shrubs. Information supporting the application also indicates that some trees on the eastern toe of the embankment in this area would need to be removed and the level of tree and shrub removal in the area will need to be clarified with the aim of as much of the existing screening being retained as possible. The Conservation Officer has noted that to the south of the building, there is a dwarf retaining wall and established banking and along with banking on the western side, retention of some of those features could help to mask views of the wall from the building itself. Conditions of planning permission can be imposed and are recommended which seek to secure detailed landscaping plans for the area to ensure that clear agreement is reached on the extent of above ground works undertaken in this area and where possible, existing features retained which would help to soften the impact of the flood wall.

Based on the change to the open aspect of this attractive listed building, the moderate impact identified in the ES is considered appropriate. Given the controls that would be provided by the conditions of planning permission to secure appropriate material for the finish of the wall and suitable landscaping, in line with the comments provided by the Conservation Officer, the degree of harm would be defined as less than substantial in terms of the NPPF.

Whilst policies E18 and E19 suggest that proposals which adversely affect listed buildings and the character and appearance of conservation areas, will not be granted planning permission, the national policy in the NPPF states that the harm to the assets should be weighed against the public benefits. In this case, the wider benefits arising from the project in respect of flood risk are considered substantial. The benefits of a coordinated flood scheme offers benefits for the City and the residents of the Little Chester area in terms of flood risk and it is concluded that the public benefit arising offers reasonable justification for the substantial harm resulting for the scheduled monument and less than substantial harm to the WHS setting, conservation area, setting of the two listed buildings at Stone House Prebend and Derwent House and the non-designated archaeological assets in this area. Such a judgement has been made with a clear understanding of the significant amount of work (including archaeological evaluation works at the site) that has been involved in considering alternative options for this area with a view to reducing, as far as possible, the impacts of the works. Given that the public benefits are considered to outweigh the harm in this case, then other material considerations need to be considered.

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In our view the proposal has satisfied particular policy test's in respect of heritage asset, as outlined in the NPPF and so it is appropriate that other material considerations are considered.

In general design terms, some of the local residents who have written in and commented and objected to this application have raised particular concern with regards to the extent of wall being proposed in this area and on first consideration of the detail of this application, CAAC indicated that they thought that the amount of walling proposed in Little Chester is excessive. Whilst the use of a flood embankment rather than a wall can offer a softer design solution and landscape effect, it needs to be recognised that a much more significant land take is needed to accommodate embankments with more extensive implications resulting for the important archaeology. The panel from the Derwent Valley Mills WHS advise of the critical need for the structures to work in functional terms rather than being a pure engineering solution and a positive design response and contribution is supported. Both the Conservation Officer and the Councils Urban Design Officers have recommended that along with sensitive use of materials that are appropriate for the area, there are opportunities to break up the long monotonous stretches of wall and provide further interpretation of the history of the area, through the use of public art. As the provision of information boards to explain the historic development of the area are outlined in the application submission as a means to mitigating the impacts of the proposals in many areas of the project, it is considered appropriate that a condition is recommended to be attached to any planning permission granted, which seeks the submission of such a scheme for the project. Members will note that such a condition is recommended.

Within this area of Little Chester there are a number of residential properties that sit in close proximity to areas that are impacted by the flood defence works being proposed. In particular, Derwent House, Stone House Prebend and 102 City Road are proposed to have new flood walls extended around their property curtilages. The height of the flood wall proposed in this area is not considered to be excessive in a residential context as it would extend to only 2m in height. Given some changes in land level, this height of wall would be reduced to a small degree in some views from the gardens of those properties. It is noted that the wall proposed to the south of 102 City Road would extend beyond its side elevation where no principle windows are affected and is acceptable in amenity terms. Stone House Prebend has multiple windows facing south and west and those in the southern elevation are noted as being impacted by the proposed wall and embankment and it is indicated that this would block and reduce views of Parkers Piece from its existing upper floor windows. The ES identifies the impact as moderate and therefore significant. Mitigation measures are outlined as being inappropriate as the provision of glass panels would normally address such an issue but they are considered to be an inappropriate addition to the historic setting of this part of the flood defence wall. Such impacts are noted but the section drawings provided in support of the application show the distance between the southern elevation of the dwelling and the embankment and wall to extend to some 21m and such a distance would normally be deemed to be

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sufficient to reduce any significant concerns relative to massing and a loss of light. Objections to the position of the wall relative to Stone House Prebend are therefore not sustained on the basis of a significant loss of amenity for its occupiers. In respect of Derwent House, the proposed wall will sit some 3m from its northern elevation. It is noted that in this area, the flood wall will follow the alignment of the existing flood wall however, the existing extends to only 1m and the proposal is for a new wall of 2m height. This will add some enclosure to the boundary of this property although it is noted that a trellis and mature planting already provide a mature screen along this boundary in excess of the height of the existing g 1m flood wall. The main windows in Derwent House affected by this enclosure would be the kitchen and a reasonable open aspect would be maintained for the properties principle windows in its southern and western elevations. This degree of enclosure is therefore not deemed to be unreasonable in amenity terms. The owners of Derwent House have objected to the application with clear concerns expressed with regards to the noise, disturbance and potential damage caused by construction works and vibration associated with the piling works. The application indicates that the project aim would be to reinstate all private land and gardens on a like for like basis and conditions could be imposed on any planning permission which secures this. The owners are seeking reassurance on details of junctions where new walls would link to existing retained walls and details of a new access gate between its boundaries at that of Stone House Prebend. I am satisfied that it is appropriate to require clarification on such design details by condition of planning permission and this would extend to include the gates also proposed to the side of 2 City Road.

Properties at 110-118 Old Chester Road sit on the northern side of the road and adjacent to the existing car park which serves the Little Chester community centre, sports facilities and park. The car park already extends to their west and this would be unchanged although the spaces within the car park would become more formalised. An existing car park access to the east, would be maintained but would become the main access route into the car park for all vehicles however, this access would continue to be separated from their eastern boundaries by an area of landscaping. The replacement compound that is to be provided for use by the Councils Parks department is proposed to be moved to the boundary immediately to the north of those properties and so the area to the north of those dwellings would change from an open landscaped area to an area that is partially surfaced, partially enclosed and used by vehicles. The ES does not identify any significant effects arising from this and it is noted that the principle windows of those properties face east and west so a significant loss of outlook and view should not result. The Environmental Health Officer notes that the completed development is unlikely to create any significant noise impacts and it is noted that those dwellings already occupy positions that sit in close proximity to the existing car parks. Overall, it is concluded that although the proposals will result in changes to the area around this group of dwellings, this should not result in a significant loss of amenity for those residents.

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In respect of properties in Centurion Walk, the new floodbank would present a dominant landscape feature but it would sit over 10m to the north of those dwellings and should not result in a significant loss of light or amenity for those properties and no significant impacts are highlighted in the ES. Whilst the new Bowling Green would provide a dominant landscape feature to the west of those properties, this area of the site is currently occupied by the Parks Department existing compound area and is enclosed by a dense group of tall conifer trees. It is considered that the removal of the compound and trees would open up this area and views around it resulting in some benefits for the amenities of those residents in Centurion Walk. The Environmental Health Officer has indicated that any floodlighting proposed with the new bowling green may be a concern, given its proximity to those houses and has recommended that imposition of a condition to control the details of any lighting in the interests of protecting residential amenity. Members will note that such a condition is recommended.

The human population chapter of the ES considers the effect of the works on the properties at Derwent House, Stonehouse Prebend, Centurion Walk, Old Chester Road and City Road. Impacts are identified as being temporary and result from noise, vibration, visual and general disturbance, working in gardens, constrained access and heavy vehicles. These issues have been raised in objection to this planning application by a number of local residents in Chester Green with clear concerns being expressed with regards to the disruption that will result whilst construction works are taking place. Whilst it is acknowledged that there will be disruption, such effects would extend for a temporary period only. The ES identifies such impacts on the human population in this area to be negligible and minor. This is subject to measures to mitigate the impacts and minimise the level of disruption and those measures are outlined as including the provision of visual and acoustic screening, traffic management plans and dust management strategies along with the appointment of a public liaison officer to engage in close consultation with residents prior to works commencing and during the period of construction. It would be reasonable for such measures to be secured through conditions of planning permission to ensure that impacts on the wider community are minimised as far as possible and this would accord with the advice of the Environmental Health Officer who has recommended that submission of a construction management plan is secured. With such a condition in place and given that the effects identified would be temporary; the negligible and minor impacts identified in the ES are accepted.

In terms of Green Wedge, the new east-west embankment will visually truncate the Wedge, meaning that the small area to the south of the new embankment (around the Bowling Green) will no longer visually relate to the main body of the Wedge. However, this area is already poorly related due to the presence of existing parking areas and MUGA. The proposals could provide an opportunity for additional land (car park) to be included within the boundary of the Wedge, when reviewed in the future. The embankment will be visually prominent and will change the character of this end of the Wedge; however it will still generally be open and undeveloped, in line with the provisions of policy E2. The proposed walls to the west of the park entrance will

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generally follow the boundary of the defined Wedge, hugging the boundaries of properties to the east. The inclusion of a new wall in this area will create a new, prominent feature, located on the top of an embankment. Whilst the wall will create greater enclosure and containment, it is not considered that it will have a significant impact upon the open and undeveloped character of the Wedge due to its location on the periphery of the Wedge. Given the sensitivity of this area and proximity to the Green Wedge it is considered that the materials used will be important but this can be sufficiently controlled through conditions of planning permission.

In terms of open space, information supporting the application indicates that the proposed embankment and associated pathway can still be considered as open space – in terms of the NPPF definition. It is acknowledged that there is a case to suggest that the embankment can be considered as open space, particularly as there is a proposed pathway along the crest and the fact that not all areas of open space within the city are flat. However, the scale and gradient of the embankment would limit the recreational function of the area but I am satisfied that the proposals would not constitute a loss of open space.

In terms of Playing Fields, the proposals will result in the loss of a small area. This loss will be addressed by the creation of new sporting facilities on the dry side of the embankment on land currently used as car parking and a Council compound will become part of the wider playing field area. The creation of the defences will result in the loss of a number of playing pitches and recreational facilities, most notably a bowling green, cricket nets and a Multi-Use Games Area (MUGA). The application provides alternative provision and demonstrates that it can be accommodated on-site or elsewhere in the locality. In the case of the bowling green, the applicant is proposing to provide a new green behind the defences in place of the existing compound. Four new tennis courts and a new MUGA will also be located behind the defences and the cricket nets will be re-located adjacent to the cricket pavilion on Parker's Piece. There are currently 4 no. hard tennis courts in this area 3 no. decommissioned grass courts and 2 no. courts available on the existing MUGA. It is proposed to reinstate 4 hard tennis courts within the site and the new MUGA is not proposed to be marked out for tennis. This would result in the overall loss of two tennis courts and mitigation for this is outlined as the MUGA providing provision for basketball which is currently not catered for in this area. While the proposal would result in the loss of some existing pitches, these solutions ensure that alternative provision is provided which satisfy the requirements of the NPPF and Policy L6.

Criteria set out in policy L6 does require the provision of replacement facilities before development commences and the Local Planning Authority is advised that this is not possible given the extent of works and archaeological mitigation works needing to take place in the area. An addendum report has been submitted to support the application which outlines options for alternative arrangements whilst construction works take place. The addendum report recognises the need to work with identified user groups to find alternative arrangements. Use of the various facilities is anticipated to be lost in 2016 / 17 with replacement facilities proposed to be in place 2017 / 18. It should be noted that continuity of service for football at Darley Fields is

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proposed to be accommodated throughout the work schedule with appropriate mitigation in place to offset any restrictions in access to pitches and changing provision. The addendum report does identify that the Chester Green bowling club has suffered from a decline in playing members in the last five years and continues to face challenges in sustaining the club. Consultation has been undertaken with the club and options for alternative provision in the interim period, prior to the new facility being reinstated have been discussed. Information provided in the Addendum report indicates that the existing green would need to be taken out of action in November this year with the reinstated pitch behind the flood defences potentially not being available until May 2018. It is however understood that the club have indicated that there intentions were to play for only one more season and if the existing green will be unavailable for the coming year then this season will be their last. The club did not wish to consider using an alternative green in the intervening period. Such an outcome is regrettable and clearly some frustration has been expressed by the club members at the potential loss of their pitch at this time. The addendum report submitted with the application suggests that the replacement green will be of high quality and provide a stronger platform to develop bowls participation, generate additional income and reduce further operating costs and it was hoped that the exiting club would be interest in playing from the new facility. It is hoped that such measures will assist in generating interest with a view to the new green being taken up by a club in the future. It needs to be recognised that the works in this area will offer improvements with new pitches being of an improved specification to those they are to replace. The works in this area have not generated any objections for the Councils Parks department or any local sports clubs. Although no formal representations have been received to the application from the Chester Green Bowling Club, it would appear that the loss of provision of a usable green for the interim period has contributed to the decision by the club to close now.

As a key stakeholder in this area, Sport England has been actively involved in discussions with the Council with regards to the implications of the works on sports provision both through pre-application discussions and through the course of this application which has seen some amendments to the layout of the sports facilities in this area. Sport England has now withdrawn any objections to the application and has advised in respect of Little Chester the proposals are considered to meet with a combination of Sport England's Playing Field Policy and paragraph 74 of the NPPF. This is however subject to the imposition of conditions which secure further details that remain uncertain relative to provision of a construction management plan, details of precise specifications for replaced facilities, details of remediation works and details of any interim sports provision to offset any temporary loss. It is also noted by Sport England that in respect of Darley Playing Fields, there still remains some uncertainty with regards to the pitch reconfiguration that would be implemented during construction works. The imposition of conditions to secure those details is clearly acceptable to Sport England and in light of this specialist advice, the appropriate conditions are recommended. Overall, I am satisfied that the requirements of policy L6 and the NPPF are met by the works now being proposed in this area of the site.

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The ES identifies moderate and negative impacts arising as a result of the temporary closure of the national and cycle network in this area whilst works are taking place. Measures are proposed to incorporate cycle route management into the traffic management plan which will ensure that diversion routes are in place and minimised as far as possible. The provision of such measures within a traffic management plan can be secured by condition of planning permission. A number of local residents objected to the layout of the new car park, as outlined in the original application submission, and the layout has been amended so that vehicles are now segregated from the main cycle / footpath into the park. Some residents have suggested that the car park will operate as a circuit and encourage anti-social behaviour. It is noted however, that the design, layout and number of spaces proposed in the car park has not generated any highway objections or objections from our Parks Department.

Little Chester (South).

This area includes Parker's Piece and City Road car park. The proposals in this area involve the continuation of defences wrapping around the southern boundary of Stone House Prebend, before heading south along the eastern and southern edge of Parker's Piece, before truncating City Road car park and entering the Aida Bliss site.

This area of the project is within the WHS buffer. It also accommodates a Scheduled Ancient Monument (Roman Hypocaust), is within an Archaeological Alert Area and falls within the Little Chester Conservation Area. The works are also proposed to take place alongside the Handyside Bridge which is grade II listed.

In terms of the WHS, this area of the project has not generated any particular objections from the World Heritage Site panel or Historic England. The ES does not identify any significant impacts arising for the WHS as a result of the proposals for this area and such conclusions are accepted based on the specialist advice that has been provided by those consultees. It is therefore considered that this element of the works complies with policy E29.

The area has a Roman history and is located within an Archaeological alert area. In accordance with the requirements of policy E21 and paragraph 128 of the NPPF an appropriate level of archaeological assessment which has been supported by field evidence from Parkers Piece has been provided in support of the application. This conclusion is reached based on the advice of the County Archaeologist. He has indicated that the assessment of significance and impact in relation to archaeology that is provided in the ES is guided by an appropriate weight of evidence. The impacts identified in the ES include moderate and therefore significant impacts upon two receptors identified as Roman Bath House and Roman Site at Parkers Piece. Reference to the Roman Bath House in this case is the wider area of the bath house itself and not the Roman Hypocaust which is the Scheduled Ancient Monument. These moderate impacts are identified as arising from the ground works associated with the construction works involved in this area. In terms of the Scheduled Ancient Monument, the ES does not identify any significant negative impacts as the flood defences are not proposed to pass through the area that is scheduled. A minor effect is identified as arising from the flood defence works leading to the removal of

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predicted flooding threats for the scheduled area of the Roman bath house using a 1% (1in100) basis. The impacts and significance identified in the ES are accepted by the Local Planning Authority based on the advice provided by the County Archaeologist and the Inspector of Ancient Monuments at Historic England who has not raised any overriding objections to the works. In terms of the overall impact on archaeology in this area, the only significant impacts identified are to non-designated assets and I am satisfied that the proposals will not compromise the important archaeology in this area.

Some local residents who have written in response to this application have expressed some frustration that the archaeology in this area has been a significant determining factor in establishing the proposed line of the flood defences with suggestions made that the protection of the below ground remains are being preserved at the expense of the wider amenities in the area generally. It does need to be recognised that some of the archaeology in this area is of national importance and value. Local and national planning policy requires that impact upon archaeological remains is a determining factor and detrimental impacts should be avoided, where possible. If such measures were not undertaken, it would be very difficult to justify the grant of planning permission for much needed flood defences in this area.

Handyside Bridge is grade II listed. The railway and its lines used to run over Handyside Bridge, and continue through where the car park used to be and to the rear of the houses that run along Old Chester Road. The flood defence wall that is proposed to be constructed at the end of the City Road car park will change this setting and the area resulting would no longer reflect the historic linear clear area that the old car park did. The significance of this impact on the setting of the listed bridge, as identified in the ES was not accepted by the Local Planning Authority as originally concluded - the ES identified that a significant and negative impact would not result. During the course of this application, this has been addressed and the ES now indicates that the change of setting including loss of continuity of the railway line resulting from the proposed arrangement and level changes is moderate and permanent.

Whilst that impact now identified in the ES is accepted it remains that the works are considered to have a negative impact on the setting of Handyside Bridge. This is a view expressed by the Conservation Officer and based on this advice it is considered that such an impact would be considered as substantial in terms of the NPPF. It indicates that substantial harm should be wholly exceptional and that planning permission should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm. Policy E19 also indicates that proposals for development will not be approved where they would have a detrimental effect on the setting of statutory listed buildings and that exceptions will only be made where there is a convincing case. In this regard, it is acknowledged that in order to achieve the wider flood risk benefits identified as arising from this project, the provision of a flood wall is essential in this area and a defence is needed which crosses the line of the former railway. It is therefore considered that the city-wide public benefits arising are

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deemed to be substantial and a justified case is presented for allowing this element of the development to be approved in terms of the NPPF and Policy E19.

Mitigation measures outlined in the ES indicate that information boards could be erected in the area which explains its historic development. The Conservation Officer has suggested that some form of interpretation of the history could be incorporated into the design of the wall. It is noted that the landscaping scheme for the resulting green space in between the wall and the bridge has been revised in the submitted plans to identify the linear route of the railway. Conditions to control landscaping, design details and the provision of public art and historical interpretation are recommended and with such conditions in place, it is considered that the design details can help to mitigate the identified negative impact on the setting of the bridge.

This site forms part of the Little Chester Conservation Area and many of the local residents who have written in and commented or objected to this planning application have indicated that they consider the proposals will be detrimental to the character of the Conservation Area. In their responses, many have made particular reference to the 2.2m high flood wall proposed to be erected along the eastern edge of Parkers Piece and alongside City Road. Whilst the existing concrete flood wall in this location is unattractive, it is lower, extending to 1m in height and therefore the new wall would have a more significant visual impact. In landscape terms, the ES identified a negative impact on landscape in this area resulting from a loss of the historic open view that has been maintained from City Road and across Parkers Piece to the river. Whilst the ES identifies a moderate, negative effect on completion, it indicates that after 10 years the impact would be reduced to minor as replacement trees mature. The impact of the works in this area on the character of the Conservation Area specifically, has not generated any objections from Statutory Consultees.

It is also clear that mitigation measures have been incorporated into the design, to mitigate for the visual impact of the increased height of the flood wall. 0.9m glass panels are proposed to comprise the top section of the defence which it is considered would help to maintain some open aspect and views over Parkers Piece. The flood wall would also sit 1.5m closer to the river than the existing wall, providing a wider footway in City Road which it is anticipated would help to reduce the visual prominence of the wall from City Road. When originally submitted, the application did not propose the replanting of any street trees which are indicated as being removed given that they are considered unlikely to survive as a result of construction works.

In response and in consultation with Historic England, the provision of replacement street trees has been secured and it is anticipated that over time, they will screen and soften the visual impact of the wall.

It is noted that CAAC raised concern with regards to the amount of flood walls being proposed in the Little Chester area and this is a view that has been expressed by a number of residents in their representations. Some have suggested that a flood embankment should be considered for Parkers Piece rather than a flood wall as this would soften the visual impact from City Road, from Parkers Piece and from within

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the Conservation Area itself. It is noted that the Masterplan did propose a grassed flood embankment in this area and the proposal for a wall does differ to that detail in the Masterplan. However, since the Masterplan detailed designs have been developed and given the 2.2m high defence that is needed, a flood embankment would require a significant amount of land take in this area. This would have implications for the extent of archaeology disturbed, the extent of playing field lost on Parkers Piece and encroachment into existing floodplain. Such proposals were unlikely to meet with local and national planning policy requirements and therefore an alternative solution is presented in this application. It is considered reasonable for conditions to be imposed on any planning permission granted which control the materials used to clad the flood wall and to secure the replacement tree planting. With these issues in mind, it is accepted that the most appropriate solution for the provision of defences alongside Parkers Piece has been proposed and that the detailed design will help to address its visual impact on the character of the wider area. Overall, and in light of the advice provided by consultees, the minor impacts for the Conservation Area that are identified in the ES are accepted by the Local Planning Authority. In terms of the NPPF, the impact for the designated heritage asset, namely the Conservation Area, would be less than substantial.

Overall, the implications of the works for the heritage assets in this area of Little Chester are varied. The only significant impacts identified relate to the archaeology of the wider area of the Roman Bathhouse and the Roman Site, both on Parkers Piece and the negative impact of the works on the setting of the Grade II listed Handyside Bridge. The bridge is a designated heritage asset and in accordance with the NPPF, where there is substantial harm, the presumption is against granting planning permission and is only justified if it necessary to achieve substantial benefits. For the reasons outlined, it is considered that such benefits are achieved in this case and the implications of the works in this area for heritage assets are not considered to give grounds on which a recommendation should be made for planning permission to be refused.

From the representations received it is clear that some residents of Chester Green consider that the visual impact of the proposed works is unreasonable. The ES considers visual effects and identifies four views within this area as being impacted by the works. One of those is the view from Stone House Prebend across Parkers Piece and this is considered further in the Little Chester (Central) section of the report. The others relate to the view towards Parkers Piece from the ground floor windows of terraced dwellings in City Road, the impact on views from residential properties at Chester Green towards Parkers Piece and views of the users of City Road car park. Minor impacts are identified for the two views of Parkers Piece as being achieved following mitigation and in reaching that conclusion; the ES identifies the benefits on views from use of the structural glass panels in the wall and the screening that will be provided by replacement planting. In respect of the views of users of the City Road car park, impacts are identified as minor after 10 years, again as a result of landscaping and trees maturing and loss of unattractive buildings on the adjacent Aida Bliss site. The identified impacts on visual amenity are accepted.

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Whilst, publicly, most concern has been expressed in response to the Parkers Piece flood wall, it is not considered that the wall would result in significant enclosure of any neighbouring properties. The distance between the wall and houses opposite on City Road is deemed to be reasonable and the widening of the footway between the existing wall and that which is proposed would reduce its visual impact in views from any residents or visitors in City Road. The increase in the height of the wall will result in some change to the character of this part of the street, but such implications are not considered to be so detrimental as to unduly comprise the visual amenities of the area.

The Human Population chapter of the ES considers the implications of the OCOR project for the local population and no significant negative impacts are identified for the Little Chester area. Such a conclusion is accepted and it is not considered that the works would result in a loss of residential amenity in terms of the proposals impact on neighbouring residents and levels of privacy and light enjoyed and, as such, I am satisfied that there are no adverse impacts. It is noted that one resident has objected to the planting of replacement trees in City Road based on potential loss of light but given that the street is already lined with mature trees in this area, such implications are considered to be reasonable. The ES does identify potential for adverse impacts to arise for residents of Cheater Green as a result of construction works including, noise, dust, access restrictions, parking restrictions, visual disturbance, vibration and localised effects on air quality.

This is an issue that has been raised by many of the residents who have commented on and objected to the application. Mitigation measures are outlined in the ES and include provision of acoustic and visual screening where necessary, the production of a traffic management plan and dust management strategy and appointment of a public liaison officer to ensure close and considerate engagement is undertaken with residents. It is noted that the Environmental Officer has advised that the impacts on air quality arising during construction that are identified as not significant in the ES are accepted but the Officer does recommend that a Construction Noise Management Plan should be secured by condition of planning permission along with a Construction Dust Management Strategy. The imposition of such conditions would be reasonable and are recommended and with such measures in place, it is considered that the impacts of the construction activities on residential amenity will be minimised as far as possible. It needs to be recognised that the impacts associated with construction are not long term and overall, this element of the works are considered to accord with the aims of policy GD3 in terms of ensuring that the development will not result in harm for the amenities of the area.

The Human Population chapter of the ES does identify a significant positive effect arising from this scheme and this is the flood risk benefit that the OCOR works will provide. Approximately 1,380 residential properties are identified as benefiting from protection from a severe flood event and this includes numerous dwellings in the Little Chester area.

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This area of Little Chester forms part of the Upper Derwent Valley Green Wedge. In terms of the implications of the works for the Green Wedge, the new walls around Parker's Piece will create greater enclosure and containment of the space, potentially having some impact upon the feeling of openness. However, the area is already enclosed by the existing walls, embankments and surrounding uses, and it is considered that net additional impacts are not likely to be significant. The removal of the mature trees along the City Road boundary and the creation of the new wall will 'harden' the edge of the Green Wedge. The new street trees that are now being proposed will help to mitigate some of this impact. It is considered that the lowering of land at City Road car park and the creation of open space may provide an opportunity for additional land to be included within the Green Wedge boundary when reviewed in future. Overall, subject to the external material and finish of the walls proposed in this area being suitable given its sensitivity, it is not considered that the works would compromise the existing character and openness of the green wedge. Conditions can be used to secure full details relative to all external materials and with such measures in place, I am satisfied that this element of the works accords with the aims of policy E2.

Parker's Piece is open space, and is a playing field containing a sports pitch. Whilst it could be argued that the creation of the new embankment along the eastern side of Parkers Piece will lead to a small loss in open space, it is considered that the creation of new open space on City Road car park will more than compensate for that loss in accordance with the aims of policy L1.

The provision of new open space will not compensate for the loss in playing field space resulting from the creation of the new flood defences. The loss of playing field space related to the creation of the embankment will be very minimal and is not considered likely to undermine the continued use of the field for cricket. However, the pitch remains out of use at the present time as a result of archaeological works associated with this project disrupting use of the pitch and it is understood that it has not been available for use as a cricket pitch for over a year. Sport England has noted that whilst this is unfortunate, the OCOR project does provide mitigation for this loss by proposing to provide a better facility in the long run. It is advised that there is demand for active re-provision here and such intentions are outlined in the Sports Provision Addendum Report that has been provided to support the planning application. It indicates that reinstatement of cricket provision at Parkers Piece would include a new cricket square with options outlined for the type of wicket being proposed. The addendum report outlines an intention to replace the cricket nets to Parkers Piece as a result of those lost at Darley Fields. The principle of re-providing the cricket nets, displaced from Darley Fields is in keeping with the provisions of policy L6, but this policy requires them to be provided before the loss occurs. The programme outlined in the Sports Addendum Report indicates that the nets on Darley Fields would be taken out of use this year with replacement at Parkers Piece not anticipated until April 2018 when construction at Parkers Piece is expected to be completed. Whilst such a loss of provision in the interim would not accord with the principles of policy L6 advice provided by Sport England is such that with a project of

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this scale and nature it is recognised that there may be an interval between a facility being lost and better permanent replacement being delivered. They go on to advise that delivery of an improved facility can enable the short term harm to be outweighed by long term benefit. Sport England does advise that there is a demand for Rugby at this site also and as an additional resource, it could provide all year round activity for Parkers Piece. Sport England therefore does not raise any objections to the works proposed in this area. This is subject to conditions being imposed which secure the reinstatement of the cricket wicket and playing field to an acceptable standard, along with the provision of the cricket nets but it is advised that any existing equipment should be considered as to whether it remains fit for purpose before it is re-used. Sport England has also advised that improvements to the cricket pavilion would also be necessary to support the optimum long term use of the reinstated playing field. The Sports Provision Addendum Report highlights an intention for remedial work to be undertaken to the pavilion in association with local clubs and the Derbyshire Cricket Board. Whilst this was not intended as part of the reinstatement programme arising from the OCOR works, it is clear that Sport England deem such measures to be appropriate. It is considered that conditions of planning permission can be drafted, to the satisfaction of Sport England, which enable appropriate assessments to be undertaken of the existing pavilion and agreement reached on any works deemed necessary to fulfil the mitigation measures arising. Overall, it is noted that Sport England has indicated that they are satisfied that the proposals for Parkers Piece meet with their own Playing Fields Policy and paragraph 74 of the NPPF which seeks to ensure that appropriate mitigation and better provision is secured for development that impacts upon playing fields.

It is noted that one resident who has objected to this planning application has questioned why cricket nets are being relocated to Parkers Piece and the need for them is questioned. The objector indicates that no cricket has been played on Parkers Piece for some time as a result of the archaeological works and those facilities should not be replaced without thought on how they will be managed and maintained. It is indicated by the objector that if cricket had been available on the field in recent times, it would have been used by the Derbyshire Disabled Cricket Club and questions are asked with regards to disability access to the field and pavilion. Frustration with regards to the loss of Parkers Piece for cricket use over the last year can be appreciated but it is understood that the Council is committed to ensuring the facilities are provided and to a better standard on completion of the OCOR works. It is noted that this element of the proposal has not generated any objections from colleagues in our Parks Department. This is clear from the information provided in the Sports Provision Addendum Report. Sport England has indicated that detailed proposals for access to the facilities should address disability access requirements and further details can be secured by condition of planning permission to ensure that suitable access arrangements are delivered.

The proposals in this area of Little Chester result in the loss of part of the City Road Car Park and information supporting the planning application indicates that the existing 132 space car park would be reduced to a car park with 56 spaces. The

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implications of the proposals on car parking are an issue that has been raised by residents objecting and commenting on this application. It should be noted that the car park is owned by the City Council and is used by the public and it is understood that many use the facility as it offers free all day parking in a location which is close to the city centre. There is a clear concern expressed by some residents that a reduction in the number of spaces will lead to more off street parking and congestion on local streets. In policy terms, the aim of the CDLPR is to reduce the reliance on the private car, and policy T5 is supportive of any proposal which would result in the loss of off-street car parking. It is however recognised that any loss should not lead to road safety and traffic management difficulties. Comments on this application have been provided by colleagues in Highways and no overriding objections are raised to the loss of parking provision that would result. In response to this part of the works, colleagues in Highways have suggested that the steps at the southern end of the car park do not allow for disabled access and that a ramp may be a better option. I am satisfied that such details could be secured by condition of planning permission. They have also suggested that conditions should be considered relating to the treatment of a guard against the drop either side of the footway / cycle ramp and control measures for cyclists emerging from the ramp and on to City Road. Conditions to secure both details would be reasonable and are recommended. It is noted in the application submission that a temporary footpath and cycleway closure will be required whilst construction works are taking place and this will impact upon National Cycle Route 54. The ES identifies this as a significant effect but only short term given. Mitigation measures are proposed and are indicted as being part of a Traffic Management Plan. It is considered appropriate that such a plan is sought by condition to ensure that such mitigation measures are implemented.

A number of trees in this area of the works are identified for removal and the most notable are the group of Silver Maple street trees that currently line City Road, adjacent to Parkers Piece. They are identified as category B2 in the tree survey as trees of moderate quality with landscape qualities. It is clear that these trees could not be successfully retained and whilst their loss is regrettable, securing replacement trees within City Road has been a positive outcome of the planning application process. Conditions are recommended to secure the submission of a tree management plan, protection plan and replacement planting for the whole of the project which will include this area of the works.

It is noted that there are many material considerations affecting the Little Chester (Central) area but for the reasons outlined and the mitigation measures proposed, this element of the work is acceptable in the context of the city-wide importance of the project.

Duke Street (North).

This area includes land on the western side of the river corridor between Britannia Court development site and Handyside Bridge and includes the former Bath Street Mills site. The northern part of the area also forms part of the WHS and is part of a Conservation Area. The proposed flood defence in this area consists of a flood wall between 1.9 and 2.7m high connecting the Britannia Court development site with the

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new defence being constructed as part of the built fabric of the extra care facility being built on the site of the former Bath Street Mills. The flood wall will be set back significantly compared to the existing alignment. The proposals also include lowering of ground levels on the wet side of the new defence and removal of trees. The design of the new wall will also require the construction of an embankment to provide ramped access over the flood wall. The new defence at the Britannia Court site is proposed to be secured as part of future development proposals and only outline planning permission is sought for that element of the works.

The northern section of this site is within the WHS. This area of the project is identified as having potential for sub surface remains of archaeological interest associated with the industrial development of this part of Derby that are, pertinent to the understanding of the WHS as a whole. However, subject to any necessary mitigation, the impacts identified are minor and no significant impacts are identified as a result of this works on the WHS as a whole. The Local Planning Authority agrees with such a significance of effect and is satisfied that the works should not compromise the special character of the WHS and its surroundings and is considered acceptable in terms of policy E29.

The ES considers the impact of the proposals on Handyside Bridge which is grade II listed and changes to its setting are identified as a result of the ground lowering works to take place as part of the works in this area. The impact for the bridge identified in the ES is moderate following any mitigation which means that a significant impact is identified.

The northern section of this site falls within the bounds of the Strutts Park Conservation Area. The ES does not identify any significant effects arising for the character of the conservation area as a result of the proposed works. The proposals in this area have not generated any objections from the Conservation Officer and this is subject to detailed designs and materials for the flood defences being secured though conditions of planning permission. The conclusions of the ES that changes to the setting as a result of landscaping on the eastern side of the conservation area along with the establishment of a flood defence would not impact significantly on the conservation area are accepted and it is considered that the works are unlikely to be detrimental to the character of the wider conservation area. Accordingly in this regard, the aims of policy E18 are met.

Based on the advice that has been provided by the County Archaeologist, it is considered that adequate assessment has been undertaken with regards to archaeology in this area and the works are considered to accord with policy E21.

Overall, the main impact arising for heritage assets in this area relates to the changes to the setting of Handyside Bridge and the Local Planning Authority agrees with the assessment provided in the ES that the impact on this bridge would be negative. In accordance with paragraph 132 of the NPPF, and based on the comments provided by the Conservation Officer, such an impact would be deemed as substantial and there is therefore a presumption against the granting of planning permission and is only justified if it is necessary to achieve substantial public benefits. Based on the

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wider public benefits arising for flood risk, it is considered that such impacts can be justified and therefore other material considerations are considered which will impact on this area of the work.

The area is currently in use as open space and it forms part of the Wildlife Corridor that links the Upper and Lower Green Wedges. The new wall will be set back from the top of the river bank, meaning that areas of existing open space will become part of the conveyance corridor, on the wet side of the wall. However, provision has been made to ensure that the area remains publically accessible, through a ramped access. This means that the only loss of open space will be from the footprint of the new walls, which will be minimal in the context of the whole scheme which seeks a net increase in open space provision overall.

The new flood wall will have an impact on the visual amenity of the public open space as it will bisect the area. The ES indicates that in this area a moderate (significant) impact will result on the landscape but this is identified as a positive one. Through sensitive design and the integration of the flood protection measures with the open space, it is indicated that a positive change would result. It is noted that this impact would be following the replacement trees and vegetation becoming established given that a number of well-established trees would be lost in this area. In terms of visual amenity effects, the ES identifies significant positive effects arising for users of the open space, Derwent Valley Heritage Way and national cycle network and footpath resulting from the improved public open space following a period by which replacement planting has reached maturity. The Councils Urban Design Officer has indicated a potential detrimental effect on the area resulting from level changes and a loss of mature trees. Objections have been raised to this area of the works from the owner of the Furnace Inn Public House. The objector suggests that the proposals will segregate the City from the river and the proposed flood wall will provide opportunities for groups of people to remain unseen resulting in incidents of anti-social behaviour. It is noted that the Crime Prevention Design Advisor has been consulted on the application with no specific objections raised to this element of the works. However, it is acknowledged that given the height of the defences, some views from Duke Street towards the river will be restricted. The proposals do include the provision of lighting and a widened footpath alongside the river and such measures are considered to offer improvements to the existing riverside route which is restricted in places. The Councils Parks department has not objected to this element of the works suggesting that although the flood embankment and wall would be a significant feature in a relatively narrow area of open space, the scale of the adjacent buildings should assist in offsetting the imposing nature of the defence. They do acknowledge the potential for some pinch points. Whilst the concerns raised require detailed consideration, it is accepted that in the long term, replacement planting and careful design should help to soften the impact of the works on the landscape. It is clear that detailed consideration will be needed for the treatment and landscaping of this area and whilst full planning permission is sought for the works, it is considered appropriate that further landscaping details are secured by condition of planning permission and this would accord with Policy E17. Our Parks Department

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has highlighted the need for full landscaping details to be agreed to ensure the area does not attract anti-social behaviour, to ensure that it can be properly maintained and ensures continuity and coherence of the river corridor. With such conditions in place, it is considered that the positive impacts on landscape identified in the ES are reasonable and achievable in the long term.

In amenity terms, the ES identifies a negative effect on visual amenity for views of residents of Rivermead House, across the open space and towards the defences. The assessment in the ES suggests that the negative impact arises, principally from the loss of mature trees in the area. It indicates that in the long term, such impacts would become moderate and positive by the improved form of open space as new trees and landscaping matures. Given the separation that remains between the eastern elevation of Rivermead House and the flood embankment and wall, such impacts are accepted and it is not considered that the works would be detrimental to the amenities enjoyed by those occupiers.

The existing 1.7m high boundary wall alongside Waterside House is proposed to be removed and replaced with a flood wall of 2.3m high. Although the flood wall would provide a new boundary treatment for this group of apartments, the top section of the floodwall is proposed to comprise glass panels and this is proposed to maintain existing light levels to the ground floor apartments whilst ensuring the flats provide natural surveillance to the adjacent footpath. The 2.3m height of the wall is not considered to be unreasonable in this location given the light and surveillance opportunities offered by the glass panels and overall, it is not considered that the works would be detrimental to the amenities of the occupiers of Waterside House and accords with policy E23.

The owner of the Furnace Inn has raised objections to the elements of the works that directly impact upon the public house; this includes loss of an existing access gate at the rear of the pub which provides access to the riverside path and loss of land beside the river along with loss of an existing boat slipway. Although it appears to be unused, the owner suggests that it is an asset. Information supporting the application indicates that the existing access gate from the riverside path to the beer garden will not be reinstated as the provision of a flood gate would provide a weakness in the defences which can be appreciated. There is also insufficient space for a full flight of steps to be constructed to provide access over the floodwall. Whilst it can be appreciated why the owner of the pub is frustrated by such changes the removal of the access gate and boat slipway does not give grounds on which this planning application could be refused. Legal issues and issues relating to compensation are to be resolved by the project team.

It should be noted that this area of the site includes the former site of Britannia Court which is identified as a development site and only outline planning permission is sought for the alignment of a new flood defence across it. Further details relative to the wider implications of any future development on that site would be considered as part of a separate application for planning permission.

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Duke Street (South) and Sowter Road.

This area includes land between St Mary's Bridge and the Britannia Court development site and also the open space to the north of the Silk Mill and opposite Christchurch Court.

The areas to the north and south of Causey Bridge are within the WHS and the WHS buffer also extends into this area. The ES does not identify any significant impacts arising for the WHS resulting from this area of works that are outlined in the planning application. No adverse comments have been provided by Historic England or the World Heritage Site Panel in response to this area and therefore I am satisfied that the proposals would not comprise the special character of the WHS in accordance with policy E29 and accept the impacts identified in the ES in this regard.

The works would take place within an Archaeological Alert Area identified as Medieval Derby and a number of heritage assets associated with archaeology are identified in the ES in this area. Possible disturbance of sub surface remains is identified in the ES in relation to the provision of flood defences at Christchurch Court and landscaping works in the vicinity of Sowter Road and this includes potential impacts on the Silk Mill Leat and medieval bridge remains at the site of St Mary's bridge earlier phases. Mitigation measures outlined in the ES involve a programme of archaeological evaluation and strip and record with the residual impact following that mitigation identified as potentially none.

The County Archaeologist has raised no objections to this work and therefore the impacts identified in the ES are accepted. The County Archaeologist has raised some concerns with regards to the details of some elements of the mitigation works, but he has indicated that it would be reasonable to secure, by condition of planning permission, the production and approval of a detailed Written Scheme of Investigation (WSI) for the archaeological response at each phase of the proposed development. Such a condition is recommended and therefore I am satisfied that appropriate mitigation can be secured through this part of the Archaeological Alert Area.

St Mary's Bridge is a grade II* listed building and a Scheduled Ancient Monument. The ES identifies potential impacts arising for the setting of the bridge resulting from the establishment of a flood defence wall on the west side of the river in Duke Street. Given the status of the bridge and its location in the WHS such impacts are identified as moderate prior to any mitigation. Mitigation measures proposed involve tree planting as a means to breaking up the line of the wall and reducing the starkness of its appearance. The residual impact identified in the ES for the Bridge is none. Similar impacts are identified for the setting of the St Mary's Bridge Chapel which is grade I listed and the St Marys Bridge Chapel House which is grade II listed. Other impacts identified for the St Marys Bridge Chapel relate to the building being at risk from an increase in the extent and rating of the predicted flood hazard using a 1% (1 in 100) basis. The ES indicates that any resultant damage is likely to be superficial as the predicted velocity of flow is not expected to be high. Given the status of this building any such impact would be regrettable but the works in this area and the

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impacts identified in the ES has not generated objections from the Inspector of Ancient Monuments at Historic England who has advised that they are satisfied that the scheme, as presented, has minimised impacts upon principal heritage assets in the delivery of flood protection benefits. Policy E19 does indicate that planning permission will not be granted for works that would have a detrimental effect on listed buildings but the ES identifies any such effect as none therefore it would be difficult to argue that any impact of this listed building would be significant especially in light of the advice provided by Historic England. It is appreciated that the provision of any protection measures specifically for this building may also have adverse implications for its character and setting and overall, it is not considered that such impacts would give grounds on which this application could be refused permission.

The Silk Mill is a grade II listed building and significant ground lowering works and tree removal is proposed to its north. The ES does not identify this work as having any impact on the setting of the building and it is noted that no objections to the work have been received from the Conservation Officer, CAAC or statutory consultees. Derby Museums have indicated that they do not object to the works in this area but would welcome the opportunity to discuss ideas for the reinstatement and landscaping works with a view to providing a space that links more closely to the heritage of the silk mill and WHS. Appropriate landscaping conditions are proposed so that further details of the reinstatement works in this area can be subject to further detailed discussions.

The majority of the area identified in this area of the works falls outside of the Strutts Park Conservation Area and no effects are identified as arising for the Conservation Area in the ES. No issues were highlighted for this area as being detrimental for the Conservation Area by CAAC or Conservation Officer although details of external materials and landscaping proposals are outlined by the Conservation Officer as being vital to the success of the integration of the defences in this area. Whilst I am satisfied that the works in this part of Duke Street will not cause detriment to the Strutts Park Conservation Area and therefore accord with the aims of policy E18, it is noted that a number of significant landscape effects are outlined in the ES for this part of the works. All three are identified as offering changes to the landscape as a result of tree losses in the area. Whilst the landscape effect for St Mary's Bridge is indicated as negative and minor once replacement trees have matured, impacts on the local riverside network and Derwent green infrastructure corridor (extending between the former Bath Street Mills development site and the Britannia Mills development site along with the area between Britannia Court and St Marys Bridge) positive impacts are identified of a moderate significance outlined as resulting from sensitive design and the integration of the works with the green space. It is therefore clear that the treatment of materials and landscaping will be key to ensuring that the defences are successfully integrated into this area and to ensure that the impacts outlined in the ES are achieved. Colleagues from Parks have indicated their agreement that the negative impacts arising from the level changes in this area and loss of trees can be softened with careful design and the Councils Urban Design Officer has suggested that options should be exhausted for seeking the retention of

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some mature specimen trees, if possible. Given the level of land change proposed in this area, it may be unlikely for any such trees to be retained but it is considered appropriate that landscaping conditions and external material conditions for this area are supported by conditions which seek precise details relative to tree losses and replacement planting. Such an approach would ensure that the proposals for this area accord with the aims of policies E23 and E17.

Representations have been received from a couple of residents in the Duke Street area with objections expressed to the works on the basis that the proposed flood wall would segregate the city from the river and create an undesirable river corridor that is not overlooked and likely to be subject to anti-social behaviour. It is agreed that the provision of walls and embankments that are higher than existing features within areas of landscape will cut off some views towards the river but this is unavoidable, to a degree, if flood protection measures are to be delivered. It's noted that the Crime Prevention Design Advisor has been consulted on the application with no particular issues or concerns being identified for this area of the works. Overall, it is considered that the curved design of the wall and through careful landscaping, an attractive riverside can be achieved through this part of the river corridor.

The areas to the north and south of Causey Bridge are in use as amenity open space and it is considered that both areas of open space will continue to function as open space and will be publically accessible. However, the only loss of open space will be the footprint of the new walls, which will be minimal in the context of the whole scheme which seeks a net increase in open space provision overall. However, the new wall will have an impact on the visual amenity of the open space.

A wildlife corridor extends alongside the site which connects the Upper and Lower Derwent Valley Green Wedges. Information supporting the Design and Access Statement indicates that 21 individual trees and a tree group will require removal as a result of the land level changes at the southern end of Duke Street and this would include the two memorial trees. The impact of the works on the memorial trees is regrettable but it is noted that the Council are in consultation with the Holocaust Memorial working Day Group on finding a suitable site for replacement trees which is acceptable to the group. It is advised that the imposition of a condition is recommended which seeks details of the size and species of the two replacement trees. The landscape effects of the tree losses are discussed above but the ES also identifies the tree lines along the banks of the river from Handyside Bridge to St Mary's Bridge as an important wildlife corridor of local value. Sensitive removal of trees will be necessary to ensure any additional protected species surveys are undertaken and the replacement planting and landscaping details will also need careful consideration to ensure they are appropriate to replace any biodiversity lost. The Environment Agency has advised that conditions should be imposed on any planning permission granted which requires details of any tree and seed planting to be submitted and agreed prior to the development commencing and such a condition is recommended for the whole of the project works to ensure that no net loss of biodiversity results from the scheme in accordance with the aims of the NPPF.

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In this area of the works, new flood walls are proposed to provide new boundary treatments for a number of residential properties. Such works would impact upon residential accommodation at Christchurch Court, St Marys Court and 37 – 45 Duke Street. From the information supporting the application, it is clear that detailed consultation has been undertaken with the occupiers and management companies responsible for those properties and some responses have been received in response to the consultation undertaken on this planning application.

In respect of 39 – 45 Duke Street, one owner has objected to the application with particular concerns being expressed with regards to the height of the proposed wall and its impact on light and views to windows in 39 Duke Street. Concerns are also expressed with regards to the loss of an existing gate which provides the owner direct access between his rear garden and the adjacent riverside open space. The 2.4m height of the flood wall does exceed the 2m height of boundary treatments normally found in many residential contexts. In most cases, the position of this wall is at the bottom end of the gardens of the houses in Duke Street and a sufficient distance from any principal windows to remove any amenity concerns. The exception to this, is no 39 which has a section of the flood wall proposed along its southern (side) elevation that would extend into close proximity to a side facing lounge window that has been incorporated into an extension at the rear of the property. The existing boundary fence of the property has trellis on the top allowing light and some views into that window. To address any potential loss of amenity associated with that window, the plans incorporate a single glazed panel in the top section of the flood wall. It is considered that the provision of the glass section will enable light and some outlook to be maintained for that window whilst ensuring that the strength and height of the flood wall is maintained in this location. Issues relating to the provision of a rear access gate cannot be resolved as there would be risks associated with the provision of private access gates being provided in the flood wall which serves to offer protection to many residential properties and not just 39 Duke Street. Any legal issues associated with the removal of the access would need to be resolved by the project team but they do not give grounds on which it is considered that this element of the works should be resisted or amended.

In respect of St Marys Court, the proposals include the provision of glass panels within the design which are indicated as corresponding with the level of the window cills in the properties. Such measures will ensure that any negative impacts of enclosure will not result given that the boundary of these properties currently stands open. The distance between the wall and those windows is considered to be reasonable and the wall would assist in providing a secure boundary across the front of the site. Concerns have been expressed with regards to St Marys Court being used as a cut through. Such issues cannot be addressed as part of these works but section of fence and gate has been incorporated behind the wall to control unwanted access behind the wall and onto private land. The representation received on behalf of St Marys Court raises concerns relating to the impact on residents during construction works including issues regarding access. The ES identifies moderate and negative effects arising for residents at Waterside House, St Marys Court, the

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former Bath Street Mills Development site and Duke Street as a result of construction works. These are identified as medium term impacts and the moderate effect identified is accepted as appropriate given the level of work proposed in this area. Mitigation measures have been outlined and the suggested conditions outlined in this report would ensure that all necessary mitigation measures are in place and this would include a Traffic Management Plan which should assist in reducing disruption to St Marys Court residents accessing their homes.

In respect of Christchurch Court, the flood wall here would also provide enclosure to an existing boundary that is open to the public highway. It is understood that the provision of glass panels in this section of the wall has been considered but was removed from the proposals when accurate levels information shown that the wall would not extend above the sill level of the windows in the building. The wall height in this location is not considered to be excessive and there are no overriding amenity concerns in respect of Christchurch Court.

Overall, it is considered that the proposals in this area of Duke Street and Sowter Road would not lead to a significant loss of amenity for residents. While construction activities will have some impact, measures to control any identified effects will be sought by condition of planning permission and it is acknowledged that they would be only medium term effects. It also needs to be recognised that there are benefits for the residents in this area in respect of the increased protection against flood risk that would be provided by the works.

There are no significant impacts anticipated as a result of the provision of the demountable defences across Duke Street and the associated highway works and those proposals have not generated any objections from highways. They have advised that a section of the public highway in between the river and Duke Street would need to be stopped up and such measures cannot be secured through the planning process but a note to applicant is suggested to make the applicants aware.

It should be noted that the proposed flood defences in this area do provide protection to the highway pumping station in Sowter Road so that access can be maintained to it, at times of flood.

The ES identifies potential contamination in the Duke Street area and the need for mitigation measures to ensure that pathways are not created for contaminants to pass through as a result of the foundation works being proposed. The Councils Environmental Health Officer has advised that whilst potential for contamination for each phase of the development has been undertaken, further site investigations should be required by condition of planning permission. The ES identified mitigation measures and through the imposition of conditions it is considered that appropriate measures can be put in place to ensure that any risks are remediated and validated and such conditions will apply across the whole project. Members will note that appropriated conditions are recommended. With those in place, it is considered that the provisions of policy E13 would be met.

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Aida Bliss.

The proposals in this section of the scheme require the removal of the existing flood defence and provision of new defences along with the demolition of buildings to improve the conveyance of floodwater through Handyside Bridge.

Policy E21 offers protection to archaeological remains and the Aida Bliss site is located in the Archaeological Alert Area (AAA) identified for Roman Derby at Little Chester. The ES identified that ground works at Aida Bliss may impact on sub surface remains affecting areas of Roman Derby and those associated with the historic industrial landscape of the WHS. The significance of effects associated with the works on this site passing through the area formerly occupied by the Union Iron Foundry, are indicated as direct, minor, negative and permanent following necessary mitigation works in respect of its impact on the historic landscape of the WHS.

The ES does not identify any significant negative effects for the WHS arising from this work. In respect of Roman Derby the impact is more significant and is identified as moderate, negative and permanent. Given that the County Archaeologist has indicated that he is satisfied that the assessment of significance and impact provided in the ES is guided by an appropriate weight of evidence, such impacts are accepted by the Local Planning Authority. The most significant impacts identified are moderate impacts relating to sub surface remains of Roman Derby but not the scheduled monuments and therefore those impacts in this case, relate to non-designated heritage assets, although it is noted that they are within the AAA which is a local designation. In accordance with paragraph 135 of the NPPF, the scale of harm or any loss needs to be balanced. These works have not generated any objections from the County Archaeologist or Historic England, subject to conditions being imposed which secure detailed programmes of archaeological works that are required to be submitted and approved prior to any development works taking place. The imposition of such a condition is recommended which will secure a programme of recording, to mitigate against effects sustained during construction.

The ES does identify moderate effects arising for the setting of Handyside Bridge which is a designated heritage asset (grade II listed) but these effects are identified as arising from the loss of continuity of the railway line resulting from the works adjacent to the bridge itself and the Aida Bliss site and are considered in the report as part of the Little Chester (South) works.

The ES does not identify any significant landscape effects associated with the works on this site and impacts for the Little Chester Conservation Area are identified as 'none'. The facades of the building that front onto City Road contribute to the character of the Little Chester Conservation Area and they are proposed to be retained ensuring that they continue to contribute to the area whilst offering screening of the proposed flood wall in wider views. The impacts identified in the ES on landscape character and the Conservation Area is therefore accepted. This element of the scheme has not attracted any objection from the Conservation Officer but it is understood that the aim is to secure a defence that is part of a wider redevelopment of the site which would bring other benefits to the area. The form and

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scale of any redevelopment proposals for this site are not within the remit of this planning application and the impact of such proposals on the wider conservation area would need detailed consideration through the determination of any such applications. Overall however, I am satisfied that the impact of the works proposed on the Aids Bliss site, for the surrounding conservation area, would be acceptable in accordance with the aims of policy E18.

Overall, it is considered that the works proposed in this outline application for planning permission on the Aida Bliss site will lead to less than substantial harm to the significance of designated heritage assets, namely the Conservation Area, WHS and scheduled monuments that form part of the wider AAA, in accordance with paragraph 134 of the NPPF. Although moderate effects are considered likely for archaeological remains associated with Roman Derby these are non-designated assets. Although less than substantial, the presumption is still against the grant of planning permission unless the public benefits of the proposal outweigh the harm. Major, positive and permanent effects resulting from the OCOR scheme arise from the reductions in flood risk to residential and commercial properties. In particular, the works at Aida Bliss contribute to the creation of a conveyance route around Handyside Bridge which will minimise the increase in flood levels during severe flood events at Darley Abbey. Such wider public benefits are considered to outweigh the less than substantial harm to heritage assets and therefore other material considerations effecting this part of the works are considered further.

The site is identified as existing employment land and in terms of Policy EP11 which seeks to protect areas of existing business and industrial activity; the construction of a new flood wall through the site will require the demolition of the existing industrial buildings. The works will, in essence, sterilise the land on the wet side of the defence from being used for employment purposes. Policy EP11 seeks to ensure that development proposals do not decrease the development potential of nearby land and whilst the proposals would sterilise a significant part of the site, they also create greater opportunities for the protected areas of the site to be brought back into beneficial economic use. The existing flood risk on the site has constrained development and hindered re-development in the past and benefits arising are anticipated as boosting the development potential of the remaining land. Such aims would accord with the objectives of the OCOR Masterplan. Policy GD6 seeks to ensure that proposals do not prejudice the development potential of any land allocated in the local plan but the balance of the land lost to the flood conveyance corridor needs to be balanced against the benefit to the remainder of the site that would be protected from flood risk.

Objections have been raised to this planning application in respect of the works in the Little Chester area on the basis that too many extents of flood wall are being proposed with the suggestion that little design input has been given to alternatives. Concerns over the extent of the walls were expressed by CAAC and a number of local residents. Whilst those comments were not particularly directed at this site, the works do provide for a 130m long flood wall. However, an embankment in this location would be considered to be impractical given the increase in land take and

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additional loss of employment land that would result. In terms of the general design policy E23, given the industrial character of the site, a flood wall is not considered to be out of place although as indicated previously, an integrated solution as part of redevelopment proposals for the site would be the preferred approach.

The conflict arising with policy EP11 as a result of the reduction in employment land needs to be weighed against the benefits and the City Councils Regeneration Team have questioned the alignment of the defences through the site. They have noted that it would remove a considerable part of the site from any re-development and given the angles of the alignment, it will make the site less easy to develop in an economic manner. Some minor changes to the alignment have been secured through the lifetime of this application but it is clear that the alignment of the defences through this site is critical to securing a conveyance route that is considered appropriate to achieve the flood risk benefits identified. The set-back defences through Aida Bliss will form part of a flood conveyance route to allow flood water to flow around Handyside Bridge via Parkers Piece, the lowered ground level at City Road car park and the riverward side of the Aida Bliss defences. Flood water will return to the river channel to the north of the Etruria Gardens flood defences. It is therefore clear that the flood risk benefits arising from the works effect this site and beyond and it is considered that those benefits outweigh the loss of employed land and can be justified in terms of Policy EP11.

Many of the local residents who have objected to and commented on this planning application have raised concern with regards to the uncertainty surrounding actual development on this site, its delivery and potential for a 'hole' to result in the defences as a result of development not coming forward which would provide the integrated defences being sought. The Council has shown that they are actively committed to promoting development on the site and an integral defence solution is being promoted as the preferred approach. Should such proposals fail to come forward within the appropriate timeframe, the Council have indicated a backup position where the CPO process will be used to acquire the land to facilitate development.

Concern with regards to the uncertainty surrounding the detail of any future development on the site has also been expressed by residents with clear concerns expressed against forms of development that will be significant in scale and out of keeping with the character of the wider area. Residents have expressed concern that the flood defence works will impact upon viability leading to greater pressure for more intensive forms of development to be allowed. The details relative to any future development on this site remain unknown at the present time but such proposals would need to be the subject of a planning application which would be subject to public consultation and consideration against adopted policies which seek to protect the character and amenities of residential areas and conservation areas. Viability will be an issue for consideration dependent on the type and scale of development proposed but the net loss of developable land will need to be balanced against the flood risk benefits arising for the wider site as part of any such assessment.

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The riverside corridor adjacent to Aida Bliss is identified as a wildlife corridor. The survey information provided in support of the application and information in the ES identifies a number of impacts for flora and fauna arising from works at this particular site. The potential for the destruction of bird nests in this area of the project as a result of tree removal are identified. Information supporting the application indicates that all works involving vegetation removal will take place outside of the peak bird breeding season and if this is not possible, breeding bird surveys will be carried out prior to clearance works. Habitats are proposed to be replaced within the wider scheme with no significant residual effects anticipated with the significance of impacts outlined as none in the ES. The mitigation measures outlined are considered to be appropriate in this case and given that it would be reasonable to secure them through conditions of planning permission the impacts identified in the ES are accepted by the Local Planning Authority.

Although no bat roosts were identified at City Road during the survey periods in 2013 and 2014, it is noted in the ES that Aida Bliss has a tree that has bat roost potential which could not be surveyed at the time. The Preliminary Ecological Appraisal submitted with the application also identified the buildings on the Aida Bliss site as having the potential to support bats. Bats are also noted as commuting and foraging along the river in this area of the city. Mitigation works identified in the ES include a re-appraisal of bat roost potential of the tree on Aida Bliss and further survey work if access becomes available. The EAP outlines the measures necessary to protect birds and bats which include the requirement for further survey works prior to any works commencing. DWT have suggested that the EAPs identify the protocols and mechanisms required to mitigate for the identified species impacts and that the OCOR scheme could be implemented without any infringement of the relevant wildlife legislation. They have gone on to suggest that it would be appropriate for the EAPs to have a series of individual conditions, which can be discharged sequentially as each project element of the scheme come forward and are implemented. This would allow each biodiversity stage to be discharged as the project progresses rather than trying to part discharge or wait until the overarching scheme has been completed. Such an approach would be acceptable for the Aida Bliss site and in accordance with the information provided in the EAP, I am satisfied that appropriate controls should be in place to protect breeding birds and bats in accordance with policy E7 which seeks to protect the habitats of species protected by law.

The Tree Survey submitted with the planning application identifies a group of trees (numbered G67 in the survey) along the riverbank, in between the existing buildings and the river. They are proposed to be removed as they would be located in the flood conveyance corridor. The trees concerned comprise hawthorn, sycamore, elder, ash, and common alder and they are identified as category C2 which are trees of low quality. Whilst any tree loss is regrettable, significant tree removal across the banks of the river will result from this scheme. This is considered in more detail in the cumulative scheme effects section of this report.

The area of the river extending alongside the site is identified as a wildlife corridor and the application should be determined in accordance with policy E6 which seeks

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to protect such corridors against severance or loss of value as a wildlife route. The creation of a widened flood conveyance corridor will serve to increase the potential for the corridor to expand and it is indicated that the area could be used to provide environmental enhancements including wetland habitat. Whilst the works are noted as potentially affecting birds and bats appropriate mitigation measures can be secured and any identified effects on flora and fauna in this area are not identified in the ES as significant. Such impacts are accepted by the Local Planning Authority in light of appropriate landscaping of the area being able to restore wildlife benefits in the long term. DWT have not expressed any objections to the proposals but have indicated that conditions should be imposed to secure the submission and implementation of measures to provide ecological opportunities in all areas and such a condition is recommended to ensure that the wildlife value of the corridor is maintained in the long term. With such conditions in place, I am satisfied that this part of the works addresses the requirements of policy E6.

Etruria Gardens.

This area is located between the southern end of the Aida Bliss site and the northern extent of the Lower City Road (Tomlinsons) site. The area currently accommodates a small housing estate. Proposals in this area involve the demolition of the existing flood wall (1.5 m) and replacement with a new flood wall up to 2.4 m in height, including glass panels and set back from the existing alignment. Proposals also include provision of a temporary site compound at the northern extent of the area, although this is permissible under permitted development.

The area is within the WHS Buffer Zone, Archaeological Alert Area and is also within the Little Chester Conservation Area. The ES does not identify any significant impacts arising from the provision of the flood defence across Etruria Gardens for any of those heritage assets identified. Whilst sub surface remains of archaeological interest associated with the industrial development of this part of the WHS are identified as being impacted by the works at this site, the residual effect identified is minor. The works have not generated objections from the County Archaeologist, Conservation Officer or CAAC. Such impacts are accepted given that the site currently has a flood wall along its extent and whilst the proposed wall would extend to 0.9m higher than the existing wall, its set back position from the river's edge would move it away from the river corridor moving it closer to the built form of the houses at Etruria Gardens. The existing houses would screen views of the proposed wall from wider views in the Conservation Area and overall it is considered that this element of the works accords with policies E29, E21 and E18. This would be subject to conditions being imposed which secure detailed programmes of archaeological works that are required to be submitted and approved prior to any development works taking place given that the site is within the AAA. The imposition of conditions to control the external material used for the flood wall are also considered to be appropriate given its Conservation Area setting.

The new wall is proposed to be set back from the top of the river bank by at least 5m; meaning that areas of existing amenity open space will become part of the conveyance corridor, as the wet side of the wall would not be publically accessible.

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Therefore, this will technically constitute a loss in publically accessible open space. However, the land will remain as open space, as defined by the NPPF as it will continue to have visual amenity value and contribute to the City's wider green infrastructure network. In terms of Policy L1 of the CDLPR, the proposals are not seeking to change the use of the land that will become part of the flood conveyance corridor, although the role and function of the land will be altered by the implementation of the flood wall. The use of the area will continue to be of an open nature (i.e. flood conveyance corridor), therefore, the only loss of open space will be the footprint of the new walls, which will be minimal in the context of the whole scheme which seeks a net increase in open space provision overall. However, the new wall will have an impact on the visual amenity of the open space.

Two residents from Etruria Gardens have responded to the application with both comments and objections being received. Both raise concern with regards to the success of the glass panels that are proposed given that they would be in a position 1.9m above ground level. Residents suggest that they would be pointless as they won't be able to see through them. Such concerns are noted and information provided with the application indicates that the glass panels in this location are used to soften the impact of the wall and maintain views of the riverbank trees. The 2.4m height of the flood wall is significant, given the domestic context in which it would be situated, but at both northern and southern ends of the site, the wall is offset from the nearest property by 10m and such a distance would be considered reasonable to reduce any direct concerns relative to massing and enclosure. Accordingly, it is considered that the wall meets with the aims of policy GD5.

The flood defence is set back from the river's edge in this location to meet with the OCOR Masterplan aim of making space for water and it forms part of the widened conveyance corridor extending through this part of Chester Green. It is clear that one of the residents has concerns with regards to the loss of some garden area to that conveyance corridor and whilst no re-provision of lost garden space is possible, this needs to be weighed against the benefits to the houses of achieving improved flood risk protection. Derwent Housing Association has commented on the proposals and indicates that they do welcome the flood risk benefits that arise from the project. They indicate that they support the re-provision of picnic benches in the area as part of the proposals and would like to view any proposed landscaping plans. Such landscaping proposals would be secured by condition to ensure that the resulting garden area is reinstated to a similar standard to that lost. Derwent Housing raise further questions about the maintenance of the flood wall and it is noted that a section of fence and wall is proposed at the northern end of the site to enable access to be maintained on the river side of the defences for inspection and maintenance purposes. It is recommended that full details relating to the design of the fence and gate should be secured by condition as they were not provided with the application.

A significant number of riverside trees would require removal to undertake this work at Etruria Gardens but it is noted that any of significance that provide a visual screen are proposed to be retained. Replacement planting is proposed and shade-tolerant wildflower seeding is also proposed to be provided to enhance the ecological value of

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the area. Potential ecological enhancements identified for the area include potential for sections of green wall to be accommodated on the river side of the defences. Such measures can be secured through the conditions proposed. DWT have not objected to the works in this area and it is noted that any necessary surveys will need to be undertaken to ensure that the trees proposed for removal do not impact upon potential breeding birds and bats. Such measures can be secured through the conditions proposed and overall, I am satisfied that the proposals would not compromise the adjacent wildlife corridor and accords with policy E6.

Lower City Road.

The Lower City Road area is located at the southern end of City Road between the Bridge Inn car park and Etruria Gardens. The site is currently occupied by a range of industrial buildings, many of which are vacant along with a small number of retail units at the southern extent. As an identified development site, only outline planning permission is sought with alignment and height details provided for the provision of a flood defence across this site.

In heritage terms, the site is located within the WHS buffer zone and sits on the edge of the Little Chester Conservation Area. The ES does not identify any significant impacts arising from the provision of the flood defence across the site for either of those designated heritage assets. Such impacts are accepted given that the proposal merely seeks to establish the principle of a new defence of a specified height being set back some 8m from the river's edge and it would be the intention of the Council and OCOR project to secure that defence as an integrated solution that would form part of wider regeneration proposals for this site.

Policy E21 offers protection to archaeological remains and the Lower City Road development site is located in the Archaeological Alert Area (AAA) identified for Roman Derby at Little Chester. The ES identified that ground works at Lower City Road may impact on sub surface remains affecting areas of Roman Derby and those associated with the historic industrial landscape of the WHS. The significance of effects associated with the works on this site passing through the area formerly occupied by the sun iron foundry, former timber yard and colour works are indicated as direct, minor, negative and permanent following necessary mitigation works in respect of its impact on the historic landscape of the WHS. In respect of Roman Derby only minor impacts are identified for the AAA and the three assets identified. Given that the County Archaeologist has indicated that he is satisfied that the assessment of significance and impact provided in the ES is guided by an appropriate weight of evidence, such impacts are accepted by the Local Planning Authority. No significant impacts are therefore identified for the AAA or World Heritage Site and it is considered that appropriate assessment has been undertaken to ensure that the works in this area accord with policy E21 and the NPPF. In accordance with the policies of the NPPF, it is considered that less than substantial harm would result for those designated assets. These works have not generated any objections from the County Archaeologist or Historic England, subject to conditions being imposed which secure detailed programmes of archaeological works that are required to be submitted and approved prior to any development works taking place.

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The imposition of such a condition is recommended which will secure a programme of recording, to mitigate against effects sustained during construction. The wider public benefits of this proposal in terms of flood risk are considered to outweigh the less than substantial impacts identified and therefore other material considerations affecting this part of the scheme are considered.

The ES does not identify any significant landscape or visual amenity effects associated with the works on this site. This is a vacant site and the Council are actively pursuing its redevelopment as at present, it offers no positive contribution to the character of the wider area. This element of the scheme has not attracted any objection from the Conservation Officer and whilst it sits outside of the Conservation Area it is adjacent and it is understood that the aim is to secure a defence that is part of a wider redevelopment of the site which would bring other benefits to the area. The form and scale of any redevelopment proposals for this site are not within the remit of this planning application and the impact of such proposals on the wider area would need detailed consideration through the determination of any such applications. It is however understood that any new development would screen views of the flood defence in views from the neighbouring conservation area, and the proposal is not considered to conflict with the requirements of policy E18 in respect of preserving the character of the Conservation Area.

In terms of EP11, the construction and setting back of a new flood wall through the site will in essence sterilise the land on the wet side of the defence from being used for employment purposes. However, technically this application will not lead to the 'loss' of the land as no alternative use of the land is being proposed at the current time. Nonetheless, EP11 seeks to ensure that development proposals do not decrease the development potential of nearby land. Whilst the proposals would sterilise part of the site, they also create greater opportunities for the protected areas of the site to be brought back into beneficial economic use. The conflict with EP11 will need to be weighed against the wider benefits. The existing flood risk to the site would be addressed by the proposals which it is anticipated would boost the development potential of the remaining land providing wider benefits. Such aims would accord with the objectives of the OCOR Masterplan. Policy GD6 seeks to ensure that proposals do not prejudice the development potential of any land allocated in the local plan but the balance of the land lost to the flood conveyance corridor needs to be balanced against the benefit to the remainder of the site that would be protected from flood risk. The reduction in employment land provides other wider benefits as the set-back defences will assist in improving the conveyance of flood water through the city. It is therefore clear that the flood risk benefits arising from the works effect this site and beyond and it is considered that those benefits outweigh the loss of employed land and can be justified in terms of Policy EP11.

Many of the local residents who have objected to and commented on this planning application have raised concern with regards to the uncertainty surrounding actual development on this development site and others in Little Chester with concerns expressed about its delivery. The potential for a 'hole' to result in the defences as a result of development not coming forward is clearly a concern. The Council has

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shown that they are actively committed to promoting development on the site and an integral defence solution is being promoted as the preferred approach. Should such proposals fail to come forward within the appropriate timeframe, the Council has indicated a backup position where the CPO process will be used to acquire the land to facilitate development.

Concern with regards to the uncertainty surrounding the detail of any future development on the site has also been expressed by residents with clear concerns expressed against forms of development that will be significant in scale and out of keeping with the character of the wider area. Residents have expressed concern that the flood defence works will impact upon viability leading to greater pressure for more intensive forms of development to be allowed. The details relative to any future development on this site remain unknown at the present time but such proposals would need to be the subject of a planning application which would be subject to public consultation and consideration against adopted policies which seek to protect the character and amenities of areas. Viability will be an issue for consideration dependent on the type and scale of development proposed but the net loss of developable land and the provision of the defences, will need to be balanced against the flood risk benefits arising for the wider site as part of any such assessment.

The riverside corridor adjacent to the development site is identified as a wildlife corridor that links the Upper and Lower Green Wedges. The submitted plans show trees on between the river and the flood defence alignment as retained but landscaping details are not subject for approval as part of this element of the works. Any potential tree losses and implications for biodiversity that may result will require further detailed consideration as part of any future applications on the site but the creation of a widened flood conveyance corridor will serve to increase the potential for the corridor to expand. It is not therefore considered that provision of a flood defence across this site with the alignment shown, would conflict with the aspirations of policy E6.

Objections have been received to this application from the owner of 2C City Road with clear objections being made to the loss of his property as a result of the flood defence alignment passing through it. In planning terms, the wider flood risk benefits arising would outweigh any issues related to the loss of the existing retail unit that occupies 2C City Road. It is understood that discussions have been taking place with the owner relating to separate legal issues. It would be necessary to ensure that appropriate measures are in place for works to be undertaken to ensure the resulting buildings and land are successfully reinstated and such measures would be considered as part of any future applications.

St. Mary's Bridge.

St. Mary's Bridge is Grade II* listed and a Scheduled Ancient Monument. The Bridge Inn is locally listed. The site of the proposed works is in the World Heritage Site Buffer Zone and forms part of the Wildlife Corridor linking the Upper and Lower Derwent Valley Green Wedges. A brick clad flood wall up to 2.1m high is proposed

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alongside the Bridge Inn car park with a 1.3m high wall with a 0.9m high top section in glass is adjacent to the pub. Both walls replace existing concrete walls.

Policy E29 allows for development within the WHS buffer zone provided that it does not have an adverse effect upon the WHS or its setting, including views into and out of the site. Given its status the ES identified St Mary's Bridge as having a high level of sensitivity and is identified as a standing building associated with the WHS. It indicates that there will be an impact on the setting of the bridge arising from the raising of the existing flood wall height alongside the Bridge Inn with the addition of the glass panels on top. Tree planting is identified as a mitigation measure that would reduce the starkness of the wall and it is noted that a large willow tree that is proposed to be retained would offer some screening. As a result of such measures, the impact of the works on the WHS itself is identified as none. I have noted that no objections have been raised to the works in this location from the World Heritage Site panel or Historic England and therefore accept the impact identified in the ES and conclude that this part of the works would not be detrimental to the special character of the WHS.

Policy E19 seeks to protect the character and setting of statutorily and locally listed buildings and in respect of the bridge, the only significant effect identified as arising from the works relates to the provision of scour protection around the bridge piers which would result in a beneficial impact as the historic fabric of the bridge would be protected from erosion and flood damage. In respect of the Locally Listed Public House, no significant impacts are identified. The ES outlines areas where the impacts on the heritage assets have been reduced through the project design and it is indicated that the way in which the flood wall will tie in with St Mary's Bridge has been designed to avoid significant alterations to the structure of the bridge. It is clear that these details have been successful in reducing any impacts as the proposals have not generated any objections from the Inspector of Ancient Monuments at Historic England.

Overall I am satisfied that accurate assessment has been undertaken to determine the impacts of the proposed works in this location on the important heritage assets concerned. Particular care should be taken in the consideration of the design and materials of the proposed flood defence walls and I am satisfied that such details can be secured by condition of planning permission.

The Landscape chapter of the ES indicates that the bridge is located within a pocket of distinctive townscape character to which it contributes an important part. It is indicated that within this landscape the wall may generate a low magnitude of effect but coupled with the required tree losses an impact with a moderate level of effect would result. Such an impact is however identified as minor following the maturing any replacement trees which highlights the need for successful replanting.

The proposed defences in this location are close to two key routes through the City but no overriding design objections are raised subject to appropriate external materials being secured. In wider amenity terms, there are no covering objections to the proposed works. The wall would not result in a loss of residential amenity and

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given that it would follow the link of the existing flood wall, it should not impact upon how the existing pub is accessed and used. It is noted that no objections are raised to the works on highway safety grounds and the provision of policy T4 would be met by the proposal.

The wildlife corridor which runs along the course of the river would be affected by the proposals. A number of trees are to be removed, and information in the ES indicates that trees in this area are a good commuting and foraging habitat for breeding birds and bats. The Bridge itself has been subject of a survey for roosting bats and while none were found present at the bridge, the Environmental Action Plan (EAP) acknowledges the need for further survey work prior to any works and vegetation clearance commencing. These works have not generated any objections from DWT or Natural England but conditions are recommended to ensure all the requirements of the EAP are delivered and with such measures in place; I am satisfied that the aims of policy E6 would be met by this proposal. The information submitted with the application suggests the provision of wildflower seeding in this area of the works. This would protect, and potentially improve, the value of the wildlife corridor in line with the intentions of E6, and it would be appropriate for such measures to be secured by condition of planning permission.

Subject to the imposition of appropriate conditions as outlined above, it is considered that the works in this area are acceptable.

Full Street and Exeter Bridge.

This area includes land around Exeter Bridge, former Magistrates Court and former Police Station sites. Proposals in this area include the removal of existing defences and the provision of a new flood wall up to 2 m in height along the same alignment. The new wall has already been implemented as part of the redevelopment of the former Police Station site and the refurbishment of the Magistrates Court to form the new Local Studies Library. The new defences are proposed to link in with new flood gates (0.6m) mounted on piers (up to 1.4m) spanning across the road.

Policy CC12 identifies the area of the former Police Station, Magistrates' Courts and Cathedral Gardens for redevelopment, including the retention of the courts and a landscaped area of public open space in the same general location as the existing Cathedral Gardens. The redevelopment of the former Police Station is at an advanced stage, the former Magistrates' Court has been converted into the Local Studies Library and the Cathedral Gardens have been re-landscaped. Therefore, the key consideration in this area is the implementation of the new flood gates and piers.

The former Magistrates Court are Grade II listed and the Council House is locally listed. Policy E19 seeks to protect the character and setting of statutorily and locally listed buildings. Whilst Derwent Street forms an important local highway route into the city, and those buildings occupy prominent locations alongside it, the proposed floodgate and piers are not considered to be excessive in scale. The ES does not identify any significant impacts arising from these works, for those buildings and the designs have not generated any objections from the Conservation Officer or Urban Design Officer. This is subject to appropriate materials being secured which are

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appropriate for the setting of the Local Studies Library and Council House. You should be satisfied that the proposals are capable of meeting the provisions of E19.

The landscape chapter of the ES does suggest that the retrofitting of new structures within the streetscape of Exeter Bridge could have potential for a significant negative effect on townscape character. However, it goes on to suggest that through sensitive architectural detailing with high quality materials matching the existing stone work and public realm, a residual minor impact would result. The Local Planning Authority would agree with such a conclusion and consider that this highlights the importance of the external material in this location. The visual amenity assessment of the ES reaches similar conclusions and indicates that any permanent impacts on the view of pedestrians, tourists and visitors using Exeter Bridge would be a minor negative impact subject to an appropriate palette of material being secured for the works.

It is advised that this part of the works has been revised through the lifetime of this application with amendments necessary to address safety concerns for pedestrians and cyclists crossing the road alongside the flood gates and piers. Those issues have been addressed and colleagues in highways have advised that they raise no objection to the works subject to the approval of detailed design. They have advised that the detailed design will need to include amendments to Traffic Regulation Orders (TROs), existing bus stops and servicing areas. It should be noted that any changes to TROs involve a public consultation process that can attract objections and is therefore not certain. It is also considered that the proposed footway/cycleway connection to the north of the proposed ramp should be widened and a note to applicant is suggested to make them aware of these requirements. Details relative to the width of the footpath can be resolved through a suitably worded condition.

Riverside Gardens.

This area includes land to the north of Riverlights and the Law Courts, along the riverside. The land is currently used as open space (the River Gardens). Defences in this area will comprise the built fabric of the newly refurbished Council House, linking to the Riverlights development site by a series of stepped embankments and walls (up to 0.4m). Redevelopment of the Riverlights development site will provide an opportunity to build defences as part of new buildings on this site, or as a freestanding defence.

Policy CC6 identifies land for the comprehensive redevelopment of the bus station for a mix of uses and requires improved public access to the riverside. The riverside area is also an identified Wildlife Corridor.

The proposals are unlikely to preclude the continuing redevelopment of the former bus station site, the majority of which has already been developed. Development of the remaining land at Riverlights could provide an opportunity to implement part of the defences integrated into the construction of a new building(s).

The overall area of open space is maintained, in accordance with the intentions of L1. The policy only allows for new structures if they are ancillary to a use acceptable in terms of the policy and are of a size and scale which would respect the character of their setting. The structures are not strictly ancillary to the use as open space,

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however the proposed stepped embankment should be in keeping the character of the area; their incorporation of seating potentially improving the usability of the open space. The Council's Urban Design Officer has advised that the terracing of the flood defences with stepped retaining walls and detailing using high quality materials would produce a high quality space that reflects the linear nature of the site and makes good use of the riverside position and views. In light of this advice it is considered that a high quality design can be achieved as part of the reserved matters for this important civic space, in line with policy E23.

The wildlife corridor is narrowed slightly on its southern edge by the proposal. Policy E6 only allows for proposals which reduce the size of any wildlife corridors if they include suitable compensatory features for those which would be lost. It is noted that this has not generated any objections from DWT and the planting proposed includes an area to include flowering species and grasses and, an area of woodland planting incorporating species of high wildlife value. The delivery of such measures could be achieved through conditions of planning permission.

The potential local cycle route between Exeter Bridge and Longbridge Weir would be in line with the intentions of policy T7 which seeks to enhance the cycle network.

North Riverside.

This area includes land between Causey Bridge, St Alkmunds Way, Holmes Bridge and the River Derwent. The proposals include the provision of new flood defences up to 2.4m high, provided by new development on the Phoenix Street and Bio House development sites. A 2.1m high brick clad wall is proposed against the wall of the Exeter Arms PH. Gates and barriers are to be sited on Phoenix Street underpass, Derwent Street and the entrance to the Darwin Place car park. A new conveyance corridor will be provided through the centre of the area allowing flood water to flow behind the existing offices on Stuart Street and across the front of Exeter Place. This will require the diversion of Exeter Place, the demolition of Crompton House, Bio House and Exeter House, enabling the creation of new open space. Works in this area form part of package 2 and only outline planning permission is sought with only layout and scale details being subject for approval.

Part of the area of the North Riverside site falls within the WHS buffer zone. In accordance with Policy E29, the impact of the proposals on the special character of the WHS and its setting therefore need consideration. The flood defences being proposed extend through the site, with existing residential and commercial buildings being retained along the river frontage. Long sections of the defences are proposed to be delivered as integrated defences that it is hoped will assist in regenerating this area. Impacts for the WHS buffer are therefore considered to be limited and no significant effects are identified in the ES.

A number of heritage assets would be affected by the works proposed in this area and this would include the demolition of two locally listed buildings, Crompton House and Exeter House. This has generated objections from CAAC and the Conservation Officer. An objection has also been received from the Royal Bank of Scotland (RBS) who occupy Crompton House. The significance of the effect identified in the ES is

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only moderate, and whilst a major effect would seem to be most appropriate, it is reasonable that a moderate impact is identified for the purpose of the assessment given that the buildings are only locally listed and not statutory listed. Both are attractive buildings that offer a positive contribution to the character of this area. In accordance with paragraph 135 of the NPPF, in weighing up an application that directly affects a non-designated asset, a balanced judgement and regard should be had to the scale of any harm or loss and the significance of the asset. The work would result in their total loss which would be contrary to the aims of policy E19.

In reaching a balanced judgement on such a loss, regard must be had to the wider benefits arising from the flood defence scheme which results in such impacts for those buildings. The existing flood defences at North Riverside are proposed to be lowered as part of the work and the new defences set back in this area, to form a conveyance corridor which allows flood water to bypass Exeter Bridge. The information provided in the Flood Risk Assessment (FRA) indicates that this would reduce flood levels upstream. Whilst the defences would not offer protection to all the properties located in the North Riverside area (some would be located on the river side of the defences and in the flood conveyance corridor) these works would provide flood risk benefits to many properties. It should be noted that this area of the City is already at risk of flood with properties on the riverside already in flood zone 3a and the proposals would not result in any change to that designation.

An objection has been received to the application on behalf of the owners of Epworth House who indicate that all the business on the river side of the defences make a significant contribution to the local economy and it is indicated that they employ 80 people at Epworth House. Clear objections are raised to the alignment of the defences and the intention for Epworth House and other buildings to locate within the flood conveyance corridor.

The FRA indicates that flooding of the conveyance corridor is predicated to occur during a 3.3% (1 in 30) annual chance flood of greater. This does mean a slight increase in the frequency of flooding as presently overtopping of the existing defences occurs during a 2.5% (1 in 40) annual chance flood. During a 1% (1 in 100) annual chance flood event flood depths are increased by up to 0.3m within the conveyance corridor. Future climate change will increase flood depths by up to 0.5m within the conveyance corridor for the 1% (1 in 100) annual chance without adaption of the OCOR defences. Future climate change increases this impact to 0.62m. Properties alongside the proposed route of the proposed conveyance corridor could therefore be subject to an increased frequency and depth of flooding. Mitigation measures outlined in the application indicate that property level proportion measures would be offered to some of those effected (including Epworth House) and it is indicated that this would assist in raising their threshold of flooding by 0.6m. Such measures are not indicated as being offered to Riverside Apartments as they are identified as having living accommodation 3m above ground level and therefore above the 1% (1 in 100) and climate change annual chance flood level. A high level access is outlined however, as a means to providing those residents with means of access and egress during a flood.

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The Environment Agency has not objected to this element of the scheme but has advised that conditions should be imposed which ensure that mitigation measures (including the PLP) should be fully implemented within an agreed timeframe and before works commence to implement package 2, information should be provided to demonstrate that any increased hydraulic loading on buildings that remain in the conveyance corridor shall not cause structural damage and provision of a scheme to demonstrate that all buildings have a safe refuge or evacuation route. The works have not generated objections from colleagues in our Land Drainage Team. In light of such specialist advice, it is considered that the mitigation measures proposed are reasonable. Whilst having occupied buildings in a flood conveyance corridor is not an ideal solution, it has to be recognised that flood defences are needed in this area to realise the benefits identified for the project. The area is already at risk of flood and the works will offer some of those properties protection that they currently don't have whilst also providing flood risk benefits to areas of land identified as development sites which it is hoped will assist, boost their development potential and assist in the regeneration of the whole area. On that basis, the implications for the locally listed buildings and buildings on the riverside including Epworth House and the Riverside Apartments are accepted. It should be noted that the general location of the flood conveyance corridor and loss of Crompton House are consistent with the proposals outlined in the Masterplan.

The objectors to this application have suggested that alternative options should be considered for the area which has fewer implications for the locally listed buildings and flood risk to riverside buildings. Whilst some consideration of options has already been undertaken as part of the Masterplan, it is understood that the Council is committed to looking into alternative options and seeking the production of a detailed Masterplan for the area. The North Riverside works are indicated to take place as part of package 2 with no works scheduled to commence until 2017 and such a timeframe for delivery will allow for alternative options to be considered. Two development sites are outlined in this area on Phoenix Street and at Bio House and whilst the scale and detail of any new development proposed on those sites would have to be the subject of new applications for planning permission, there are wide regeneration aspirations for this area of the City. It is noted that the Councils Regeneration Team have also raised questions about alternative options and there is a clear intention for those to be pursued as the project progresses.

Policy CC8 identifies land west of Derwent Street for a high quality residential led redevelopment. It also allows for B1 business uses adjacent to the Inner Ring Road and supporting community facilities to meet local needs. Part of the area allocated under CC8 for redevelopment is taken by the proposed conveyance corridor. However, without the provision of a flood conveyance corridor or similar measure, the remaining areas of the allocation would not be developable due to flood risk. The proposals will also release development land to the east of Derwent Street, helping to offset some of the loss of land to the west.

The demolition of Exeter House would result in the loss of approximately 40 flats which provides important housing provision to this area of the city. The ES identified

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this as a moderate negative impact which is accepted. Whilst there are no overriding policy objections to its loss, alternative and suitable replacement provision should be secured and information supporting the ES indicates that engagement with tenants to secure their relocation will take place prior to the building being demolished.

The ES identifies a number of landscape effects as arising from the works proposed in this area of the City. A positive effect is identified for users of the footpath from Phoenix Street as views are opened up towards the Silk Mill. A number of other views from Phoenix Street and the Riverside flats along with a view achieved by users of the national cycle network and footpath looking east from the junction of Derwent and Exeter Place are identified as becoming minor following mitigation. Mitigation measures include the provision of new high quality open spaces and the maturing of replacement planting. These issues will require further consideration as part of any future applications whether they are reserved matters or new applications for planning permission to ensure that appropriate landscaping schemes are delivered in accordance with policy E17.

A number of road layout changes are proposed as part of the works in North Riverside and the ES notes that the changes would only have localised effects on the alignment of roads. The design in this area has been informed by a Transport Assessment and access details in the area are subject to reserved matters and are not subject for approval as part of this application. Colleagues in Highways have indicated that they note that the works would involve parts of the highway network having highway rights removed and a significant impact on a busy route and on-street parking bays. They note that a master plan for the area is to be developed with alternative options considered and have suggested that a Grampian condition should be imposed on any planning permission granted which restricts any of the works at North Riverside commencing prior to details of any changes to the highway network being submitted to the Local Planning Authority for approval. Such a condition could be suitably worded to ensure such details are submitted and agreed.

It is noted that some diversion to the cycle network are likely during construction but any impacts would only be temporary.

Councillor Carr has objected to the diversion of National Cycle Route 6, from the north bank of the river to the Council House side. It is indicated that the footway would be widened to accommodate shared pedestrian and cycle use but the plans have also been updated to clarify that a cycle route would continue to be maintained on the north bank also.

Land to the south of Exeter House is designated open space and would appear that the demolition of Exeter House will lead to an increase in the amount of open space in this area, which is welcomed.

The riverside forms part of the Wildlife Corridor that links the Upper and Lower Derwent Valley Green Wedges. The ES does not identify any significant impacts arising for the corridor as a result of the works at North riverside and it is noted that DWT have not raised any concerns with regards to this element of the works.

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Meadow Road and Mill Fleam Outfall.

This area includes Bass' Recreation Ground, the Trent Barton bus depot and the former site of the Derby Telegraph offices and printing works on Meadow Road.

Other than a section of brick clad flood wall up to 2.1m high near Meadow Road, supplemented by a 2.1m high temporary defence across Meadow Road, flood defences up to 2.2m in height would be provided as part of the redevelopment of the Trent Barton Bus Depot (which would be demolished) and the Derby Telegraph site and both are identified as development sites in the planning application. Within the area of Bass' Rec. a national cycle route is introduced, being diverted from the east bank of the river.

Some permitted development works proposed within Bass' Rec. include the use of the car park as a temporary site compound and the construction of a new outfall structure, flood defence walls and offline pumping station for the mill fleam.

The former site of the Derby Telegraph and car park are identified under policy EP11 as an existing business and industrial area. The building and part of the site at the northern end are shown as being in the area behind the proposed flood defences, part of the frontage and the whole of the car park are outside the defended area. This would, approximately halve the area of the site available for continued employment use and / or redevelopment. However, the actual proposals would not directly lead to a loss of land allocated as EP11. Nonetheless, EP11 seeks to ensure that development proposals do not decrease the development potential of nearby land. Whilst the proposals would sterilise part of the site, they also create greater opportunities for the protected areas of the site to be brought into beneficial economic use. The conflict with EP11 will need to be weighed against the wider benefits. Clearly, any opportunities to maximise the amount of developable land on the dry side of the defence would be welcomed as the area is an important brownfield redevelopment opportunity in the city centre.

Whilst the works to the Mill Fleam are proposed to be undertaken using the permitted development rights of the Environment Agency, Bat surveys carried out in 2013 identified that Mill Fleam culvert supports a bat roost. DWT has therefore advised that these works impact on European protected species and the provisions of the appropriate legislation applies equally to 'any project or proposal', whether it requires permission or not. The EAPs (Environmental Action Plans) presented in Chapter 17 do not differentiate between the GPDO and planning permission elements. DWT has suggested that a note/informative could be used on any permission for these elements in order that the requirements do not get lost in the transition of the application in subsequent years. As part of the construction of the Mill Fleam outfall a number of trees would be removed. These are intended to be replaced on a one-for-one basis as close to the original location as possible, but will need to be appropriately conditioned. This would protect the value of the wildlife corridor in line with the intentions of E6.

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The diversion of the national cycle route would appear to be on the same alignment of an existing off road cycle route and so is unlikely to have any adverse effect. This would be in line with the intentions of policy T15

Pride Park.

The Pride Park area includes land on either side of the riverside path, at the rear of buildings sited on Riverside Road. The proposals within Pride Park seek outline permission for the construction of new flood walls, up to 0.5m in height, on top of the existing embankment that runs adjacent to the riverside path.

The area in question is on the periphery of the area identified as EP3 (a) and identified open space that runs alongside the riverside path. EP3 (a) allows for the extension of existing employment uses. The proposals would be ancillary to the existing employment and leisure uses contained in this area and would provide enhanced flood protection to the allocated employment area, helping to facilitate future expansion and intensification.

The new walls would run along the back edge of the open space, potentially reducing its visual amenity value, but not reducing the amount of usable area for recreation.

Chaddesden Sidings.

The Chaddesden Sidings area is located to the south of the Cattle Market, between the riverside, Costco and the railway line.

The majority of the Chaddesden Sidings area is identified as Green Wedge in the CDLPR (E2). The central part of the area is also identified for use as leisure and recreation of an open nature (L5 (2)). The western extent of the area is an identified sports pitch (L6), whilst the southern edge of the area forms part of the E4 (7) nature conservation area and the area around Costco is identified as existing employment land (EP11). There are a number of rights of way crossing the site and these are reflected by T15 (1), which seeks to protect the routes between Chequers Lane and Meadow Lane.

The site is identified as a potential Local Wildlife Site (pLWS) in the ES and the survey information and assessments which support the application identify its biodiversity value. It is identified as accommodating a large area of habitat including two ponds, swamp, wet woodland and grassland habitat. It is identified as providing suitable habitat for ground nesting / roosting birds and reptiles in particular. The information relative to Chaddesden Sidings has recently been updated following receipt of the original comments to this planning application from DWT and they have now confirmed the current biodiversity value of the site and have established clear restoration objectives. The measures outlined in the ES include the reinstatement of ponds and replacement planting. DWT advise that these measures can be incorporated into a condition to ensure that they inform and guide any future applications or reserved matters and appropriate conditions are recommended. In light of this specialist advice, I am satisfied that adequate consideration has been given to the value of the wildlife site and the species for which it provides a habitat.

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As noted previously, the main issue to consider in relation to Green Wedges is whether the proposals will undermine their open and undeveloped character. The proposed works located within the Wedge in this location involve the creation of a new grass embankment, running east to west, created by land raising / lowering. Land to the south of the embankment will be used for wetland / new planting, whilst there are no proposals for the raised land to the north.

The main functions of the Lower Derwent Green Wedge in this location, as defined by the Council's Green Wedge Review is to provide flood capacity, but also to provide a buffer between lighter industrial areas to the south and heavier uses to the north. The creation of a new embankment will not undermine this function and on the basis that the new defence will be a grass embankment, it is unlikely to undermine the essential characteristics (open and undeveloped character) of the Green Wedge.

The proposed structures within the Green Wedge will need to be small scale and designed in such a way to not detract from the open and undeveloped character of the Wedge. Particular attention will need to be given to any proposed landscaping around the structures to help mitigate impacts, although this will be picked up through future reserved matters / detailed applications.

Future use of the land to the south of the new embankment will be picked up in future applications, whilst land to the north will be reviewed through the Local Plan Part 2 process, having been promoted for development in the past.

In terms of L5 (2), the Policy allows for the development of leisure and recreational uses of an open nature and essential small scale ancillary buildings. Whilst the proposals reduce the likelihood of the site being used for more formal recreational / leisure uses in the future, (due to the changes in topography), importantly they do not undermine the principle. The creation of the flood conveyance corridor opens up new opportunities for more informal recreational and leisure use, such as a nature reserve / wetland habitat centre. Opening up greater public access to the Green Wedge would clearly be beneficial.

The proposed alignment of the embankment at the western extent of the area would not lead to the loss of the identified sports pitch. However, this area is also identified for a temporary site compound. This would prejudice the use of the pitch, although the temporary use is permitted under Schedule 2, Part 4, Class A of the GDPO. In any case, we're not convinced that the area is actively used or marked out as a sports pitch. Perhaps need to mention what Sport England have said about this???

The proposed wall along the CostCo boundary run along the boundary between the identified Green Wedge and the area identified as EP11. In such locations, Policy E16 seeks to ensure that adequate landscaping is provided in order to protect the special character of open land such as Green Wedges. The detailed design of the proposed wall and any landscaping will need to be assessed through future reserved matters / detailed applications. The employment allocation (EP11) will not be unduly affected by the proposed wall.

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At this stage it is not clear exactly how the proposals would impact upon the protected routes (T15 (1)) and rights of way crossing the site. None of the proposals will necessarily prejudice these routes, however some realignment may be required, depending on how the land is used in the future and the level of public access provided.

Chaddesden Triangle.

The Chaddesden Triangle is located to the south of Wyvern Retail Park, between the railway line and the River Derwent. The OCOR proposals in this area comprise the provision of a 45 metre buffer alongside the river, including the lowering of the land to provide a wider conveyance corridor and the creation of an embankment or stand-alone defence.

Policy EP7 of the CDLPR identifies the Chaddesden Triangle as an employment site, providing 28 hectares of new employment land. The Policy requires developers to provide detailed proposals for the satisfactory treatment of the area adjoining the River Derwent in terms of its visual, recreational and natural history importance.

The emerging Core Strategy seeks to carry the allocation of this site forward and continues to allocate all 28 hectares for employment use. The new Policy states that, the Council will seek to ensure that the site is developed comprehensively and that development on one part of the site does not prejudice the development of the remainder. Satisfactory flood and environmental mitigation will be required consistent with the OCOR programme, whilst satisfactory treatment of the area adjoining the River Derwent is required, in terms of visual, recreational and natural history importance. Links to the riverside cycle route and Pride Park leisure hub should be established.

The proposals will lead to the loss of approximately 2 hectares from the allocated employment area. Policy EP12 allows for the loss of land from proposed employment allocations provided that it would not lead to a deficiency in the supply of employment land, would not be incompatible with established employment activity and would not decrease the development potential of nearby land. The addition of the buffer may actually provide an opportunity to extend the width of the Lower Derwent Valley Green Wedge in the future. This will need to be assessed through the Local Plan Part 2 process.

Any future development of the site is likely to require substantial flood alleviation measures in order to make it suitable for development. Therefore, the loss of land is a necessity to enable the rest of the site to be brought forward. The OCOR proposals are therefore ancillary to the development of the site for employment uses and are in line with EP12. Nonetheless, employment land supply calculations done to inform the Core Strategy have factored such losses into the overall strategy. Therefore, the future supply of employment land will not be adversely impacted.

It is noted in the ES that whilst the creation of the flood alleviation corridor is considered to have medium to high risk of contamination, given its historical use, the significant of any effects related to contamination are identified as low given that a clay cap is proposed to be used to act as an impermeable barrier to flood waters

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entering the surface soil and resulting in mobile contamination being washed or leached out of the soil.

The protected former route of the Derby and Sandiacre Canal is located on the southern edge of the Chaddesden Triangle site. The OCOR proposals in this area would see significant lowering of land alongside the river, which the protected route intersects. It will be necessary to ensure that the lowering of this land will not undermine the future restoration of the Canal. The Canal Trust have been consulted on the application and no overriding objections are raised although it is recognised that further consideration of the impact on the canal restoration will need detailed consideration as part of any future applications.

Through reserved matters applications it will be necessary to ensure that the visual, recreational and natural history importance of the riverside is considered as part of any remedial works along the resulting riverbank.

It is noted that Network Rail have commented on this application as land owners. They have indicated that they have an aspiration to maintain an emergency vehicular access route through an area of the site that may be impacted by the proposals for the pumping station. Whilst the pumping station is proposed to be delivered using the permitted development rights of the Environment Agency, it is considered that it would be appropriate for a note to applicant to be added to any planning permission granted to advise of this issue so that this can be taken into account before works on the pumping station commence.

Alvaston Park.

The proposals within Alvaston Park seek outline approval for the construction of a new flood defence along the southern and eastern edges of the Park. The new defences are shown to extend up to 2.6m in height and would involve new road ramps across the park entrances and the raising of around 80m of existing flood defence at the eastern extent of the park. The exact form of the defence will be determined through detailed applications in the future and therefore we are only really considering the alignment and upper limit on scale. The final decision on the nature of the defence (wall / embankment / combination) will determine the extent of any impacts. The General Arrangement Plan for this area currently assumes that the defence will comprise an embankment and the impacts have been assessed on this basis. Further consideration of potential impacts and mitigation will be needed once the nature of the defence has been determined. The existing flood defence which runs along the river's edge is to be retained.

The Alvaston Park area is defined open space forms part of the Lower Derwent Valley Green Wedge and is a playing field containing a number of sports pitches and mature trees.

In accordance with policy E2 consideration should be given to whether the proposals will undermine their open and undeveloped character of the green wedge. The main functions of the Lower Derwent Green Wedge in this location, as defined by the Council's Green Wedge Review is to provide flood capacity, but also to provide a buffer between industrial areas on Raynesway and the residential areas to the south.

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The creation of a new embankment will not undermine this function and on the basis that the new defence will be a grass embankment, it is considered unlikely that it would undermine the essential characteristics (open and undeveloped character) of the Wedge. A wall would be likely to have a greater visual impact and be more detrimental in terms of maintaining the undeveloped character. The construction of a flood wall will lead to a 'harder' delineation between the Wedge and surrounding area, leading a more obvious 'containment' of the undeveloped area, and marginal change in character. However, it would be unlikely to impact upon the overall open and undeveloped character of the Wedge.

The flood embankments will introduce new landscape features in the park and they are highlighted as providing some of the most significant effects on landscape and visual amenity through the assessments provided in the ES. The use of embankments rather than walls is supported by colleagues in Parks who have indicated that the use of embankments is appropriate and the banks provide opportunities to be used as viewing areas for the playing pitches. They also indicate that the location of the defences, to the back edge of the park boundaries will help to reduce the visual impact of the defences from within the park itself. Policy E16 seeks to ensure that adequate landscaping is provided in order to protect the special character of open land such as Green Wedges. The detailed design of the proposed embankment or wall and any landscaping will need to be assessed through future reserved matters / detailed applications.

The footprint of the flood embankments will lead to a loss of playing field. Information supporting the application demonstrates the provision of a revised layout for the sports pitches meaning there is no net loss in the number of pitches available within the park. Colleagues in parks have raised no objections to this element of the proposal which has also not generated any formal objection from Sport England.

There will still be a loss in terms of playing field space. In such cases the NPPF requires that any loss is justified through demonstrating that land is surplus to requirements or that the land / facilities will be replaced by equivalent or better provision in a suitable location or the development is for sports and recreational provision, the needs for which clearly outweigh the loss. In terms of mitigating the loss of playing field space, the Sport Strategy Addendum Report provided in support of the application recommends that a master plan exercise is completed for Alvaston Park to consider the wider usage of the site and this should include recommendations for identifying additional playing pitch space to mitigate any lost resulting from the flood defence works. Whilst Sport England have suggested that the approach here would be considered to meet with Sport England Playing Field Policy and Paragraph 74 of the NPPF, they advise that compensatory sports provision can be sought by condition of planning permission provided the wording of that condition enables precise parameters for the assessing the amount of playing field lost and the scale and proportion of replacement / alternative provision. The replacement would need to be of a quality and value that reflects the playing field lost and the wording of the condition needs to be suitably detailed to secure this. Other conditions are also recommend but overall, it is advised that the Local Planning

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Authority are satisfied that conditions can be suitably worded, in consultation with Sport England, to ensure that the means are established at this outline stage to secure suitable and appropriate mitigation for the playing field lost. The policy requirements are therefore considered to have been met in this regard.

In terms of open space, information supporting the application suggests that the proposed embankment can still be considered as open space in accordance with the terms of the NPPF definition. It is acknowledged that there is a case to suggest that the embankment can be considered as open space. Whilst, the scale and gradient of the embankment would limit the recreational function of the space, I am satisfied that the proposals would not constitute a loss of open space. If a wall is constructed, instead of or in addition to the grass embankment, the impact on open space will be greater. Not only will there be a loss due to the impact of the footprint of the wall, it would diminish the open space role of the remaining land on the dry side of the wall. Whilst a wall would not be the preferred option from this perspective, the loss of open space caused by the construction of a flood wall, would still be considered to be relatively minimal in the context of the whole scheme which seeks a net increase in open space provision overall.

There are strong avenues of trees which provide important landscape features on entrance to the park. Precise details relative to the implications of the proposal for those trees will require detail consideration as part of any future applications for the flood defences on this site.

The proposals in this location have a number of policy implications, including impacts on open space, Green Wedge, trees, playing fields and sports pitch provision. All of these issues will require further detailed consideration once the precise form of the defences being proposed, has been determined. Any remaining adverse impacts after mitigation will need to be weighed against the benefits of the proposals in this location and wider benefits of the scheme as a whole.

It should be noted that negotiations have been extensive through the life of the application surrounding this component and all stakeholders will be part of on-going discussions in the future.

Raynesway.

The Raynesway area of the proposals extends from Wilmorton Railway Bridge to Raynesway on the north bank of the River Derwent. It includes land adjacent to the boundary of the Rolls-Royce Marine Power Operations facility and also includes land at Alvaston and Bolton (A&B) Cricket Club. There is an existing embankment that provides protection to these areas.

The proposals in this area involve the raising of the existing embankment by up to 0.75m and increasing the width of the crest. The proposals also include the insertion of sheet piling through the existing embankment around the cricket pitch in order to raise the defence by 0.5m, but without increasing the width of the embankment to avoid impacts on the cricket pitch. The piles will be capped with a concrete beam.

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Rolls Royce has provided a representation in response to this application and has expressed concerns with regards to the potential introduction of a footpath through the site. They indicate that there is no footpath through the area currently and are concerned about such a provision on the grounds of the security at the site. As only outline planning permission is sought for this part of the works, it is considered that such details would be resolved as part of any future applications or reserved matters but concerns over site security can be appreciated.

The area affected by the proposals is within the Alvaston Green Wedge (E2), is a designated nature conservation area (E4 (7)) and abuts an identified sports pitch (L6). The adjacent Rolls-Royce facility is identified as existing employment land (EP11).

In terms of Green Wedge impacts, I am satisfied that raising the embankment and reinstatement with grass would not undermine the primary function of the Green Wedge (providing separation) and would have negligible impact upon the openness and undeveloped character of the Wedge in this location.

In terms of the proposed sheet piling with concrete cap, the only visible impact will be the 0.5m high cap on top of the piles. Whilst this may be a prominent feature, being located on top of the embankment, the only locations it is likely to be visible from are industrial areas, A&B cricket pitch and Alvaston Park. The addition of the concrete cap will slightly diminish the undeveloped character of the Green Wedge, but this needs to be seen in the context of the wider location, which is generally industrial in nature, including large built structures within the Rolls-Royce facility. The primary function of the Green Wedge is unlikely to be undermined by the cap, as in this location the Green Wedge only provides separation between two industrial areas. Overall, there will be negligible impacts on the primary function and open and undeveloped character of the Green Wedge in this location.

It is considered that the cricket pitch and nearby employment areas are unlikely to be adversely impacted by the proposals in this location.

Ambaston and Shardlow.

The works in this area are outside the City boundary and in the jurisdiction of South Derbyshire District Council.

Cumulative Scheme Effects.

The Environmental Statement considers cumulative effects in terms of the effects that arise from a combination of the works proposed in this application with other known projects within or adjacent to the OCOR scheme. However, some consideration needs to be given to the cumulative effects of the scheme itself rather than just the impacts identified on an individual site basis.

Flood Risk.

Our City Our River will provide a 1% (1 in 100) annual chance standard of flood protection from the Derwent to some 2095 properties. Package 1 protects 1140. Package 2 reduces the risk of flooding to 771 properties whilst package 3 reduces the risk for 185 properties. The contribution for package 3 is smaller as these works

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are largely to mitigate against increase in flood risk from Our City Our River. The 155 properties not protected by the scheme include those at Darley Abbey and on the riverward side of the defences at North Riverside. And mitigation measures are to be provided, as appropriate, to these properties.

Post scheme water levels for a 1% (1 in 100) annual chance event are outlined in the Flood Risk Assessment and the largest increase in water levels is 0.43m and this occurs immediately upstream of St Mary's Bridge. Peak water levels are also raised by up to 0.24m at Darley Abbey Mills and 0.31m at Wilmorton Railway Bridge. Downstream of Raynesway Bridge, the effects of the scheme diminish as the floodplain widens. The scheme has little impact on peak levels at Borrowash Bridge and downstream to the Derwent's confluence with the Trent.

During lesser flood events with a greater chance of occurrence, the Flood Risk Assessment indicates between 0.15m and 0.35m lower levels during a 2% (1 in 50) annual chance event from Darley Abbey to Derby Junction Railway Bridge. The Our City Our River scheme results in an increase in peak water levels at most locations for the 1.3% (1 in 75) annual chance event. The largest increase is 0.22m and occurs at Wilmorton Railway Bridge. It should therefore be noted that construction of the Our City Our River defences significantly increase in-channel flows through the City as flows are contained by the raised defences.

The NPPF requires that developments consider the effects of future climate change over its lifetime. It is indicated that in this case a sensitivity range of 20% from the NPPF has been used. A 20% increase in flows for future climate change will diminish the standard of protection provided by the Our City Our River defences. Overtopping is predicted to occur at Breadsall, Alfreton Road and Darley Playing Fields for a 1% (1 in 100) annual chance event with the effects of climate change. Freeboard on the defences would also be significantly reduced to less than 0.05m for a number of locations including Little Chester and Duke Street. If no measures are made to adapt the defences in the future for climate change, by 2115, the defences would provide around a 1 in 70 annual chance standard of protection.

The information supporting the application indicates that given the size of the scheme there is a preference towards a managed adaptive approach for tackling climate change. Such an approach needs to ensure that the following criteria are met;

- The design takes account of the potential need to adapt the flood risk measures at a future date; and
- On-going responsibility can be assigned to ensuring the change in risk can be tracked and managed, with the appropriate adaptations made over the lifetime of the development.

The flood defence levels specified for the stand-alone defences in the planning application include an initial allowance for future climate change, being designed to contain a 5% increase in the present day 1% (1 in 100) annual chance peak flow. To allow for further adaptation for further climate change, the foundations of the stand-alone defences will be designed to be 'oversized' meaning the defences can be

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raised rather than replaced at a later date, if required. The information in the FRA shows that for a 20% increase in flow, the defences will need to have been raised by up to 0.48m over their lifetime, to provide a 1% (1 in 100) annual chance standard of protection in 2115.

The Flood Risk Assessment indicates that the works increase the risk of flooding predominately downstream of Derby Junction Railway Bridge. Mitigation measures proposed include floodplain compensation works and improvements to local flood defences. Full floodplain compensation is not practical for the scheme but removal of existing and setting back the flood defences and creating space for water is one of its key aims. Measures which compensate for the loss of floodplain include;

- Lowering an existing car park to allow flows to bypass Handyside Bridge;
- Removal of existing and setting back the flood defences to allow flows to bypass St Mary's Bridge via the Sowter Road underpass;
- Setting back the flood defence and lowering existing defences to form a significant floodplain conveyance corridor in the North Riverside and Meadow Lane areas;
- Formation of an 80m wide floodplain conveyance corridor at Chaddesden sidings and a 45m wide conveyance corridor at Chaddesden Triangle.

Whilst these measures do not offset the impacts of the Our City Our River scheme for a 1% (1 in 100) annual chance flood, they do deliver flood risk benefits for more frequent flood events. It is indicated that all existing defences downstream of Derby Junction Railway Bridge have been assessed to ensure the standard of protection provided by those defences is not reduced as a consequence of Our City Our River.

Overall, it is advised that the flood risk implications for the wider project area have not generated objections from the Environment Agency, the Councils Water and Flood Risk Management Team or Derbyshire County Council Flood Risk Management Team. Based on this specialist advice, I am satisfied that the sachem accords with the flood risk aims outlined in the NPPF.

Green Infrastructure and Biodiversity

The River Derwent Corridor is at the heart of Derby's Green Infrastructure network. The area includes a wealth of assets including Green Wedges, Nature Conservation Areas, Wildlife Corridors, mature trees, parks and public open spaces and playing fields. More specifically, the proposals are likely to impact upon identified assets including:

- The Upper and Lower Derwent Valley Green Wedges;
- The River Derwent and its banks local wildlife site – in addition to a range of other nature conservation / local wildlife sites;
- A Wildlife Corridor linking the Upper and Lower Derwent Valley Green Wedges, running through the City Centre;

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- Darley Park, Darley Playing Fields, Parkers Piece, the River Gardens, Bass' Recreation Ground, Alvaston Park and Alvaston & Boulton Cricket Club;

In addition to the identified assets, there are a range of policies and legislation that seek to protect biodiversity, trees and protected species more generally. DWT, the Environment Agency and Natural England have been consulted on the application and no overriding objections are raised to the proposed works. This is subject to a number of conditions being imposed, as outlined in this report and the Consultation responses outlined. This includes securing further survey works, mitigation proposals and environmental enhancements as part of the project. These are proposed to be secured on a site by site basis with Environmental Action Plans being the subject of a condition for each individual site. It is noted that RSPB have submitted an objection to the application and have indicated that the cumulative impacts on ecology are not well described and there is a lack of clarity around compensation. These comments are noted but based on the advice provided by DWT, the EA and Natural England, I am satisfied that sufficient information supports the application to enable a conclusion to be reached that it can meet the net gains in biodiversity that the NPPF seeks to secure. Whilst this can only be achieved through the provision of additional information that would be secured through conditions of planning permission, the level of information supporting the application is considered to be sufficient to enable it to be determined.

Trees

The abundance of trees along the river corridor makes a wider contribution over and above their biodiversity value. It is clear that a significant number of trees and groups of trees will be removed to either directly facilitate the construction of new and improved defences and conveyance corridor, or as an indirect impact of the realigned defences. The scale of proposed removal is significant and will undoubtedly impact upon the character of the river corridor itself, but also the surrounding areas.

The submitted plans show significant areas of new tree planting to help offset the loss of some of the trees. The amount, scale and location of replacement tree planting is indicative and the effects identified in the ES highlight the uncertainties surrounding the unknown quality of tree loss. In order to accept the impact of losing so many trees and the subsequent impacts on character, assurances are needed about the extent of any replacement planting. The requirement for a tree planting strategy is proposed to be the subject of conditions of planning permission and it is considered that such measures will ensure that appropriate replacement planting can be suitably managed..

Green Wedge

The primary function of Green Wedges is to provide separation between different areas of the City, helping areas to maintain their identity, protect residential amenity and prevent urban sprawl. They penetrate the urban area, providing an uninterrupted link to the countryside, giving residents an opportunity to be close to open countryside. Green Wedges are a distinctive part of Derby's character and are a long standing policy objective, which continues to be successfully defended at appeal. In

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order to maintain the primary function of the identified Green Wedges, Policy E2 of the CDLPR seeks to protect the 'essential characteristics' of Green Wedge land, which are an 'open and undeveloped character' and 'penetration of the urban area from the open countryside'.

Development related to flood defences is not permitted by the provisions of E2, which sets out the range of permissible uses within Green Wedges. However, E2 does allow for development associated with 'public utilities, where it can be shown that a suitable site outside of the Green Wedge is not available'. Whilst not strictly a 'public utility' in its intended sense, the new flood defences clearly cannot be located outside of the river corridor, the majority of which is designated Green Wedge and are being provided for public benefit. Therefore any 'conflict' with the principle of the policy is limited, but will nonetheless need to be weighed against the benefits of the scheme.

The main issues to consider in relation to Green Wedges are whether the proposals would endanger their open and undeveloped character, links with the countryside and natural history value. In addition, in areas near to Green Wedges, Policy E16 requires adequate landscaping to be provided to ensure that the visual amenities and special character of the Wedge is not adversely affected. The key elements to consider in understanding potential impacts are the scale, siting and design of proposals and the proposed use of materials and landscape treatments.

We are satisfied that the proposals are unlikely to impact upon the links with open countryside, due to the proposals generally running along the edges of the Wedges as opposed to truncating them. The main consideration is therefore impacts on the open and undeveloped character of the Wedges.

There are clearly a number of factors that already have an impact upon the open and undeveloped character of Green Wedges, including existing boundary treatments along the edge of Wedges and existing structures / sports facilities located within them. The key to assessing the specific impact(s) of this proposal(s) is to understand the net additional impact over and above the baseline position. More detailed assessment of the potential impacts on Green Wedges has been provided on a site by site basis. Further assessment will obviously be required as and when future reserved matters applications are developed and submitted. It is considered that the impacts on the primary function and open and undeveloped character of the green wedges will be acceptable subject to conditions securing full details relative to detailed design and materials.

In terms of parks, open space and playing pitches, it is most relevant to firstly consider the provisions of the NPPF. Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

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- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The NPPF defines open space as ‘all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity’.

It is important to note that In addition to the requirements of the NPPF, Policy L6 of the CDLPR seeks to ensure that any replacement sports pitch provision is provided before development (that is causing the loss) has commenced.

On the basis of the NPPF definition of open space and the identification of parks, public open space and sports pitches in the CDLPR, it is clear that the proposals have the potential to impact on all of these protected uses, including the potential for loss.

Whilst a more detailed assessment of impacts is provided in the report on a site by site basis it is worth noting that information supporting the application indicates that the scheme as a whole will create an overall net gain in the amount of open space provided in the river corridor area. There is clearly some uncertainty about exactly how much open space will be lost and gained in different areas due to the nature of the proposals, with some seeking detailed permission and other outline. Even if provision / replacement of open space can be secured, it could be argued that the development of flood walls within areas of open space is in conflict with the provisions of L1, which only allows structures that are ancillary to the open use of the area. Flood walls are not generally ‘ancillary’ to open space in the truest sense of the word and therefore there is technically a conflict. However, this would, in my opinion be greatly outweighed by the wider public benefits of the proposals.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Conditions and Reason:

The Recommended Conditions and Reasons will be sent under separate cover.