



Derby City Council

one Derby one council

To: HTA
106-110 Kentish Town Road
London
NW1 9PX

Planning Application Decision

Town And Country Planning Act 1990

Part 1: Application Details

- Application No:** DER/05/12/00563/PRI (please quote in correspondence)
- Location:** Castleward including Siddals Road/Canal Street/John Street/Carrington Street/Copeland Street/New Street/Liversage Street, Derby
- Proposal:** Outline application with details of phase 1 to comprise development of Castleward, involving demolition of buildings, residential development (up to 840 dwellings), retail (Use Class A1), restaurant/cafes (Use Class A3), offices (Use Class B1), hotel (Use Class C1), non-residential institutions (Use Class D1), assembly and leisure (Use Class D2), school (Use Class D1), community centre, (Use Class D1), bingo hall (Use Class D2), alterations to vehicular accesses, formation of boulevard and pedestrian crossing and refurbishment of public realm.

Part 2: Decision

Permission is **granted** subject to the conditions in Part 4.

Part 3: Reason for Decision and Relevant Policies

The proposal has been considered against the following Adopted City of Derby Local Plan Review policies, the National Planning Policy Framework where appropriate and all other material considerations. and the masterplan proposal and details of Phase 1 for provision of a mixed use development and provision of infrastructure would be a comprehensive re-development scheme, with opportunities for cohesive design and layout, with reasonable impacts on visual and residential amenities, no significant harm to built heritage on or around the site, no adverse implications for the local highway network, loss of trees would be satisfactorily mitigated by landscaping and public realm enhancements and no significant environmental impacts in terms of flood risk, air quality and land contamination.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and has secured appropriate and proportionate improvements to the scheme which relate to the layout of the scheme and access arrangements.

- GD1 Social Inclusion
- GD2 Protection of the Environment

Neighbourhoods | The Council House, Corporation Street, Derby, DE1 2FS | www.derby.gov.uk



GD3 Flood Protection
GD4 Design and the Urban Environment
GD5 Amenity
GD6 Safeguarding Development Potential
GD7 Comprehensive Development
GD8 Infrastructure
GD9 Implementation
R1 Regeneration Priorities
CC1 City Centre Strategy
CC7 Residential Uses within the City Centre
CC13 Castle Ward
CC14 Wellington Street
CC15 Improvements within the Central Area
CC16 Transport
CC18 Central Area Parking
CC19 Public Car Parking
H11 Affordable Housing
H12 Lifetime Homes
H13 Residential Development - General Criteria
S1 Shopping Hierarchy
S2 Retail Location Criteria
S9 Range of Goods and Alterations to Retail Units
S12 Financial and Professional Services and Food and Drink Uses
E5 Biodiversity
E7 Protection of Habitats
E9 Trees
E10 Renewable Energy
E12 Pollution
E17 Landscaping Schemes
E18 Conservation Areas
E19 Listed Buildings and Buildings of Local Importance
E21 Archaeology
E23 Design
E24 Community Safety
E27 Environmental Art
L1 Protection of Parks and Public Open Space
L2 Public Open Space Standards
L3 Public Open Space Requirements in New Development
L8 Leisure and Entertainment Facilities
L11 New Community Facilities
L12 Protection of Community Facilities
LE1 Education Uses
T1 Transport Implications of New Development
T4 Access, Parking and Servicing
T5 Off-Street Parking
T6 Provision for Pedestrians
T7 Provision for Cyclists

Part 4: Conditions

1. Details of the following matters (hereafter referred to as the reserved matters) for all phases with the exception of Phase 1, shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:
 - (a) The layout, scale and appearance of the buildings;
 - (b) The landscaping of the site.
2. Application for the approval of the reserved matters for the second part of the development shall be submitted within four years from the date of this permission and the approved development shall be commenced within six years of the approval of the reserved matters. Applications for approvals of reserved matters for all future parts or phases of the development shall be submitted within twenty years of this permission and commenced within two years from the date of the last approval.
3. The outline proposals for development hereby permitted shall be carried out in accordance with the following approved plan:
DER AL (02) 010 Proposed Masterplan Site Boundary
4. Before development commences on any part or phase of the development, with the exception of Phase 1, a phasing plan indicating the sequence of development for each phase of the whole scheme, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing unless revisions to the approved phasing plan are agreed in writing by the Local Planning Authority.
5. No development shall take place of any part or phase of the development, until in relation to that part or phase, a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made for that part or phase (subject to paragraph ii below) shall consist of not less than the amount required under the adopted development plan policies in place, at the time that the scheme for provision of affordable housing is submitted and approved or if no such policy provision is in place shall not be less than 30% of housing units/ bed spaces;
 - ii. for affordable housing schemes submitted to and approved by the Local Planning Authority within 5 years of the date of this permission, the affordable housing provision shall (instead of the amount required under paragraph i above) consist of not less than 25% of housing units/ bed spaces;
 - iii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iv. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
 - v. the arrangements to ensure that such provision is affordable for

- both first and subsequent occupiers of the affordable housing; and
- vi. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

No more than 90% of the open market dwellings in the part or phase to which the approved scheme relates, shall be occupied until all the affordable housing in respect of that part or phase has been constructed and transferred to an affordable housing provider.

6. No development shall take place of any part or phase of the development, with the exception of Phase 1, until in relation to that part or phase;
 - i. a scheme (“the Public Realm/Open Space Scheme”) for the provision of, and of enhancements to, public realm and public open space on the part or phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a detailed specification for all the works comprised in the enhancement or provision of public realm and public open space and details of:
 - a) location and siting within the part or phase;
 - b) layout and planting plan (s)
 - c) proposed planting including tree planting and retention, species, planting sizes, proposed numbers/densities and implementation timetable
 - d) hard landscaping and all external/ surfacing materials
 - e) full details of ground level changes
 - f) the timing of delivery and completion;
 - g) a management and maintenance plan of the public realm and the open space covering a minimum period of 30 years;
 - h) details as to the future ownership of the public realm and open space,
 - ii. the public realm and open space provided or enhanced in respect of every such scheme previously approved by the Local Planning Authority shall be fully maintained in accordance with every such previously approved scheme.

The Public Realm/Open Space Scheme shall be implemented in full prior to completion of the development of that part or phase.

7. No development shall take place of any part or phase of the development until an agreement has been entered into with the Local Planning Authority to secure the provision of opportunities for local employment and training in relation to the construction works for that part or phase of the development. Those details shall include:
 - i. the number and types of jobs to be created,
 - ii. a method statement detailing the training opportunities to be provided and indicating the percentage of jobs targeted towards the long term unemployed,
 - iii. details of opportunities and training needs for young people.

The agreement shall be implemented as part of the approved development.

8. No development shall commence until a location and strategy for siting within the

development site of a primary school has been identified and agreed in writing by the Local Planning Authority. No development other than the construction of a primary school shall take place under this permission on the identified primary school site unless the location for an alternative primary school has been previously agreed in writing by the Local Planning Authority.

No more that 164 dwellings shall be commenced until details for the provision of a half form entry primary school has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. location and siting (if different to that identified above).
- ii. site layout, floor plans and elevations
- iii. landscaping and external works
- iv. access and parking provision
- v. timing for delivery and completion.

No more that 224 dwellings shall be occupied until the half form entry primary school has been completed as approved and is made available for use.

9. No more that 285 dwellings shall be commenced until details for the provision of a single form entry primary school (by upgrading or replacing the half form primary school to a full form entry school) has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. location and siting (if different to that identified under Condition 8)
- ii. site layout, floor plans and elevations
- iii. landscaping and external works
- iv. access and parking provision
- v. timing for delivery and completion.

No more that 365 dwellings shall be occupied until the single form entry primary school has been completed as approved and is made available for use.

10. No more that 285 dwellings shall be commenced until details for the provision of a community centre has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. Location and siting
- ii. site layout, floor plans and elevations
- iii. landscaping and external works
- iv. access and parking provision
- v. timing for delivery and completion

No more that 365 dwellings shall be occupied until the community centre has been completed as approved and is available for use.

11. No development shall take place of any part or phase of the development, with the exception of Phase 1 unless both:

- (i) a Secondary School Capacity Assessment (“SSCA”) shall have been submitted to the Local Planning Authority, (with any reserved matters approval for such part or phase) and approved in writing by the Local Planning Authority; and

(ii) a scheme for the provision of secondary school facilities (“SSF Scheme”) to serve that part of the development, in accordance with the approved SSCA, shall have been submitted to and approved in writing by the Local Planning Authority.

No dwellings in the part or phase of the development to which such an approved SSF Scheme relates shall be occupied until secondary school facilities have been provided and made available in accordance with that approved SSF Scheme.

12. Where the existing childrens nursery (Castle Nursery, Copeland Street) is to be displaced by any part or phase of the development, a replacement nursery shall be completed and made available for use in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority, before development commences on that part or phase. The scheme shall include details of:

- i. location and siting of replacement nursery
- ii. site layout, floor plans and elevations
- iii. landscaping and external works
- iv. access and parking provision

v. timing for delivery and completion.

13. No more that 285 dwellings shall be commenced until details for the provision of a pedestrian crossing and footbridge over Station Approach and Mill Fleam to Bass Recreation Ground (“the Pedestrian Crossing and Footbridge”) have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. siting and layout
- ii. surfacing materials and construction
- iii. timing for delivery and completion
- iv. requirements as to future maintenance/adoption

No more that 365 dwellings shall be occupied until the Pedestrian Crossing and Footbridge have been completed as approved and made available for public use.

14. No more that 446 dwellings shall be commenced until a scheme for the enhancement of the Bass Recreation Ground has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of:

- i. layout and planting plan (s)
- ii. proposed planting including tree planting and retention, species, planting sizes, proposed numbers/ densities and implementation timetable
- iii. full details of ground level changes
- iv. hard landscaping and external/ surfacing materials
- v. timing of delivery and completion

No more than 774 dwellings shall be occupied before the approved scheme has been carried out and completed in full.

15. Before development commences on each part or phase, with the exception for Phase 1, an investigation and risk assessment shall be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent

persons and a written report of the findings must be produced. The written report shall be submitted to and agreed in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
 -) human health
 -) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 -) adjoining land
 -) ground waters and surface waters,
 -) ecological systems
 -) archaeological sites and ancient monuments
- iii. an appraisal of remedial options, and options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

16. Before development commences on each part or phase, a site investigation based on the assessment provided under Condition 15 shall be undertaken to provide information for a detailed assessment of the risks to all receptors that may be affected including those off site. The results of the site investigation and detailed risk assessment shall be submitted to and agreed in writing by the Local Planning Authority. Based on these results an options appraisal and remediation strategy giving full details of a remediation scheme required to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and submitted and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
17. The remediation scheme approved under Condition 16 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification plan that demonstrates the effectiveness of the remediation carried out, shall be prepared and submitted and approved in writing of the Local Planning Authority.
18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of conditions 16 or 49 which shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the agreement in writing of the Local Planning Authority in accordance with conditions 17 or 50.

19. No infiltration of surface water drainage into the ground is permitted on any part or phase of the development, without prior agreement in writing by the Local Planning Authority. This agreement may only be given for those parts of the site, where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be subsequently be carried out in accordance with the agreed details.
20. Any facility for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from damage. All filling points and tank overflow outlets should be within the bund.
21. No rainwater contaminated with silt/oil from ground disturbed as a result of the construction phase of the development shall drain into surface water sewer or watercourse without sufficient settlement, in accordance with details to be submitted and agreed in writing by the Local Planning Authority.
22. No development shall commence on any part of the site, where Japanese Knotweed is present, until a detailed method statement for the removal or long-term management/ control of Japanese Knotweed has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include measures to be used to prevent the spread of Japanese Knotweed, including measures to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant covered under the Wildlife and Countryside Act 1981 (as amended). The development shall be carried in accordance with the agreed approved method statement.
23. Any community facilities present within the site on the date of this permission, which are to be displaced by any part or phase of the development, shall be satisfactorily relocated in accordance with details of a comparable replacement facility and timetable for delivery and completion of the replacement to be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of that part or phase of the development, unless it is satisfactorily demonstrated that the facility is no longer needed for that purpose.
24. With the exception of Phase 1, there shall be no A1 retail use proposed within the development site, without prior agreement in writing by the Local Planning Authority.
25. Before development commences on each part or phase of the development, with the exception of Phase 1, a tree survey and tree constraints plan for all trees on and overhanging the site, in accordance with BS:5837:2012 ("Trees in relation to construction") shall be submitted to and agreed in writing by the Local Planning Authority. Before and during the construction period, those trees to be retained shall be protected in accordance with a scheme of protection and arboricultural method statement, to be submitted to and agreed in writing before any works commence on site. The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local

Planning Authority.

26. With the exception of demolition and installation of foundations to damp proof course, before development commences on each part or phase of the development, details of underground service runs for that part or phase, to include details of depth and width of service runs, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
27. Before development commences on each part or phase of the development, a Written Scheme of Investigation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
 - i. The programme and methodology of site investigation and recording.
 - ii. The programme for post investigation assessment.
 - iii. Provision to be made for analysis of the site investigation and recording.
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No works shall take place on site, other than in accordance with the agreed Written Scheme of Investigation.

28. The development permitted on each part or phase of the development, shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 27 and until the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
29. With the exception of demolition and ground clearance, before development commences on each part or phase, a comprehensive noise survey shall be undertaken to demonstrate the level of noise likely to be experienced by proposed residential properties on that part or phase of the development. In the event that the results of the survey show that mitigation works are required to protect the amenities of future occupants, then a scheme of mitigation shall be submitted to and agreed in writing by the Local Planning Authority, and implemented as agreed before the dwellings are occupied.
30. With the exception of demolition and ground clearance, before development commences on each part or phase, a comprehensive acoustics survey shall be undertaken to assess potential noise levels from all of the proposed commercial/ industrial elements on that phase of the development and their impacts on local amenity. In the event that the results of the survey show that mitigation works are required to protect local amenity then a scheme of mitigation shall be submitted to and agreed in writing by the Local Planning Authority, and implemented as agreed before the approved commercial/ industrial units are brought into use.
31. Before development commences on each phase, surveys of bat activity shall be carried out for all buildings and affected trees within that phase of the development, including a specific survey of the Mill Fleam, to assess potential impacts of the proposed bridge crossing of the watercourse, in relation to the relevant phase and submitted to and agreed in writing by the Local Planning Authority. All survey work shall include details of proposed mitigation of any impacts on bats as a result of the

development. Agreed mitigation measures shall then be implemented as part of the approved development.

32. Before development commences on the pedestrian crossing and footbridge to Basses Recreation Ground, a crayfish survey of the Mill Fleam and a method statement for the construction and design of the bridge, to include methodology for works in and around the watercourse and mitigation measures to minimise risk of pollution of the watercourse and its banks, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed method statement.
33. With the exception of demolition and ground clearance, development shall not commence on each part or phase of the development until a surface water drainage scheme for that part of the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before completion of the development. The scheme to be submitted shall demonstrate:
 - a) The utilisation of holding sustainable drainage techniques,
 - b) The limitation of surface water run-off to a betterment of brownfield rates,
 - c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based on the submission of drainage calculations and
 - d) Responsibility for future maintenance of drainage features.
34. Each part or phase of the development, with the exception of Phase 1 shall achieve a BREEAM Communities standard in accordance with the requirements of the BREEAM Communities scheme, to include a minimum of Code Level 3 for Sustainable Homes and BREEAM Level Very Good on non-domestic buildings. Evidence shall be submitted to the Local Planning Authority and agreed in writing, before work commences on construction of buildings on that part or phase of the development, that the BREEAM Communities standard has been satisfactorily achieved, unless there is prior agreement in writing by the Local Planning Authority, that the standard cannot be reached for specified reasons.
35. Before development commences on each part or phase, with the exception of Phase 1, the following shall be submitted to and agreed in writing by the Local Planning Authority:
 - a) Details of the internal road layouts, to be designed in accordance with the principles set out in "Manual for Streets",
 - b) Details as required by a) above shall include a Quality Audit in accordance with the Local Transport Note 1/11, to include evidence of stakeholder engagement,
 - c) Details of servicing
 - d) Details of parking provision.

The approved development on each part or phase shall be implemented in accordance with these agreed details.

36. No more than 285 dwelling shall be commenced, until a scheme to change the priority of the Siddals Road junction with Station Approach has been submitted and agreed in writing by the Local Planning Authority and implemented in accordance

with agreed details and made available for public use, before 365 dwellings have been occupied.

37. Before occupation of any dwellings on each part or phase of the development, an operational travel plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The operational travel plan shall be developed from the Framework Travel Plan submitted in support of the planning application. The agreed operational travel plan shall be implemented following occupation of the dwellings in accordance with timetable for monitoring and targets to be agreed in writing by the Local Planning Authority.
38. The development of Phase 1 hereby permitted shall be begun before the expiry of three years from the date of this permission.
39. The development of Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

- DER AL (12) 002 - Site Location Plan
- DER AL (12) 003 - Phase 1 Demolitions
- DER AL (12) 020 Rev F - B1, B2 & B3 Detailed Site Plan
- DER AL (12) 021 Rev C - Park and Block B4 Detailed Site Layout
- DER AL (12) 022 Rev C - Block B5 Detailed Site Layout
- DER AL (12) 023 - Block B1, B2 & B3 Detailed Site Plan
- DER AL (12) 024 - Park and Block B4 Detailed Layout
- DER AL (12) 026 - Detailed Roof Plan Blocks B1, B2 & B3
- DER AL (12) 027 - Detailed Roof Plan Block B4
- DER AL (12) 028 - Detailed Roof Plan Block B5
- DER AL (12) 030 - Boulevard Elevation
- DER AL (12) 031 - Hope Street Elevation
- DER AL (12) 032 - Block B1 East & West Elevation
- DER AL (12) 033 - Block B2 West Elevation
- DER AL (12) 034 - Block B2 East Elevation
- DER AL (12) 035 - Block B3 West Elevation
- DER AL (12) 036 - Block B3 East Elevation
- DER AL (12) 037 - Block B4 West Elevation
- DER AL (12) 038 - Block B4 East Elevation
- DER AL (12) 040 - Site Section 1-1,2-2, 3-3 & 4-4
- DER AL (12) 041 - Site Section 5-5, 6-6,7-7 & 8-8
- DER AL (12) 042 - Site Section 9-9, 10-10, 11-11 & 12-12
- DER AL (12) 043 - Site Section 13-13, 14-14, 15-15 & 16-16
- DER AL (12) 044 - Castle Ward Square Elevation

House/ flat types

DER AL (12) 061 Rev B & DER AL (12) 062 Rev B (received 30 January 2013)
DER AL (12) 063 to DER AL (12) 133 (inclusive) - Issue Sheet 2 dated 3 July 2012

DER AL (12) 9010 - Illustrative Site Plan (Phase 1)
DER AL (12) 9014 - Landscape General Arrangement Site Plan
DER AL (12) 9400 - Street Sections

40. Notwithstanding the details of any external materials that may have been submitted with the application, details of all external materials to be used in the development of Phase 1, shall be submitted to and be agreed in writing by the Local Planning Authority before development is commenced on construction of the buildings. Any

materials that may be agreed shall be used in the implementation of the development unless an alternative scheme of materials are agreed in writing with the Local Planning Authority.

41. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure to be used in the approved development of Phase 1, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced on the construction of the buildings and the development shall be carried out in accordance with such agreed details.
42. No development shall be commenced on the construction of the buildings on Phase 1, until a landscaping scheme for the semi-private courtyards, residential streets and private gardens, to include details of:
 - a) planting plans,
 - b) written specifications and schedules of proposed planting, including species, planting sizes, proposed numbers/ densities and implementation timetable,
 - c) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the development,
 - d) full details of any level changes and,
 - e) full details of positions and surfacing materials for all paths and other hard surfaced areas,
 - f) the timing of delivery and completion,
 - g) a management and maintenance plan of the public realm covering a minimum period of 30 years.

The agreed landscaping scheme shall thereafter be implemented in the planting season immediately following commencement of the development or an alternative timetable to be submitted and agreed in writing by the Local Planning Authority, before completion of the development.

43. Notwithstanding the details of the Tree Strategy in the Landscape Design & Access Statement (Phase 1), submitted in support of the application, the details required to be agreed under Condition 42 a) shall include details of tree planting species for the "boulevard" and other areas of public realm, to be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details.
44. Any trees or plants which, within a period of five years from the date of the landscaping works approved under Condition 42, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas unless otherwise agreed in writing by the Local Planning Authority.
45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other statutory instrument revoking or re-enacting that Order with or without modification, the following goods and services shall not be sold from the approved A1 floorspace in Phase 1 of the development:
 - i. Clothing and footwear

- ii. Textiles for clothing
- iii. Sports goods and clothing
- iv. Photographic goods or services
- v. Musical instruments
- vi. Jewellery, watches, clocks, ornaments, silverware
- vii. Electrical goods, including household electricals, audio visual appliances and telecommunication products
- viii. DIY Goods
- ix. Carpets and furniture

The cumulative floor area devoted to the sale of the following goods and services shall not exceed 15% of the net sales floorspace of any individual unit unless otherwise agreed in writing by the Local Planning Authority.

- x. Books
 - xi. Recorded material, records, CDs, DVDs, tapes and other pre-recorded material, including video and computer games
 - xii. Kitchenware, glassware and giftware
 - xiii. Soft furnishings
 - xiv. Tickets and travel agency services
 - xv. Optical goods and services
 - xvi. Artwork supplies not associated with the main function of the unit/business.
46. The A1 retail uses hereby permitted on the "boulevard" in Phase 1 of the development, shall be for the provision of no more than 1000 square metres of floorspace at any one time, unless additional floorspace has prior agreement in writing by the Local Planning Authority.
 47. Any A3 (restaurant/ cafe) uses hereby permitted in Phase 1 of the development, shall not be brought into use until details of a fume extraction/ventilation flue has been submitted to and agreed in writing by the Local Planning Authority and until such equipment has been implemented in accordance with agreed details. The details shall include the location and design of any external vent or flue.
 48. Phase 1 of the development shall achieve a minimum of Code Level 3 for Sustainable Homes. Evidence shall be submitted to the Local Planning Authority and agreed in writing before work commences, except for demolition and ground clearance, that these standards have been satisfactorily implemented.
 49. Before development commences on Phase 1 of the development, a site investigation based on the desk top assessment submitted in support of the application, shall be undertaken to provide information for a detailed assessment of the risks to all receptors that may be affected including those off site. The results of the site investigation and detailed risk assessment shall be submitted to and agreed in writing by the Local Planning Authority. Based on these results an options appraisal and remediation strategy giving full details of a remediation scheme

required to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and submitted and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

50. The approved remediation scheme for Phase 1 provided under Condition 49, must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the agreement in writing of the Local Planning Authority.

51. During the period of construction on Phase 1, all trees to be retained shall be protected in accordance an arboricultural method statement and tree protection scheme in line with BS:5837: 2012 ("Trees in relation to construction"), which shall be submitted to and agreed in writing by the Local Planning Authority, before any development commences on site. The date of the construction of such protection and of its completion shall be notified in writing to the Local Planning Authority before any site works commence and the agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
52. Notwithstanding the details of the proposed landscaping and external works to the public open space on Phase 1, no works shall commence on the open space until details of a landscaping scheme, to include:
- a) layout and planting plan.
 - b) written specifications and schedules of proposed planting, including tree planting and retention, including species, planting sizes, proposed numbers/ densities and implementation timetable
 - c) full details of any level changes and
 - d) full details of positions and surfacing materials for all paths and other hard surfaced areas,
 - f) the timing of delivery and completion,
 - g) a management and maintenance plan of the public realm and the open space covering a minimum period of 30 years.

The agreed landscaping scheme shall thereafter be implemented in the planting season immediately following commencement of the development or an alternative timetable to be submitted and agreed in writing by the Local Planning Authority, before completion of the development.

53. Before works commences on the landsaping of public open space, details of the proposed childrens play area to be sited on the open space, in the location hereby permitted and shown on drawing no. DER AL (12) 021 Rev C, to include details of design of equipment, layout, surfacing materials and arboricultural method statement for works affecting retained trees, shall be submitted to and agreed in

writing by the Local Planning Authority.

The agreed construction details shall thereafter be implemented in the alongside the landscaping scheme approved under Condition 52 and made available for public use prior to the occupation of 50% of the dwellings on the development.

54. The details of external materials for buildings in Phase 1 of the development, to be agreed under Condition 40 shall include details of windows and doors and their recess in the opening, details of any louvres and bonding of brickwork. Construction of the buildings shall be carried out in accordance with such agreed details.
55. Before development commences on Phase 1 of the development, with the exception of demolition and installation of foundations to damp proof course, the following details shall be submitted and agreed in writing by the Local Planning Authority:
 - a) measures to be implemented to result in 20 mph design speeds within the Phase 1 site
 - b) surface water drainage scheme for the highway
 - c) footway widths adjacent to the public open space
 - d) a pedestrian/ cycle crossing facility over the "boulevard", adjacent to Midland Place
 - e) a re-design of the intersection between Liversage Street, the "boulevard" and the link to Carrington Street showing retention of the existing bend in Liversage Street, to enable safe movement of traffic flows on the local road network
 - f) changes to highway geometry and surface materials on the highway as shown on drawing nos. DER AL (12) 020 Rev D, DER AL (12) 021 Rev C, DER AL (12) 022 Rev C. These details shall be supported by a "Quality Audit" in line with Local Transport Note 1/11 and evidence of stakeholder engagement.

The agreed details shall be implemented before the roads within the development are brought into use, unless an alternative timetable is agreed in writing by the Local Planning Authority.

56. Before any dwellings within Phase 1 of the development are occupied, the following details shall be provided and brought into use:
 - a) the junction of Hope Street with Traffic Street shall be amended to operate as "left turn" onto Traffic Street only and signs erected to enforce the change,
 - b) the garages for residential properties to be provided in accordance with approved scheme shall be made available at all times for the parking of motor vehicles,
 - c) a surface water drainage scheme for the highway as approved under Condition 55.
57. No development shall commence within Phase 1 of the development, including demolition works until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of the development. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors

- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays
- e) wheel washing facilities
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Part 5: Reasons for Conditions

1. The application was submitted in outline only and in accordance with saved policy GD7 of the adopted City of Derby Local Plan Review.
2. As required by Sections 91-92 of the Town and Country Planning Act 1990 and in accordance with saved policy CC13 of the adopted City of Derby Local Plan Review.
3. For the avoidance of doubt.
4. To ensure a comprehensive and coherent approach to the development, which accords with the aspirations of the submitted master plan and in accordance with saved Policy GD7 of the adopted City of Derby Local Plan Review.
5. To ensure the provision of affordable housing as part of the development to meet local housing needs and in accordance with the requirements of Planning Obligations - Supplementary Planning Guidance and saved Policies H11, GD1 and GD9 of the adopted City of Derby Local Plan Review.
6. To ensure the required on-site enhancements and obligations are secured as part of the development and in accordance with the Planning Obligations Supplementary Planning Guidance and the saved Policies GD1, GD9, GD8, L1, L2 and L3 of the adopted City of Derby Local Plan Review.
7. For the provision of social and economic benefits in the interests of the local community and the local economy and in accordance with saved Policies GD1 and GD9 of the adopted City of Derby Local Plan Review.
8. To secure the provision of primary school education for the development, to meet the needs of the local community and in accordance with the requirements of Planning Obligations - Supplementary Planning Guidance and saved Policies GD1, L11 & LE1 of the adopted City of Derby Local Plan Review.
9. To secure the provision of primary school education for the development, to meet the needs of the local community and in accordance with the requirements of Planning Obligations - Supplementary Planning Guidance and saved Policies GD1, L11 & LE1 of the adopted City of Derby Local Plan Review.
10. To secure provision of a community centre on the site to meet the needs of the local community and provide social inclusion and in accordance with the Planning Obligations Supplementary Planning Guidance and the saved Policies GD1, GD9, & L11 of the adopted City of Derby Local Plan Review.
11. To ensure appropriate provision of secondary school education for the development, to meet the needs of the local community and in accordance with the requirements

- of Planning Obligations - Supplementary Planning Guidance and saved Policies GD1, L11 & LE1 of the adopted City of Derby Local Plan Review.
12. To ensure retention of the community facility within the local area for the benefit of the community and in accordance with saved Policies GD1, L11 & L12 of the adopted City of Derby Local Plan Review.
 13. To secure improvements to pedestrian and cycle access to Basses Recreation Grounds in the interests of highway safety and local amenity and in accordance with saved Policies GD5, T1 & T4 of the adopted City of Derby Local Plan Review.
 14. To ensure the required public open space enhancements and obligations are secured as part of the development and in accordance with the Planning Obligations Supplementary Planning Guidance and the saved Policies GD1, GD9, GD8, L1, L2 and L3 of the adopted City of Derby Local Plan Review
 15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 19. To protect the water environment from unacceptable levels of pollution and in accordance with saved Policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 20. To prevent pollution of the River Derwent and local ground water sources to protect the water environment and in accordance with saved Policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 21. To prevent pollution of the River Derwent and local ground water resources and to protect the water environment and in accordance with saved Policies GD2 & E12 of the adopted City of Derby Local Plan Review.
 22. To prevent the spread of Japanese Knotweed which is an invasive species and protect the natural environment and biodiversity of the local area and in accordance with saved Policies GD2, E5 & E7 of the adopted City of Derby Local Plan Review.

23. To ensure adequate provision of community uses to meet the needs of the local community and in the interests of amenity and social inclusion and in accordance with saved Policies GD1 & L11 of the adopted City of Derby Local Plan Review.
24. To avoid the viability and vitality of existing shopping centres being undermined by additional retail use being located outside the designated hierarchy, without satisfactory justification and in accordance with saved Policies S1 and S2 of the adopted City of Derby Local Plan Review.
25. To identify trees of importance to public amenity and protect trees on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area and in accordance with saved policies GD2 & E9 of the adopted City of Derby Local Plan Review.
26. To protect trees during the course of construction works in order to preserve the character and amenity of the area and in accordance with saved policies GD2 & E9 of the adopted City of Derby Local Plan Review.
27. To protect any archaeological interest on, under or above ground and in accordance with saved Policies GD2 & E21 of the adopted City of Derby Local Plan Review.
28. To protect any archaeological interest on, under or above ground and in accordance with saved Policies GD2 & E21 of the adopted City of Derby Local Plan Review.
29. To protect residential and environmental amenity from excessive noise levels and in accordance with the saved policies GD5 & E12 of the adopted City of Derby Local Plan Review.
30. To protect residential and environmental amenity from excessive noise levels and in accordance with the saved policies GD5 & E12 of the adopted City of Derby Local Plan Review.
31. To ensure protection of bats during the development and safeguard and enhance the natural environment and in accordance with saved policies GD2, E5 & E7 of the adopted City of Derby Local Plan Review.
32. To protect the natural environment and watercourse and enhance nature conservation interest and in accordance with the saved policies GD2, E5 & E7 of the adopted City of Derby Local Plan Review.
33. To minimise the increased risk of flooding and protect the water environment and ensure future maintenance of surface water drainage features and in accordance with saved Policy GD3 of the adopted City of Derby Local Plan Review.
34. To reduce energy consumption, reducing pollution and waste and in accordance with saved Policy E10 of the adopted City of Derby Local Plan Review.
35. For the avoidance of doubt and in the interests of highway safety and in accordance with saved Policies T1, T4 and T10 of the adopted City of Derby Local Plan Review.
36. For the avoidance of doubt and in the interests of highway safety and in accordance with saved Policies T1, T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review.
37. To encourage and provide for varied means of transport to the site and in accordance with saved Policy T1 and T4 of the adopted City of Derby Local Plan Review.
38. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

39. For the avoidance of doubt.
40. To ensure an orderly and satisfactory overall development of the site and in the interests of visual amenity and to preserve character and appearance of Railway Conservation Area in accordance with saved policies GD4, E18 & E23 of the adopted City of Derby Local Plan Review.
41. To ensure an orderly and satisfactory overall development of the site and in the interests of visual amenity and to preserve character and appearance of Railway Conservation Area in accordance with saved policies GD4, E18 & E23 of the adopted City of Derby Local Plan Review.
42. To safeguard and enhance the visual amenities of the area and in accordance with saved Policies GD4 & E17 of the adopted City of Derby Local Plan Review.
43. To safeguard and enhance the visual amenities of the area and for provision of appropriate green infrastructure and accordance with saved policies GD4, E17 & E9 of the adopted City of Derby Local Plan Review.
44. For the avoidance of doubt and to safeguard and enhance the visual amenities of the area and in accordance with saved policies GD4 & E17 of the adopted City of Derby Local Plan Review.
45. To protect the vitality and viability of existing shopping centres in the hierarchy and for the avoidance of doubt and in accordance with saved policies S1, S2 and S9 of the adopted City of Derby Local Plan Review.
46. To protect the vitality and viability of the existing shopping centres in the hierarchy and in accordance with saved policies S1 and S2 of the adopted City of Derby Local Plan Review.
47. To protect the amenities of nearby residential properties and in accordance with saved policy GD5 of the adopted City of Derby Local Plan Review.
48. To reduce energy consumption, reducing pollution and waste and in accordance with saved policy E10 of the adopted City of Derby Local Plan Review.
49. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
50. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with saved policies GD2 & E12 of the adopted City of Derby Local Plan Review.
51. To protect trees on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area and in accordance with saved policies GD2 & E9 of the adopted City of Derby Local Plan Review.
52. To safeguard and enhance the visual amenities of the area and in accordance with saved policy GD4 & E17 of the adopted City of Derby Local Plan Review.
53. For avoidance of doubt and to safeguard and enhance the visual amenities of the area and in interests of local community and in accordance with saved policies GD1, E17, L2 & L3 of the adopted City of Derby Local Plan Review.

54. To ensure a satisfactory external appearance of the development in the interests of visual amenity and to preserve character and appearance of the Conservation Area and in accordance with saved policies GD4, E18 and E23 of the adopted City of Derby Local Plan Review.
 55. To form a safe and pleasant environment for pedestrians, cyclists and disabled people using the improved highway and in accordance with saved policies T1, T6, T7 & T10 of the adopted City of Derby Local Plan Review.
 56. In the interests of traffic safety and in accordance with saved policies T1, T4, T6, T7 & T10 of the adopted City of Derby Local Plan Review.
 57. To protect the amenities of nearby residential properties and in accordance with saved policies GD5 & E12 of the adopted City of Derby Local Plan Review.
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Signed: 

Authorised Officer of the Council

Date: 08/02/2013



Derby City Council

Mr Sandy Morrison
HTA Design LLP
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Reserved Matters Application Decision

Town and Country Planning Act 1990 (as amended)

Part 1: Application Details

Application No: 20/00518/RES (please quote in correspondence)
Location: Land At John Street, Derby, DE1 2LU
Proposal: Residential development (82 dwellings together with associated external works, rear gardens, shared surface courtyard and 29 parking spaces.) - approval of reserved matters pursuant to outline planning permission Code No. 05/12/00563 in respect of appearance, landscaping, layout and scale, Castleward Regeneration Masterplan (phase 3).

Part 2: Decision

Approval is **granted** subject to the conditions in Part 5

Part 3: Reason for Decision

The proposal has been considered against the following Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

The details of the residential development (Phase 3), which forms part of the wider mixed use and residential-led redevelopment of Castle Ward, approved by the outline permission 05/12/00563, would be consistent with the comprehensive nature of the wider development. It would create a high quality living environment, in terms of its form, design, landscaping scheme and layout, with reasonable impacts on visual and residential amenities, with appropriate parking provision and no adverse implications for the local highway network and no significant environmental impacts in terms of flood risk, archaeology, ecology and land contamination.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and has secured appropriate and proportionate

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
derby.gov.uk

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