Dear Sir

REPRESENTATIONS ON BEHALF OF NIGHTINGALE QUARTER ESTATES LTD IN RELATION
DERBY CITY LOCAL PLAN PART 1 CORE STRATEGY PRE-SUBMISSION AUGUST 2015

We are instructed by Nightingale Quarter Estates Ltd (NQE) to make representations to certain general policies in the Draft Core Strategy and specific policies relating to the Castledward area and the DRI site in particular. NQE has recently purchased the former Derby Royal Infirmary site on London Road in Derby and to bring forward a scheme for the comprehensive regeneration of that site in due course. An application for reserved matters on part of the site has also been submitted. The purpose behind these representations is to generally express support for the objectives of the City Council to promote the regeneration of the site as part of the Castledward area but to comment specifically on certain concerns NQE has about how potential aspects of that strategy could be reconsidered to help facilitate a comprehensive regeneration package for the DRI site coming forward on a viable basis.

Comments on General Policies and Objectives

NQE would generally support the objectives of Derby City Council to promote economic growth for the City and in particular that the Castledward area should form a central part of providing a mixed use regeneration area close to the city centre. The objective of providing 1,100 dwellings in the city centre and 800 dwellings as part of Castledward is ambitious in NQE’s view but in order to achieve such an objective the Plan should ensure that housing is therefore prioritised to come forward on a viable basis and brings with it other uses that would result in the vibrant mixed use community that the City Council promotes.

With regard to general policies CP1A, CP2 and CP3 whilst NQE is generally supportive of what the City Council is seeking to achieve, there is little or no mention of the importance in plan making (set out in paragraph 17 of the NPPF) of the issues of deliverability and viability. It is important that mention is made in these policies of the viability issues because there are a number of sites in the city centre (and DRI is a major one) where the Council or the Secretary of State have granted planning permission for development that has not proved to be viable and deliverable. The City Council, therefore, in considering the general policy approach to sites in general should include, as part of the determining criteria of any particular proposal, the issue of deliverability and viability.

This principle is covered to some extent in Policy CP7 relating to affordable and specialist housing where the Council acknowledges that developers are required to provide robust viability evidence to demonstrate why it may not be possible to deliver the policy requirement of 30% affordable housing on a site and 20% life time homes. The Council suggests they may require in certain cases developers to enter into a ‘clawback agreement’ that will allow contributions for affordable housing to be increased over time on large sites.
It is considered that more specific reference is made in the policy to the flexibility that will be applied to the provision of affordable housing on specifically allocated regeneration sites such as DRI. The priority should be on delivery. The DRI site is identified as a strategic housing site capable of providing 400 dwellings; however, the consent granted by the Secretary of State in July 2012 has not been implemented mainly because of difficulties with viability. A clawback agreement of the type referred to by the Council was agreed on that site and that, in NQE’s view, is one reason why the site has been difficult to bring forward for housing development. Further comments are made on this matter below.

The existing consent for the DRI site includes an element of retail development (see below) NQE, accepts that Policy CP13 on retail development (and for that matter Policy CP14 on tourism, culture and leisure), generally reflect the sequential approach/impact assessment basis for determination set out in the NPPF. There is though no acknowledgement that Government policy recognises that both retail and leisure uses can (through job creation and as an enabler) be crucial to the regeneration of development sites. Therefore these policies should refer to the potential regeneration benefits of retail/leisure uses being capable of being balanced against the conclusions of a sequential test and impact assessment.

Dealing specifically with the DRI site, the key policy is AC6. This deals with Castleward as well as the DRI site itself. NQE is supportive of the objectives for Castleward and the general aim to provide a “vibrant residential and commercial neighbourhood where people will enjoy a high quality of life within a distinctive, accessible and sustainable urban environment”. NQE generally agrees with the Council’s objectives, however, the issue of viability is not mentioned at all in the policy. It is, therefore, suggested as far as the DRI site specifically is concerned the criteria in Policy AC6 should read:

1. “A minimum of 400 new high quality mixed tenure homes with a mix of affordable housing that allows for the delivery of a viable development of the site.

2. Provision of commercial, food and drink, leisure and retail uses that would be complementary to residential development and/or help deliver the regeneration of the site.

3. A reflection of the value of the heritage assets on the site in its redevelopment in accordance with section 12 of the NPPF.

4. A positive contribution to the townscape of London Road.

5. A comprehensive approach through the production of a masterplan for the site”.

The text underneath Policy AC6 comments in more detail – paragraphs 6.6.6 and 6.6.7. There is reference in paragraph 6.6.6 to complementary uses to residential and therefore it seems sensible to NQE to have that potential contained in the main part of the policy. Paragraph 6.6.6 also refers to the existing consent allowing the development on part of the site of a supermarket. Whilst it is understood the Council may want to ‘reconsider’ the scale and nature of any future retail proposals on the site, the fact of the matter is that there is an extant and implementable planning permission for a specific scale of retail development. This was subject, albeit several years ago, to an impact and sequential test assessment. This though remains technically a ‘commitment’. Thus the wording of paragraph 6.6.6 should confirm that any scale of retail development proposed in the future on the DRI site can be reconsidered but with reference to the scale of floorspace which already exists with planning permission.

Overall, NQE generally supports the principles of bringing the DRI site forward for regeneration – indeed that is NQE’s aim as well as the City Council. It is, therefore, considered that the policy
for DRI should emphasise the flexibility that should exist to bring forward a viable mixed use development that will contribute to the overall aims for the Castleward area for a new distinctive sustainable urban environment.

One final point which NQE suggests should be considered in the policy is to emphasise the need to look at the DRI site on a comprehensive basis through the preparation of a new masterplan for the site.

The issue of viability and deliverability is, though, key and it is important that reference is made to ensuring the viability and deliverability of the site specifically. As the Core Strategy is currently worded the issue of viability could relate specifically to matters such as affordable housing but there may be other issues that are relevant to the DRI site in terms of the mix of land uses in Policy AC6. NQE would not favour the use of a ‘clawback’ agreement referred to as a possibility in Policy CP7 relating to the assessment of affordable housing.

We trust these comments are constructive and NQE is willing to discuss these further and to work with the Council to deliver a viable development on the DRI site that contributes to the City in the way that all parties are supportive of.

Yours faithfully
for Signet Planning

SIMON CHADWICK
Managing Director