



Derby City Council

Richard Frudd
Quod
Capitol
Bond Court
Leeds
LS15SP

Planning Application Decision

Town and Country Planning Act 1990 (as amended)

Part 1: Application Details

Application No: 19/01245/OUT (please quote in correspondence)

Location: 'Becketwell' , Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby

Proposal: Hybrid application for: Full Planning permission - Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission - Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4, A5,B1, C1, C3,D1, D2 - or equivalent Uses Classes, for any Uses that have been re-classified under the Use Classes Order 2020), with all matters reserved for future consideration with the exception of access.

Part 2: Decision

Permission 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.

In the opinion of the Local Planning Authority there is a clear and compelling need to comprehensively regenerate 'Becketwell' and the scheme has the potential to secure a multitude of benefits including:

- Regeneration of a long term derelict site that currently has a negative impact on the economy and townscape of the City Centre, acting as a catalyst to wider improvement of the area.

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
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- Creation of modern residential units, with in excess of 200 units potentially delivered in early phases and the potential for the wider outline to contribute in the region of a further 500 units in later phases - contributing to the Council's housing requirement, 5 year housing supply position and improving the quality and mix of residential options in the City Centre.
- Creation of much needed footfall and resident expenditure as highlighted by the financial 'metrics' in the Planning Benefits Statement.
- Creation of a new public square, enhancing public open space provision and sustainable drainage features in the City Centre.
- Creation of a new residential quarter, providing a new identity to this blighted part of the City Centre and injecting much needed confidence into the property market.
- Potential to accommodate in excess of 2000 jobs through the provision of new office floorspace.

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

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 scope and form of the application..

Part 4: Relevant Policies

City of Derby Local Plan Review Saved Policies:

GD5	Amenity
CC4	Becket Well Policy Area
CC17	City centre Servicing
H13	Residential Development - General Criteria
H14	Re-use of Underused Buildings
E13	Contaminated Land
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
T10	Access for Disabled People

Derby City Local Plan Part 1 (Core Strategy) Policies:

CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP7	Affordable and Specialist Housing
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP11	Office Development
CP12	Centres

CP13	Retail and Leisure Outside of Defined Centres
CP14	Tourism, Culture and Leisure
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP20	Historic Environment
CP21	Community Facilities
CP22	Higher and Further Education
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
AC9	Derwent Valley Mills World Heritage Site
MH1	Making it Happen

Part 5: Conditions

General Conditions:

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development subject to the outline planning permission takes place and the development shall be carried out as approved.
Reason: A significant part of the development within this Hybrid application has outline planning permission only and these matters are reserved for the subsequent approval by the Local Planning Authority.
2. 2.1. Application for approval of reserved matters for the Phase 1 of the development approved under the outline planning permission shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and development shall be implemented within 2 years of that approval. Thereafter, approval for any subsequent phase of the development shall be made within 3 years of the approval of reserved matters of the previous phase.
2.2. Development of the public square and all associated works hereby granted full planning permission shall begin before the expiration of 3 years from the date of this permission. The development shall be completed in full accordance with the permission before the expiration of 5 years from the date of this permission.
Reason: A significant part of the development within this Hybrid application has outline planning permission only and these matters are reserved for the subsequent approval by the Local Planning Authority. The public square is an important component of this development and a timeframe for its completion is required to align with the aspirations of the masterplan for this development and Policies MH1, CP3 and CP4 of the Derby City Local Plan - Part 1: Core Strategy.
3. 3.1 On submission of any reserved matters a phasing plan showing the anticipated sequencing of development (excluding any necessary demolition or site preparation works) on the various outline development plots to which that reserved matters relates shall be submitted to the Local Planning Authority for

its written approval.

- 3.2 No development shall take place in relation to that particular phase until the phasing plan has been approved in writing by the Local Planning Authority.
- 3.3 The sequencing of the development (excluding any necessary demolition or site preparation works) shall thereafter be carried out in accordance with the approved phasing plan and any reference to `phase` or `phases` in these conditions shall refer to the phases detailed in the plan thereby approved.

Reason: A significant part of the development within this Hybrid application has outline permission only and the approved phasing of development is required to ensure that it is delivered in a co-ordinated manner, in accordance with Policy MH1 of the Derby City Local Plan - Part 1: Core Strategy.

4. The development must be carried out in accordance with the following approved documents:
- 18279_BECK-0000-F - Location Plan (full & outline)
 - 18279_BECK-0002-J - Masterplan with Indicative Building Heights (outline)
 - 18279_BECK-0010-E - Site Section A - Existing & Proposed (outline)
 - 18279_BECK-0011-E - Site Section B - Existing & Proposed (outline)
 - 18279_BECK-0012-E - Site Section C - Existing & Proposed (outline)
 - 18279_BECK-0013-E - Site Section D - Existing & Proposed (outline)
 - RFM-XX-00-DR-L-0002 - P11 - Illustrative Masterplan (full & outline)
 - RFM:-XX-00-DR-L-005 - P10 - Becketwell Square Landscape General Arrangement Plan (full)
 - 18-567-RLE-19-XX-RP-0-001-P01 Phase I Desk Study (full & outline)
 - 18279-8000V6 Design and Access Statement 19th December 2019 (full & outline)
 - 18279-8001V6 (19-12-19) Skyline Study December 2019 (outline)
 - 18165-RLL-19-XX-RP-S-502 Technical Note - Transport Assessment Addendum 2 (full & outline)
 - Planning Benefits Statement Addendum Note 19 December 2019 (full & outline)
 - Addendum to the Heritage Statement December 2019 (full & outline)
 - Statement of Community Involvement Addendum Note 20 December 2019 (full & outline)
 - RF17-428-WP04-E Becketwell Square Public Realm Strategy December 2019 (full)
 - RF17-428-WP05-C Public Realm Strategy December 2019 (full & outline)
 - BEC-BWB-VUT-ZZ-RP-G-0001_AQS Air Quality Statement 20/12/2019 (outline)
 - 18165-RLL-19-XX-RP-C-001 Technical Note - Flood Risk Assessment & Drainage Strategy Addendum 17 Dec 2019 (full & outline)
 - 1700217-LTBN-0002 Noise Impact Assessment (Amendments to Application) (outline)
 - Q090238 Planning Benefits Statement August 2019 (full & outline)

- Q090238 Planning Statement July 2019 (full & outline)
- Q090238 Statement of Community Involvement August 2019 (full & outline)
- 18279-8000V5 Design and Access Statement 2nd August 2019 (full & outline)
- 18279-8001V3 (19-12-19) Skyline Study July 2019 (outline)
- RF17-428-WP04-D Becketwell Square Public Realm Strategy December 2019 (full)
- RF17-428-WP05-B Public Realm Strategy July 2019 (full & outline)
- P18-165A Transport Assessment May 2019 (full & outline)
- 18165-RLL-19-XX-RP-S-501 Technical Note - Transport Assessment Addendum 25 October 2019 (full & outline)
- 14795a/JB/REV Preliminary Ecological Appraisal 8th May 2019 (full & outline)
- 14795/AJB Arboricultural Report to BS 5837:2012 (full & outline)
- LDP2262 Air Quality Assessment August 2019 (outline)
- Heritage Statement August 2019 (full & outline)
- Archaeological Desk Based Assessment OSA Report No: OSA19DT01 March 2019 (Revised July 2019) (full & outline)
- P18-165A Flood Risk Assessment Summary & Drainage Strategy August 2019 (full & outline)
- 1700217 01 Noise Impact Assessment Report July 2019 (outline)

Reason: For the avoidance of doubt and to define the bounds of this permission.

Pre Commencement Conditions:

5. 5.1 No development shall take place (including demolition, construction, or other enabling, engineering or preparatory works) until either a Demolition Management Plan (DMP) or a Construction Environmental Management Plan (CEMP) for that phase of work has been submitted to and approved in writing by the Local Planning Authority.
- 5.2 The approved DMP / CEMP shall:
 - 5.2.1 Ensure that all such activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses.
 - 5.2.2 Document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, and light nuisance.
 - 5.2.3 Include strategies to mitigate any residual effects from noise and vibration that cannot be managed to comply with acceptable levels at source.
 - 5.2.4 Include details relating to the permitted working hours on site.
 - 5.2.5 Include final details of the mitigation strategy to minimise any harmful impact on air quality during the construction phase (including a fugitive dust management plan).
 - 5.2.6 Include full details of an access to accommodate construction traffic in accordance with the Highways Design Guide.
 - 5.2.7 Include full details of an operational wheel washing facility.

- 5.2.8 Include full details of routing for construction traffic.
- 5.3 The works on each respective phase of development shall thereafter be carried out in accordance with the approved DMP or CEMP.

Reason: To safeguard environmental and residential amenities in the immediate area and to accord with saved Policy GD5 of the adopted City of Derby Local Plan Review.

6. 6.1 No development shall take place on the public square and associated works hereby granted full planning permission until a scheme of works to provide for the localised narrowing of Colyear Street and Becketwell Lane has been submitted to and approved in writing by the Local Planning Authority.
- 6.2 The details shall include:
- 6.2.1 Provision of an appropriate forward visibility splay cross the tight bend between Colyear Street and Becketwell Lane.
- 6.2.2 A suitable highway margin adjacent to the southern boundary of the scheme.
- 6.2.3 Vehicle tracking to demonstrate the carriageway can accommodate the largest vehicle likely to use the bend.
- 6.3 The approved scheme of works shall be implemented and retained as such for the life of the development.

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

7. 7.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of development until a surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority.
- 7.2 The surface water drainage scheme shall include, as far as reasonably practicable:
- 7.2.1 A sustainable drainage solution.
- 7.2.2 Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753) or equivalent.
- 7.2.3 Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (CIRIA C753) or equivalent.
- 7.2.4 Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.
- 7.3 The drainage works for that phase shall be carried out in their entirety and maintained thereafter in full accordance with the approved surface water drainage scheme.

Reason: In order to minimise the likelihood of drainage system exceedance and consequent flood risk off-site, to ensure reasonable provision for drainage maintenance is given in the development and to accord with the guidance in the National Planning Policy Framework, Planning Practice Guidance for Flood Risk and Coastal Change and Policy CP2 of the Derby City Local Plan - Part 1: Core Strategy.

8. 8.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of development until the

precise details of a scheme of measures to protect statutory services from flood water in that phase of development has been submitted to and approved in writing by the Local Planning Authority.

8.2 The scheme shall ensure essential services (potable water, electricity, telecoms etc.) to all residential units are retained during a 1: 100 flood event with an allowance for climate change and considering residual flood risk.

8.3 The approved measures shall be implemented prior to occupation of the building(s) in that phase and thereafter maintained for the life of the development.

Reason: In order to protect nearby properties from a 1 in 100 flood event and ensure the building can be occupied during a flood event and to accord with Policy CP2 of the Derby City Local Plan: Part 1 - Core Strategy.

9. No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of development until a scheme of measures that demonstrates safe access and egress from all residential units during a 1: 100 flood event, with an allowance for climate change and considering residual flood risk, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the building(s) and thereafter maintained for the life of the development.

Reason: In order to protect residential properties from a 1 in 100 flood event and ensure that buildings can be occupied during a flood event and to accord with Policy CP2 of the Derby City Local Plan - Part 1: Core Strategy.

10. 10.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of development until the following details have been submitted to and approved in writing by the Local Planning Authority relevant to that phase of development:

10.1.1 A Servicing Management Strategy.

10.1.2 Final Bin Storage Facilities.

10.1.3 A Waste Management Strategy.

10.2 The approved measures shall be implemented prior to occupation of the building(s) in that phase and thereafter maintained for the life of the development.

Reason: To ensure that each phase of development deals with the required provision and management of waste facilities and to accord with saved Policy GD5 of the adopted City of Derby Local Plan Review.

11. 11.1 No development shall take place on the public square hereby granted full planning permission (excluding demolition or other enabling, engineering or preparatory works) until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and the appropriate elements of BS 8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' (or equivalent) shall be followed. The landscape plan shall include the following:

11.2 A scaled plan showing all trees and plants to be planted.

11.3 A schedule detailing sizes and numbers/densities of all proposed trees/plants.

11.3.1 The design of tree pits shall include:

- 11.3.2 Provision of access to adequate soil volumes to support the tree through to independence in the landscape and beyond (may include soil cells). The proposed tree soil volume requirements and actual proposed soil volume in sqm.
- 11.3.3 The provision of root deflectors and / or root barriers if appropriate.
- 11.3.4 Details of irrigation pipe, if used.
- 11.3.5 Details of method of securing.
- 11.3.6 Details of tree protection (cage/guard), if used.
- 11.3.7 Details of tree pit finish i.e. mulch (including depth) or tree grille/grids.
- 11.3.8 Details of replacement planting for any specimens that dies within 5 years of the completion of the scheme.
- 11.4 The Annual Maintenance Schedule (page 41 of the Landscape Master Plan) events shall be recorded to demonstrate compliance as part of ongoing maintenance.

Reason: To ensure the precise, layout, design and ongoing maintenance of the landscaping scheme is secured, in the interests of wider environmental amenities and to accord with saved Policy E17 of the adopted City of Derby Local Plan Review.

- 12. 12.1 No development shall take place on each phase until an Employment and Training Strategy, designed to maximise local opportunities for construction related employment from that phase of development has been submitted to and approved in writing by the Local Planning Authority.
- 12.2 The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: To secure employment activities for local individuals and businesses in the interests of delivering more sustainable levels of construction and to accord with Policy CP2 of the adopted Derby City Local Plan - Part 1: Core Strategy.

- 13. 13.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of residential accommodation until a scheme for noise insulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following internal ambient noise levels are not exceeded in any habitable space, based on the approved noise survey and including during the normal operation of all space heating, cooling and ventilation systems.
 - 13.2.1 LAeq, 16hr (0700-2300) of 35 dB
 - 13.2.2 LAeq, 8hr (2300-0700) of 30 dB
 - 13.2.3 11th highest LAFMax (2300-0700) of 45 dB (using 1 minute measurement intervals)
- 13.3 The approved scheme shall be installed prior to first occupation of any dwellings in that phase and thereafter maintained for the life of the development.

Reason: To ensure that each phase of residential development deals with the need to protect future occupants from undue levels of noise and disturbance and to accord with Policy GD5 of the adopted City of Derby Local Plan Review.

14. 14.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) on any phase of residential accommodation until an assessment to show that the rating level of any plant and equipment, as part of as part of that phase of development, does not exceed +5dB over the background level (in accordance with BS4142:2014 or equivalent), has been submitted to and approved in writing by the Local Planning Authority.

14.2 The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound, or equivalent.

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any mitigation measures can be incorporated into the build and to accord with saved Policy GD5 of the adopted City of Derby Local Plan Review.

15. 15.1 No development shall take place (excluding demolition or other enabling, engineering or preparatory works) until an investigation and risk assessment for that phase, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on that phase of the site, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report shall be submitted to and approved in writing by the Local Planning Authority and the findings must include:

15.1.1 A survey of the extent, scale and nature of contamination.

15.1.2 An assessment of the potential risks to:

15.1.2.1 Human health.

15.1.2.2 Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.

15.1.2.3 Adjoining land.

15.1.2.4 Groundwaters and surface waters.

15.1.2.5 Ecological systems.

15.1.2.6 Archaeological sites and ancient monuments.

15.2 An appraisal of remedial 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'.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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 to accord with saved Policies GD5 and E13 of the adopted City of Derby Local Plan Review.

16. No development shall take place (excluding demolition or other enabling, engineering or preparatory works) until a detailed remediation scheme to bring the relevant phase of 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 has been submitted to 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 and the approved details shall be implemented in accordance with the timetable.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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 to accord with and to accord with saved policies GD5 and E13 of the adopted City of Derby Local Plan Review.

17. 17.1 In the event that contamination is found, no phase of development (excluding demolition or other enabling, engineering or preparatory works) other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme for that phase has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

17.2 Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and 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 to accord with saved Policies GD5 and E13 of the adopted City of Derby Local Plan Review.

18. 18.1 No development shall take place on any phase that may specifically affect areas of archaeological potential across the site (as identified in the submitted Archaeological Assessment) until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority for that phase and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme in that phase shall include an assessment of significance and research questions; and

18.1.1 The programme and methodology of site investigation and recording.

18.1.2 The programme for post investigation assessment

18.1.3 Provision to be made for analysis of the site investigation and recording

18.1.4 Provision to be made for publication and dissemination of the analysis and records of the site investigation.

18.1.5 Provision to be made for archive deposition of the analysis and records of the site investigation

- 18.1.6 Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- 18.2 No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.
- 18.3 No part of the development to which condition 18.1 applies shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: To ensure that any archaeological remains and features are properly assessed and recorded in the interests of the archaeological value of this area and to accord with saved policy E21 of the adopted City of Derby Local Plan Review.
19. No development shall take place on each phase, which may affect bats and their habitat, until a detailed Bat Mitigation Strategy based on the mitigation, compensation and enhancement measures outlined on pages 23 and 24 of the Bat Survey report, prepared by WYG dated September 2018, has been submitted to and approved in writing by the Local Planning Authority. The measures shall include the need to apply for a Natural England Bat Mitigation Licence. All works shall then proceed in accordance with the approved strategy and the conditions of the Natural England licence, a copy of which shall be submitted to the Local Planning Authority once issued.
- Reason: To ensure that protected species are properly safeguarded during the development process and to accord with the requirements of the Conservation of Habitats and Species Regulations 2017.
20. No development shall take place on each phase until a bat and bird mitigation and enhancement strategy, in particular for roosting bats and nesting swifts, has been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed specification and plans of permanent long-term roosting provision for bats and nesting provision for swifts to provide a net increase in roosting and nesting opportunities for these species. The approved permanent measures shall be implemented in full as construction proceeds and completed prior to the first occupation of the development and thereafter maintained for the life of the development.
- Reason: To ensure that protected species are properly safeguarded during the development process and to ensure that additional nesting facilities are incorporated into the development to accord with the requirements of the Conservation of Habitats and Species Regulations 2017 and guidance in the National Planning Policy Framework regarding bio-diversity net gain in all developments.
21. 21.1 No phase of development shall take place until a site specific Construction Environmental Management Plan (CEMP) for the protection of biodiversity and retained habitats on and around that phase of the site, has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
- 21.1.1 Risk assessment of potential damaging construction activities.
- 21.1.2 Practical measures (both physical measures and sensitive working practices,

such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction.

21.1.3 The location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular).

21.1.4 The times during construction when specialist ecologists need to be present on site to oversee works (as required);

21.1.5 Responsible persons and lines of communication;

The approved CEMP shall be implemented throughout the construction period strictly in accordance with the approved details.

Reason: For the avoidance of doubt and to safeguard environmental and residential amenities in the immediate area and to accord with saved Policy GD5 of the adopted City of Derby Local Plan Review.

22. No phase of development shall take place until a Transport Assessment or Transport Statement, proportionate in scale to the transport impacts for that phase, has been submitted to and approved in writing by the Local Planning Authority. The assessment must include details of access between the highway and the proposed development for all modes, trip generation and distribution, parking and travel plan details and the approved plan shall be implemented.

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

Pre Occupation Conditions:

23. All phases of development shall make provision for on-site cycle parking to accommodate all users (residents/commercial occupants/visitors/general usage etc.) in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s) to which they relate.

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

24. All phases of development shall make provision for the maintenance requirements for all flood risk management structures in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s), structure or part of the development to which they relate.

Reason: To ensure that all the necessary infrastructure is in place to safeguard all future occupants of the overall development and to accord with saved Policy GD5 of the adopted City of Derby Local Plan Review.

25. All phases of development shall make provision for resident and visitor electric vehicle (EV) charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s) to which they relate.

Reason: To ensure that each phase of development deals with the need to power electric vehicles to improve the overall environmental credentials of the site and to accord with Policy CP2 of the adopted Derby City Local Plan - Part 1: Core Strategy

26. All phases of development shall make provision for a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of that phase of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Management Conditions:

27. The total number of parking spaces across the whole of the site shall not exceed 575.

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

28. The retail (Use Class A1) component of this permission, beyond Phase 1 of the scheme, shall only extend to include convenience floorspace and not comparison goods floorspace.

Reason: To accord with the retail assessment that underpins the proposed development, to avoid a detrimental impact on the vitality and viability of the retail function of the city centre within its Core Area and to accord with Policies CP1(a), CP12 and CP13 of the Derby City Local Plan - Part 1: Core Strategy.

29. No new structures (including any buildings, fencing, trees and public art but excluding replacement of existing structures) shall be erected on any part of the development within 5 linear metres of the centre part of the Littleover Brook or the Markeaton Brook culverted watercourses.

Reason: In order to protect the ability of the City Council and/or any future owners of the site to maintain the Brook culverts both routinely and under emergency or unplanned conditions (e.g. collapse, blockage, etc.) and to accord with Policy CP2 of the Derby City Local Plan - Part 1: Core Strategy.

Signed:



Paul Clarke

Authorised Officer of the Council

Date: 04/09/2020

Part 6: Informative Notes to Applicant

1. The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
 2. For details of general construction advice please contact Robert Waite Tel: 01332 642264
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Notes

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse your application for the proposed development, or non-material amendment to a proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Please note, only the applicant possesses the right of appeal.
- Further information on how to appeal and the deadlines for different types of applications can be found at www.gov.uk/government/organisations/planning-inspectorate
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

E-mail: developmentcontrol@derby.gov.uk

Website: www.derby.gov.uk/environment-and-planning/planning/