



Derby City Council

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Sent by email

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Date	25 th September 2023

Dear ██████████

23/00053/PREAPP Cathedral Green Phase 2 Development site, Full Street, Derby – Residential Development

Introduction

The following preliminary application advice is given upon review of the following documents:

Proposed Residential Development, Full Street, Derby – Pre-Application Submission Rev. P3 August 2023

Heritage Statement – Pre-Application Draft Date: 19/07/2023 | Pegasus Ref: P23-0970_HT_R001v2_SB_GS

In drafting this pre-application position statement, I am mindful that discussions around design have been ongoing, and the scheme may have progressed.

Consultation Responses

Housing Strategy Observations:

Further information is required for full comments from Housing Strategy, to allow them to comment on the proposed design, tenure mix etc. It would be beneficial for you to contact Housing Strategy.

██████████
Principal Housing Development Manager
██████████

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

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Conservation and Heritage Advisory Committee

Notes of the preliminary application meeting held Thursday 31st August are awaited. Once confirmed these will be shared.

Built Environment Officer

Heritage conservation comment - These informal comments are made in the light of the Planning (Listed buildings and conservation areas) Act 1990, and the relevant National and Local Planning Policies and Guidance (including the National Planning Policy Framework (2023), Historic England guidance, the relevant Local Plan Review January 2006 saved policies, Derby Local Plan - core strategy (2017) and other relevant guidance.

Heritage Assets impacted - The site is in a very sensitive location in relation to the Derwent Valley Mills World Heritage Site (DVMWHS) and its immediate setting (known as the buffer zone) and setting of the former grade II Silk Mill, the grade I Bakewell Gates, the grade I Cathedral and other listed buildings nearby. The site is located just outside the City Centre Conservation Area, an area of architectural and historic interest.

Comments – There is a previously approved office scheme for the site (reference 12/13/01486) which was predominantly rendered and glazed, upon an irregular shaped site with the centrally located main access located directly off Cathedral Green and there being some curvature to the staggered elements either side curving to the river and another to the corner of Cathedral Green and Full Street. The key for any newly designed building is the need for skilful design of ensuring the proposals are not dominant but appropriately recessive and complement the setting of these important heritage assets nearby.

A draft Heritage Statement has been submitted which is noted. Initial comments at pre-app as follows: -

- Important requirement to use of the ICOMOS Heritage Impact Assessment Guidance (2022) for the submission (and the toolkit in the appendix),
- Not sure about layout and suggest inclusion of all the UNESCO WHS monitoring views together, those views in the Skyline work (using numbering), other relevant near to/ close views and assessment of kinetic views.
- Core strategy – need to also include Policies relating to the DVMWHS within the Core strategy e.g. AC9.
- specific use of and reference to the Derby Skyline work needed.

- My archaeological colleagues will advise what archaeological information is needed within this document or whether others are needed.
- Grade I Bakewell Gates and the setting of other listed buildings nearby not mentioned such as St Mary's Bridge, Properties on Iron Gate, Amen Alley, Queen Street and College Place– suggest the setting of these are assessed. Suggest a matrix of assets and impact upon their setting included for DVMWHS, all listed buildings and the setting of the City Centre Conservation Area.
- Suggest assessment, reference and use of the Derby Tall Building Study as large very building and use of the Derby 3D model.
- Advise use of Historic England's advice note on the Setting of Heritage Assets GPA 3 to help assess setting of different heritage assets.

Current comments on Proposal document –

- No issue to residential development on this site but suggest as much active frontage is needed at ground floor level as possible so that it addresses the space.
- Site layout is awkward and, as within the previous approved scheme, might benefit from some curved elements? If not possible suggest main part of the building and access is adjusted to address the important open space of Cathedral Green but with secondary accesses onto the river and to Full Street. Within the views the layout currently seems to address the river more the Cathedral Green.
- In terms of height, scale and massing suggest the proposed scheme is ideally reduced so it matches the approved scheme in these aspects. It is preferred if the height across Cathedral Green elevation was the same lower same height rather than with the taller emphasis, and tower feature, nearest Full Street.
- Detailed design shows very strong frontage to Full Street with a projecting stub corner tower. Although the articulation and the forward projection of elements might be appropriate, I am not currently convinced with the vertical brick tower fronting Full Street. Note the layering proposed and decorative use of brick. It is important that the building at cornice level doesn't become over fussy and has a restrained presence in its context. I agree with the suggestion of the bottom two storeys needing a slightly different treatment, to anchor the building to the ground and the need for as much active frontage as possible and as many unobstructed views from the building at ground floor out onto Cathedral Green as possible.
- Materials - Note the approved scheme using glazing and render. Suggest any new scheme looks at using a palette of locally distinctive materials, which could include an appropriate red/orange brick, in a restrained way as well as stone and stone coloured render as well as glazing.

Current submission suggestions –

- A number of context plans showing the levels and relative heights across the site and beyond would be useful and including the nearby former Silk Mill, adjacent buildings (Premier Inn and Magistrates Court and the Cathedral. Please see the previous scheme context sections for reference.
- Suggest a materials palette presented with any application and how it relates to context. Sectional building details will be needed as well as elevations.
- Suggest assessment, reference and use of the Derby Tall Building Study and skyline view work including compatible numbering along with other relevant near/middle distance views relevant to this particular site. AOD as well as storey heights will be needed.
- There might be a need for some verified views from specific locations.
- Justification needed for extra height (e.g. Viability appraisal) above those of the original permission.

Policies - The Planning (listed building and conservation areas) Act 1990 section 66 as regards the statutory duties regarding listed buildings is relevant here. As is E18 and E19 of the saved Local Plan Review (2006) and CP20 and AC9 of the Local Plan – core strategy (2017) and the DVMWHS Management Plan. Section 16 on Conserving and enhancing the historic environment of the NPPF (2023) is particularly relevant.

In summary there are concerns about the dominance of the new design within its context, within the setting of the Derwent valley World Heritage Site, adjacent to the Cathedral, the former Silk Mill and other designated heritage assets. Suggest consideration of amendments to the design to enable the building to be more recessive and sit happily in its context – as suggested above.

Transport Planning/Highways Development Control Observations:

Recommendation: Highways Development Control considers that: Given that the proposed application site is in a sustainable location and well served by local transport (and cycle) links and nearby pay and display parking; it is unlikely that the proposed development will have a significant impact on the highway.

Observations:

These observations are primarily made on the basis of the following submitted information:-

Pre Application Submission (rev P3)

The 'applicant should be aware that due to the size of the proposed development that any submission should be supported by both a Transport Assessment (contact transportplanning@derby.gov.uk) and a Travel Plan (contact [REDACTED] for advice); using up to date data.

- Existing highway

Full Street is considered to be within a sustainable location, in very close proximity to city centre shops, amenities and public transport opportunities.

The surrounding highway network is subject to a number of waiting restrictions and has nearby pay and display parking and car parking.

The development is being promoted as (essentially) a car free development, comprising 190 apartments in a mix of 1 bed and 2 bed arrangements, as well as 9 parking spaces (2x accessible) in the courtyard, storage space for 80 cycles.

The applicant needs to be aware that the occupants of the proposed development will not be eligible for the issue of residents parking permits.

According to my records, the majority of the land surrounding the site is not "highway maintained at the public expense"; although the land is within the ownership/control of Derby City Council.

I would recommend that (if it has not already done so), that the Local Planning Authority consults further with the Councils Leisure Department in order that they can have an input into the proposals as I understand that the land concerned is Leisure Services land.

The proposals will necessitate alterations to the Traffic Regulation Orders along Full Street as the proposed vehicular access enters over an existing Taxi bay; it will be necessary to protect the access to the site with a suitable "no waiting at any time" (double yellow lines) TRO to prevent the access from being obstructed.

Such alterations would require funding by the developer and are outside of the planning approval process. The usual fee for TRO's is £11,000; this could be secured by S106 agreement; or as part of the highway works agreement which would be required due to the minor footway alterations and any subsequent alterations to the Leisure Services land.

- Surfacing.

The surfacing of the areas surrounding the development will need to conform with the emerging city centre materials palate. Contact [REDACTED] for more advice in this respect.

- Design considerations

Delivering Streets and Places “Design Element Sheet: Vehicular Access to Dwellings” (page 97), (Table 8.12) gives advice on the minimum effective width for private driveways.... and advises that the effective minimum width for a private driveway to serve more than one unit is 4.25m and advises that 0.5m should be added if bounded on one side by a wall, fence, hedge, line of trees or similar, and 1.0m if bounded on both sides.

Advice is therefore that the access to the parking area should be a minimum of 5.25m wide, with a minimum dropped kerb width of (say) 7m.

Any vehicular crossing would need to be constructed as a dropped footway crossing (not a ‘bellmouth’ junction) perhaps in a similar manner to the existing adjacent site.

A suitable minor footway build-out (similar but smaller) to the bus stop build-out would be appropriate to protect the access from the impact of casual parking adjacent.

I would also recommend that any gates be set back in order to ensure that the footway is not obstructed by waiting vehicles (in a similar manner to the existing adjacent site).

The existing dropped footway crossing would need to be lifted and restated as footway, unless it can be utilised to aid the manual handling of the refuse containers at collection times; whilst this encroaches slightly on the taxi rank, in reality it is unlikely that refuse collection times would necessarily clash with the times when the taxi rank is fully occupied.

I do note that some of the doors to the “Amenity” area are shown as outwards opening; such doors should open inwards only for reasons of pedestrian safety.

As Highway Authority we would be wary of supporting developments where balconies overhand the highway due to the potential risk of falling objects associated with their use.

However from the details provided, this does not seem to be an issue as far as the ‘adopted’ highway is concerned, this is raised for completeness and in case there are further changes proposed to the design.

- Pre-Commencement

As a pre-commencement condition, the Highway Authority will be asking for the provision of a suitable Construction Management Plan, such a plan shall consider (but not be limited to) measures to prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, delivery times and the routing of vehicles associated with the operations.

In addition it will also be recommended that a joint dilapidation survey of the nearby highway network be carried out by representatives of both the developer and the Highway Authority.

Design Review Panel Observations:

The panel reviewed the scheme 15th September, and their observations are awaited. Once these are available, I will circulate their comments.

Environmental Protection Observations - Land Contamination:

1. I refer to the above pre-application request. I have reviewed the submitted information and I can offer the following comments in relation to Contaminated Land risks on site.
2. The site adjoins land historically used for industrial processes which could have impacted the ground with contamination, namely a former tannery to the south/east and an unspecified 'works' to the north/west.
3. The scheme would be described as 'sensitive' due to the proposed introduction of residential dwellings on site.
4. Subsequently, any future planning application would need to be accompanied by an assessment of land contamination risks which could be posed to future occupants of the site.
5. Subject to the above, contaminated land conditions are also likely to be attached to any future planning consent for a scheme of this nature. This is to ensure that any risks present can be appropriately mitigated.

Environmental Protection Observations - Noise:

With regards to the above pre-planning application, I am concerned that the proposed residential units would be exposed to high levels of street noise especially from commercial premises close by and potential noise from the car park (noise from slamming doors, noise from car revving and stereo noise).

For the reasons given above, I would have very serious concerns of detriment that will be caused to future occupiers of the proposed residential units due to noise.

If full planning application is made, I would recommend that the condition below is attached.

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

Note to applicant:

- The developer should note that windows shall not be sealed closed but should be able to be kept closed, by choice, whilst allowing the occupier to enjoy adequate source of fresh air. If deemed necessary by the survey, the sound insulation scheme shall incorporate a mechanical ventilation to allow windows to remain closed irrespective of the external conditions (The developer should note that the window shall not remain closed to achieve the Indoor ambient noise guideline values as specified in British Standard BS 8233:2014).
- The ventilation arrangements shall ensure that 4 air changes per hour, if necessary, using mechanical ventilation, is available on demand in all habitable rooms (to ensure thermal comfort and purged ventilation). If mechanical ventilation is not required, then tm52/59 overheating assessment (with windows shut for 24hrs) will be required for alternative ventilation system.
- The scheme shall ensure that the LAmax does not exceed 45dB(A) on more than 10 occasions during any night-time period.

I have no other comments to make on the application regarding noise at this time.

Environmental Protection Observations - Air Quality

There are no particular concerns at this preliminary application stage.

Biodiversity/Ecology

You would be required to discuss matters of ecology and biodiversity directly with Derbyshire Wildlife Trust.

Trees Officer Observations:

I have concerns that the proposed development will cast significant shade onto existing established trees immediately to the north of the site. This will more than likely have a negative impact on the trees. Of note many of the indicative illustrations shows the north elevation in full sunlight. Although the illustrations are only indicative they are misleading. I am also concerned that the Horse Chestnut tree immediately to the north of the site would need to be removed due to its close proximity to the site. Removing this tree would then expose adjacent trees. This is particularly worrying considering potential tree removals to facilitate the OCOR scheme.

Any design should take into account existing tree constraints. The full application must be supported with the full suite of BS5837 documents to include:

- The Tree Survey
- Tree Constraints Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Draft Tree Protection Plan

Landscaping plans must demonstrate that adequate soil volumes can be provided to ensure that planted material fulfil their desired effect. Landscaping within RPAs would need to be incorporated into the AMS. The use of SUDs elements within tree/shrub planting areas should be considered.

Section 106

Based on 150 two bed flats the following financial contributions would be required as per the Supplementary Planning Document:

- 30% affordable
- Amenity Green Space - £261,000
- Major Open Space - £366,600
- Transport (depending on whether the scheme is car free) - £137,250
- Primary Education - £188,320 (no Secondary contribution as all apartments)

- Community Facilities - £98,100
- Sports Facilities - £143,700
- Health Facilities - £66,840
- Admin Fees - £5,625

The Implementation Team would recommend early discussions with you on the above and allow the discussion of any viability concerns.

Implementation Team Leader

Validation Requirements

The full planning application should be accompanied by:

- Planning Application Form
- Application Fee
- Planning Statement
- Design and Access Statement
- Transport Assessment
- Contaminated Land Phase 1/Phase 2
- Noise Assessment
- Community Engagement Statement
- Public Benefits Statement
- Protected Species Survey
- Flood Risk Assessment
- Land Drainage Strategy/Scheme
- Sustainability Appraisal
- Heritage Impact Assessment/Heritage Statement
- Suite of Plans
 - Site Location Plan
 - Block Plan
 - Planning Layout
 - Elevations
 - Floor Plans

- Site Sections – I would recommend that you submit cross sections through the Phase 1 development and including the Silk Mill Museum of Making, through the River and Cathedral to indicate the land level changes across the site and within its context
- Street scenes – River frontage, Cathedral Green, Full Street
- Comparison plans showing the previously consented scheme and the proposed

However, notwithstanding the above, these comments are given without prejudice and must be considered as purely informal advice. For a formal decision by the Council you are advised to submit a further planning application, which will be subject to full consultation and democratic consideration.

Yours sincerely



Major Projects Officer