



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:** 21/01312/FUL (please quote in correspondence)

**Location:** Becketwell Development Land Macklin Street Derby DE1 1LF

**Proposal:** Demolition of unretained buildings and structures, renovation and alterations to retained building, erection of a performance and entertainment venue, service yard, vehicular and pedestrian access, highway infrastructure amendments, landscaping, public realm, and associated works

---

### 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.

The impact of the proposal on surrounding designated and non-designated heritage assets has been duly considered and whilst objections have been received which identify that there will be 'less than substantial harm'. The wealth of public benefits associated with the proposal outweigh the less than substantial harm created on the designated and non-designated heritage assets. The design of the performance venue is acceptable, and the agreement of materials and finishes will ensure a high quality external appearance.

There are no concerns with regards to the impact of the proposal on air quality, contaminated land, biodiversity and ecological matters. Matters relating to climate change and the energy efficiency of the proposal are complex and the proposal meets current planning policy requirements and the Councils requirements.

---

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS  
[www.derby.gov.uk](http://www.derby.gov.uk)

To view Derby City Council Privacy Notices please visit [derby.gov.uk/privacy-notice](http://derby.gov.uk/privacy-notice)



There is a myriad of public benefits associated with the delivery of the Becketwell Performance Venue which, when weighed in the planning balance, decisively outweigh the negative impacts associated with its impact and harm.

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 design, layout, heritage impacts and highways impacts..

---

#### **Part 4: Relevant Policies**

##### **City of Derby Local Plan Review Saved Policies:**

E12	Pollution
E13	Contaminated Land
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
GD5	Amenity
CC4	Becket Well Policy Area
CC17	City centre Servicing

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

AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC4	City Centre Transport and Accessibility
CP10	Employment Locations
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
CP1A	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
MH1	Making it Happen

---

#### **Part 5: Conditions**

##### **General Conditions:**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below.

Reason: For the avoidance of doubt.

<b>Plan Type:</b>	<b>Plan Ref – Rev:</b>
Location Plan	0300 Rev 3
Site plans	0301 Rev 1
Floor Plans - Existing	0310
Floor Plans - Existing	0311
Floor Plans - Existing	0312
Floor Plans - Existing	0313
Floor Plans - Existing	0314
Floor Plans - Existing	0315
Floor Plans - Existing	0316
Floor Plans - Existing	0317
Floor Plans - Existing	0318
Floor/Elevation	0319
Cross Section	0320 Rev 1
Cross Section	0321 Rev 1
Cross Section	0322 Rev 1
Cross Section	0323 Rev 1
Cross Section	0324 Rev 1
Site plans	0331 Rev 6
Floor Plans - Proposed	0340 Rev 2
Floor Plans - Proposed	0341 Rev 2
Floor Plans - Proposed	0342 Rev 2
Floor Plans - Proposed	0343 Rev 2
Floor Plans - Proposed	0344 Rev 2
Floor Plans - Proposed	0346 Rev 3
Elevations - Proposed	0350 Rev 4
Elevations - Proposed	0351 Rev 4
Cross Section	0352 Rev 2
Cross Section	0353 Rev 2
General	0380 Rev 1
General	0385 Rev 1
Landscaping	L-0001 Rev P12
Landscaping	L-0002 Rev P05
Landscaping	L-0004 Rev P05
Other	5008 Rev E
Other	5009 Rev F
Other	5010 Rev C
Other	5011 Rev B
Other	5012 Rev A
Other	5013 Rev A

Other 5014  
Other 5015 Rev A

**Pre Commencement Conditions:**

3. Prior to the commencement of any demolition works, a Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Demolition Management Plan shall demonstrate how contamination of water assets will be prevented, both ground and local sewer networks and water courses. The Demolition Management Plan will also provide details of the resources and equipment to be provided. The approved Demolition Management Plan shall be implemented during demolition phases of the hereby approved development.

Reason: In the interest of preserving water quality 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.

4. Prior to the commencement of any construction works (excluding demolition), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall demonstrate how contamination of water assets will be prevented, both ground and local sewer networks and water courses. The Construction Management Plan will also provide details of the resources and equipment to be provided. The approved Construction Management Plan shall be implemented during all construction phases of the hereby approved development.

Reason: In the interest of preserving water quality 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.

5. No demolition works shall take place until a Demolition management plan or Demolition method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- o Parking of vehicle of site operatives and visitors
- o routes for construction traffic
- o hours of operation
- o method of prevention of mud being carried onto highway
- o pedestrian and cyclist protection
- o proposed temporary traffic restrictions
- o arrangements for turning vehicles
- o a suitable access to accommodate construction traffic into the site shall be provided in accordance with the Highways Design Guide,

The submitted construction management plan shall broadly comply with the information provided in Section 9.4 of the submitted Transport Assessment dated 15th July 2021 Revision P01, P21-012 BEK-RLE-PV-XX-RP-D-5004.

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development 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.

6. No construction works shall take place (excluding demolition) until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- o Parking of vehicle of site operatives and visitors
- o routes for construction traffic
- o hours of operation
- o method of prevention of mud being carried onto highway
- o pedestrian and cyclist protection
- o proposed temporary traffic restrictions
- o arrangements for turning vehicles
- o a suitable access to accommodate construction traffic into the site shall be provided in accordance with the Highways Design Guide,

The submitted construction management plan shall broadly comply with the information provided in Section 9.4 of the submitted Transport Assessment dated 15th July 2021 Revision P01, P21-012 BEK-RLE-PV-XX-RP-D-5004

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development 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.

7. No demolition works shall take place until a site specific Demolition Environmental Management Plan has been submitted to and been 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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Pollution Control Team
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - o Mondays to Fridays - 07:00 Hours and 18:00 Hours
  - o Saturdays - 08:00 and 13:00 Hours
  - o Sundays and Bank Holidays - by agreement only. Notification of any works on Sundays and Bank Holidays shall be given a minimum of 7 days in advance of any works taking place on site. The notification shall include hours of working and any mitigation to limit impacts on nearby businesses and residential properties.

- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Derby City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- o Control measures for dust and other air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development 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.

8. No construction works shall take place until a site specific Construction Environmental Management Plan has been submitted to and been 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:
- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - o Arrangements for liaison with the Council's Pollution Control Team
  - o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
    - o Mondays to Fridays - 07:00 Hours and 18:00 Hours
      - o Saturdays - 08:00 and 13:00 Hours
      - o Sundays and Bank Holidays - by agreement only. Notification of any works on Sundays and Bank Holidays shall be given a minimum of 7 days in advance of any works taking place on site. The notification shall include hours of working and any mitigation to limit impacts on nearby businesses and residential properties.
  - o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - o Procedures for emergency deviation of the agreed working hours.
  - o Derby City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
  - o Control measures for dust and other air-borne pollutants.

o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development 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.

9. No development shall take place until a surface water drainage scheme, including engineering drawings and computations has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

The scheme shall include, as far as reasonably practicable, and in accordance with the approved drainage strategy addendum: -

' A sustainable drainage solution, which seeks to manage both water quality and in accordance with CP2 tackle the effects of Climate Change where practicable.

' Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),

' Restriction of surface water runoff from the drained area of the site to the rate set within the approved drainage strategy addendum (as a minimum), however weight should be given to water quality as well as measures to tackle climate change.

' Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.

' Details of the arrangements for foul drainage.

' Appropriate ability to maintain the system in a safe and practical manner

Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2. In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development 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.

10. 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 the development has been submitted to and approved in writing by the Local Planning Authority. The details shall also demonstrate that floor levels are set above flood levels, including an allowance for climate change by a minimum 300 mm, except where it can be demonstrated and agreed that this is not required.

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.

The approved measures shall be implemented prior to occupation of the development and thereafter maintained for the life of the development.

Reason: In order to protect the development from a 1 in 100 flood event and ensure the building can be occupied during a flood event 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.

11. i) No development shall take place on the area of the site identified as having medium archaeological potential (in the approved archaeological desk based assessment, Figure 13. Archaeological potential and likely truncation based on OSA, 2019, Figure 12) until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
- a. The programme and methodology of site investigation and recording
  - b. The programme for post investigation assessment
  - c. Provision to be made for analysis of the site investigation and recording
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation
  - f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
  - g. The methodology for assessing and recording any archaeology found outside of the area defined as having medium archaeological potential (in the approved archaeological desk based assessment).
- ii) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (i).
- iii) The development shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (i) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that archaeological remains and features are recorded prior to their destruction 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.

12. No development shall take place (excluding demolition or other enabling engineering works or preparatory works) until an investigation and risk assessment, in addition to any assessment provided with the planning application and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and be 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 written report is subject to the approval 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:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) 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 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.

13. No development shall take place (excluding demolition or other enabling, engineering or preparatory works) until a detailed remediation scheme 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 has been prepared, submitted to and been 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.

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 off-site receptors 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.

14. In the event that contamination is found, no 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 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.

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 be approved in writing of 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 off-site receptors 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.

15. Works for the demolition of Padley House forming part of the hereby approved development shall not be commenced until a programme and strategy plan for the relocation of the Padley Group Community Hub and its associated storage facility has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that alternative provision is made and there is not break in the provision of this community facility in line with policy CP21 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.

16. No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. Within 12 months of practical completion of the developers works a final Certificate shall be submitted to the Local Authority for approval certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating, of at least Very Good, has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.

Reason: To ensure that the development achieves BREEAM rating level Very Good (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions 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.

17. No development affecting Padley House shall take place until a Written Scheme of Investigation for historic building photographic recording has been submitted to and approved by the Local Planning Authority in writing, and until all on-site elements of the approved scheme have been completed. The submitted scheme shall broadly accord with the details set out in the Built Environment Officer comments dated 12th October 2021. The approved development shall not be occupied until the provision to be made for analysis, reporting,

publication and dissemination of the results and archive deposition has been secured. The scheme shall record the Baptiste Church/Padley House. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

- a. The programme and methodology of site investigation and recording
- b. The programme and provision for post-investigation analysis and reporting
- c. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- d. Provision to be made for archive deposition of the analysis and records of the site investigation
- e. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that features of building / building archaeology importance within the building are recorded before their destruction, alteration or concealment 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.

18. No development shall take place (excluding demolition or other enabling, engineering or preparatory works) until the developer enters into an agreement with the Local Planning Authority to produce and implement a strategy that aims to maximise the opportunities for local residents to access employment offered by the development works. The development shall not be brought into use until the occupier has entered into an agreement of the same basis. The approved strategy shall be undertaken in accordance with an agreed timetable.

Reason: In recognition of the employment opportunity offered by the early phases of the construction and operation of the development 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.

19. Sample panels of the approved brickwork, curtain walling, any roof top plant screening, windows and metallic mesh demonstrating the colour, texture, face bond and pointing are to be displayed on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building 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.

20. Prior to the hereby approved development being first brought into use a scheme for enhancing the Becket Street elevation, and pedestrian link to the north to the main entrance between Colyear Street and Becket Street to help with the legibility of the approach, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include features such as wayfinding, public art, art lighting projection and a lighting scheme. The agreed scheme shall be implemented and retained thereafter.

Reason: In the interests of enhancing the visual appearance of the Becket Street elevation 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.

21. No development (excluding demolition or other enabling engineering works or preparatory works) shall take place until an addendum Noise Assessment and Noise Mitigation Scheme relating to the upper floors of the building on the corner of Becket Street and Macklin Street have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve residential amenity of nearby residential properties 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.

### **Pre Occupation Conditions:**

22. Prior to the development hereby approved being brought into use, the access strategy and plan as detailed for indicative purposes within the submitted Transport Assessment dated 15th July 2021 revision P01 P21-012 BEK-RLE-PV-XX-RP-D-5004 shall be made available for use.

Reason: In order to provide an acceptable and sufficient access arrangement to the Performance Venue and in the interests of highway safety 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.

23. Prior to the hereby approved being brought into use, details of a flood warning and action plan, including minimum staffing levels to secure the safe egress from the development as well as information to be provided to the staff, supervisors and managers, shall be submitted and approved in writing by the Local Planning Authority. The action plan shall detail the safe route for access and egress in the event of a flood as well as the extents to which egress routes shall be staffed, to ensure the safe evacuation of the development.

Reason: To ensure the safe occupation of the development 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.

24. Prior to the hereby approved being brought into use, details of a schedule of maintenance of the drainage assets, to inform the occupation of the development and its management as well as details of a securely funded arrangement to ensure and support such maintenance, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved schedule of inspection and maintenance is to be implemented for the lifetime of the development

Reason: In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development 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.

25. Prior to occupation of the development, the following shall be provided and available for use in accordance with details submitted with the planning

application:

- a. The access layout on Colyear Street, Becket Well Lane, Bramble Street, Newland Street and Becket Street as shown for indicative purposes on Drg No BEK-RLE-PV-00-DR-D-5010 (Rev BC);
- b. Cycle parking for visitors;
- c. The travel plan based on the initiatives and monitoring as set out in the Travel Plan prepared by RLRE and submitted as part of this application, (See document EK-RLE-PV-XX-RP-D-5003).
- d. Operational Management Plan to be submitted and approved in writing by the Local Planning Authority and to include information on:
  - o Details of the Event Overlay Traffic Regulation Order.
  - o Pre-event consultation and communication plan of the closure of Colyear Street.
  - o Physical management/protocol of the Event Overlay such as closure of Colyear Street, security measures and operation of bollards, and bagging of one-way signs on Becket Well Lane.
  - o Emergency Service access strategy.
  - o Review process of network operation and identification of measures to reduce issues.
  - o A procedure to review events timings to reduce the impact on peak traffic periods, such as the AM (0800-0900) and PM (17:00-1800) weekday commuter peaks, and other simultaneous large-scale events.

Reason: In the interests of highway safety, to ensure that a sustainable development is delivered 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.

26. 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 12; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 13 which is to be submitted to and be 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 approval in writing of the Local Planning Authority in accordance with condition 14.

Reason: 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 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.

27. No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall

be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety 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.

28. No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping., 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 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.

29. No building or use hereby permitted shall be occupied of use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

Reason: In order to safeguard the amenities of adjoining residential occupiers 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:**

30. The roof area of the hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority. The roof shall not be used for the storage of any additional plant other than within the zone indicated on the approved plans.

Reason: To safeguard the amenities of the adjoining premises 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.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose.

Reason: This use only is permitted and other uses, either within the same Use Class, or

permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location 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.

---

Signed: 

Paul Clarke  
Authorised Officer of the Council

Date: 20/10/2021

---

### **Part 6: Informative Notes to Applicant**

1. The above condition(s) will 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 a suitable legal agreement with the highway authority. Please contact Keren Jones Tel 01332 641757 for details.

For details of the Highways Design Guide and general construction advice please contact Keren Jones Tel 01332 641757.

---

## 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](http://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](mailto: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](mailto:developmentcontrol@derby.gov.uk)

Website: [www.derby.gov.uk/environment-and-planning/planning/](http://www.derby.gov.uk/environment-and-planning/planning/)