

PART 1

BASELINE



CHAPTER 2

2 PLANNING POLICY CONTEXT

2.1 INTRODUCTION

This chapter presents national and local policy and guidance, and discusses their relevance to tall buildings and this study. The topics covered are as follows:

- National Planning Policy Framework;
- Historic England Tall Buildings Advice Note;
- Derby Core Strategy;
- Derby Skyline Study; and
- Derwent Valley Mills World Heritage Site policy background.

2.2 NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) sets out the government's objectives for new development. The NPPF does not have any specific policies on tall buildings, however, it sets out a number of more general design and planning principles which are relevant to the development of tall buildings.

Good design is a key requirement of the NPPF. The NPPF states that it is important to plan positively to achieve high quality and inclusive design and that local authorities should develop robust and comprehensive policies that set out the quality of development that will be expected in their area. These should be based on a clear vision for the future of the area and upon a detailed evaluation of the characteristics that define it.

The NPPF promotes an urban design led approach to planning that requires buildings to respond to the location in which they are located rather than prescribe specific architectural styles.

Planning policies are required to ensure that new development will:

- Function well and add to the quality of the area;
- Establish a strong sense of place, using streetscapes and buildings to create attractive places to live;
- Make the most of the potential of the site;

- Respond to local character, history and identity;
- Create safe and accessible environments;
- Are visually attractive;
- Respond well to heritage assets and their setting;
- Respond to the views of local people;
- Make effective use of land and make use of brownfield land as much as possible;
- Encourage multiple benefits from land, in terms of development and net environmental gains, and;
- Support opportunities for upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties.

The NPPF makes a presumption in favour of sustainable development and states that buildings that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

The NPPF states that great weight should be given to outstanding and innovative designs which promote high levels of sustainability as long as they respond to their context in terms of form and layout.

2.3 HISTORIC ENGLAND - TALL BUILDINGS ADVICE NOTE

Historic England published a Tall Buildings Advice Note in December 2015. It is intended to support all of those involved in dealing with proposals for tall buildings from designers to local authorities. It supersedes the earlier 2007 CABE/English Heritage 'Guidance on Tall Buildings'. Although its primary focus is the impact of tall buildings on heritage assets, it also provides a number of general guidelines surrounding the design and location of tall buildings.

The document does not take a negative stance against tall buildings. It states that tall buildings can be excellent works of architecture and make a positive contribution to towns and cities. However, Advice Note 4 states that for tall buildings to be successful measures to control the location and design of such structures must be embedded in local planning documents.

Advice Note 4 promotes a plan-led and positive approach to the location and design of tall buildings. It states that this should be specific to areas and include a local definition for tall buildings that is appropriate to its specific context.

Local Plans will be expected to:

- Identify the role and contribution of tall buildings as part of an overall vision for a place;
- Ensure that the setting of heritage assets are protected from any potential negative impact from tall buildings;
- Identify areas that are appropriate for tall buildings;

- Express design requirements for tall buildings;
- Encourage a mix of uses within tall buildings that are required in the local area;
- Ensure early public consultation is undertaken;
- Reduce inappropriate applications for tall buildings in the wrong places;
- Ensure that tall building applications fully consider the impacts on local people.
- Identify sites where removal of existing tall buildings may enhance the environment; and
- Identify whether tall buildings are the most appropriate way to deliver high densities or whether another solution is more appropriate.

Advice Note 4 states that the scale and form of development should be assessed as part of the formulation of the local plan. It suggests the use of characterisation/building height studies as well as heritage and urban design assessments to designate appropriate locations and polices for tall buildings. The document very clearly states that the existence of a tall building on a site is not a justification for a replacement building of the same scale or on an adjoining site.

Advice Note 4 makes it a general requirement for tall buildings to set exemplary standards of design and states that a high quality tall building will have a positive relationship with:

- Topography;
- Character;

- Heritage assets;
- Height and scale of surrounding development;
- Urban grain and streetscape;
- Open spaces;
- Rivers;
- Important views and panoramas; and
- The skyline.

Advice Note 4 promotes an urban design led approach with less attention on architectural style or detailing.

In 2020, Historic England released an updated version of Advice Note 4 for consultation. The updated version is broadly aligned with the approach set out in the current version but with the following updates:

- Much greater emphasis is placed on the importance of a plan-led approach;
- Updated references to national policy and guidance;
- Acknowledgement of changing technologies and tools that can provide evidence when considering tall building proposals, including 3D Modelling, Urban Design, Townscape analysis and views studies;
- The integration of case studies to support the guidance.

2.4 DERBY CORE STRATEGY

The Core Strategy is Part 1 of the Derby City Local Plan, adopted in 2017. It sets out a broad spatial strategy for the city, which is underpinned by Core Development Principles covering a range of strategic topics. Policies on Areas of Change are presented for parts of the city where regeneration and growth is promoted.



Figure 2.1: Derby Core Strategy

2.4.1 DEVELOPMENT GUIDANCE

The Core Strategy contains a number of Core Development Principles that guide the form of new development in the city generally.

CP2 – Responding to Climate Change seeks to ensure that the layout and design of all new development “takes account of opportunities to mitigate greenhouse gas emissions and to adapt to the effects of a changing climate”. Derby is particularly at risk on increased flooding due to climate change. New development should be flood resilient and resistant by applying the sequential test and incorporating SuDS. The Council is in the process of implementing the Our City, Our River programme, which will reduce flood risk along the River Derwent and unlock development sites that are currently at risk of flooding.

CP3 – Placemaking Principles requires development proposals to be well-designed and high quality, which make efficient use of land by optimising densities. Development should also contribute to the creation of vibrant and mixed communities, incorporate well-designed streets and spaces and respond to the city’s natural features and topography.

Furthermore, **CP4 – Character and Context** expects all new developments to make a positive contribution towards character, distinctiveness and local identity.

2.4.2 TALL BUILDINGS

CP4 – Character and Context makes specific reference to tall buildings, stating that tall building proposals will receive particular scrutiny in relation to their impact on character and context. The explanatory text of this principle also provides a definition of tall buildings as being “over 20 metres in the city centre”. Within the Areas of Change chapter, section **AC5 – City Centre Environment** identifies ten primary gateway locations and seven secondary gateway locations, mostly located along the inner ring road at key entrances to the city, but also including Derby Railway Station. AC5 supports the construction of tall buildings (above 20m) in “appropriate gateway locations”, providing they are of high quality design and do not adversely affect heritage assets and the character of the city centre. Tall buildings at gateways should improve legibility by marking a key arrival point into the city centre.

2.4.3 AREAS OF CHANGE

The Core Strategy provides guidance on new development and regeneration of specific parts of the city. The most relevant of these for this study are as follows:

- **Central Business District:** Preferred location for office development and proposals that support “City Centre Living”;
- **St Peters Quarter:** Regeneration of the Becketwell site;
- **Riverside:** Implementation of the Our City, Our River programme, which will facilitate the regeneration of key regeneration sites. Other opportunities include the regeneration of the former Magistrates Court and Police Station and remaining land in the Riverlights complex;
- **Friar Gate Goods Yard:** Opportunity for a comprehensive mixed use development that conserves and enhances that heritage assets on site;
- **Castleward:** Minimum of 800 new homes with supporting social infrastructure;
- **Former Derbyshire Royal Infirmary:** Minimum 400 new homes;

2.4.4 COMMENTS AND CONCLUSION

The Core Strategy provides a general definition of tall buildings as being above 20m (5-7 storeys) in the city centre, which was based on earlier work undertaken for the council by EDAW. This provides a starting point for the understanding and assessment of developments above a certain height. However, it is a narrow definition and does not take account of taller development outside of the city centre. Furthermore, it does not specify a range for the appropriate height of tall buildings in different areas of the city. Chapter 2 of this study provides a definition of tall buildings as being relative to their context – see there for full details.

The Core Strategy plans for the location of tall buildings only at identified gateway locations on the premise of enhancing legibility. This approach reflects the Council’s City Centre Regeneration Framework.

The risk of this approach is that it results in a ring of significant tall buildings around the city centre, creating a “hollowed out” city centre, with intense activity on the edges. Although improving legibility at gateway locations is a sensible goal, this can be achieved through the use of distinctive and singular architecture or notable functions/activities rather than necessarily requiring tall buildings. The strategy also does not take into account the potential for tall buildings to play a role in some of the identified Areas of Change, where they could in fact make a positive contribution to the townscape and improve viability.

2.5 DERBY SKYLINE STUDY

The Derby Skyline Study was prepared in 2018 to act as evidence base for Derby Local Plan Part 2. The document discusses how the city's skyline and image has evolved over time by analysing historic maps, artwork and images. The study then identifies 31 viewpoints from which are the "principle current views, which hold value in terms of heritage significance".

Part 2 of the study presents survey verified photographs of these 31 identified key views. These views, which are considered the most significant in terms of the city image and its heritage assets, are determined based on the following criteria:

- *"they allow a broad understanding of the city and its skyline, where the significance of multiple historic assets can be appreciated; and / or*
- *they are specific views from places known and frequented by people: parks and bridges, waterside paths or accessible river banks, and viewing platforms, where people can stop and linger to appreciate the view; and / or*
- *they are places where the current viewing composition is valued, perhaps an iconic view, and where intrusion by a tall building would upset the view; and / or*
- *they follow approach routes and other places where valued city elements...are visible as part of the kinetic experience from different places - forming the understanding of the city image."*

The type and extent of the views vary from wide panoramic views looking over the city centre, approach views as one travels into the city to direct local views of single historic buildings. The study concludes that the *"Derby Skyline is highly sensitive to change within an historic core focussed on the relationship between the main landmarks, the Cathedral, St. Mary's Church, The Guildhall and the Silk Mill."*

The Skyline Study may be used by developers and stakeholders as a starting point for an assessment of how new development may impact on the skyline of Derby in relation to key views. However, it does not provide an exhaustive list of views that must be considered and it is likely that other views not identified in the study should be considered when assessing individual development applications. The views identified in the Skyline Study have informed this study – see Chapter 6 for full details.

2.6 DERWENT VALLEY MILLS WORLD HERITAGE SITE

The Derwent Valley Mills World Heritage Site (DVMWHS) was inscribed on the World Heritage List in 2001. The site stretches from the Silk Mill in Derby city centre northwards, covering a 12km span of the River Derwent. It's Outstanding Universal Value (OUV) relates to the area's role in the Industrial Revolution, and the surviving remnants of industrial heritage and associated landscape. The southern section of the DVMWHS is of most relevance to this study, which includes the Grade II Listed Silk Mill at the southern-most edge of the DVMWHS. The DVMWHS buffer zone covers a large area in the city centre, and includes Derby Cathedral and the east and west banks of the River Derwent from the Silk Mill to Exeter Bridge. According to UNESCO¹, a buffer zone is "an area surrounding the nominated property, which has complimentary legal and/or customary restrictions placed on its use and development".

Core Strategy Principle AC9 requires development within the DVMWHS to preserve, protect and enhance the OUV of the area. Developments that do not respond positively to its unique characteristics will be resisted. Development outside of the DVMWHS, including within the buffer zone, will only be approved if it does not have an adverse effect on the OUV of the DVMWHS or its setting, including identified monitoring views.

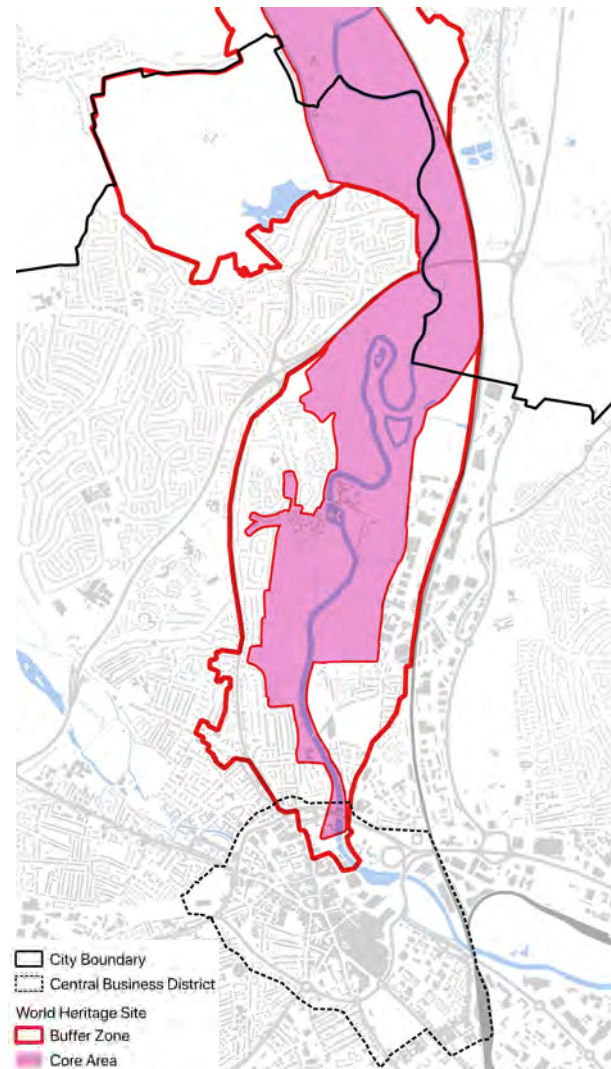


Figure 2.2: Southern section of the Derwent Valley Mills World Heritage Site

¹ UNESCO: Operational Guidelines for the Implementation of the World Heritage Convention, paragraph 10

2.7 NATIONAL DESIGN GUIDE

The National Design Guide was published by central Government in October 2019 to illustrate how well-designed places can be delivered in practice.

“The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.”

A core element of the Guide is that it sets out the Government’s priorities for well-designed places in the form of ten characteristics:

- “Context - enhances the surroundings.
- Identity - attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.

- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.”

The National Design Guide does not deal extensively with tall buildings, but the consideration given aligns with the approach of the Derby Tall Building Study:

“Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.

Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character. “

2.8 LIVING WITH BEAUTY

The report of the Building Better, Building Beautiful Commission, Living with Beauty, was published in January 2020. The report proposes a new development and planning framework, based on three concepts:

- Ask for Beauty - beauty is a benchmark that all new developments should meet.
- Refuse Ugliness - ugly buildings destroy sense of place.
- Promote Stewardship - new development should be regenerative.

The aim of the report is to articulate a vision for a reformed planning system that would deliver beauty. Therefore, while not adopted policy or official guidance, it does illustrate the importance of delivering high quality design and place making through new development.