



Derby City Council

Mr Lucas Fallon
Quod
Capitol House
Bond Court
Leeds
LS1 5SP

Variation Of Condition Decision

Town and Country Planning Act 1990 (as amended)

Part 1: Application Details

Application No: 22/01765/VAR (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 - Variation of condition 2 of previously approved planning permission Code No. 21/01312/FUL to amend the approved plans

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

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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, whilst no amendments to the scheme were necessary in this case, it has been determined in a positive fashion.

Part 4: Relevant Policies

City of Derby Local Plan Review Saved Policies:

CC17 City centre Servicing

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

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

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 must conform in all aspects with the plans and details shown in the application as listed below. (It is very important to note that, in order for this decision to be lawfully implemented, all approved plans and details must be adhered to and any other condition(s) attached to this decision must be formally discharged, by separate Discharge of Condition applications, in accordance with the relevant timeframe).

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

Plan Type:	Plan Ref – Rev:
Location Plan	19625-COR-PV-00-DR-A0300 Rev P04
Site plans	BEK-COR-PV-00-A0331 Rev P08
Floor Plans - Existing	0310
Floor/Elevation	0311
Floor/Elevation	0312
Floor/Elevation	0313
Floor/Elevation	0314
Floor/Elevation	0315
Floor/Elevation	0316
Floor/Elevation	0317
Floor/Elevation	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	Ground Floor Plan (ref BEK-COR-PV0340 Rev P04)
Floor Plans - Proposed	Proposed First Floor Plan (ref BEK-COR-PV0341 Rev P04)
Floor Plans - Proposed	Proposed Second Floor Plan (ref BEK-COR-PV0342 Rev P04)
Floor Plans - Proposed	Proposed Third Floor Plan (ref BEK-COR-PV0343 Rev P04)
Floor Plans - Proposed	Proposed Fourth Floor Plan (ref BEK-COR-PV0344 Rev P04)
Floor Plans - Proposed	Proposed Roof Plan (ref BEK-COR-PV-06-A0346 Rev P05)
Elevations - Proposed	East and West Elevation (ref BEKCOR-PV-ZZ-A-0350 Rev P06)
Elevations - Proposed	North and South Elevations (ref BEK-COR-PV-ZZ-A-0351 Rev P06)
Cross Section	East / West (ref BEK-CORPV-0352 Rev P03)
Cross Section	North / South (ref BEKCOR-PV-0353 Rev P03)
General	0380 Rev 1

General	0385 Rev 1
Landscaping	Landscape General Arrangement Plan (ref BEKRFM-PV-00-DR-L-0001 Rev P20)
Landscaping	Landscape Sections (ref BEK-RFM-PV-00-DRL-0002 Rev P11)
Landscaping	Becketwell Site Illustrative Masterplan (Complete) (ref 0857-RFM-XX-00-DR-L-0004 Rev P08)
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 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

4. 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.

5. 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.

6. 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.

7. 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.

8. The hereby approved shall be carried out in accordance with the revised Written Scheme of Investigation entitled Written Scheme of Investigation for a Programme of Archaeological Evaluation and Watching Brief dated March 2022

ii) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation Written Scheme of Investigation for a Programme of Archaeological Evaluation and Watching Brief dated March 2022.

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.

9. 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 ground waters 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.

10. 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 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.

11. 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 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.

12. 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.

13. 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.

14. 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.

15. 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:

16. 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. Confirmation of the hereby approved developments registration for an assessment has been received under code no. BREEAM-0088-0252

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. 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.

18. 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.

19. 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.

20. Prior to occupation of the development, the following shall be provided and available for use in accordance with the 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.

21. 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 9; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 10 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 11.

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 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.

22. 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.

23. 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.

24. No building or use hereby permitted shall be occupied or 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:

25. The hereby approved shall be carried out in accordance with the Padley Group Programme and Strategy submitted 11th February 2022..

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.

26. 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 and the solar panels as shown on 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.

27. 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: 02/03/2023

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
- 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/