

Derby City Council
Planning Committee

20th May 2020

BY EMAIL

Dear Councillor,

**Analysis of the ICOMOS Technical Review of the Landmark, Phoenix Street, Derby
(Lathams, December 2019)**

Godwin Developments commissioned Lathams to undertake an analysis of the ICOMOS Technical Review of the Landmark planning application scheme in December 2019. Lathams analysis sought to be both objective and thorough. It is our view, as identified in the analysis document, that the ICOMOS Technical Review:

- Contains factual inaccuracies (ie the Silk Mill is incorrectly identified as Grade II*)
- Is not fair or balanced in its selection of policy.
- Provides no additional evidence concerning the scheme or its impacts beyond those available to the planning committee and officers previously.

The following are some areas highlighted within the analysis of the ICOMOS Technical Review:

Outstanding Universal Value

ICOMOS draw attention to the need to maintain the OUV of the WHS and its historic industrial landscape and rural setting. The OUV for the WHS is as follows:

*'The relationship of the industrial buildings and their dependent urban settlements to the river and its tributaries and to the topography of the **surrounding rural landscape** has been preserved, **especially in the upper reaches of the valley, virtually intact**. Similarly, **the interdependence of the mills and other industrial elements, such as the canals and railway, and the workers' housing, is still plainly visible**. All the key attributes of the cultural landscape are within the boundaries. The distinctive form of the overall industrial landscape is vulnerable in some parts to threats from large-scale development that would impact adversely on the scale of the settlements.'*

- The townscape surrounding the site and the Silk Mill itself is largely mid to late C20th. Cathedral Green, St Alkmund's Way (urban motorway and bridge infrastructure), surface car parking and residential blocks on Stewart Street are all C20th and in some cases interventions date from the C21st.
- It is our view that whilst the OUV statement relates to the WHS as a whole its self-evident that what OUV is describing is not the area surrounding the application site.
- The Assessment is limited to consideration of the WHS as found adjacent to the site, not as might be found in Cromford or Belper.

Policy

The ICOMOS Technical Review fails to draw attention to policy which is unhelpful to its assessment and fails to draw attention to the following paragraphs of the NPPF:

- **NFFP Paragraph 200: Local planning authorities should look for opportunities for new development within Conservation Area and World Heritage Sites...**
- **NPPF Paragraph 201: Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.**

Assessment Methodology & Techniques

The ICOMOS critique of the Assessment Method and Techniques is made without any reference to Lathams and unfortunately presents a biased, inaccurate and incomplete understanding of the process. The Townscape and Visual Impact Assessment method was shared at the inception of the project with DCC, HE and DVMWHS. At this point only DCC provided comments. Throughout the assessment process draft material was issued and amended as required to both DCC and HE.

- The Assessment method is appropriate and proportionate to the site and its context (see above).
- ICOMOS guidance was used to inform the assessment.
- Verification techniques were enhanced to match current Landscape Institute guidance as requested by DCC.
- Multiple additional views were incorporated in later drafts as requested by DCC and HE.
- WHS monitored views were extended to include the location of the scheme.

Nowhere within the application documents or the Townscape and Visual Impact Assessment is there any attempt to suggest that the Landmark will not result in visual impacts. It is also acknowledged that some of these impacts will be harmful.

The objective evidence presented in the Townscape and Visual Impact Assessment shows that impacts on the most visually and historically sensitive locations within the WHS are moderate and will, as has been acknowledged by both DCC and Historic England, result in **less than substantial harm**. Decision makers are therefore obliged to consider the **less than substantial harm** which will result from the scheme and balance this against the housing, economic and regenerative benefits which will result from its delivery.

The Planning Committee has previously considered all the evidence and arguments relevant to the application and concluded that on balance the benefits of the scheme outweighed the harm and thus were minded to approve it. The only significant change which might be relevant to the consideration of the scheme, is not the ICOMOS letter (which repeats previously presented material), but the darkening economic context for Derby and in particular its city centre.

Yours sincerely,



Jon Phipps

Director

For Lathams